

Submission Cover Sheet

Fingerboards Mineral Sands Project Inquiry and Advisory
Committee - EES

765

Request to be heard?: Yes

Full Name: Debbie Carruthers
Organisation: Gasfield Free Bairnsdale
Affected property:
Attachment 1: EES_Submission_
Attachment 2:
Attachment 3:
Comments: see attached submission

Dear Inquiry and Advisory Committee members,

On behalf of Gasfield Free Bairnsdale (GFB), this submission is to advise you that our group is strongly opposed to the Fingerboards Mineral Sands Mine Project for the reasons outlined below.

1. Threats to farmland, agriculture and livelihoods

Gasfield Free Bairnsdale was formed over six years ago in response to a major threat to farmland from onshore unconventional gas mining and fracking. Nearly 900 landholders (mostly farmers) were surveyed and 98% responded that they did not want gasfields on their land. The eleven surveyed districts where the exploration mining licence was located were: Perry Bridge, Meerlieu, Bengworden, Goon Nure, Wy Yung, Forge Creek, Broadlands, Nicholson, East Bairnsdale, Newlands Arm, and Eagle Point. There was a licence over a small area of Lindenow however that area wasn't surveyed before the Victoria Government's decision about the future of fracking in the State.

Our group is one of many such volunteer groups across Gippsland and Western Victoria that was created to inform landholders that there was a mining licence on their land and to provide them with information. Our group is under the umbrella organisation 'Friends of the Earth (Melbourne)' under their 'Lock the Gate' state-wide campaign. Gratefully, the Victorian State Government made a decision to permanently ban fracking which was subsequently enshrined in our State Constitution. That decision was on the basis of protecting agriculture in this State.

What motivated me to help form the group and become its Co-ordinator was the concern I felt for farmers who are confronted with the prospect of their land becoming a gasfield, potentially threatening their farming operations and livelihood. It is totally unjust that people who are trying to make a living off the land to feed and clothe us would be faced with this prospect. The majority of those farmers learnt there was an exploration licence on their land from us.

Kalbar's proposed mine significantly threatens the viability of agricultural land on and surrounding the mine footprint, as well as the Lindenow Valley 'food bowl' that is a close as 500m downwind from the mine. This important pre-existing agricultural industry must be protected; the risks from this mine project will threaten the viability of the horticulture, agriculture and viticulture industries.

Last year a study was released by Melbourne University providing a 'Roadmap for a Resilient and Sustainable Melbourne Foodbowl' with planning strategies on how to protect Melbourne's agricultural farmland from encroaching housing developments (Carey, 2019). In media stories about the release of that report it stated that by the time we reach 7 million people in Melbourne, the capacity of that foodbowl to feed the city could drop from 41 per cent to 18 per cent (ABC News, 2019).

If the Victorian Government is serious about its desire to protect agriculture and foodbowls they must protect the jobs and significant economic contribution of the agricultural and horticultural industries here and reject this mine project. The numerous environmental risks from this mine threaten the viability of this foodbowl.

Mining is important however we must first consider the suitability of the location and its pre-existing use. It was only in July 2019 that the horticulture fields in the Lindenow Valley were exempted from mining and minerals exploration. Kalbar's exploration licence was over that land as well. The Hon Jaclyn Symes MLC exempted 4,000 hectares of the Lindenow Valley from mining and mineral exploration recognising the need to:

'permanently safeguard this prime agricultural land that produces world class food and secure the employment opportunities it creates, well into the future' as it is an area 'of exceptional agricultural value' (Premier of Victoria, 2019).

It doesn't appear that the Government considers current uses of land before making mining licences available. If that had been done here, it would be very clear on inspection of the area that this is a highly inappropriate and dangerous location for a mine. It is critically important that the Panel does a site tour to see the area to understand what is at stake and to see the threats that are posed to the environment and pre-existing industries. Co-existence is not possible when consideration is given to the size of the mining operation, the toxic nature of the materials being mined and its proximity to significant waterways (Ramsar) and major agricultural industries.

Consideration would not be given to mining under areas such as the MCG, State Parliament, the Fitzroy Gardens or homes in the metropolitan area so why is it considered acceptable to offer licences on farmland that is in close proximity to where many people live, farm and work. It is not acceptable to have such a toxic mine so close to a major foodbowl, a Ramsar protected wetland, where irrigation water is sourced and drinking water is supplied for residents across the Shire. This mine proposal is putting the livelihood of farmers and horticulture business owners at risk as well as the public health and wellbeing of landholders. Kalbar failed to identify 60% of the sensitive receptors, including a primary school so the impact of the mine in terms of dust, noise, vibration and lights from a 24 hour per day seven day per week operation was not part of their modelling. This is not acceptable! The risks are too high and mitigation strategies proposed are woefully inadequate.

2. Jobs impacted

For every direct job in agriculture, a figure of 4.26 indirect jobs are created (National Farmers Federation; 2017). Only one indirect job will be created for every direct job from the Fingerboards mine (Coffey, 2020; p 29). It also follows that every job lost in agriculture has a four times multiplier flow-on loss effect which will have a major impact on the local economy and is a significant adverse effect should loss of jobs occur. There are up to 2,000 workers in the horticulture industry. Many more indirect jobs are at also at risk with for example, over 250 jobs in OneHarvest (Vego) at Bairnsdale that rely on fresh produce supplied from this area. The mine could result in the loss of many more jobs than what it could potentially create which at best would be 193, of which over 60% are contractors. Those jobs are not necessarily going to go to locals either, with Kalbar's 'Local Content Guidelines Policy' defining locals as 'within Australia' (Kalbar, 2020; p 1).

3. What's in the dust and is it safe?

Given the nature of the materials being mined, in particular rare-earths, there are considerable risks of the take-up of heavy metals through the soils, into the plants, and then through the food chain.

We are concerned that the full analysis of the ore body hasn't been disclosed, plus we don't know what the laboratory was asked to analyse. **Kalbar has not reported on the toxicity of the ore body, so the full dangers have not been disclosed. Evidence of the chain of custody of the samples was not provided so the sample results must also be questioned.** Therefore, what are the real dangers to human/animal health and the environment? We ask the Panel to ensure that all information relevant to the ore body is closely examined because of these risks.

In determining the risks of radionuclides in the dust, SGS Radiation Services Pty Ltd. advised their study was based on information provided by Kalbar (RMCG, 2020; p 36). How representative was the data that Kalbar supplied compared to what will be in the ore body being mined? SGS Radiation Services stated they assessed the risks based on analysing a small number of soil surface samples (RMCG, 2020; p 36). Surface soil samples will be very different to what will be excavated 45m below ground. There are therefore serious concerns that the real risks from radionuclides and rare-earth substances have not been fully assessed.

Healthy soils are fundamentally important for healthy, productive crops, so their quality and condition are vital. The Lindenow Valley is productive horticulturally due to the rich alluvial soils of the Mitchell River floodplain and its temperate climate. These soils are critically important for the continued high productivity of produce from this area so any risks from soil or water contamination or water availability could threaten the viability of the horticulture/agriculture industries and impact on the livelihoods of those business owners.

Dust travels far, so contamination and health risks are real concerns. The Government has a duty of care not to add to the cancer burden of the community.

4. The tailings dam is in a dangerous location

There are no details in the EES for the construction of the tailings dam so how can the risk of failure be low! There are many documented catastrophic failures of tailings dams recorded around the world. **It is not acceptable that engineering drawings haven't been included nor modelling of what could occur if a failure should happen given it is such a large structure of nearly 1 square km.** It will contain mine tailings waste and flocculants that have warnings on their safety data sheets about being harmful to aquatic life. The tailings dam will also be on sodic dispersive soils so the danger of collapse is high with severe environmental consequences.

Located on high ground on the watershed of both the Perry and Mitchell Rivers there is a stated risk of leaching and mounding. If there is a 1:100-year flood, tailings waste and flocculants will be released into the creeks/rivers, harming aquatic life and

aquifers and the unique Chain of Ponds. The environmental risks are considerable and foreseeable.

5. Water resources at risk

Over 3 billion litres of water (3 GL) is required by the mine annually for at least 15 years (the maximum life of the mine) for processing and to control dust. This shows how big a problem dust will be. What will the impact of this massive water consumption be on bores, aquifers and the Mitchell River?

According to irrigation data, if the 3 GL of water was redirected to the horticulture industry, 3 times more jobs could be created than the possible 193 jobs proposed by the mine. We ask that the Panel consider the best long-term use of this water which should be for safe food production. These industries have had applications for winter-fill licences with Southern Rural Water for some time so why is it that when this mine project is being considered that the release of this 6 GL of water is being considered now? In addition to the longstanding interest in more water from the agricultural and horticultural industries, with expansion plans pending, the need to resolve water security, and the importance of environmental flows must also be prioritised. It is vitally important that we keep the Mitchell River and Gippsland Lakes Ramsar site healthy with fresh water flows because the Gippsland Lakes wetlands are already under threat from a range of pollution sources.

Kalbar claims that modelling predicted that the discharge from storm events of water coming in contact with mined areas from water management spillways will have a negligible effect on water quality of the river (Kalbar, 2020 Summary report; p 16) - this is irresponsible environmental management, no contaminated water should be permitted to leave the site. The risks of negative impacts on aquatic life and contaminating ground and surface water is high and this is unacceptable.

Many of the same farmers who were impacted by the threat of fracking are also going to be potentially impacted from the Fingerboards mine project due to contamination risks of aquifers or from threats to their water supply. A borefield that looks to be approximately 1,000 hectares (size not stated) is located outside the project boundary. How is this able to be considered part of the project as it falls outside the project boundary? There are grave concerns by farmers who have no access to other water sources other than from their aquifer that it will become contaminated, that there will be aquifer interference and that their ability to draw water will be impacted due to the high volumes of water the mine requires. Any impact on their access to clean water will have significant detrimental consequences to their farming businesses and livelihoods. Without water from the aquifer they have no farming business as there are no rivers or creeks they can access.

There were problems experienced by bore users when tests were conducted on the borefield so if there were problems while testing the bores, this flags that we can expect major issues if full access to water was granted at the extraction rate required by the mine project.

6. Massive destruction of biodiversity and cultural heritage

With the excavation of over 13 square kilometres proposed by the mining proponent, the scale of environmental loss is massive. Given the recent bushfires that resulted in such significant loss in biodiversity and habitat, it is unconscionable to permit further losses. The status of many species remains unknown, so it is vitally important that any unburnt areas in the region remain undisturbed to aid species recovery and assist with re-colonisation. The potential loss of so many mature trees is considered to be environmental vandalism.

With the massive scale of excavation proposed down to 45m, as acknowledged by Kalbar, it will be impossible not to destroy unknown cultural heritage potentially on a large scale. The GunaiKurnai Land & Water Aboriginal Corporation states, 'The proposed mining operation will disturb and hurt the cultural connection of the Traditional Owners to the land, air and water.' Given the use of bulldozers and earthmoving equipment it will be impossible not to destroy artefacts. It is totally unacceptable for this mining proposal to occur given the expected losses that will occur.

7. Implications of the many inconsistencies and flaws in the EES documents

There are far too many flaws and inconsistencies in the EES documents to mention all of them here. These should be of concern for a number of reasons including:

- If information and figures are different between various technical reports and the main report, what information are we meant to rely on? As an example, different figures are quoted for the size of land that will be disturbed, it's 1,350 hectares in RMCG's report (RMCG, 2020 p 14) and 1,192 hectares in the EES Summary Report (Kalbar, 2020; p 4)
- Are these errors a reflection of Kalbar's lack of attention to detail and how will these errors be manifested if the mining project is approved?
- What will be the environmental consequences if the proposed major engineering works fail given the close proximity of the mine project to major waterways, aquifers and where so many people live?
- Pages appear to have been substituted in documents such as in Appendix B of the Socio-economic Impact Assessment report (Coffey, 2020; p 1) where the Local Content Guidelines document doesn't match the same policy document on Kalbar's website; both were approved by Kalbar's Board on the same date. In the EES document 'within Australia' has been removed from the definition of local which appears in the Kalbar website version of the same date (Kalbar, 2020). So, what is Kalbar's definition of 'local' for recruitment and purchasing and how can you they the same effective date for two differently worded documents?

8. Can we rely on what is stated in the EES documents?

The EES is a legislated process overseen by the Victorian Government. A Parliamentary Inquiry that reviewed the process in 2011 found it was flawed. Fifty major recommendations were made to overhaul it. Recommendation 6.8 was that ***'The Victorian environmental impact assessment legislation include penalties for the provision of false and misleading information'*** (Parliament of Victoria, 2011; p xxvi).

Following an Auditor-General's report in March 2017, it was noted that only administrative failings with the EES process had been implemented so there are still no penalties for providing false or misleading information (Victorian Auditor-General's Office, 2017).

The consultants undertaking technical studies in the EES were sourced and funded by Kalbar to do work paid by Kalbar. There are no independent technical studies other than the three independent peer reviews that were organised by DELWP. The parameters for the work Kalbar's consultants undertook was under the direction of Kalbar. For example, there was only one air quality monitoring station required by the EPA which was placed in a known wind shadow. This was raised with Kalbar and their consultant from Katestone at a community meeting, questioning the validity of dust modelling outcomes because of the location of that monitoring station.

Coffey, a consultant used for many of the EES technical studies included this disclaimer with their EES reports: ***"It is not possible to make a proper assessment of this report without a clear understanding of the terms of engagement under which the report has been prepared, including the scope of instructions and directions given to Coffey, and the assumptions made by the relevant Coffey consultants who prepared the report"*** (Coffey, 2020; *Important Information about Your Coffey Report – Third Parties*). Requests were made for those terms of engagement however that document was not provided.

The above provides only some examples of why Kalbar's EES documents cannot be relied upon. This should raise serious concerns that the full risks have not been properly considered. What therefore will the real impact be on the environment, public/animal health, social and economic consequences. Mitigation strategies must also be considered inadequate for the above reasons.

9. Draft Planning Scheme Amendment

It is unacceptable and outrageous that Kalbar should be able to compulsorily acquire access to private land outside the mine footprint. The project size is over 16 square kilometres. Their infrastructure and pipelines etc should be confined to their project area. No figures have been provided for the size of the additional land that will come under this project. This is not a project of State significance, there are other locations where these products are being mined so this draft Planning Scheme Amendment must be declined. Furthermore, this should be a matter for the Local Council to determine anyway.

10. Social Licence, an important precondition to operate is not granted

Mr Rob Bishop, the then Managing Director of Kalbar Resources Ltd, the original operator of the mine before it was transferred to Kalbar Limited and now onto Kalbar Operations Pty Ltd made statements about the project and its proposed impact on landholders that have not been shown to be true. Mr Bishop is now a Director of the company. How can the community have trust in a company when this happens?

This is not the only matter where the company has not been transparent in its dealings with the community, for example claiming to be 100% Australian owned on their website when they weren't (emails as evidence can be provided).

Until recently Kalbar Operations was 94% foreign controlled until they say they made a financial error of \$147 million (Mine-Free Glenaladale, 2014). This shows either financial incompetence or potential manipulation in response to community pressure about their foreign ownership. What can the community expect if the mine was to be approved? It is clear there is no trust with the company, a situation which has been exacerbated since the appointment of the 4th CEO in the 6 years of this project. Because of this, it will make it very difficult or potentially impossible for any of the mitigation strategies to be implemented which strongly rely on the importance of open communication and committee-driven solutions to problems that will arise.

11. Conclusion

This is a highly inappropriate and dangerous location for a mine for the reasons provided above and from other submissions and expert witnesses. There are many flaws and problems with the EES that will become more evident.

Given the consequences to the environment are so great with risks that cannot be resolved we are asking that you recommend this mine project be rejected. Should it be approved, baseline data will be gathered prior to construction and during mine operations to ensure landholders have legal recourse for any losses suffered. Some of the baseline data has already been gathered.

Thank you for the opportunity to make a submission.

Debbie Carruthers
Gasfield Bairnsdale Co-ordinator

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