

DECISION ON PROJECT: Fingerboards Mineral Sands Project**Decision under section 8B(3)(a) of the *Environment Effects Act 1978***

Assessment through an Environment Effects Statement (EES) under the *Environment Effects Act 1978* **is required** for the reasons set out in the attached Reasons for Decision.

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

The procedures and requirements applying to the EES process, in accordance with both section 8B(5) and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), are as follows:

- (i) The EES is to document the investigation and avoidance of potential environmental effects of the proposed project, including for any relevant alternatives (such as for the mining extent, methods for mining and processing, water supply and transport of mining outputs), as well as associated environmental mitigation and management measures. In particular the EES should address:
 - a. Effects on biodiversity and ecological values within and near the site, and associated with adjacent road reserves and riparian areas, including: native vegetation; listed threatened ecological communities and species of flora and fauna; and other habitats values;
 - b. Effects on surface water environments, including downstream wetlands, and groundwater resources (hydrology, quality, uses and dependent ecosystems);
 - c. Effects on the land uses and landscape values of the site and surrounding areas, including the implications for agricultural productivity and nearby Crown land, such as the Mitchell River National Park;
 - d. Effects on land stability, erosion and soil productivity associated with the construction and operation of the project, including rehabilitation works;
 - e. Effects on Aboriginal and non-Aboriginal cultural heritage values;
 - f. Effects of project construction and operation on air quality and noise on nearby sensitive receptors (in particular residences);
 - g. Both positive and adverse socio-economic effects, at local and regional scales, potentially generated by the project, including indirect effects of the project construction workforce on the capacity of local community infrastructure; and
 - h. Solid and liquid waste that might be generated by the project during construction and operation.
- (ii) The matters to be investigated and documented in the EES will be set out in detail in scoping requirements prepared by the Department of Environment, Land, Water and Planning (the department). Draft scoping requirements will be exhibited for 15 business days for public comment, before being finalised and then issued by the Minister for Planning.
- (iii) The level of detail of investigation for the EES studies should be consistent with the scoping requirements issued for this project and be adequate to inform an assessment of the potential environmental effects (and their acceptability) of the project and any relevant alternatives, in the context of the Ministerial Guidelines.
- (iv) The proponent is to prepare and submit to the department a draft EES study program to inform the preparation of scoping requirements.
- (v) The department is to convene an inter-agency Technical Reference Group (TRG) to advise the proponent and the department, as appropriate, on scoping and adequacy of the EES studies during the preparation of the EES, as well as coordination with statutory approval processes.
- (vi) The proponent is to prepare and submit to the department its' proposed EES Consultation Plan for consulting the public and engaging with stakeholders during the preparation of the EES.

Once completed to the satisfaction of the department, the EES Consultation Plan is to be implemented by the proponent, having regard to advice from the department and the TRG.

- (vii) The proponent is also to prepare and submit to the department its proposed schedule for the studies, preparation and exhibition of the EES, following confirmation of draft scoping requirements. This is to enable effective management of the EES process on the basis of an agreed alignment of the proponent's and department's schedules, including for TRG review of technical investigations and the EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to a acceptable standard.
- (ix) The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider and report on the environmental effects of the proposal.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4)(a)(i) of the *Environment Effects Act 1978*:

- Kalbar Resources Ltd (proponent)
- Minister for Resources
- Minister for Environment, Climate Change and Energy
- Gunaikurnai Land and Water Aboriginal Corporation (the Registered Aboriginal Party)
- Executive Director of Aboriginal Victoria
- Executive Director of Heritage Victoria
- East Gippsland Shire
- Wellington Shire
- East Gippsland Water
- Southern Rural Water
- East Gippsland Catchment Management Authority

HON RICHARD WYNNE MP
Minister for Planning

Date: 18/12/16