

Attachment 1: Work Plan Review

Item	Reason	Required changes
1	<p>MRSD Act 1990 s.39</p> <p>EE Act 1978 s.8C</p> <p>Legislative context does not appear to have been accurately communicated.</p>	<p>Work Plan Section 1.4</p> <p>In line with the intent of section 8C of the EEA Act, ERR as the relevant decision maker, must be satisfied upon review of the application that the proposed works and environmental impacts do not fall within the scope of the EES currently being assessed for the Fingerboards Mineral Sands Project. The work plan states that 'Exploration Works are considered exempt from the EES process and as such, this workplan does not contravene any sections of the Environmental Effects Act and therefore there are no statutory bars preventing this work plan from being approved.'</p> <p>Provide legislative context for the statement that exploration activities are exempt from the ESS process or amend according to the understanding above.</p>
2	<p>MRSD Act 1990 s.14C</p> <p>MRSD Act 1990 s.4 'Exploration'</p> <p>Work described is not consistent with those permissible for exploration on a retention licence</p>	<p>Work Plan Section 1.1 and throughout submission</p> <p>Throughout the submission excavation of the demonstration pit is referred to as mining. For example, in section 1.1, 'the open pit would be backfilled within a relatively short timeframe following the completion of mining'.</p> <p>Mining has a specific definition in the MR(SD) Act which is inconsistent with the permissible activities associated with exploration on a retention licence.</p> <p>Ensure reference to 'mining' is substituted for another term consistent with activities permissible under a retention licence. Amend throughout submission as required.</p>
3	<p>MRSD Act 1990 s.39</p> <p>AH Act 2006 s.46</p> <p>Relevant supporting documentation not provided.</p>	<p>Work Plan Section 2.2.6 and 2.4.6</p> <p>It is stated that 'All new ground disturbance proposed for the demonstration project has either been positioned in areas previously subject to significant ground disturbance or has been located outside the 200m zone classified as culturally sensitive'. It is also stated that a cultural heritage assessment has been undertaken (by ALA) and that assessment had been reviewed and accepted by Aboriginal Victoria.</p> <p>Provide the cultural heritage assessment referenced in section 2.4.6 and any advice from Aboriginal Victoria that they have reviewed and accepted that assessment.</p>

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4	<p>MRSD Act 1990 s.39A</p> <p>Clarification on consultation required.</p>	<p>Work Plan Section 4.5</p> <p>Table 4-3 describes the community consultation to be undertaken prior to and after the work plan submission. It indicates that the Traditional Owners are to be provided with an opportunity to be involved in the cultural heritage sensitivity analysis, site surveys and cultural heritage protection plans.</p> <p>Include in the relevant section of the work plan, the outcomes of any consultation with Gunaikurnai Land and Waters Aboriginal Corporation regarding the assessment of cultural sensitivity within the project area.</p>
5	<p>MRSD Act 1990 s.39</p> <p>Water Act 1989</p> <p>Potential obligations for works have not been fully described.</p>	<p>Rehabilitation Plan Section 1.3</p> <p>This section details legislation relevant to the rehabilitation plan. The <i>Water Act 1989</i> includes certain obligations regarding construction of investigations bores and works on waterways.</p> <p>List any obligations that may be relevant to the construction of the monitoring bore or any permits required for works on waterways.</p> <p>East Gippsland Catchment Management Authority advises that a Works on Waterways Permit will be required due to the proximity of work to Perry Gully and tributaries within the project area.</p> <p>Southern Rural Water requests further information regarding the potential licence requirements for the supply of water and notes that a licence may be required to construct the monitoring bore.</p>
6	<p>MRSD Act 1990 s.39</p> <p>DELWP Guidelines</p> <p>Native vegetation offsets for proposed works.</p>	<p>Section 2.2.1</p> <p>This section identifies vegetation that must be removed for the purposes of undertaking work.</p> <p>Department Environment, Land, Water and Planning (DELWP) advises that native vegetation offsets are required and has provided other relevant advice that should be incorporated into the work plan application (refer to Attachment 2).</p>
7	<p>MRSD Act s.79</p> <p>Criteria should include matters relating to surface erosion and beneficial land use.</p>	<p>Rehabilitation Plan Section 5.2</p> <p>Table 5-1 lists the domain specific objectives and criteria.</p> <p>Include specific, measurable criteria and related monitoring to demonstrate: 1) there will be no long term ongoing uncontrolled surface erosion; and 2) the reconstructed soil profile will meet relevant NEPM screening/investigation limits.</p>

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8	<p>MRSD Act 1990 s.40(3)(c)</p> <p>Several hazards and/or control measures not fully addressed.</p>	<p>Section 2.2.3</p> <p>This section states that a fence and bund will be placed around pit. Include fence and bund design specifications with reference to any relevant guideline.</p> <hr/> <p>Section 2.3.3</p> <p>General pit design specifications are provided with reference to consultant reports. Provide any advice regarding the pit design from AMC consultants and the GHD (2020) report.</p> <hr/> <p>Section 2.4.8</p> <p>This section states that excess surface water flows will be directed to the pit or sediment traps. Include the estimated design capacity of the sediment traps and the proposed contingency if that capacity is reached.</p> <hr/> <p>Rehabilitation Plan Section 4.2.3</p> <p>Table 4-6 lists the estimated uranium and thorium levels in sand tails and slimes. The Department of Health and Human Services (DHHS) notes that the sum total of naturally occurring radionuclides will not be altered, nor will they be intentionally concentrated to produce a product (such as HMC) which is likely to require regulation via the Radiation Act 2005. DHHS advise that while it is unlikely the work would result in the inadvertent generation of any material subject to the control of the Radiation Act 2005 it is recommended that thorium activity concentrations be monitored. Include a monitoring program for thorium activity as advised by DHHS.</p> <hr/> <p>RTP Fire Risk Management</p> <p>Section 7 describes the controls measures proposed to manage fire risks. Include restrictions relating to total fire bans and fire danger periods as a relevant control measure.</p> <hr/> <p>RTP Tails Management Plan</p> <p>Section 3.3 describes the management of decant water in the pit. Detail the minimum freeboard and design capacity of the in pit decant dam during wet sand tails/mod-cod deposition, with reference to the final stages of wet tails backfill. Describe any contingency measures to manage potential extreme storm events particularly during the final stages of pit filling.</p>

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		<p>RTP Tails Management Plan Section 3.6 states that water quality monitoring will be undertaken. Include the parameters that will be monitored and the thresholds/criteria that will be applied (surface and groundwater).</p> <p>Risk Register Item 32 of the risk assessment includes the broader mining of the Fingerboards project as a control. Remove all controls that rely on commencement of the broader project (i.e. mining after backfill). Ensure such references are removed throughout the submission.</p>
9	General	<p>Restoration Plan Aspects of the broader Fingerboards project appear to be described in this attachment. Remove matters not related to this rehabilitation plan.</p> <p>General Incorrect legislation referenced. References the MR(SD)(MI) Regs 2019 are incorrect in the RTP and reference to the MRSD Act 1990 are incorrect in the rehabilitation plan. Correct throughout.</p>