

28 April 2021

By Email

Mr Nick Wimbush
Chair of the Fingerboards Mineral Sands Project Inquiry and
Advisory Committee
Planning Panels Victoria
1 Spring Street
Melbourne Victoria 3000

Attn: Amy Selveraj

Dear Mr Wimbush

Fingerboards - Incorporated Document

We continue to act for Kalbar Operations Pty Ltd in this matter.

Please find enclosed with this letter:

- A 'track changes' version of the draft Incorporated Document that responds to the version of this document prepared and distributed by East Gippsland Shire Council (being Tabled Document 228);
- A 'ready-reckoner' that includes brief explanations of Kalbar's responses to Council's key suggestions; and
- A 'clean' (and easier to read) version of the draft Incorporated Document that presents Kalbar's proposal.

Please note that the clause numbering in the 'ready reckoner' is to the 'track change' version of the draft Incorporated Document, not the 'clean' version.

You will see that Kalbar has sought to 'modernise' the draft Incorporated Document by introducing clauses and concepts that reflect current practice for Incorporated Documents for larger projects, and proposed a requirement for an Environmental Management Framework (**EMF**) to be prepared to the satisfaction of the Minister for Planning.

We envisage that the mining licence or work plan could include a similar requirement that the EMF be prepared to the satisfaction of, or be approved by, the Head of DJPR for the works within the mining licence area. This would enable one EMF to be prepared for the entire Fingerboards Project, and approved by DJPR and the Minister for Planning. The approved EMF would establish a single, unifying environmental management and governance arrangement for the preparation and implementation of the management and monitoring plans required under the Incorporated Document and mining licence/work plan.

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Kalbar appreciates these matters will be discussed and tested at the hearing, and that further revisions to the draft Incorporated Document will inevitably be required in response to submissions and suggestions made by the IAC and the other parties. This is envisaged by IAC's Direction No. 38. Unless otherwise requested by IAC, we therefore propose to update the Explanatory Report for the planning scheme amendment and the draft EMF during the presentation of Kalbar's case, once parties have had an opportunity to consider the enclosed documents.

Yours sincerely,

[REDACTED]

Tim Power
Partner

[REDACTED]

enc.

cc: Fingerboards distribution list