



Department of Environment, Land, Water & Planning

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6 July 2021

Mr Nick Wimbush
Chair
Fingerboards Mineral Sands Project
Inquiry and Advisory Committee
Planning Panels Victoria
1 Spring Street
MELBOURNE VIC 3000

By email: Fingerboards.IAC@delwp.vic.gov.au

Our ref: SP476154

Dear Mr Wimbush

RE: FINGERBOARDS MINERAL SANDS PROJECT – PUBLIC HEARING
circulated draft of the incorporated document

I am writing in response to the Fingerboards Mineral Sands Project Inquiry and Advisory Committee (the IAC) request for a written response to the circulated draft of the Incorporated Document.

The proponent tabled a draft of the Incorporated Document on 25 June 2021.

As you are aware the Department of Environment, Land, Water and Planning (DELWP) raised issues with the exhibited draft Incorporated Document in its submission presented to the IAC public hearing on 19 May 2021 (tabled document 521). These issues, in summary and response are:

- the **Construction Management Plan** should be to the satisfaction of DELWP as is the standard practice with projects that impact native vegetation in an area assessed under the detailed assessment pathway following the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Response: Provisions at clause 6.6.3(i) being. measures to protect existing vegetation, must be consistent with relevant measures set out in the Native Vegetation Management Plan approved in accordance with clause 6.7.1. The Native Vegetation Management Plan having the requirement to be approved by DELWP.

It is considered the response addresses the matter raised by DELWP in its submission.

- the **use of standard conditions** that are consistent with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) for the Native Vegetation Management Plan.

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Response: Standard conditions provided by DELWP have been used in the draft Incorporated Document.

It is considered the use of DELWP's standard conditions meets the requirements of the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

- retention and protection of identified vegetation and biodiversity values, such as located in the Fernbank East rail siding easement and Saplings Morass, from defensible space requirements under the **Fire and Emergency Management Plan**.

Response: It is acknowledged that under the provisions of the draft Incorporated Document DELWP is an approval authority for the Fire and Emergency Plan, so it will have the opportunity to interrogate how the plan impacts on the native vegetation and biodiversity values and require changes as necessary. There is also a clause in relation to the Fire and Emergency Plan and provisions related to the creation of defensible space which prohibits (except with DELWP written permission) actions and activities that may result in adverse impacts to retained vegetation.

It is considered the response addresses the matter raised by DELWP in its submission.

- clarity around the measures to protect existing vegetation and a requirement for the responsible authority to seek the advice of DELWP in relation to these types of matters as part of the **Decommissioning Plan**.

Response: At clause 6.9.2(k) which regulates the Decommissioning Plan additional provisions have been included in the form 'measure to protect existing vegetation, which must be consistent with relevant measures set out in the Native Vegetation Management Plan approved in accordance with clause 6.7'.

It is considered the response addresses the matter raised by DELWP in its submission.

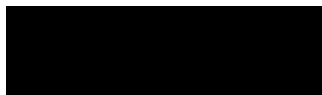
- **Staged native vegetation offset** provisions and consistency with the Works Approval Plan.

Response: A clause at 6.7.6 has been inserted to permit native vegetation to be removed in accordance with clause 6.7.5 and offset in stages throughout the life of the Project Infrastructure.

It is considered the response addresses staging and it is understood that consistency is being pursued with the Works Approval provisions.

If you have any queries, or require clarification please contact gippsland.planning@delwp.vic.gov.au.

Yours sincerely



Carmel Henderson
Planning Approvals Program Manager
Gippsland