



Planning Panels Victoria

Department of Environment, Land, Water and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8392 5115

3 December 2020

Mr Anthony Hurst
Executive Director
Earth Resources Regulation
Department of Jobs, Precincts and Regions
1 Spring Street, Melbourne, Victoria, Australia, 3000

Dear Mr Hurst

Fingerboards Mineral Sands Mine EES Inquiry

Thank you for your email of 20 November 2020 outlining that:

- You do not wish to make a submission to the Environment Effects Statement (EES)
- You are concerned that you may need to make decisions on potential applications from the project proponent for a Mining Licence and Work Plan in accordance with the provisions of the *Mineral Resources (Sustainable Development) Act 1990*
- You would consider written requests for information or clarification about the regulatory framework for mining projects.

It is common in EES matters for Inquiries to ask Government Departments their thoughts on matters or for them to ask for information if those Departments have not submitted.

The Inquiry and Advisory Committee (IAC) in providing its advice back to Government is interested in what role Earth Resources Regulation (ERR) have in the regulatory framework for mining projects and this one in particular (noting there is information in the EES from the Proponent). The IAC is also interested as to whether ERR has an initial view on the proposal (or any key issues they are considering) and how this proposal fits with Government Policy around mineral sands mining.

The IAC is mindful that ERR may need to decide on potential regulatory applications following the EES Process and your decision making powers must not be fettered by appearing to prejudge such decisions.

The IAC observes other regulators, notably EPA, frequently provide advice to Inquiries outlining their regulatory role and any initial thoughts or key issues they are considering. They later go on to decide on the matter within their regulatory responsibility following the Minister's Assessment.

On this basis, the IAC would appreciate written advice by **Wednesday 20 January 2021** on:

1. The regulatory framework for the Fingerboards Mineral Sands Project and the role of ERR in that framework.
2. Whether ERR has a preliminary view on the proposal within its regulatory sphere and the adequacy of background studies undertaken to date.
3. What involvement ERR has had to date with the project, if any, including information requests and responses.

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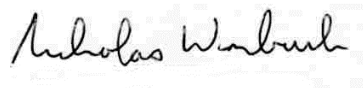


4. Whether there are any known proposals for mineral sands mining in the vicinity or broader East Gippsland.
5. Whether other projects proposed in Gippsland have any implications for the consideration of Fingerboards including the following projects referenced in the EES Socioeconomic Impact Assessment at page 70:
 - Stockman Base Metals Project
 - Nowa Nowa iron ore mine
 - Oroya Mining's copper project.
6. ERR announced by press release in July 2019 the protection of the Mitchell River Floodplain from mining; how has this protection been implemented, and does it have any implications for the Fingerboards Project?

I understand ERR has been in touch with my office regarding the Directions Hearing on 14 December 2020. The IAC encourages ERR to attend the Directions Hearing to observe as it would provide ERR the opportunity to hear firsthand from the IAC about any possible requests for information. It will also provide ERR the opportunity to clarify any matters with the IAC, such as the scope of material requested above.

If you have any queries please contact Amy Selvaraj at Planning Panels Victoria on [REDACTED] or Fingerboards.IAC@delwp.vic.gov.au.

Yours sincerely



Nick Wimbush

Inquiry and Advisory Committee Chair