



Department of Jobs, Precincts and Regions

Earth Resources Regulation
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Melbourne, Victoria 3001
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Mr Jozef Patarica
Chief Executive Officer
Kalbar Operations Pty Ltd
[REDACTED]
Bairnsdale VIC 3875
By email: [REDACTED]

Dear Mr Patarica,

WORK PLAN APPLICATION – RETENTION LICENCE 2026 – KALBAR OPERATIONS

I refer to the work plan application PLN001521 lodged by Kalbar Operations Pty Ltd (**Kalbar**) on 16 November 2020 and re-submitted on 1 June 2021, for retention licence RL2026.

I have considered the application and the new accompanying supporting documentation, and remain of the view that a decision cannot be made under section 40A *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act), pursuant to section 8C of the EE Act.

As previously indicated, section 8C of the *Environmental Effects Act 1978* (**EE Act**) requires that no decision can be made under an Act or law in relation to works subject to an assessment under the EE Act, until the Minister for Planning has considered that assessment.

In this case, the work plan application includes work currently being assessed under the EE Act including the extraction of ore and overburden within the proposed mine footprint. The application also includes the removal of some native vegetation.

Notwithstanding the above, the department has completed an informal assessment of the work plan application. The assessment has identified that the application generally meets the requirements of the MRSD Act. However, as the works are proposed in an area of potential Cultural Heritage Sensitivity, should you wish to proceed with this application after the Minister for Planning has delivered his assessment on the Environmental Effects Statement, your application must be accompanied by written advice from the registered Aboriginal party confirming that a Cultural Heritage Management Plan is not required for these works.

Further, the East Gippsland Catchment Management Authority has advised the department that due to the proximity to a waterway, the work will require a work on water permit. As such, any future decision to approve the application, will include a condition requiring this permit to be in place before works commence.

Please contact [REDACTED] if you have any further queries regarding this matter.

Yours sincerely

Anthony Hurst
Executive Director
Earth Resources Regulation

Date: 20/07/2021