



Josef Pataricia
Chief Executive Officer
Kalbar Operations Pty Ltd
48 Bailey Street
Bairnsdale VIC 3875
By email: [REDACTED]

Dear Josef,

**EXPLORATION WORK PLAN APPLICATION – RETENTION LICENCE 2026 – KALBAR
DEMONSTRATION PIT**

I refer to work plan application PLN001521 lodged by Kalbar Operations Pty Ltd (Kalbar) on 16 November 2020, for retention licence (RL2026).

We are satisfied that the works proposed are consistent with the definition of exploration under the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA). As such, we consider that the works are permissible under a retention licence, subject to approval of a work plan and fulfilling your duty to consult community under s39A of the MRSDA.

However, we are mindful that section 8C of the *Environmental Effects Act 1978* (EEA) prohibits decisions in relation to works subject to an Environmental Effects Statement (EES) until an assessment has been made by the Minister for Planning.

As such, the Department Head (or delegate) must be satisfied that the proposed works and environmental effects do not fall within the scope of the EES, in considering whether to approve application PLN001521 under section 40A of the MRSDA.

We note that the works proposed in application PLN001521 are listed in the EES as an activity proposed to address a knowledge gap relating to the optimum placement of mining residues.

Depending on the circumstances, some works can be approved to support the development of the EES. However, given the timing of your application, the works cannot inform the development of the EES and appear unlikely to provide any material contribution to the public hearing process or the panel deliberation of the EES.

If you wish to proceed with this application, we request that Kalbar:

- explain in writing how the works proposed will be used to inform the EES and the implications to the broader Fingerboards Mineral Sands Project; and
- consult with community on the proposed activity in accordance with s39A of the MRSDA, in a way that is commensurate with the wide community interest in the project and EES process. Please provide evidence of appropriate community and stakeholder engagement on the application.

Alternatively, please advise in writing if you would prefer to defer your application PLN001521 until the EES process has been completed. Our assessment and decision-making process will

have been advanced, having completed an assessment of the application against the requirements of the MRSDA and associated regulations.

Please contact Laura Helm on [REDACTED] or at [REDACTED] if you require any further clarification or information regarding this matter.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Anthony Hurst
Delegate of the Department Head
Executive Director
Earth Resources Regulation
15 December 2020