

23/4/2019

Ms Linda Bibby
Director, Policy Legislation and Reform,
Department of Jobs, Precincts and Regions
Earth Resources Information Centre
GPO Box 2392
Melbourne VIC 3001

Dear Ms Bibby,

Re: Regulatory Impact Statement Mineral Resources (Sustainable Development) (Mineral Industries) Regulation 2019

I wish to raise some concerns in respect to the mining applications process and submit the changes that I perceive necessary to ensure valid and credible documentation is presented to the ERR and then to the Minister.

1) EES issues of biased information

Minister for Energy, Environment & Climate Change and the Minister for Agriculture for Victoria to provide assessment and validation of reports currently submitted by the Mining companies to minimise bias of the information.

2) Minister for Energy, Environment & Climate Change and the Minister for Agriculture have the required personnel with appropriate qualifications and independence from the mining sector to serve the State by validating the information that is provided by the mining companies and safeguard the credibility of the ERR process and its advice to the Ministers.

3) Further that mining companies are unable to alter / influence the information prior to submission.

Currently, the mining companies are required to select, commission and submit all reports that Earth Resources request to process in their application -e.g. economic viability, social / environmental impact reports in order for their application to be processed. – this results in the mining companies funding reports that support their own best interests. An example of an ecologic report has been included below demonstrating the variance of information for the same mining project - that could be presented to the ERR.

4) All relevant ERR documents should be provided directly and equally to landowners, community and the mine. e.g. EES Response documents.

Currently, ERR processes the application and then forward the ESS Response forms directly to the mining company and excludes the stakeholders and communities.

Example: ERR provided the ESS Response forms to Kalbar Resources Ltd in relation to their Fingerboards Glenaladale application in a timely manner and included a three-month timeframe in which to respond.

Kalbar Resources Ltd delayed their ESS Response such that the timeframe for stakeholders to respond was 3 days. This effectively compromised their quality of feedback to the ERR. The affected communities are now very sceptical and disengaged with the current application process and its pro-mine culture.

5) Technical Reference Group (TRG):

**Overhaul of the TRG, for it to include relevant / independent qualifications to the project.
For example: Fingerboards Project by Kalbar Resources Ltd.**

-Currently TRG does not include expertise relevant to this extensive project - there are no qualified representatives from agriculture, hydrology, geology, horticulture, climatology, tourism, the Chief Medical Officer or independent technical and disaster management experience. Also, no representation from the local community.

4)

6) Minister for Energy, Environment & Climate Change and the Minister for Agriculture for Victoria be required to plan and assess rehabilitation post-closure, and to provide the inspectors to assess the outcomes and that it is fit-for-purpose.

-Currently the mining companies select and employ the inspectors. This results in the mining companies funding inspectors who support their own best interests and compromise the interests of the ERR, communities, stakeholders and Victoria.

-Currently rehabilitation plans submitted to the ERR are not required to include locality-specific expertise to assess the fit-for-purpose usage of the land. Qualified expertise in agronomy & agriculture and said expertise, are not included in the planning of the rehabilitation. Existing stakeholders and communities are also excluded and have nil input to these plans or assessment.

If communities and stakeholders are to become engaged and accept the credibility of the plans, their input will be required, and credible non-mine inspectors to be employed.

6) Rehabilitation plans and assessment: The following excerpt clarifies the mining company's input to the process.

Reference: **2019 Proposed Regulatory Impact Statement**

<https://engage.vic.gov.au/mineralindustries>

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/8615/5322/9992/Attachment_A_Draft_Mineral_Resources_Sustainable_Development_Mineral_Industries_Regulations_2019.pdf

Rehabilitation plan

Rehabilitation work is monitored by inspectors who may advise lessees on techniques and procedures. Applicants are required to provide environmental impact information which includes planned rehabilitation practices.

The applicant must arrange for an inspector to assess the tenement to determine the amount of the security deposit to be paid, as well as assessing whether special conditions should be applied to the lease.

Security deposits are held to ensure compliance with reporting, environmental and rehabilitation obligations. The return of a security deposit is conditional on clearance from Departmental officers, who must be satisfied that rehabilitation has been carried out in accordance with the rehabilitation plan, and that it is likely to be successful.

Summary: Information is controlled by the mining companies by the process of managing the reports that are submitted to the ERR within their application - ERR does not receive information that is fair, accurate (unbiased) and valid to process and forward to the Minister. This undermines the credibility of the ERR, its processes and the Minister's decisions.

Engaging the Minister for Energy, Environment & Climate Change and the Minister for Agriculture for Victoria in the assessment of the mining application process may ameliorate some of the inherent flaws and pro-mine biases that currently undermine its validity to the stakeholders and affected communities.

I look forward to an improvement in the current mining application approvals process and await your outcomes with interest

Your sincerely

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The following Ecologic report for Kalbar Resources Ltd demonstrates the variance in reports on the same project.

The report excludes the natural State forest that provides habitat for the extensive fauna and flora that neighbours the mine site. The forestation extends between the protected areas of the Mitchell River National Park across Glenaladale to Providence Ponds. It extends the range of fauna and the migration of birds between the mountains to the lakes – including Satin Bower birds, King parrots, Black cockatoos. It also harbours gliders, echidnas, emus, myriad of wombat communities and the Lyre birds at nest. Bent-winged micro-bats have also migrated seasonally to birth in Glenaladale. A list of species can be viewed on the web site: The Atlas of Living Australia (ALA) - <https://www.ala.org.au/>

The Mitchell River is 350 metres from proposed mine site. Platypus inhabit this river and the endangered Sea Eagles nest beside it. These are excluded in the Kalbar report.

The Perry River chain of ponds are inhabited by platypus and it is considered highly likely that New Holland Mice would be found in the project area. There is anecdotal sighting of Quoll by this river. It is known as the last river to be lined by natural bush along its entirety, in Victoria.

The following report was commissioned by Kalbar Resources Ltd. - attached below for your perusal. Ecological Characterisation Report: Fingerboards Mineral Sands Project, Glenaladale, Victoria. On behalf of Kalbar Resources Ltd, Fingerboards Project.

Table 9. Summary of fauna species identified within the study area

Birds 59 3, Mammals (non-bats) 6 5, Mammals (bats) 8, Frogs 8, Reptiles 7 Total 88 8

Table11. Summary of scattered trees within the study area: ...Stags (dead trees) 46 Total 351

An alternative indication of the number of species in Glenaladale is included below.

Satellite view provides visual evidence of the extensive natural State forest that neighbours the Kalbar proposed site and belie the 'total 351 scattered trees' as indicated in their report.

Reference: The Atlas of Living Australia (ALA) provides free, online access to information about Australia's amazing biodiversity. <https://www.ala.org.au/>

Sites around the Fingerboards Project area, Glenaladale, Gippsland, Victoria 3864

345 Woodglen Rd, Woodglen	All Species	461
1520 Fernbank-Glenaladale Rd,	All Species	464
1497 Fernbank-Glenaladale Rd, Glenaladale	All Species	426
115 Friday Creek Rd, Iguana Creek	All Species	499

Powerful Owl Catalogue number: 5697856.00

Data resource: Victorian Biodiversity Atlas

260 Friday Creek Rd, Glenaladale All Species 504

115 Woorara Rd, Glenaladale VIC 3864 All Species 448

125 Findlay-Alexanders Rd, Iguana Creek All Species 530

2257 C601, Walpa All Species 502

Accessible protected areas

3640 Princes Hwy, Providence Ponds All Species 671

Mitchell River National Park

Billy Goat Bend Rd, Iguana Creek All Species 879

Mitchell River Walking Track, Iguana Creek All Species 893

Mitchell River Walking Track, Iguana Creek All Species 948

There is a lack of personnel being available to identify and submit their sightings of species.

An accurate field survey is urgently needed as many of the resident species in Glenaladale remain uncounted.

The emphasis in Environmental Impact reports that only endangered species are reportable is of concern. Non-protected species are equally valuable to maintain the bio-diversity for the future.



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