

Draft EES Scoping Requirements – Fingerboards Critical Minerals Project

 *Environment Effects Act 1978*

Version 0.1.



Department
of Transport
and Planning

Acknowledgement of Country

We proudly acknowledge the First Peoples of Victoria. We acknowledge their ongoing strength in practising the worlds' oldest living culture. We acknowledge the Traditional Owners' lands, waters and skies on which we live and work. We also pay our respect to their Elders past and present.

Description of artwork

Aaron Duggan (Gunaikurnai) 'Movements Between the Five Clans' 2019, acrylic on canvas

'The tracks are going between the five clans of the Gunaikurnai and the hands are the symbols of my spirit travelling around the campsites.'

This artwork was created through programs provided by the Torch. The Torch provides art, cultural and arts industry support to Indigenous offenders and ex-offenders in Victoria. The Torch aims to reduce the rate of re-offending by encouraging the exploration of identity and culture through art programs to define new pathways upon release.



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Queries about the Fingerboards Critical Minerals Project should be directed to the proponent:

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Website: [The Fingerboards Critical Minerals Project | Overview | GCM](#)

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1. Introduction

In light of the potential for significant environmental effects, on 14 February 2026 the Minister for Planning (the Minister) determined under the *Environment Effects Act 1978* that Gippsland Critical Minerals Pty Ltd (the proponent) is to prepare an environment effects statement (EES) for the proposed Fingerboards Critical Minerals Project (the project).

The purpose of the EES is to provide a sufficiently detailed description of the project, assess its potential effects on the environment¹ and assess relevant feasible alternatives (e.g., project alignments, layouts, designs) and approaches to avoid and mitigate effects. The EES will inform and seek feedback from the public and stakeholders. The Minister will issue an assessment of the project's environmental effects under the Environment Effects Act to conclude the EES process. The Minister's assessment will then inform statutory decision-makers for the project.

These *Draft Scoping Requirements Fingerboards Critical Minerals Project Environment Effects Statement* set out the proposed specific matters to be investigated and documented in the EES. The draft scoping requirements presented here are for public review and comment. The Minister will issue the final scoping requirements for the EES following consideration of public comments received on this draft.

These draft scoping requirements provide clarity on the risk-based approach to environmental assessment for the EES, and what the potentially significant effects and stream themes are for investigations. This helps the proponent, in consultation with the Department of Transport and Planning (DTP) and Technical Reference Group (TRG), tailor its approach to EES studies, investigations and integration, to concentrate primarily on the potentially significant effects and stream matters most important for an adequate EES and subsequent decision-making. While the scoping requirements are intended to cover all relevant matters, the EES will also need to address other issues that emerge during the EES investigations, especially potential impacts and environmental issues relevant to statutory decisions that will be informed by the assessment.

1.1. The project and setting

Fingerboards Critical Mineral Project proposes to develop high-grade deposits of rare-earths and critical minerals over a 22-year operational period. The project is located within the Glenaladale Deposit in the East Gippsland region of Victoria, approximately 200 kilometres (km) east of Melbourne and 25 km west of Bairnsdale on Gunaikurnai Land in East Gippsland Shire Council as shown in Figure 1.

The project is also expected to include an 18-month construction commencement phase, and 2-3 years of decommissioning and rehabilitation, following cessation of operations. It is expected to produce 280,000 tonnes per year of zircon, rutile, ilmenite and rare-earth bearing minerals (monazite and xenotime), occurring in unconsolidated sediments close to the ground surface. The main project activities include mining operations for 24 hours per day, every day of the year. The project will include ore separation, transport of product via rail, tailings management, rehabilitation, water management and other ancillary infrastructure. To support the transport of product a new rail siding is proposed at Fernbank.

¹ For assessment of environmental effects under the EE Act, the meaning of 'environment' includes physical, biological, heritage, cultural, social, health, safety and economic aspects (Ministerial Guidelines, p. 2).

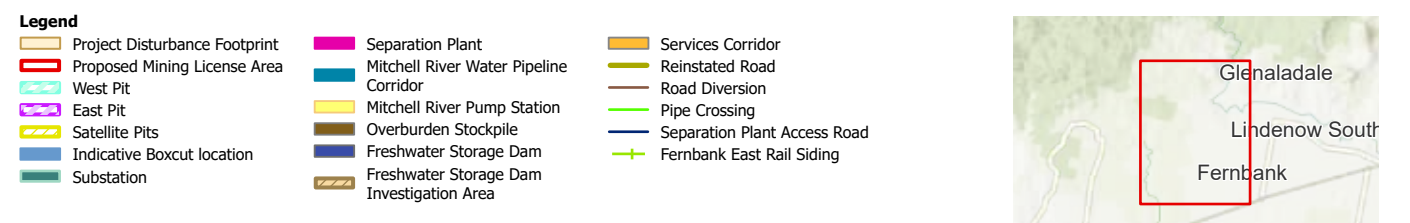
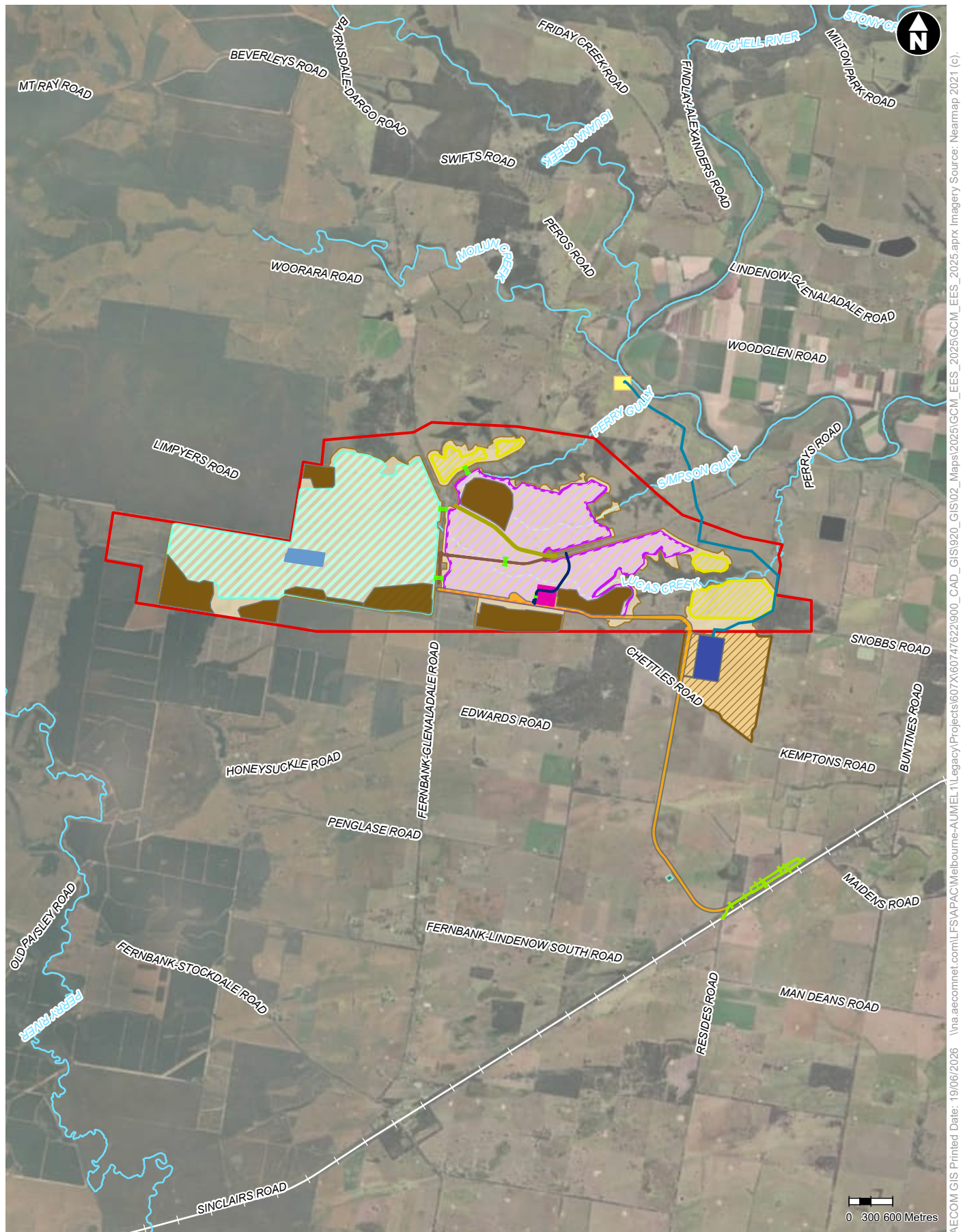


Figure 1: Project location and components.

1.2. Minister's requirements for this EES

In light of the potential for significant environmental effects, the Minister for Planning decided that an EES is required to assess the potential environmental effects of the project. The Minister published procedures and requirements applicable to the preparation of the EES, in accordance with section 8B(5) of the Environment Effects Act (see Appendix A). The investigations and assessments are to include feasible project alternatives and design refinements (e.g. alternative project layouts, siting of infrastructure, management measures, project staging and timing and/or extent of inundation events) to avoid, minimise, and manage effects, particularly for²:

- native vegetation, biodiversity and ecological values, including listed threatened species and communities, such as through the loss, degradation or fragmentation of habitat, or through other indirect causes;
- surface water and groundwater, including downstream wetlands and groundwater dependent ecosystems;
- Aboriginal cultural heritage;
- air quality, particularly in relation to airborne dust emissions;
- noise and vibration;
- agriculture and horticulture and other land uses;
- socioeconomic values;
- landscape and visual values (including those associated with the nearby Mitchell River National Park); and
- traffic and transport, soils and contamination, radiation and historic heritage.

These draft scoping requirements provide further detail on the matters to be investigated in the EES as required by the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), and are informed by the proponent's study program, its initial risk screening and assessment by DTP.

2. Assessment process and required approvals

2.1. What is an EES?

An EES describes a project, its rationale and benefits, and its potential environmental effects. It should enable stakeholders and decision-makers to understand how the project is proposed to be implemented and the likely environmental effects of doing so. An EES has two main components:

- **EES main report** – an integrated, plain English document that assesses the potential impacts of the project; examines avoidance, mitigation or other measures to reduce the environmental effects; and concludes with assessment of the residual effects.

The main report draws on technical reports, should be analytical rather than encyclopaedic in approach, and should clearly identify which components of the scope are being addressed throughout.

- **EES appendices** – specialist technical reports, with investigations and analysis that provides the basis for the EES main report. Technical reports should provide details of literature and database reviews, methods and results of field and laboratory investigations or modelling, and methods and results of impact assessments.

² Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978* for the [Fingerboards Critical Minerals Project](#)



2.2. The EES process

The proponent is responsible for preparing an EES, including conducting technical studies and undertaking appropriate stakeholder consultation. DTP is responsible for managing the EES process³. The EES process has the following steps:

- preparation of a draft study program and draft schedule by the proponent;
- preparation and exhibition of draft scoping requirements by DTP, on behalf of the Minister, with public comments received during the advertised exhibition period (this document);
- finalisation and issuing of scoping requirements by the Minister or delegate;
- review of the proponent's EES studies and draft documentation by DTP and a TRG⁴;
- completion of the EES by the proponent;
- review of the complete EES by DTP to establish its adequacy for public exhibition;
- exhibition of the proponent's EES and invitation for public comment;
- appointment of an inquiry by the Minister to review the EES and public submissions received, conduct public hearings and provide a report to the Minister; and finally
- following receipt of the inquiry report, preparation of an assessment by the Minister on whether the project's environmental effects are acceptable for the consideration of statutory decision-makers.

2.2.1. Technical reference group

DTP has convened a TRG of state agencies, registered Aboriginal party and local council for this EES process to advise DTP and the proponent on:

- applicable policies, strategies and statutory provisions;
- EES scoping requirements;
- the design and adequacy of EES technical studies;
- the proponent's public information and stakeholder consultation program for the EES process;
- responses to issues arising from the EES investigations;
- the technical adequacy and completeness of draft EES documentation; and
- coordination of statutory processes.

2.2.2. EES consultation

The proponent is responsible for engaging the public and stakeholders during the EES process, to inform them about the project, the EES process and EES studies. The proponent's EES consultation must enable feedback to be inputted on the project and its potential environmental effects, as well as respond to issues raised. Stakeholders include potentially affected parties, traditional owner groups, any interested community organisations/groups and government bodies.

The proponent is responsible for preparing and implementing an EES consultation plan that sets out the approach to engagement. The proponent's EES consultation plan is reviewed and amended in consultation with DTP and the TRG before it is published on the Planning website⁵. The EES consultation plan will:

- identify stakeholders;
- characterise public and stakeholders' interests, concerns and consultation needs, local knowledge and inputs;
- describe consultation methods and schedule; and

³ Further information on the EES process can be found at planning.vic.gov.au/environment-assessment/what-is-the-ees-process-in-victoria

⁴ For critical components of the EES studies, peer review by an external, independent expert (or panel of experts) may be appropriate.

⁵ Available online at [Fingerboards Critical Minerals Project](#)

- outline how public and stakeholder inputs will be recorded, considered and/or addressed in the preparation of the EES.

2.2.3. Traditional Owner engagement

The EES should be developed with acknowledgement of and respect for Traditional Owners' care for and connection to Country. Through the EES, the proponent should seek to understand the direct and indirect ways in which the project could affect these interests. To this end, the EES should be informed by engagement with Traditional Owners.

The proponent should support and enable culturally appropriate, informed and meaningful engagement with Traditional Owners, including by:

- asking Traditional Owner groups about the engagement processes that would be suitable;
- endeavouring to develop good working relationships;
- taking into account and respecting the cultural and communication needs and protocols of communities;
- engaging early and providing appropriate timeframes to consider and respond to information; and
- genuinely seeking input and expertise.

The EES consultation plan should set out the mechanisms to be established by the proponent to support and enable Traditional Owner engagement as well as outline how the views and expertise offered by Traditional Owners will be integrated into the EES.

Consideration of economic and social matters under the EPBC Act includes consideration of tangible and intangible cultural heritage. Proponents are expected to actively engage with First Nations peoples as part of the assessment and approval process, in accordance with *The Interim Engaging with First Nations People and Communities on Assessments* (DCCEEW, 2023) and *Approvals under Environment Protection and Biodiversity Conservation Act 1999 guidance document*.

2.2.4. Statutory approvals and the EES process

The project will require a range of approvals under Victorian legislation if it is to proceed. DTP coordinates the EES process as closely as practicable with the approval's procedures, consultation and public notice requirements.

To facilitate informed and efficient decision-making on required key approvals following the EES process, it is recommended that the EES documentation address relevant information and requirements associated with those key approvals that will be informed by the EES and Minister's assessment.

The primary approval required under Victorian legislation for a mining project is under the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act), which includes a mining licence. The MRSD Act was amended resulting in changes that will take effect from 1 July 2027, including a duty-based model for regulating earth resources projects. Under the changes to this legislation, licensees must take reasonably practicable steps to minimise risks to the environment, land, property and infrastructure as well as be required to prepare a rehabilitation plan.

No planning permit under the Planning and Environment Act 1987 (P&E Act) will be required for works in the mining licence area given there is an EES being undertaken for this project, provided the requirements of section 42(7) of the MRSD Act are fulfilled. However, the project would require planning approvals for other project elements outside of the mining licence.

It is anticipated that a planning scheme amendment would be sought to allow for the use and development of land for the project works under the P&E Act, for project elements outside of the mining licence.

Other Victorian statutory approval, permit and licence requirements may include:

- a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*;

- a permit (A18) for the deposition of tailings in-pit under the *Environment Protection Act 2017*;
- licences and approval under the *Radiation Act 2005*;
- a permit to take, keep or move protected flora and fauna under *Flora and Fauna Guarantee Act 1988*;
- a permit to take or destroy endangered, notable and protected wildlife under the *Wildlife Act 1975*;
- road closure, diversion and/or opening permits under the *Road management Act 2004*; and
- a range of water approvals under the *Water Act 1989*.

Other approvals may be required and will be determined through the EES process.

2.3. Accreditation of the EES process under the EPBC Act

The project was referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A delegate for the Commonwealth Minister for the Environment and Water determined on 13 May 2026 that the project is a controlled action (EPBC 2026/10462), as it is likely to have a significant impact⁶ on the following matters of national environmental significance (MNES), which are protected under Part 3 of the EPBC Act (controlling provisions):

- Ramsar wetlands (sections 16 and 17 B);
- listed threatened species and communities (section 18 and 18A);
- listed migratory species (sections 20 and 20A); and
- nuclear actions (sections 21 and 22A).

The EES process is accredited to assess impacts on MNES under the EPBC Act through the *Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria*. This removes duplication, enabling a single assessment process to examine the project's likely impacts and inform statutory decisions.

At the conclusion of the EES process, the Minister for Planning's assessment under the Environment Effects Act will be provided to the Commonwealth. This completes the assessment phase and commences the approval phase under Part 9 of the EPBC Act. Under section 133 a decision on whether to approve or refuse the action will occur. Conditions of approval may be attached as outlined in section 134.

3. Preparing the EES

3.1. General approach

The EES should provide a clear, objective and well-integrated analysis of the potential effects of the proposed project, including proposed environmental management measures, as well as feasible alternatives. The description and assessment of effects must not be confined to the immediate area of the project but must also consider the potential of the project to impact on nearby environmental values, including areas potentially impacted by offsite components of the project.

The EES needs to document the analysis of the significance of the potential effects of the project, with consideration of the following approach which is to be applied for the specific environmental matters and issues set out in section 4 of this document:

1. **Characterise the existing environment** and identify relevant environmental values to underpin impact assessments, having regard to the systems and risk-based approach.

Characterisation of the existing environment is to be informed by relevant databases and registers, literature (and published data), previous studies, land use history, overlays in relevant planning schemes,

⁶ Note that 'relevant impacts' defined in section 82 of the EPBC Act correspond to what are generally termed 'effects' in the EES process.



community observations (including citizen science and information from residents and landholders in or adjacent to the area of interest), appropriate targeted and/or seasonal surveys and modelling of the potential and actual presence of sensitivities (such as threatened species and communities, cultural heritage etc) consistent with Commonwealth and state guidelines, conservation advices and threatened species recovery plans or action statements. Where surveys do not identify a sensitivity, but past records and/or modelling analysis suggest that it may occur, a risk-based, precautionary approach to the further investigation and assessment of its occurrence should be adopted.

2. **Identify the potential effects** of the project on the environment (pre-mitigation), including those caused indirectly as a result of proposed activities, considering aspects such as magnitude, extent, duration, and significance of change in the values of each asset.
3. **Present design refinement and mitigation measures** that could achieve avoidance, reduction and/or mitigation of the potential effects and in doing so, apply the mitigation hierarchy with justification of why higher order measures cannot be applied.
 - i. Avoidance: measures taken to avoid creating adverse effects, such as careful spatial or temporal placement of infrastructure or disturbance.
 - ii. Minimisation: measures taken to reduce the duration, intensity and/or extent of effects that cannot be avoided.
 - iii. Rehabilitation/restoration: measures taken to stabilise or restore an area after disturbance to achieve previous, improved or future land uses and health following exposure to impacts.
 - iv. Offsets⁷: measures taken to compensate for residual, adverse effects following implementation of the previous three steps of the mitigation hierarchy.
4. **Assess the likely residual effects** of the project on the environment and evaluate the significance of each effect considering the likely effectiveness of the design and mitigation measures. Significance of residual effects should consider local, regional, state and federal matters.

Residual environmental effects need to be clearly described for each project phase, i.e. construction, operation, maintenance, progressive rehabilitation, closure and post-closure. The description and assessment of effects must consider the potential of the project to impact on environmental values beyond the immediate project area, including areas downstream.

In addition, the cumulative effects of the project in combination with other planned and approved activities in the broader area / region should be assessed and considered in the proposed design and mitigation measures.

5. **Propose an approach to managing performance** that should include criteria, monitoring and evaluation to check that predicted outcomes are being achieved during project implementation, as well as contingency and adaptive approaches if monitoring demonstrates adverse effects exceed those predicted or permitted and justification for any aspects where monitoring is not proposed.

3.2. Content and format of the EES

Overall, the main report should include:

- an executive summary;
- a description of the project, including its objectives, rationale, key elements, resource use, associated requirements for new infrastructure and use of existing infrastructure;
- an overview of the proponent's environmental performance and track record, including experience in delivering similar projects, organisation health, safety, environmental and community engagement policies,

⁷ The proponent is encouraged to identify opportunities to engage with Traditional Owner groups to develop and deliver rehabilitation/restoration measures as well as environmental offsets.



- ability to build trusted relationships with stakeholders and Traditional Owner groups and whether the proponent has been subject to any past or present proceedings under a Commonwealth, state or territory law for the protection of the environment or the conservation and sustainable use of natural resources;
- a description of the approvals required for the project to proceed, and their relationship to relevant laws, policies, strategies, guidelines and standards;
 - a description of feasible alternatives capable of substantially meeting the project's objectives that may also offer environmental or other benefits including the basis for any nomination of a preferred alternative;
 - a description of the scope, timing⁸ and method for studies or surveys used to provide information on the values of the project area, as well as any records and other data from local sources gathered;
 - descriptions of the existing environment and the predicted future environment (such as projected climate change scenarios), where this is relevant to the assessment of potential effects of the project;
 - appropriately detailed assessments of potential effects of the project on environmental values and assets, relative to the "no project" scenario, together with an estimation of likelihood and degree of uncertainty associated with predictions;
 - clear, active measures for avoiding, minimising, managing and monitoring effects, including a statement of commitment to implement these measures;
 - predictions of residual effects of the project assuming implementation of proposed management measures;
 - any proposed offset measures where avoidance and other mitigation measures will not adequately address effects on environmental values, including for relevant MNES;
 - documentation of the process and results of the consultation undertaken by the proponent during the preparation of the EES, including the issues raised by stakeholders or the public and the proponent's responses to these issues, in the context of the EES studies and the associated consideration of mitigation measures;
 - Opportunity and feasibility for development of a known mineral sands resource;
 - evaluation of the implications of legislation and policy for the project and feasible alternatives;
 - evaluation against the principles and objectives of ecologically sustainable development⁹ of available resources;
 - evaluation of the best use of land resources considering environmental, agricultural, horticultural and forest values; and
 - conclusions on the significance of impacts on local, regional, state and federal matters.

The EES should also outline an approach to furthering Traditional Owner engagement and partnerships during project implementation including, as appropriate, in the management of Country.

The proponent may choose to prepare a website with interactive functionality to provide an alternative way of accessing EES information, which may complement the conventional EES main report and technical reports. Such an approach must be discussed with DTP Impact Assessment Unit, and if integrated with the EES documentation, the digital information is to be provided to the TRG for review.

The proponent must also prepare a concise, graphical-based non-technical summary document of the project (hard copy A4, no more than 25 pages) for free distribution to interested parties during public exhibition of the EES. The EES summary document should also include details of the EES exhibition, public submission process and availability of the EES documentation and any digital information.

⁸ Surveys of assets, values and potential effects must be timed to ensure they take account of seasonal weather patterns of the area.

⁹ Ecologically sustainable development is defined on page 9 of the Ministerial Guidelines.



3.3. Project description and rationale

The EES is to describe the project in sufficient detail both to allow an understanding of all components, processes and development stages, and to enable assessment of their likely potential environmental effects. The project description should canvass the following:

- contextual information on the project, including the proponent's objectives and rationale, their relationship to statutory policies, plans and strategies, including the basis for selecting the proposed project locations and implications of the project not proceeding;
- the project areas and vicinity, supported by plans and maps that show:
 - the location of relevant sensitive receptors;
 - the extent of Crown and private land, existing and planned land uses and waterways;
 - the general layout of the proposed mine and associated facilities and infrastructure and areas of disturbance, including access tracks, laydown areas and proposed exclusion and buffer zones; and
 - cross-sections of the proposed extraction areas.
- the proposed operational life of the project, decommissioning and rehabilitation arrangements and planned timing of project phases;
- other necessary works directly associated with the project, such as road and rail upgrades and/or connections, and infrastructure and services relocation;
- risks associated with projected climate change and resilience to these risks including consideration of the *Climate Change Act 2017*'s principles of risk management and standards for risk assessment;
- description of the project's components (supported by visuals and diagrams), including:
 - applicable standards and adopted specifications for infrastructure;
 - location, footprint, layout and access arrangements during site establishment, construction and operation, maintenance, progressive rehabilitation, closure and post-closure (including all offsite infrastructure);
 - design, methods, staging and scheduling of the proposed mining, including direction and timing of mining across the site and its operational life, volumes to be mined, total production and production rate and expected timing of progressive rehabilitation, closure and post-closure;
 - function, operation and design principles and capacity of main work components, including overburden handling, ore extraction, tailings and mining by-products generation and management, handling of products from processing and water management;
 - proposed establishment and construction methods and materials, and extent of areas to be disturbed, including total area expected to be cleared, particular requirements for traffic management, dust and noise management, as well as for sensitive environmental locations;
 - water requirements and proposed sources, demand (daily and annual use for each project phase), extraction and storage, including water balances;
 - waste material generation and management during construction, operation and rehabilitation, including transportation and storage of hazardous material on-site and off-site;
 - identification of proposed transport types, routes and associated works, including potential construction or upgrade of roads, rail and other linear services required for internal and external site access and transporting ore and heavy mineral concentrate on and off-site;
 - electricity and gas requirements and proposed supply infrastructure;

- proposed tenure arrangements to provide for access for maintenance or other operational purposes;
- lighting, telecommunications, safety and security requirements during construction, operation and progressive rehabilitation, closure and post-closure;
- hours of work across project phases, workforce requirements, accommodation and description of the expected duration of project components, including which components are temporary and which are permanent;
- operational requirements including maintenance activities; and
- progressive rehabilitation following construction, establishment and operation, including decommissioning and closure requirements and post-closure requirements.

3.4. Rehabilitation and closure

The EES is to document the proponent's approach to progressive rehabilitation, closure and post-closure to ensure stable rehabilitated landforms are capable of restoring agricultural land to an equivalent level of productivity, functionality and health to pre-project levels. The description of rehabilitation and closure should canvas changes in topography, groundwater conditions, drainage and vegetation cover during mining operations and at the end of the mine life. Rehabilitation and closure planning in the EES should be informed by the outcomes and adopted recommendations of the specialist studies within the EES (e.g. water, soils, landscape and visual, social, biodiversity, cultural heritage, etc.) and relevant objectives. The EES should include a draft rehabilitation¹⁰ plan that incorporates:

- proposed depth of topsoil to be extracted, storage and management of stockpiled topsoil and subsoils and treatment measures;
- proposed methods for restoring soil profiles, drainage and productivity, as well as landscape rehabilitation in the context of the mine path and decommissioning of structures/facilities;
- tailings characterisation and test work to inform predictions about leaching, drying and consolidation and identify implications for rehabilitation;
- proposed management of surface water and groundwater flows, including surface and subsurface erosion and flood risks, and consideration of drainage and water quality within the project and adjoining areas;
- proposed design criteria relating to landform and geology to achieve a safe, stable and sustainable landform that is capable of supporting the proposed land uses after rehabilitation;
- proposed rehabilitation objectives for each of the distinct areas (domains) of the project that require differing rehabilitation approaches and methodologies, including for offsite infrastructure where appropriate;
- proposed rehabilitation and closure objectives and/or criteria for all environmental, geophysical and structural elements of the draft rehabilitation plan, in respect of each of the distinct areas (domains) of the project;
- approach to identifying potential end land uses of the project area (including potential for return of agricultural land-uses post mining) including consultation with landholders and local communities;
- approach for establishing sustainable vegetation cover (consistent with end land uses);

¹⁰ The term 'rehabilitation' is considered to include all decommissioning activities for the project.

- approach to community and stakeholder engagement;
- proposed emergency management measures;
- proposed contingency measures for rehabilitation in the event of unplanned/forced closure;
- proposed program for monitoring and maintenance of rehabilitation and closure activities including contingency measures for where proposed rehabilitation and closure criteria are not achieved;
- planning for progressive rehabilitation and mine closure, including rehabilitation milestones;
- assessment of the relevant risks that the rehabilitated areas may pose after completion of rehabilitation (e.g. geotechnical risks); and
- proposed program, including timeframes, for monitoring and managing any relevant risks that the rehabilitated areas (domains) may pose and maintenance of those areas after completion of rehabilitation.

The rehabilitation plan is to be in a draft format with the EES. At the conclusion of the EES process, the Minister for Planning's assessment under the Environment Effects Act, will be provided to Resources Victoria for consideration. In accordance with the requirements of the MRSD Act, from 1 July 2027, in consultation with RV, EES assessment outcomes and in consideration of the Minister's Assessment of the EES, the draft rehabilitation plan is to be finalised and submitted to Resources Victoria for their consideration.

3.5. Project development and alternatives

The EES is to document the development process for the project, including methods for the identification and evaluation of alternatives, and the basis for selecting the preferred alternative(s), including the proposed area to be mined, examined in detail within the EES¹¹. The EES needs to describe the process for identification and evaluation of project alternatives, including:

- alternatives (location and design) considered in the project development and design process, including alternative mine layout and staging, ancillary infrastructure and facilities, site access, transport, and solid and liquid waste disposal;
- methods and environmental criteria for identifying and comparing feasible alternatives, and for selecting preferred alternatives;
- assessment and comparison of the technical feasibility and environmental implications of alternative construction, mining, ore processing, tailings management, waste management and project rehabilitation methods, including alternative construction methods;
- the basis for selecting the preferred project layout and design, particularly where the project footprint is located in proximity to areas of environmental significance; and
- how information gathered during the EES process, including from consultation with stakeholders and Traditional Owner groups, was used to consider alternatives and refine the project.

The EES is to document the assessment of environmental effects of feasible alternatives, particularly where these offer a potential to avoid and/or minimise significant environmental effects whilst meeting the objectives of the project. In doing so, the assessment of environmental effects of relevant feasible alternatives (e.g. project layouts, refinements and designs) needs to address the matters set out in section 4 of these scoping requirements, as appropriate.

¹¹ The assessment of alternatives does not include evaluating alternatives to the project (such as other forms of energy generation), but rather alternatives for the project which would allow project objectives to be met.



The depth of investigation of alternatives should be proportionate to their potential to avoid or minimise potentially significant adverse effects while still meeting project objectives.

Key aspects of the project for which the EES will need to demonstrate consideration, and where relevant, assessment of feasible alternatives include (but is not limited to):

- mining area and infrastructure layout;
- mining methods and processing methods;
- overburden, tailings and mining by-product management;
- services corridor;
- water sources and supply options and associated infrastructure;
- water storage options, including dams;
- new rail siding;
- parking and accommodation facilities; and
- Rehabilitation approaches and proposed landforms and land uses.

The implications of the “no project” option also needs to be outlined.

3.6. Applicable legislation, policies and strategies

The EES will need to identify relevant legislation, policies, guidelines and standards, and assess their specific requirements or implications for the project, particularly in relation to required approvals.

The proponent will also need to identify and address any other relevant strategies, subordinate legislation and related management or planning processes, including Traditional Owner Country Plans, that are relevant to the assessment of potential effects of the project.

3.7. Environmental management framework

Competent management of environmental performance during project design, construction, operation and progressive rehabilitation, closure (decommissioning) and post-closure is required to meet statutory requirements, achieve environmental outcomes, protect environmental values and sustain stakeholder confidence. Hence, the proposed environmental management framework (EMF) in the EES should describe a transparent governance framework with clear accountabilities for complying with approvals and managing and monitoring the environmental effects and risks associated with all project phases.

The EMF will set the scope for later development and review of environmental management plans for all project phases. The entities responsible for development, approval, implementation and review of environmental management plans should be specified, including relevant consultation requirements.

The EMF should reference or address the source baseline environmental conditions against which the evaluation of the residual environmental effects of the project will occur, as well as the efficacy of applied environmental management and contingency measures. The framework should include:

- regulatory context and required approvals and consents, including any anticipated requirements for related environmental management plans, whether for project phases or elements;
- environmental management system to be adopted;
- organisational responsibilities and accountabilities for environmental management;
- an approach to environmental risk assessment and management;

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- change management process;
 - compilation of environmental management measures proposed in the EES;
 - environmental incident management;
 - arrangements for management of, and access to, baseline and monitoring data, to ensure transparency and accountability and to contribute to the improvement of environmental knowledge; and
 - a proposed monitoring program including monitoring objectives, indicators and requirements (e.g. parameters, standards, methods, locations and frequency).

An important aspect of the EMF is community consultation, stakeholder engagement and communications during the construction and operation of the project. As the project proceeds it will largely be the EMF that outlines opportunities for local stakeholders to engage with Gippsland Critical Minerals Pty Ltd to seek responses to issues that might arise during construction or operation. To this end the EMF will set out procedures for:

- complaints recording and resolution;
- emergency preparedness and response planning;
- auditing and public reporting of performance, including compliance with relevant statutory conditions and standards and;
- review of the effectiveness of mitigation measures and continuous improvement.

Certain aspects requiring assessment in the EES will have limited influence on project outcomes or risk profile or require assessment primarily due to their relevance or implications for key statutory approval decisions (see other matters in Table 1). In these cases, well established legislation, policy or standard practice provides the management framework for these environmental effects of the project. Mitigation and management of these aspects should be included within the EMF in the form consistent with statutory approvals.



4. Assessment of specific environmental effects

Preparation of an EES and the necessary investigation of potential effects should be proportionate to the environmental risks posed by the project and adopt a systems-based approach to assessment, as outlined in the Ministerial Guidelines (p. 23).

Therefore, in preparing the EES, it is essential that the scope and depth of the proponent's investigations are proportionate to the level of risk of potentially significant adverse environmental effects. This enables the EES to be effective, efficient and focused, helping to reduce unnecessary cost, time and content for proponents, government agencies and stakeholders. A greater level of effort needs to be focused on investigating and managing issues posing higher risk of adverse environmental effects, whereas approaches to examining potential impacts and issues that pose a lower level of environmental risk should involve less depth and effort. Some matters with minimal risk won't need to be analysed and can be addressed in the EES through environmental management.

The EES needs to put forward a sound rationale for the level of assessment and analysis undertaken for potential environmental effects or combination of effects arising from the project. The EES should also address any other significant issues that emerge during the investigations.

While the scoping requirements are structured to support this proportionate approach to assessment, they do not set the specific approaches or methods to be adopted by a proponent for investigating different effects for their EES. These scoping requirements do, however, provide clarity on the risk-based approach to environmental assessment for this EES - they set out what the potentially significant effects and matters for investigations are, to help the proponent concentrate primarily on the potentially significant effects and higher order matters, which are most important for this EES and subsequent decision-making. This scope identifies the issues for each of these matters, to be assessed through the application of the general approach for assessment outlined in Section 3.1.

The Minister's published reasons for decision requiring the EES (Appendix A) articulates the rationale for the EES, including key matters and potentially significant effects that need to be examined. This, in combination with key statutory decision-making known for the project, establishes a framework that informs the necessary scope, depth, and desired outcomes of the assessment of environmental effects via the EES. The scope of specific environmental matters needing to be investigated and documented within the EES are set out below in the subsequent sections.

Categorisation of matters to be investigated in Table 1 has been informed by the Minister's decision and reasons, information provided by the proponent through the EES referral and proposed EES study program, feedback from agencies on the TRG and assessment by DTP.

Stream 1 refers to matters with the greatest potential for significant environmental effects. A rigorous assessment is required to encompass baseline studies, seasonal and targeted field surveys, predictive modelling, in depth stakeholder engagement, cumulative impact assessment and offset planning.

In some cases, there are stream 2 matters with potential for significant environmental effects. These may influence stream 1 matters, be regionally significant or relevant to specific approvals. These typically require focused studies typically addressing discrete risks, supported by desktop analysis, targeted field work and consultation where relevant.

There are also stream 3 matters that are important for assessment in the EES primarily due to their relevance or implications for key statutory approval decisions, rather than a potentially significant effect. While these matters may not directly connect or overlap with potentially significant effects, they could be important considerations for the integrated assessment of effects that will inform key statutory approval decisions, as noted in Table 1.

Table 1: Investigation categories, matters and key statutory decision-making known for the project

Categorisation and matters	Minister's reasons for decision	Relevant statutory decisions and associated legislation
Stream 1		
Catchment values, water sources and hydrology	Potential significance effects on surface water and groundwater, including downstream wetlands and groundwater dependent ecosystems	Permit or consents under <i>Water Act 1987</i> Approval under the <i>Mineral Resources (Sustainable Development) (MRSD) Act 1990</i> Approval under <i>Environment Protection and Biodiversity Conservation Act (EPBC) 1999</i> Approval under <i>Environment Protection (EP) Act 2017</i>
Biodiversity	Potential significant effects on native vegetation and biodiversity values, including listed threatened flora and fauna species and communities.	Approval under EPBC Act Permits under the <i>Flora and Fauna Guarantee (FFG) Act 1988</i> and <i>Wildlife Act 1975</i> Approval under MRSD Act
Air quality, noise and vibration	Potential significant effects air quality, particularly in relation to airborne dust emissions and noise and vibration	Approval under <i>Planning and Environment (P&E) Act 1987</i> Approval under MRSD Act
Human health risk	Potential significant effects air quality, particularly in relation to airborne dust emissions and noise and vibration Uncertainty about the extent and magnitude of other potential effects, relating to radiation Potential significant effects on socio-economic values	Approval under P&E Act Approval under MRSD Act Licences and approvals under <i>Radiation Act 2005</i>
Aboriginal cultural heritage	Potential significant effects on Aboriginal cultural heritage values	Approval of a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>



Categorisation and matters	Minister's reasons for decision	Relevant statutory decisions and associated legislation
Stream 2		
Social	Potential significant effects on socio-economic values	Approval under the P&E Act
Agriculture and horticulture	Potential significant effects on agriculture and horticulture	Approval under P&E Act
Radiation	Uncertainty about the extent and magnitude of other potential effects, relating to radiation	Licences and approvals under <i>Radiation Act 2005</i> Approval under EPBC Act
Rehabilitation and soils	Uncertainty about the extent and magnitude of other potential effects, relating to soils and contamination.	Approval under MRSD Act Approval under EPBC Act
Stream 3		
Land use and planning		Approval under the P&E Act
Landscape and visual amenity	Potential significant effects on landscape and visual values (including those associated with the nearby Mitchell River National Park)	Approval under the P&E Act
Traffic and transport	Uncertainty about the extent and magnitude of other potential effects, relating to traffic and transport	Consents or agreements under <i>Road Management Act 2004</i> Approval under the P&E Act



4.1. Stream 1 matters

This section describes the key issues for the stream 1 matters identified in Table 1. Key issues described are applicable to the life of the project; inclusive of site establishment, operation and maintenance, progressive rehabilitation, closure and post-closure.

4.1.1. Biodiversity

Biodiversity is a stream 1 for technical investigation due to potential for significant direct and indirect disturbance and significant effects to native vegetation and habitat, threatened and listed species and communities, migratory species, and the Gippsland Lakes Ramsar site, under the Commonwealth EPBC Act and state FFG Act.

Key issues

- Potential for direct and indirect effects on biodiversity values, including native vegetation and habitat, listed ecological communities, threatened flora and fauna species, and migratory birds under the EPBC Act and/or FFG Act.
- Potential direct and indirect effects on groundwater dependant ecosystems and water environmental values and resources, leading to associated effects on relevant biodiversity (aquatic and terrestrial) under the EPBC and or FFG Acts.
- The availability of suitable offsets for the loss of native vegetation and habitat for relevant listed threatened species, ecological communities and migratory species under the EPBC Act and /or FFG Act.

4.1.2. Catchment values, water sources and hydrology

Catchment values, water sources and changes in hydrology, inclusive of surface water and groundwater, are stream 1 for technical investigations due to potential effects on water environmental values and resources, particularly due to proposed water sources for operation, including potential impacts on the Mitchell, Perry and Macalister River systems and downstream wetlands, such as the Gippsland Lakes Ramsar site, and groundwater-dependent ecosystems.

Key issues

- Potential for direct and indirect effects on the functions, values, beneficial and authorised uses of surface water and groundwater, due to the project's activities, including water extraction, interception or diversion of flows, planned and accidental discharges from operational areas, in the context of projected climate change over the anticipated duration of the project, including post closure.
- Investigation of potential water source options for the project.
- Potential for direct and indirect effects on nearby and downstream water environments, including (but not limited to) the Gippsland Lakes Ramsar site, due to changed water quality, flow regimes or waterway conditions.
- Investigation of potential freshwater storage for the project, including dam options and the potential for overtopping or failure.
- Ore, product, overburden, tailings and mining by-products management, in the context of potential water quality impacts (surface water and groundwater) including those arising from sedimentation, radionuclides, other contaminants and pollutants, tunnel erosion, acid sulphate soils, and salinity.
- Potential erosion, sedimentation and landform stability effects, including dam overtopping or failure.
- Potential cumulative effects on catchment and water values and resources, including in relation to the Gippsland Lakes Ramsar site.

4.1.3. Air quality, noise and vibration

Air quality and noise and vibration are a stream 1 matter for technical investigation due to potential significant effects to amenity and wellbeing for residents and other potential locations that may be sensitive to these amenity impacts, due to exposure to dust, air pollution, noise, and vibration from mining activities and transport of materials.

Key issues

- Protect health and wellbeing of residents and local communities through avoiding and minimising effects on air quality, noise and vibration.
- Potential changes in atmospheric concentrations of particulate matter and other relevant Class 1, 2 or 3 indicators in surrounding areas during establishment, operation and rehabilitation.
- Potential effects of dust and air emissions, primary industry and local water values and resources (including water network reservoirs and privately owned rainwater tanks), including greenhouse gases.
- Potential effects of noise increases and vibration impacts at sensitive receptors in the vicinity of the project, including in relation to material haulage and changes in traffic volume.

4.1.4. Human health risk

Human health risk is stream 1 matter for investigation due to potential for significant effects on safety and health, which requires further investigation, and will inform how these outcomes could affect residents and communities surrounding the project.

Key issues

- Potential for diminished wellbeing due to exposure to dust, air pollution, noise, vibration, water, lighting, radiation, hazardous materials and public safety (including fire) and transport & storage of hazards.
- Potential for public health risks that could arise from elevated levels of airborne pollutants, radiation and noise and vibration.
- Potential safety hazards to the public arising from the project.

4.1.5. Aboriginal Cultural Heritage

Aboriginal cultural heritage is a stream 1 matter for investigation due to the high potential for disturbance and significant effects on tangible and intangible Aboriginal cultural heritage.

Key issues

- Potential direct or indirect impacts on, or loss of, tangible or intangible (known and unknown) Aboriginal cultural heritage associated with the project area and surrounds.
- Identification of areas of known Aboriginal cultural heritage and prepare predictive modelling of areas with the potential to contain Aboriginal cultural heritage, and any known or previously unidentified intangible Aboriginal cultural heritage associated with the project area.
- Meaningful engagement with the Registered Aboriginal Party, and other Traditional Owner groups, having regard to Aboriginal Heritage Regulations 2018 to determine extent, nature and significance of any Aboriginal places, both tangible and intangible, or areas where Aboriginal cultural heritage is likely to be present.
- Protection and preservation of tangible and intangible cultural heritage, where opportunities are available, in partnership with the Registered Aboriginal Party.
- Implementation of management and contingency measures, in accordance with the requirements for a Cultural Heritage Management Plan (CHMP) under the Aboriginal Heritage Act 2006.



4.2. Stream 2 matters

This section describes the key issues for stream 2 matters identified in Table 1. Key issues described are applicable to the life of the project; inclusive of site establishment, operation and maintenance, progressive rehabilitation, closure and post-closure.

4.2.1. Agriculture and horticulture

Agriculture and horticulture are classed as stream 2 for technical investigation due to potential effects on land use and productivity.

Key issues

- Potential direct and indirect effects on the existing and future agricultural and horticultural land use, health and productivity, particularly resulting from potential dust and air pollutants, changes in land access and fragmentation, operational disruption, environmental water values, soil structure and contamination and radiation.
- Potential for changes to the existing infrastructure and resource use in the project area and in its vicinity, particularly the proposed changes to water access, allocation, reliability and the irrigation network.

4.2.2. Radiation

Radiation is a stream 2 matter for technical investigation due to the potential for effects to radiation levels in the vicinity of the project, and as such, the associated potential effects to human health and safety, biodiversity, surface water and groundwater, across all project stages.

Key issues

- Potential direct and indirect effects from the management and transport of naturally occurring radioactive material on the whole of the environment, including land, air, water and biodiversity values, and human health.
- Potential direct and indirect effects on land use and soil contamination and productivity.

4.2.3. Rehabilitation and soils

Rehabilitation is a stream 2 matter for technical investigation due to the potential effects on closure and post-closure stability of landforms, soil profiles and contamination, topography, hydrology and drainage, as well as on the long-term sustainable use of the project area. It is also due to potential effects of soil contamination during construction and operations, that will need to be considered during progressive rehabilitation, closure and post-closure.

Key issues

- Changes in topography, groundwater conditions, drainage, contamination and vegetation cover.
- Adequate progressive rehabilitation of the project site to enable sound post-closure uses, including stability and health of rehabilitated landforms, to enable productive land-uses to be re-instated and supported in a long-term capacity.
- Potential for long-term landform degradation with regard to slope geometry, soil profile, surface drainage, surface and subsurface erosion and climate change considerations.



4.2.4. Social

The social fabric of the community is stream 2 for investigation due to potential for significant effects on socio-economic, wellbeing and amenity values that require further investigation and will inform how these outcomes could affect residents and communities surrounding the project.

Key issues

- Potential effects to the social cohesion, health and well-being of residents and communities in the vicinity of the project.
- Reduced access to farmland, businesses, social networks, community facilities and the Mitchell River National Park.
- Potential long-term effects on tourism and landscape and recreational values associated with Mitchell River and the Mitchell River National Park and the visual amenity and character of the region.
- Potential impacts on the existing local industries, businesses and landholders, and business opportunities.

4.3. Stream 3 matters

The stream 3 matters presented in Table 1 are relevant for risk-based examination and/or assessment in the EES, primarily due to their relevance or implications for key statutory approval decisions, rather than potentially significant effects (see Section 4). The effort apportioned to understand and assess these lower order, stream 3 matters should be risk-based to inform key statutory approval decisions, as appropriate.

These matters, should they be confirmed as low risk, could be considered largely through environmental management (i.e. within the proposed EMF described in Section 3.6) as they are more likely to cause only localised impacts during construction and operation. The EMF in the EES would need to set out how such potential adverse effects will be avoided, minimised or mitigated.

The stream 3 matters described are applicable to the life of the project; inclusive of site establishment, operation and maintenance, progressive rehabilitation, closure and post-closure.



Appendix A Procedures and Requirements

Procedures and requirements under section 88(5) of the Environment Effects Act 1978

The procedures and requirements applying to the EES, in accordance with both section 8B(5) of the Act 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 investigations of potential environmental effects of the proposed project, including feasible alternatives and approaches to avoiding and minimising potentially significant effects, environmental mitigation and management measures, including for:
 - a. native vegetation, biodiversity and ecological values, including listed threatened species and communities, such as through the loss, degradation or fragmentation of habitat, or through other indirect causes;
 - b. surface water and groundwater, including downstream wetlands and groundwater dependent ecosystems;
 - c. Aboriginal cultural heritage;
 - d. air quality, particularly in relation to airborne dust emissions;
 - e. noise and vibration effects;
 - f. agriculture and horticulture and other land uses;
 - g. potential socioeconomic effects;
 - h. landscape and visual values; and
 - i. traffic and transport, soils and contamination, radiation and historic heritage.
- ii. The matters to be investigated and documented in the EES will be set out more fully in scoping requirements. Draft scoping requirements will be exhibited for 15 business days, before final scoping requirements are issued by the Minister for Planning.
- iii. The proponent is to prepare and submit to the Department of Transport and Planning (DTP) an adequate draft EES study program to inform the preparation of scoping requirements.
- iv. The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform an assessment of the significance and acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.
- v. DTP will convene an inter-agency technical reference group (TRG) to advise DTP and the proponent on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.
- vi. The proponent is to prepare and submit to DTP its proposed EES consultation plan for engaging with the public and stakeholders during the preparation of the EES. Once completed to the satisfaction of DTP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DTP and the TRG.
- vii. The proponent is also to prepare and submit to DTP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following preparation of the scoping requirements. This schedule will be finalised in consultation with DTP and is intended to facilitate the alignment of the proponent's and DTP's timeframes, including for TRG review of technical studies and main report.
- viii. The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to a satisfactory standard.
- ix. The EES is to be exhibited for a period of 30 business days for public comment, unless
- x. the exhibition period spans the Christmas-New Year period, in which case 40 business days will apply.
- xi. An inquiry will be appointed under the Environment Effects Act 1978 to consider environmental effects of the proposal.



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