

# Earth Resources Regulator Statement of Reasons

Renewal of Retention Licence 2026 held by Gippsland Critical Minerals  
Pty Ltd

## Introduction

On 23 October 2024 I, Laura Helm, Director, Statutory Authorisations, Earth Resources Regulator, Department of Environment, Energy and Climate Action, as delegate of the Minister for Energy and Resources under the instrument of delegation dated 1 January 2023, made a decision pursuant to section 31 of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) to, by instrument, renew retention licence 2026 (RL2026). A copy of the signed instrument of renewal is Attachment 1.

## Legislative Framework

Licences may be renewed by an instrument served on the applicant that has been approved by the Minister, or their delegate, in accordance with section 31 of the MRSDA.

### *Mandatory considerations*

Section 31(1) provides that the Minister must refuse to renew a licence if the applicant does not satisfy the Minister as to the matter specified in section 15(6)(ba) (that is, that the applicant genuinely intends to do work) unless the applicant satisfies the Minister that the applicant has identified minerals in the land covered by the licence and that

- (a) additional time is necessary to assess the economic viability of mining those minerals; or
- (b) it is not at present economically viable to mine those minerals but it may become so in the future.

Section 31(5) provides that the Minister may only renew a retention licence twice.

Section 31(7)(a) provides for first renewal, the Minister may only renew the licence if the Minister is satisfied that the mining of a mineral resource would be economically viable in the future.

### *Discretionary considerations*

Section 31(2) provides that the Minister may refuse to renew a licence if the Minister is satisfied as to any one or more of the following matters -

- (a) the applicant as a licensee has not substantially complied with—
  - (i) subject to subsection (3), this Act or the regulations; or
  - (ii) any condition to which—
    - (A) the licence that is the subject of the application for renewal is subject; or
    - (B) a work plan is subject; or
  - (iii) any condition specified under section 44; or
  - (iv) any relevant planning scheme or permit; or
- (b) the applicant as a licensee has unreasonably delayed in trying to obtain any necessary consent or other authority;
- (c) the applicant as a licensee has not commenced work within the time specified in or allowed under section 42(5);

- (d) the applicant as a licensee has endangered the public or an employee on or near the land covered by the licence that is the subject of the application for renewal;
- (e) the applicant as a licensee has undertaken work on land otherwise than in accordance with a work plan;
- (f) the applicant as a licensee no longer complies with section 15(6)(a), (b), (ba), (c) or (d);
- (g) in the case of an application for the renewal of a mining licence, the area covered by the licence is depleted of minerals to the extent that it is no longer feasible to mine that area;
- (h) in the case of an application for the renewal of a mining licence or retention licence, it is not feasible to mine minerals in the area covered by the licence and will not be feasible to do so in the foreseeable future;
- (i) in the case of an application for the renewal of a retention licence, the applicant as a licensee has failed to comply with a requirement under section 112A.

*Principles of sustainable development.*

Section 2A provides that, in administering the MRSDA, regard should be given to the principles of sustainable development, as set out in section 2A(2).

I now provide this statement of reasons for my decision.

## Background

On 12 August 2016, Kalbar Resources Limited (now Rezir Limited), was granted retention licence RL2026 for a period of six years which was due to expire on 11 August 2022. On 29 May 2020, RL2026 was transferred from Kalbar Limited to Kalbar Operations Pty Ltd, now Gippsland Critical Minerals Pty Ltd (GCM). Rezir Limited (Rezir Ltd) is the parent company to GCM. On 9 August 2022, GCM lodged with the Earth Resources Regulator (ERR) a request to renew RL2026. Pursuant to section 29(2) of the MRSDA, RL2026 continues in operation until the application is granted and registered or refused.

In response to various requests for further information from Departmental officers within the ERR group, GCM provided the following:

- Completed Fit and Proper Person Questionnaire dated 27 May 2024
- Confirmation of Directors, Secretaries, Chief Executive Officer, Employees and lead consultants
- Police Checks for all Directors, Alternate Directors and Secretary
- Financial information supporting its ability to fund the work
- Updated or revised milestones for RL2026
- A Community Engagement Plan
- A resources assessment and details of the competent person in line with the *Minerals Resources (Sustainable Development) (Mineral Industries) Regulations 2019*
- Details around the economic viability of the resource.

Departmental officers within ERR undertook an ASIC Banned and Disqualified check and Bankruptcy check on the Directors, Secretary, and Alternate Directors of GCM with no adverse findings.

I assessed the renewal application based on the documents including those submitted with the renewal application and the further information supplied.

## My decision of 23 October 2024

I had regard to the following matters in making my decision to approve the instrument of renewal for retention licence RL2026 under section 31 of the MRSDA:

### 1. Consideration of section 31(1)

*Section 31(1) and Section 15(6)(ba) - satisfaction that the applicant genuinely intends to do work*

Noting my conclusion that the applicant had a genuine intent to do work (below), the mandatory consideration in section 31(1) has been satisfied. I was not therefore required to consider section 31(1)(a) or (b).

### 2. Consideration of sections 31(2)(f); and 15(6)(a), (b), (ba), (c) and (d)

### **Section 15(6)(a) – Is a fit and proper person to hold a licence.**

In considering the fit and proper person standing of GCM I had regard to ERR's Operational Policy – Fit and Proper Person and the relevant statutory provisions of the MRSDA.

I had regard to the following matters:

- No issues or concerns were identified through Police checks, Bankruptcy searches and searches of the Banned and Disqualified register on the current Directors of GCM.
- No issues or concerns were disclosed in the Fit and Proper Person Questionnaire completed by the current Directors of GCM.
- Mine Free Glenaladale (MFG) made submissions to ERR alleging that the applicant behaved unethically towards the local community, including through a lack of consultation, difficulty accessing ESS documents from the applicant, threatening behaviour and intimidation.
- One landowner within the licence area raised concerns about how land access arrangements were put in place, contractor behaviour while accessing their land and how they were contacted by the applicant.

I consider that the applicant's conduct during the EES and its project planning for the Fingerboards mine proposal fell short of the standard expected of a Victorian earth resources company. There was no evidence that the applicant was deliberately obstructive or deceitful. While its project planning and technical assessments were insufficiently accurate and mature to properly support the EES, evidence did not suggest there was negligence or incompetence that would warrant an adverse fit and proper finding. Some actions taken by the applicant to limit interaction with MFG seemed to be reasonable actions designed to ensure the safety and wellbeing of its employees. I also noted that the applicant's key personnel and directors have been replaced since the EES outcome and the submissions made by community and MFG about the applicant's conduct during the EES.

The applicant appeared to have a particularly difficult relationship with one landowner. Licensees require consent or compensation agreements to be in place before entering land to conduct exploration activities. No other complaints owners or occupiers of land within the EES project area. There was no evidence of a pattern of behaviour in relation to land access that would warrant an improper person finding.

I was therefore satisfied that GCM is a fit and proper person to hold a licence.

I was concerned, based on submissions from community, to ensure that the applicant fulfils its duty to consult with community about its activities under the licence. The licence renewal included a condition to provide quarterly reports on community engagement activities listed within the project milestones, demonstrating that reasonably practicable actions have been taken to address concerns through the community engagement process (condition 3b).

### **Section 15(6)(b) - Intends to comply with the MRSDA**

In considering whether GCM intends to comply with the MRSDA, I considered the compliance history of GCM and its parent company, Rezir Ltd. I was not required to consider the compliance history of Rezir Ltd but considered it prudent to do so, given there is overlap in the Directors of GCM and Rezir Ltd.

I noted the following matters:

- GCM has not had a breach of the MRSDA.
- Rezir Ltd failed to provide an Annual Technical Report for the 2020/2021 reporting period by the due date. The Annual Technical Report was subsequently lodged. There have been no other breaches of the MRSDA.

Given that Rezir Ltd rectified its non-compliance in relation to submission of the Annual Technical Report, and that all future reports have been submitted in accordance with requirements, I considered that GCM intends to comply with the MRSDA.

### **Section 15(6)(ba) - Genuinely intends to do work**

In considering whether the applicant genuinely intends to do work, I had regard to the following matters:

- During the first term of the licence, the licensee significantly exceeded expenditure requirements and met milestone requirements including referring the project and preparing an Environment Effects Statement and associated studies under the *Environment Effects Act 1978*.
- The applicant provided a detailed program of work with 50 milestones proposed in their application for delivery during a second term.
- The applicant provided evidence of financial capacity to fund the work program proposed in a second term.

- The technical expertise available to GCM, which demonstrates that they have engaged the appropriate personnel, demonstrating that it is able and have the intent to deliver the program of work.

Based on this information, I was satisfied that the applicant genuinely intends to do work.

**Section 15(6)(c) - Has an appropriate program of work**

In assessing whether the applicant has an appropriate program of work, I considered the following matters:

- The applicant provided 50 milestones for their proposed program of work in their renewal application, to be delivered over a 5 year term. The milestones included specific measurable tasks that the applicant must undertake within the allocated licence year.
- Milestones include large scale rehabilitation trials, baseline environmental monitoring, defining a new project scope with redefined boundaries and buffer zones, referral under the *Environment Effects Act 1978*, impact assessment studies, feasibility studies and community engagement
- Following consultation with the applicant, 75 milestones over a 6 year licence term were imposed.

On the basis of these milestones, I was satisfied that the applicant had an appropriate program of work, subject to imposing some renewal conditions. These conditions impose obligations on the licensee to:

- Provide bi-annual progress reports against project milestones (condition 3a)
- Provide quarterly reports on community engagement activities listed within the project milestones, demonstrating that reasonably practicable actions have been taken to address concerns through the community engagement process (condition 3b)
- The licensee must have self-referred the project to the Minister for Planning for a decision on the need for assessment under the *Environment Effects Act 1978* by 11 December 2025
- The licensee must submit a work plan for rehabilitation trials by 30 March 2025. If a change request decision is made on the work plan application, or on the submission of a work plan for rehabilitation trials, the licensee must address the change request within 60 days.

**Section 15(6)(d) - Is likely to be able to finance the proposed work and rehabilitation of the land**

In considering whether GCM is likely to be able to finance the proposed work and rehabilitation of the land under the licence, I considered the financial information provided by GCM which demonstrated that GCM had appropriate and sufficient funds to finance the proposed work and rehabilitation.

I considered that the financial information provided satisfactory evidence that GCM will be able to fund the work and the rehabilitation.

**3. Consideration of sections 31(5)**

This was the first renewal application for RL2026, therefore I was satisfied that section 31(5) was met.

**4. Consideration of section 31(7)(a)**

In considering whether the mining of a mineral resource would be economically viable in the future, I considered:

- the Technical Report 'Mineral Resource Reporting Update on the Fingerboards (& Glenaladale) Zircon & Rare Earths Mineral Sands Project' provided with the application; and
- publicly available information about the price and demand for rare earths.

This information provided evidence of an increase to both Measured and Inferred Resources within the retention licence area based on the grade, scale and depth of the resource, and the marketability of the minerals such that I was satisfied that the mining of the mineral resource would be economically viable in the future, subject to regulatory approvals for mining (including referral of a revised project under the *Environment Effects Act 1978*)

**5. Discretionary considerations under section 31(2)**

Departmental officers within ERR assessed the application to renew against the discretionary refusal grounds under section 32(2) and concluded there were no matters giving rise to any reason to refuse renewal listed under section 32(2)(a) – (i). On the basis of this assessment, I did not exercise my discretion to refuse renewal under section 31(2).

**6. Other matters**

I considered that the request to renew RL2026 was consistent with the purpose and objectives of the MRSDA, in particular:

- That section 31 of the MRSDA sets out the requirements for approval of an instrument of renewal, as part of:
  - an efficient and effective system for approvals (section 2(1)(a)(i))
  - an effective administrative structure for making decisions concerning the allocation of mineral resources for the benefit of the general public (section 2(1)(a)(iii))
  - a legal framework aimed at ensuring that risks posed to the environment, to members of the public, or to land, property or infrastructure by work being done under a licence are eliminated or minimised as far as reasonably practicable (section 2(1)(b)(i)); and
- That the renewal request met the requirements of section 31.
- That if approved, the renewals would support potential investment in exploration for minerals and the establishment of mining activities (subject to the outcome of a potential new Environment Effects Statement (EES) process and future decisions under the MRSDA), consistent with the objective of the MRSDA to encourage and facilitate exploration for minerals and foster the establishment and continuation of mining operations under section 2(1)(a).

I considered that the renewal request was consistent with the principles of sustainable development under section 2A of the MRSDA, in particular noting that:

- Renewal of the retention licence does not permit mining but allows the GCM as licensee further time to re-scope the project and obtain regulatory approvals necessary to progress towards development of the resource, including referral of the revised project scope under the *Environmental Effects Act 1978* as a condition of renewal. Referral of the revised project will provide for rigorous assessment of environmental impacts consistent with the principles of sustainable development, as a precondition to any application for a mining licence.
- Conditions of renewal provide for community involvement in issues that affect them, consistent with section 2A(2)(i), augmenting Project milestones contained within the renewal instrument and the licensee's duty to consult the community on issues that affect them under section 39A of the MRSDA.

## 7. Decision

On the basis of the information outlined in this statement, I was satisfied of the matters I was required to be satisfied about under sections 31(1), (5) and (7) and was not satisfied of any of the matters that enabled me to refuse to renew the licence under section 31(2). I accordingly decided to renew the licence, and I duly approved and executed the instrument of renewal.

The renewal instrument RL2026 is due to expire on 11 August 2028.

## Attachments

Attachment 1

Signed instruments of renewal

**LAURA HELM**

Director Statutory Authorisations, Earth Resources Regulator

Date: 19/02/2025

**MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990**

**INSTRUMENT OF RENEWAL - RETENTION LICENCE**

I, Laura Helm, acting as the delegate of the Minister and pursuant to section 31 of the *Mineral Resources (Sustainable Development) Act 1990* (the Act), hereby renew the retention licence according to Table 1 below and subject to the Conditions and Schedule of Conditions below.

**TABLE 1**


LICENCE TYPE	Retention Licence
LICENCE NUMBER	RL2026
DATE OF GRANT OF LICENCE	12 August 2016
NAME/S OF LICENSEE/S	Gippsland Critical Minerals Pty Ltd
ADDRESS/ES OF LICENSEE/S	48 Bailey Street, Bairnsdale, Victoria 3875
LOCATION	(8322) Stratford
AREA OF RENEWED LICENCE	4920.4 hectares
LICENCE RENEWED TO EXPIRE	11 August 2028
STRATUM OF LAND	Not applicable
GENERAL NATURE AND PURPOSE OF ANY CHANGED CONDITIONS	To ensure that the conditions remain appropriate to work done under the licence.

Signed by



**Laura Helm**  
Director Statutory Authorisations

Date: 23/10/2024

Date of Registration 23/10/2024
Time of Registration 3:19 pm

<b>REGISTRAR</b> Mineral Resources (Sustainable Development) Act 1990

F 90016400

OFFICIAL

## RETENTION LICENCE RENEWAL CONDITIONS

1. The licensee must expend in connection with retention licence activities of the land a minimum of is-  
**\$1,934,000** in the first year of the term of the renewed licence,  
**\$1,125,000** in the second year of the term of the renewed licence,  
**\$4,000,000** in the third year of the term of the renewed licence,  
**\$4,000,000** in the fourth year of the term of the renewed licence,  
**\$4,000,000** in the fifth year of the term of the renewed licence,  
**\$4,000,000** in the sixth year of the term of the renewed licence  
unless this requirement is varied or application of this requirement is suspended for a specified period, in accordance with the Act.
2. The reporting date is **30 September** annually.
3. In addition to the annual reporting the licensee must provide:
  - a. a report each year on 30 March on the completion and progress of the project milestones under specific condition 1.1, commencing after the date of delegate approval on the instrument of renewal
  - b. quarterly reports on 30 September, 31 December, 30 March and 30 June each year, commencing on the quarter after the decision to renew this licence is made, providing information on the community engagement activities listed within the project milestones. The report must demonstrate that reasonably practicable actions have been taken to address concerns through the community engagement process and include complaints, enquiries and feedback that have been received and how those complaints, enquiries and feedback are being addressed.
4. The licensee must have self-referred the project to the Minister for Planning for a decision on the need for assessment under the *Environment Effects Act 1978* by 11 December 2025.
5. The licensee must submit a work plan for rehabilitation trials by 30 March 2025. If a change request decision is made on the work plan application, or on the submission of a work plan for rehabilitation trials, the licensee must address the change request within 60 days.

## RETENTION LICENCE SCHEDULE OF CONDITIONS

**IMPORTANT NOTE:** The conditions in this schedule address a wide range of activities. You may not have approval for all the activities described. Work other than “low impact exploration” may only be undertaken in accordance with a work plan approved by the Department of Energy, Environment and Climate Action, DEECA.

For further information about compliance with licence conditions or requirements for work plans refer to the *Code of Practice for Mineral Exploration* and *Standard Work Plan Guidelines for Exploration or Area Work Plan Guidelines for Exploration* available at [www.resources.vic.gov.au](http://www.resources.vic.gov.au).

### **PART A      SPECIFIC CONDITIONS**

#### **1.      WORK PROGRAM**

- 1.1      The licence is granted subject to compliance with and completion of the program of work (outlined in the schedule of project milestones), being undertaken during the term of the licence.
- 1.2      The program of work may be varied with the agreement of the Minister. This does not apply if the variation only involves work which is additional to that described in the program of work.
- 1.3      During the term of the licence, the Minister may request updated details of the proposed program of work.



## **YEAR 1 – GEOLOGICAL WORK / PROJECT DEVELOPMENT**

### **Milestone 1**

#### **Category: Resource Re-Statement**

**Work Description:** Re-statement of Fingerboards resource which included rare earths as a co-product. Resource shown to have increased in size and value.

### **Milestone 2**

#### **Category: Re-Scoping Study**

**Work Description:** Workshops and field visits identified project changes that were required to avoid or mitigate issues highlighted by IAC and Planning Minister reports. Optimisation studies and initial assessment of the likely impact of the project assuming reduced resource access and avoidance of endangered and threatened EVC's.

### **Milestone 3**

#### **Category: Social Licence**

**Work Description:** Independent assessment of stakeholder and community attitudes towards the project.

### **Milestone 4**

#### **Category: Stakeholder Engagement**

**Work Description:** Attendance at local business and industry groups.

### **Milestone 5**

#### **Category: Community Engagement**

**Work Description:** Responded to community & local business enquiries when received.

### **Milestone 6**

#### **Category: Community Grant Fund**

**Work Description:** Grant program continued with 20 recipients annually.

### **Milestone 7**

#### **Category: Community Sentiment**

**Work Description:** Engaged independent consultants to monitor community sentiments.

### **Milestone 8**

#### **Category: Office / Information Centre**

**Work Description:** Local Bairnsdale office closed post EES.

### **Milestone 9**

#### **Category: Advance access agreements**

**Work Description:** Regular landowner contact with land purchase and compensation agreements advanced. Key land parcels purchased, and option agreements extended.

### **Milestone 10**

#### **Category: Regulatory**

**Work Description:** Regulatory and commercial work to identify path forwards for a re-scoped project.

### **Milestone 11**

#### **Category: Maintenance of Land**

**Work Description:** Management of boundaries, fences and properties. Agistment to local graziers.

### **Milestone 12**

#### **Category: Maintenance of Nursery operations**

**Work Description:** Continued growing and harvesting of native grass species to build critical stock for grassy woodland restoration.

**Year 1 Expenditure - \$1,934,000**

## **YEAR 2 - GEOLOGICAL WORK / PROJECT DEVELOPMENT**

### **Milestone 13**

#### **Category: Project Concept Selection Study (CSS) Commences**

**Work Description:** Define and evaluate various development scenarios to allow selection of Project Concepts to be assessed during feasibility in Years 4-5.

### **Milestone 14**

#### **Category: Groundwater Review**

**Work Description:** Review of the outcomes of earlier exploration and testing of Lower Latrobe Aquifer. Development of a staged groundwater appraisal program for years 4-6.

### **Milestone 15**

#### **Category: Community Engagement Plan**

**Work Description:** Initial Community Consultation/Participation Plan developed in-step with rescoped Project.

### **Milestone 16**

#### **Category: Community Sentiment**

**Work Description:** Commission statistically significant social research surveys to baseline and monitor community sentiment.

### **Milestone 17**

#### **Category: Advance access agreements**

**Work Description:** Progress agreements to acquire, relocate and compensate relevant landowners. Significant land purchases.

### **Milestone 18**

#### **Category: Renewed Company Policy & Governance**

**Work Description:** Review & develop company environmental, social, governance policy statements; initial stakeholder engagement strategy and community engagement plan as per above.

### **Milestone 19**

#### **Category: Approvals**

**Work Description:** Engage with Government to develop approvals pathway.

### **Milestone 20**

#### **Category: Maintenance of Land**

**Work Description:** Management of boundaries, fences and properties. Agistment to local graziers.

### **Milestone 21**

#### **Category: Maintenance of Nursery operations**

**Work Description:** Continued growing and harvesting of native grass species to build critical stock for grassy woodland restoration.

### **Milestone 22**

#### **Category: Environmental Baseline Monitoring**

**Work Description:** Review, define and execute the ongoing environmental baseline monitoring programs as informed by the rescoped Project CSS.

**Year 2 Expenditure - \$1,125,000**

## **YEAR 3 - GEOLOGICAL WORK / PROJECT DEVELOPMENT**

### **Milestone 23**

#### **Category: Rescope - boundaries and buffer changes**

**Work Description:** Define new, rescoped Project with functional project description. Develop scope for detailed Project Concept Definition Study 'CDS' (Feasibility Study). Redefine project boundaries and buffer zones.

### **Milestone 24**

#### **Category: Commence Concept Definition Study (CDS or Feasibility)**

**Work Description:** Commence Project Concept Definition Study based on scope defined in CSS.

### **Milestone 25**

#### **Category: Complete assaying samples from Fingerboards 2022 Infill drilling**

**Work Description:** Advance resource definition for Fingerboards Project to 'measured' resource ahead of completion of CDS and detailed engineering design.

### **Milestone 26**

#### **Category: Community Engagement Plan**

**Work Description:** Further develop and implement a detailed Community Engagement Plan (CEP), including identification of stakeholders, build out of the database, and a detailed analysis of interests, engagement methods and timelines, and regular feedback, reporting and review mechanisms. Early engagement with key stakeholder groups throughout the year to inform the CEP, with a focus on:

- Engagement with Primary Producers through local Agricultural/Horticultural industry groups
- Engagement with GLaWAC and Traditional Owners
- Neighbouring properties
- Local councils
- Interested members of the community

### **Milestone 27**

#### **Category: Key Stakeholder Policies and Procedures**

**Work Description:** Implement a best-practice Grievance and Feedback Mechanism.

### **Milestone 28**

#### **Category: Community Benefits**

**Work Description:** Early Benefit Sharing Plan to be developed in partnership with the local community following targeted consultation and engagement efforts. This might include the expansion of the community grants program, regional development and jobs programs, apprenticeship programs, Gippsland-first procurement plans, First Nations jobs and other training programs to build local capability (outlined in more detail in the CEP and following consultation with the community).

### **Milestone 29**

#### **Category: Community Sentiment**

**Work Description:** Commission recurring statistically significant social research surveys and focus groups to baseline and monitor community sentiment.

### **Milestone 30**

#### **Category: Assess Stakeholder Expectations & Priorities**

**Work Description:** Conduct quarterly focus groups by a suitably qualified third-party provider with randomised sample representatives of community and key stakeholder groups to assess stakeholder values, expectations, attitudes, and priorities

### **Milestone 31**

#### **Category: Inform Community**

**Work Description:** Establish a virtual or physical information centre to answer questions and exhibit updated project to the local community.

**Milestone 32**

**Category: Advance access agreements**

**Work Description:** Progress agreements to acquire, relocate and compensate relevant landowners. Significant land purchases

**Milestone 33**

**Category: Environmental Baseline Monitoring**

**Work Description:** Review, define and execute the environmental baseline monitoring programs as informed by the rescope Project.

**Milestone 34**

**Category: Climate Modelling**

**Work Description:** Check/validate 2021 Climate Modelling Study--> mine & rehabilitation design parameters to manage impacts/risks at forecast extremes.

**Milestone 35**

**Category: Rehabilitation Trials**

**Work Description:** Design large scale rehabilitation trials (to address and mitigate concerns from IAC report)

**Milestone 36**

**Category: Impact Assessment Studies - Commenced**

**Work Description:** Commence impact assessment studies, for example: water (surface and ground), air quality, noise, socioeconomic, biodiversity/groundwater dependent ecosystems (GDE), cultural heritage; commence studies according to revised objectives, as required.

**Year 3 Expenditure - \$4,000,000**

## **YEAR 4 – GEOLOGICAL WORK / PROJECT DEVELOPMENT**

### **Milestone 37**

**Category: Continue Concept Definition Study (CDS or Feasibility)**

**Work Description:** Continue Project Concept Definition Study based on scope defined in CSS.

### **Milestone 38**

**Category: Community Engagement**

**Work Description:** Continue engagement in line with the CEP, including with Primary Producers, GLaWAC (and Traditional Owners), neighbours and other key stakeholder groups. Communication strategies will be informed by the evolving CEP. Report to Government stakeholders on engagement efforts and outcomes.

### **Milestone 39**

**Category: Community Benefits**

**Work Description:** Agreed benefit sharing initiatives to be rolled out developed in partnership with the local community following targeted consultation and engagement efforts.

### **Milestone 40**

**Category: First Nations**

**Work Description:** Subject to agreement with Traditional Owners / GLaWAC, commence the Cultural Heritage Assessment, and begin scoping the Cultural Heritage Management Plan and Traditional Owner Agreements.

### **Milestone 41**

**Category: Community Sentiment**

**Work Description:** Commission recurring statistically significant social research surveys (yearly) and quarterly focus groups to baseline and monitor community sentiment.

### **Milestone 42**

**Category: Assess Stakeholder Expectations & Priorities**

**Work Description:** Conduct quarterly focus groups by a suitably qualified third-party provider with randomised sample representatives of community and key stakeholder groups to assess stakeholder values, expectations, attitudes, and priorities.

**Milestone 43**

**Category: Advance access agreements**

**Work Description:** Progress agreements to acquire, relocate and compensate relevant landowners. Significant land purchases.

**Milestone 44**

**Category: Environmental Baseline Monitoring**

**Work Description:** Execute the ongoing environmental baseline monitoring programs as informed by the rescoped Project.

**Milestone 45**

**Category: Climate Modelling**

**Work Description:** Check/review 2021 Climate Modelling Study--> mine & rehabilitation design parameters to manage impacts/risks at forecast extremes

**Milestone 46**

**Category: Rehabilitation Trials**

**Work Description:** Submit workplan for rehabilitation trials (to address and mitigate concerns from IAC report)

**Milestone 47**

**Category: Impact Assessment Studies – Commenced/Continued**

**Work Description:** Commence and continue impact assessment studies, for example: water (surface and ground), air quality, noise, socioeconomic, biodiversity/GDE, cultural heritage; commence studies according to revised objectives, as required.

**Milestone 48**

**Category EES – Decision on new referral**

**Work Description:** EES self-referral of the project

**Milestone 49**

**Category: Water sources and supply**

**Work Description:** Investigate surface water and groundwater requirements and availability, as part of project rescoping works

**Year 4 Expenditure - \$4,000,000**

## YEAR 5 – GEOLOGICAL WORK / PROJECT DEVELOPMENT

### **Milestone 50**

**Category: Complete Concept Definition Study (CDS or Feasibility)**

**Work Description:** Finalise Feasibility Study and board decision to advance project to development subject to approvals.

### **Milestone 51**

**Category: Groundwater Borefield**

**Work Description:** Complete groundwater and surface definition drilling and/or production bore testing, to supply water in line with rescope project

### **Milestone 52**

**Category: Surface Water and Ground Water Rights**

**Work Description:** Surface water (winterfill) co-benefit scheme advanced to Heads of Agreement with key partners to secure water in line rescope project

### **Milestone 53**

**Category: Community Engagement**

**Work Description:** Continue engagement in line with the CEP, including with Primary Producers, GLaWAC (and Traditional Owners), neighbours and other key stakeholder groups. Review the CEP and continue to evolve the Plan as stakeholder needs evolve and information from the socio-economic impact assessment becomes available. Communication strategies will be informed by the evolving CEP. Report to Government stakeholders on engagement efforts and outcomes.

### **Milestone 54**

**Category: Community Benefits**

**Work Description:** Benefit sharing initiatives continue to be implemented and further evolved in partnership with the local community.

### **Milestone 55**

**Category: Community Sentiment**

**Work Description:** Commission recurring statistically significant social research surveys and focus groups to baseline and monitor sentiment.

### **Milestone 56**

**Category: Assess Stakeholder Expectations & Priorities**

**Work Description:** Conduct periodic focus groups by a suitably qualified third-party provider with randomised sample representatives of community and key stakeholder groups to assess stakeholder values, expectations, attitudes, and priorities.

### **Milestone 57**

**Category: Advance access agreements**

**Work Description:** Progress agreements to acquire, relocate and compensate relevant landowners. Significant land purchases.

### **Milestone 58**

**Category: Approvals Process**

**Work Description:** EES or other approvals pathway well advanced.

### **Milestone 59**

**Category: Environmental Baseline Monitoring**

**Work Description:** Execute the ongoing environmental baseline monitoring programs as informed by the rescope Project.

### **Milestone 60**

**Category: Climate Modelling**

**Work Description:** Validate 2021 Climate Modelling Study--> mine & rehabilitation design parameters to manage impacts/risks at forecast extremes

**Milestone 61**

**Category: Rehabilitation Trials**

**Work Description:** Commence rehabilitation trials

**Milestone 62**

**Category: Impact Assessment Studies - Completed**

**Work Description:** Continue impact assessment studies, for example: water (surface and ground), air quality, noise, socio economic, biodiversity/GDE, cultural heritage; commence studies according to revised objectives, as required.

**Year 5 Expenditure - \$4,000,000**



## YEAR 6 – GEOLOGICAL WORK / PROJECT DEVELOPMENT

### **Milestone 63**

#### **Category: Groundwater Borefield**

**Work Description:** Borefield proved, and groundwater licence transfer secured (subject to Minister's assessment for the EES, where required for the rescope project).

### **Milestone 64**

#### **Category: Surface Water storage and water rights**

**Work Description:** Surface water (winterfill) co-benefit scheme engineering Feasibility Study completed, as required and in line with rescope project.

### **Milestone 65**

#### **Category: Community Engagement**

**Work Description:** Continue engagement in line with the CEP, including with Primary Producers, GLaWAC (and Traditional Owners), local councils, key stakeholder groups, neighbours and community groups and residences. Review the CEP and continue to evolve the Plan as stakeholder needs evolve. Communication strategies will be informed by the evolving CEP. Report to Government stakeholders on engagement efforts and outcomes.

### **Milestone 66**

#### **Category: Community Benefits**

**Work Description:** Benefit sharing initiatives continue to be implemented and further evolved in partnership with the local community, including workforce development plans and local procurement policies, procedures and arrangements.

### **Milestone 67**

#### **Category: First Nations**

**Work Description:** Finalise all outstanding First Nations agreements and arrangements, including the Cultural Heritage Management Plan, Local Preferencing / Procurement policies and approaches, Indigenous specific Workforce and Business Development strategies and plans and Traditional Owner Agreements.

### **Milestone 68**

#### **Category: Community Sentiment**

**Work Description:** Commission recurring statistically significant social research surveys and focus groups to baseline and monitor community sentiment.

### **Milestone 69**

#### **Category: Assess Stakeholder Expectations & Priorities**

**Work Description:** Conduct periodic focus groups by a suitably qualified third-party provider with randomised sample representatives of community and key stakeholder groups to assess stakeholder values, expectations, attitudes, and priorities.

### **Milestone 70**

#### **Category: Advance access agreements**

**Work Description:** Progress agreements to acquire, relocate and compensate relevant landowners.

### **Milestone 71**

#### **Category: Approvals Process**

**Work Description:** Primary Approvals Process Complete.

### **Milestone 72**

#### **Category: Secondary Approvals**

**Work Description:** Secondary approvals (e.g. work plan) are well advanced.

### **Milestone 73**

#### **Category: Environmental Baseline Monitoring**

**Work Description:** Ongoing environmental baseline monitoring programs as informed by the rescope Project.

**Milestone 74**

**Category: Climate Modelling**

**Work Description:** Review 2021 Climate Modelling Study--> mine & rehabilitation design parameters to manage impacts/risks at forecast extremes.

**Milestone 75**

**Category: Rehabilitation Trials**

**Work Description:** Ongoing rehabilitation trials.

**Year 6 Expenditure - \$4,000,000**

**TOTAL EXPENDITURE - \$19,059,000**

## **PART B        GENERAL CONDITIONS**

### **2.        GENERAL**

- 2.1        The licence holder must not undertake, cause or allow the undertaking of any exploration for coal seam gas.

### **3.        ADMINISTRATIVE ARRANGEMENTS**

- 3.1        The licensee must ensure that the relevant ERR Deputy Chief Inspector is at all times aware of the appropriate contact person for activities conducted under the licence.
- 3.2        Prior to commencing ground intrusive work or work involving the removal or damaging of native vegetation under the definition of low impact exploration the licensee must submit a rehabilitation bond to the satisfaction of the Minister
- 3.3        Where ground intrusive work or work involving the removal or damaging of native vegetation is carried out under the definition of low impact exploration the licensee must notify the Crown land manager (for works on Crown land) and the ERR Chief Inspector at least 7 days prior to the commencement of work. Notification must include:
- Start date, and
  - Proposed ground intrusive work, and/or
  - Proposed removal or damaging of native vegetation, and
  - Location.

### **4.        NATIVE VEGETATION AND FAUNA**

- 4.1        The licensee must take all reasonable measures to avoid, minimise and/or offset the removal and disturbance of native vegetation and faunal habitats.

### **5.        BOX IRONBARK REGION**

- 5.1        Where activities are proposed to be undertaken in a Box-Ironbark Region, the licensee must undertake a preliminary assessment of vegetation and faunal habitats of areas of interest in that Box-Ironbark region to identify and mark areas or sites to be avoided in the project area.

### **6.        PUBLIC LIABILITY INSURANCE**

- 6.1        Prior to commencing any work, the licensee must have public liability insurance that covers all work authorised under the licence and ensure the insurance is valid at all times while work occurs under the licence.

### **7.        PUBLIC SAFETY ZONE**

- 7.1        The licensee must take all reasonable measures to minimise their impact on the operation of a Public Safety Zone.

### **8.        SOIL MANAGEMENT**

- 8.1        The licensee must take all reasonable measures to minimise impacts on the physical and biological health of soil.

### **9.        PLANT PESTS AND DISEASES, WEEDS AND PEST ANIMALS**

- 9.1        The licensee must ensure that all soil that is imported into the licence area is free of plant pests and disease, and noxious weeds.
- 9.2        The licensee must take all reasonable measures to minimise the spread of weeds, pest animals and plant diseases whilst undertaking on ground activities.
- 9.3        The licensees must adhere to any biosecurity protocols that have been adopted on private or Crown land.

### **10.       WATER QUALITY AND AQUATIC HABITAT**

- 10.1       The licensee must design, install and maintain erosion and sediment controls to prevent erosion of areas of disturbed land and sedimentation of waterways.

10.2 Where activities are being conducted in waters or on the banks of waterways with water in them, the licensee must take all reasonable measures to minimise sedimentation of the waterway.

10.3 The licensee must take all reasonable measures to prevent contaminated runoff from entering receiving waterways.

## **11. FUELS, LUBRICANTS AND HAZARDOUS MATERIALS**

11.1 The licensee must take all reasonable measures to prevent contamination of the environment by the release of fuels, lubricants and hazardous materials.

11.2 The licensee must ensure that spills of hazardous materials are cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such contaminant into waterways.

11.3 Within the Box Ironbark region, the licensee must install trays or similar apparatus beneath machinery to protect the soil and vegetation from oil/fuel leaks or spills.

## **12. ABORIGINAL CULTURAL HERITAGE**

12.1 The licensee must ensure Aboriginal cultural heritage is not harmed as a result of works undertaken within the licence area.

12.2 Within areas where ground intrusive exploration works or the removal of native vegetation are proposed on Crown land in the Box Ironbark Region, an assessment of Aboriginal cultural heritage values must be undertaken.

## **13. HERITAGE (NON-INDIGENOUS)**

13.1 The licensee must ensure non-indigenous cultural heritage is not harmed as a result of works undertaken within the licence area.

13.2 Within areas where ground intrusive exploration works or the removal of native vegetation are proposed on Crown land in the Box Ironbark Region, an assessment of non-indigenous cultural heritage values must be undertaken.

## **14. FIRE PRECAUTION**

14.1 The licensee must take all reasonable measures to prevent the ignition and spread of fire.

14.2 Prior to undertaking any activities, the licensee must develop and implement a fire response and readiness plan.

## **15. WASTE AND REDUNDANT EQUIPMENT**

15.1 The licensee must ensure all waste generated on site is disposed of at an appropriate waste management facility.

## **16. CAMPING**

16.1 The licensee may only establish campsites with the permission of the Crown land manager or private land owner/occupier.

16.2 The licensee must select, establish and manage campsites to minimise risks to the environment and/or the health and safety of people.

## **17. NOISE**

17.1 Within the licensed area, the licensee must ensure that noise generated by activities does not exceed limits set by the Environment Protection Authority, Victoria and the local council.

17.2 The licensee must take all reasonable measures to avoid causing nuisance noise.

## **18. AIR EMISSIONS, DUST AND LIGHTING**

18.1 The licensee must take all reasonable measures to prevent adverse impacts as a result of the release of dust, odour and/or emission of light.

## **19. LIVESTOCK, DOMESTIC ANIMALS AND CROPS**

19.1 The licensee must take all reasonable measures to prevent adverse impacts to livestock<sup>1</sup>, domestic animals and crops.

**20. GEOPHYSICAL AND GEOCHEMICAL SURVEYS AND GRIDLINES**

20.1 In designing and constructing geophysical and geochemical surveys, the licensee must take all reasonable measures to prevent adverse impacts to the environment and/or the health and safety of people.

20.2 Prior to designing and constructing geophysical and geochemical surveys, the licensee must consult with the Crown land manager and/or private landowner/occupier about the position of gridlines and geophysical lines.

**21. EXPLOSIVES**

21.1 When using explosives or high electrical currents, all reasonable measures must be taken to prevent harm or disturbance to people, domestic animals, livestock and wildlife.

**22. TRACKS AND ROADS**

22.1 In designing and constructing tracks and roads, the licensee must take all reasonable measures to prevent adverse impact to the environment.

22.2 Prior to designing and constructing tracks and roads, the licensee must consult with the public land manager, responsible road authority and/or private landowner/ occupier.

22.3 Prior to using a closed road, the licensee must gain consent from the responsible road authority.

22.4 Prior to conducting ground intrusive works on a road, the licensee must gain consent from the responsible road authority.

**23. DRILL SITES, COSTEANS, TRENCHES AND BULK SAMPLING EXCAVATIONS**

23.1 The licensee must take all reasonable measures to prevent adverse impacts of establishing costeans, drill holes, bulk sample excavations and trenches to the environment and/or the health and safety of people.

**24. DRILLHOLE OPERATIONS, CONSTRUCTION AND DECOMMISSIONING**

24.1 The licensee must ensure that all reasonable measures are taken to minimise the impacts of drilling operations and that the operations are conducted in a manner that ensures protection of the environment, human health and amenity.

24.2 The licensee must prevent contamination of aquifers as a result of drilling operations.

24.3 The licensee must ensure that where a drillhole is to be left open overnight or longer, a temporary cap is fitted.

24.4 The licensee must ensure that when drilling for coal seam gas (CSG) the blowout prevention equipment (including accumulators) of a well is installed, operated, maintained and pressure tested.

24.5 The licensee must ensure that the permanent abandonment of CSG wells include the installation of appropriate concrete surface plugs to ensure the integrity of the well and formations.

24.6 The licensee must ensure that accurate records of decommissioning procedures are kept to provide future reference, and to demonstrate to DEECA that the drillholes have been satisfactorily plugged and abandoned.

**25. UNDERGROUND EXPLORATION**

25.1 The licensee must ensure that during underground exploration and development works, access shafts, adits and declines are made safe.

25.2 The licensee must ensure that on completion of underground exploration and development works, access shafts, adits or declines no longer required are permanently closed off and the site made safe for the public and wildlife.

**26. REHABILITATION**

<sup>1</sup> For the purpose of these conditions, bees are defined as livestock.

26.1 The licensee must ensure that disturbed areas are rehabilitated as soon as possible after the completion of works.

26.2 The licensee must ensure that indigenous species used in rehabilitation are sourced from the local area, of local provenance and appropriate to the site's Ecological Vegetation Class (EVC).

## **27. ENVIRONMENTAL REPORTING, MONITORING AND AUDITING**

27.1 The licensee must implement a program for monitoring environmental impacts and rehabilitation.

27.2 The licensee must submit an Annual Report that includes:

- A report about the environmental management of activities including the results of any environmental audits conducted.
- Quantity, area and type of native vegetation removed.
- Details of current progressive rehabilitation activities.
- A rehabilitation report detailing completed rehabilitation activities over that year.

27.3 The licensee must notify DEECA as soon as practical of any environmental incident which results in:

- An emission not authorised by licence, work authority or work plan.
- Any deviations from conditions or environmental standards outlined for the site.

27.4 Within seven (7) days of an environmental incident, the licensee must prepare and forward a report to DEECA detailing the following information:

- the cause, time and duration of the incident.
- the native vegetation or threatened flora/fauna affected by the incident (if applicable).
- the type, volume and concentration of every pollutant discharged as a result of the incident.
- action taken by the licensee in relation to the incident.
- action taken to prevent any recurrence of the incident.

## **28. DOCUMENTATION AND RECORDS**

28.1 The licensee must record activities undertaken and results arising from the environmental and rehabilitation monitoring program, any auditing undertaken, and any complaints received.

28.2 The licensee must ensure that documentation generated through the environmental and rehabilitation monitoring program, auditing and any complaints received is appropriately stored and accessible to relevant personnel and is available upon request by an ERR Inspector.

# PLAN OF AREA

## Retention Licence No.2026

Mineral Resources (Sustainable Development) Act 1990



Energy,  
Environment  
and Climate Action

Name of Licensee:

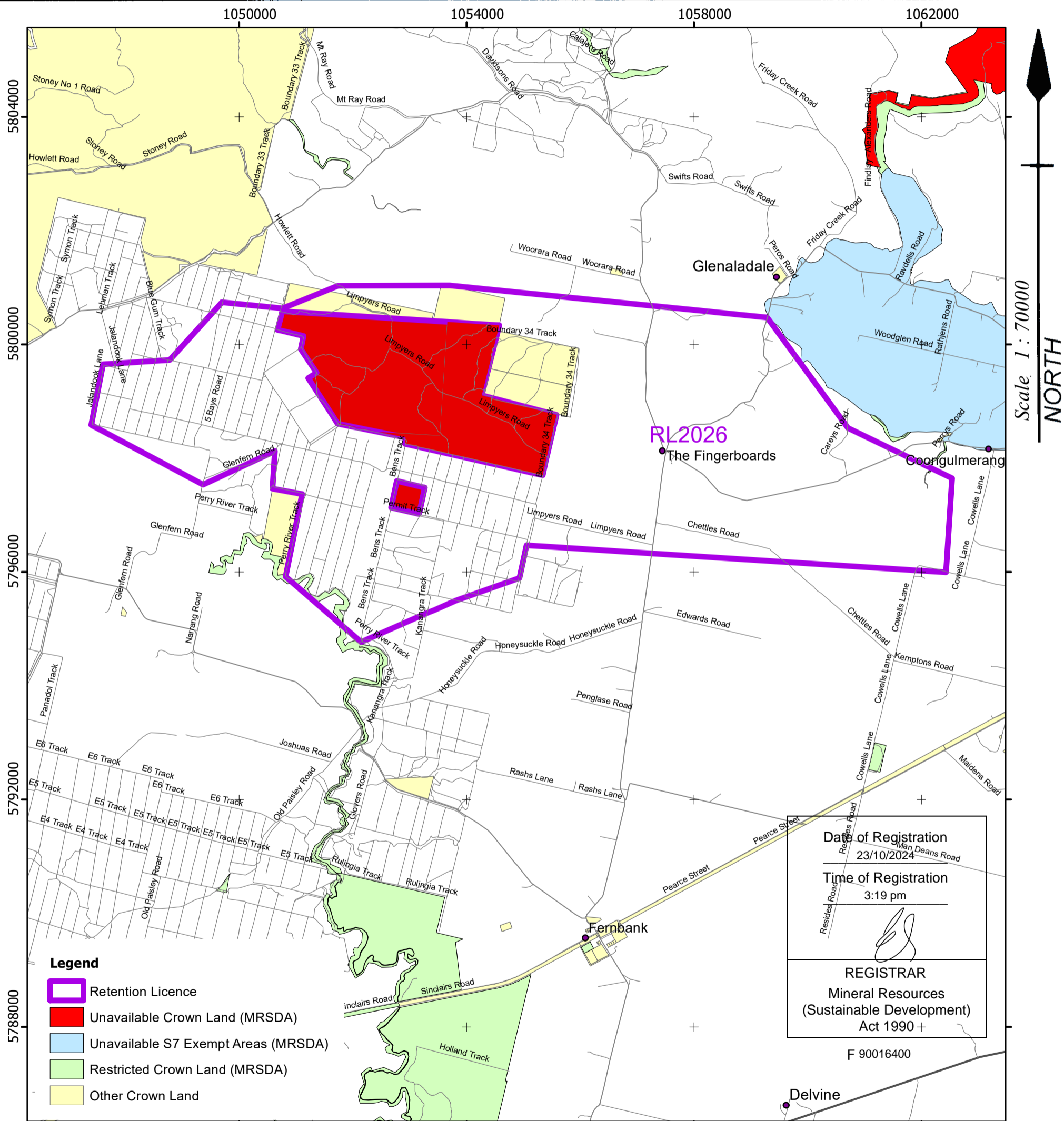
# Gippsland Critical Minerals Pty Ltd

SHIRE OF East Gippsland

PARISH OF Nindoo, Marlooh, Glenaladale,  
Narrang and Coongulmerang

TOTAL AREA 4,920.40 Hectares

NET AREA 4,920.40 Hectares



ALL MEASUREMENTS ARE IN METRES

Certified correct  
Licenced Surveyor  
Date

Checked  
Date  
Record plan  
Christy Thiagarajah  
27 June 2024  
Stratford