



12 November 2020

Mr Paul McDonald
Acting Executive Director
Earth Resources Regulation
Department of Jobs, Precinct and Regions (DJPR)

Via email: [REDACTED]

Dear Mr McDonald

Fingerboards Mineral Sands Project EES: Late Submission Request

The Inquiry and Advisory Committee (IAC) received an email request on 6 November 2020 from Earth Resources Regulation in DJPR to lodge a late submission to the above project by 4 December 2020.

As you are aware the formal submission period closed at 5pm on 29 October 2020. The late submission request from DJPR raises several issues for the IAC; including:

- Many requests for extension of the submission period were received by DELWP and the IAC within the formal submission period and in general these were refused.
- I have no advice from DJPR as to why the submission is late or why an extension request was not sought within the exhibition period.
- The IAC accepting such a late submission without notice raises issues of procedural fairness for other parties who were refused leave to lodge a late submission.

I am aware that East Gippsland Shire Council (the Council) has received an extension until 11 December 2020. The Council sought explicit leave from the Minister for Planning during the exhibition period, which was granted, based on the need for a newly elected Council to consider the project.

Having said all the above, the IAC considers given that Earth Resources Regulation has a critical role to play in mining regulation, the views of DJPR are likely to be important in our consideration of the project.

On this basis can you please lodge a submission and the attached submission coversheet by no later than **4pm on Friday 20 November 2020** outlining the key point of interest and/or concern to DJPR. This will be circulated to parties and then addressed at the Directions Hearing on 14 December 2020.

Please note as is usual practice for EES matters this correspondence and any response received will be placed in the public domain.

If you have any queries, please contact Amy Selvaraj at planning.panels@delwp.vic.gov.au.

Yours sincerely

Nick Wimbush

Chair, Fingerboards Mineral Sands Project Inquiry and Advisory Committee

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