

Planning and Environment Act 1987

Environment Effects Act 1978

Inquiry and Advisory Committee Request for Information

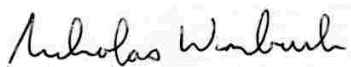
Fingerboards Mineral Sands Project

11 December 2020

General Declaration:

This information is sought for clarification and is sought without prejudice to the final recommendations of the Inquiry and Advisory Committee (IAC). Kalbar Operations Pty Ltd (Kalbar) and other parties should not assume that the issues raised in this request for information are the only issues of interest to the IAC or that the IAC has concerns about these issues. The IAC reserves the right to seek further information as necessary throughout the course of the Public Hearing process. The issues raised in this report do not represent any, or the only, opinions of the IAC.

11 December 2020



Nick Wimbush, Chair

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Glossary and abbreviations

| | |
|-----------------------------|---|
| AEP | Average Exceedance Probability (of flooding) |
| BOM | Bureau of Meteorology |
| CHMP | Cultural Heritage Management Plan |
| DELWP | Department of Environment, Land, Water and Planning |
| EES | Environment Effects Statement |
| EMF | Environmental Management Framework |
| EPA | Environment Protection Authority |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> |
| FFG Act | <i>Flora and Fauna Guarantee Act 1988 (Vic)</i> |
| GDE | Groundwater Dependent Ecosystems |
| GLaWAC | Gunaikurnai Land and Waters Aboriginal Corporation |
| IAC | Inquiry and Advisory Committee |
| Infrastructure Options Area | The proposed infrastructure options area as detailed in Figure ES-5 in the EES and which will be subject to the SCO |
| LSIO | Land Subject to Inundation Overlay |
| Project | Fingerboards Mineral Sand Projects |
| Proponent | Kalbar Operations Pty Ltd (Kalbar) |
| PSA | Planning Scheme Amendment |
| SCO | Specific Controls Overlay |
| TSF | Tailings Storage Facility |
| Unsurveyed Area | The property at 2705 Dargo-Bairnsdale Road |

1 Introduction

1.1 Background

The Minister for Planning has appointed an Inquiry under the *Environment Effects Act 1978* and an Advisory Committee under the *Planning and Environment Act 1987* (the IAC) to report on the Fingerboards Mineral Sands Project (the Project) in accordance with the Terms of Reference dated 19 July 2020.

The IAC has undertaken a preliminary review of the Environment Effects Statement (EES), submissions and supporting documents. This report provides notice to Kalbar Operations Pty Ltd (the Proponent) that there are several matters that the IAC is seeking clarification around, or further information on, as part of the public hearing process.

1.2 Purpose of this document

This report is provided to the Proponent on 11 December 2020 to enable it to review the information sought and to provide a preliminary response. The report will be formally tabled at the Directions Hearing on 14 December 2020.

This report contains requests for information from the Proponent, including points of clarification arising from the IAC's review of the EES and submissions. It is an initial request based on a review of the material to date and should in no way be construed as expressing opinions or establishing the scope of the IAC's considerations.

2 Particular issues

2.1 Inclusion of expert recommendations – all parts of Project

(i) Reference

Technical appendices contain specific expert recommendations. An example is the recommendations contained in Chapter 10 of the noise report (Appendix A010).

(ii) Request

1. The Proponent should detail the format and wording of specific recommendations of technical experts in specialist areas that are accepted, or not, by the Proponent and how these have informed the Environment Management Framework (EMF) and will be reflected in relevant management plans.
2. Following the circulation of expert evidence, the same exercise should be undertaken if there are new or additional expert recommendations made.

2.2 Scheduling

(i) Reference

It is not clear to the IAC how particular activities are likely to be scheduled during construction and operation.

(ii) Request

3. The Proponent should provide an outline scheduling plan for major construction and operation activities onsite and offsite (product transport, water intake pipeline, powerline establishment) including:
 - a. the expected years lifecycle of the mining operations, including identification of the years of peak expected production and activity
 - b. how (a) might occur on a seasonal basis across the year
 - c. an anticipated daily schedule during construction and operation including those activities (and machinery proposed) which may occur on a 24 hour basis and the associated night time impacts on and off site (see also Section 10.5 of this report).

2.3 Implementation and enforcement

(i) Reference

The regulatory framework for the Project is outlined in Chapter 5 of the EES.

(ii) Request

The Proponent should:

4. Outline how the EMF will work in concert with the Planning Scheme Amendment (PSA), Mining Licence and Work Plan to ensure the environmental management outcomes sought can be achieved and enforced.
5. Provide specific examples of how this would work in practice including outlining the responsibilities of the Proponent, regulatory authorities and East Gippsland Shire Council as relevant for scenarios including:
 - a. Alleged exceedances of night-time construction noise at nearby residences
 - b. Alleged exceedances of evening and night-time truck movements at nearby residences
 - c. Alleged release of tailings or other pollutants into the Mitchell River
 - d. Alleged over-extraction of water and/or groundwater
 - e. Alleged exceedances of dust deposition criteria at nearby properties
 - f. Failure of rehabilitation post-closure.¹
6. Explain how the bond process (if relevant) under the *Mineral Resources (Sustainable Development) Act 1990* will operate for the project and in what circumstances would it be accessed by the regulator.

2.4 Design details of infrastructure

(i) Reference

Several submissions and the 'Water Independent Peer Review and Proponent Response' (Attachment I) mention the absence of design engineering structures and information to allow evaluation of infrastructure and associated impacts.

(ii) Request

The Proponent should provide:

7. Construction concept plans of the rail siding which demonstrate the footprint, access roads and associated infrastructure.
8. Concept design of key engineering structures such as Tailings Storage Facilities (TSF), diversion drains and dams.

2.5 Dams and tailings storage facility

(i) Reference

Dams and the proposed TSF, both temporary and permanent, may pose risks to the local environment in the event of failure or overflow.

¹ To be clear the IAC is not suggesting any of these or other scenarios are likely or will happen but is looking for guidance on who will be responsible for regulating and ensuring that standards and criteria during construction and operation are met.

Several submissions have sought further information on the dam construction and operational requirements to understand the proposal and associated impacts.

(ii) Request

The Proponent should:

9. Provide information on whether TSF structural failure impacts on the environment have been adequately modelled or assessed.
10. Provide information on the justification for not lining the temporary TSF to prevent leachate entering the ground and surface water system.
11. Provide information on the operational requirements, dam and TSF safety obligations (including the allowance for the potential of cascading dam failures should upstream dams fail, impacting on downstream dams which also contain mine site sediments), and management of instream environmental and biodiversity impacts.
12. Clarify dam and TSF capacity and the point at which mine contact water would spill from dams.
13. Explain the 3% Average Exceedance Probability (AEP) Mitchell River spillway discharge design criteria and why this is different to the Perry River design criteria of 1% AEP which is a more widely adopted design criteria for mine water runoff.

2.6 Water supply

(i) Reference

EES Chapter 3 'Project Description' states that the proponent is proposing to secure 'winterfill' surface water from the Mitchell River and/or groundwater from the Latrobe Aquifer. Several submissions have questioned the availability of surface and ground water and impact the project may have on surface and groundwater systems.

(ii) Request

The Proponent should:

14. Clarify total water requirements for the Project including during construction, operation, rehabilitation (including progressive rehabilitation) and mine closure. This should include a detailed breakdown of quantities required and assumptions around losses due to seepage, evaporation, and environmental returns and what if any sensitivity analysis has been undertaken.
15. Clarify the impact access to 'winterfill' water from the Mitchell River will have on the local and downstream environment, other users, and the waterway.
16. Provide information around modelling assumptions used to determine availability of surface and groundwater and how seasonal variation, drought and climate change projections have been accounted for.
17. Provide information on modelling of cumulative ecological impacts of water use for the proposed mine operation in addition to current and projected agriculture use.

18. Clarify whether any back up water sources have been considered for the Project in the absence of the quantity of surface and groundwater required for operation.
19. Clarify the differences and merits between the Proponent's rainfall data collation to input water balance modelling for an annual mean estimation over 117-year period (1900-2017) in contrast to water industry data collation from 1975 to date.
20. Advise whether the allocation of 2GL of water in the Mitchell River to the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) will have any impact on water availability for the Project.

2.7 Unserved Area (2705 Dargo-Bairnsdale Road)

(i) Reference

As at the time of finalisation of the EES, the Proponent had been unable to access the above property and the EES was prepared without the benefit of any field surveys, including native vegetation (and the need for any offsets) and Aboriginal cultural heritage.

(ii) Request

The Proponent should:

21. Advise whether it has been able to secure access to the Unserved Area since the EES was prepared and/or the status of any negotiations.
22. Advise the IAC how it should address this deficiency (if it still exists) during the EES process.

2.8 Sensitive receptors

(i) Reference

Submission 813. Submission 813 asserts at pages 476 - 477 that the EES identified only 60% of sensitive receptors and failed to identify:

- the Woodglan School as being a sensitive receptor within approximately 2kms of the Project Area; and
- a golf club, several recreation reserves, CFA sheds, schools/kindergartens and local community halls that are within 5kms of the Project boundary.

(ii) Request

The Proponent should:

23. Clarify the number and type of sensitive receptors that are within: (a) 2kms; and (b) 5kms of the Project boundary, including the proposed haul road and proposed Fernbank rail siding footprint.
24. To the extent that additional sensitive receptors are identified that were not included in the EES, provide updated impact assessments on the following issues for each of these receptors:
 - a. Air quality
 - b. Noise and vibration

- c. Traffic and transport
- d. Landscape and visual
- e. Agricultural and horticultural (as relevant)
- f. Socioeconomic
- g. Human health risk.

2.9 New Environment Protection Act

(i) Reference

There appears to have been minimal consideration of the increased obligations that will apply to the Project on the commencement of the substantive provisions of the *Environment Protection (Amendment) Act 2018*.

(ii) Request

25. The Proponent should advise how the Project will comply with the *Environment Protection Act 2017* as amended by the *Environment Protection (Amendment) Act 2018* and in particular the general environmental duty, the duties in respect of contaminated land and the duties in relation to waste management.

2.10 Impact of 2019/2020 bushfires

(i) Reference

EES Chapter 9.13; Appendix A018 at 5.2. Mention is made of the potential impact of the 2019/2020 bushfires that affected large areas of East Gippsland and which at their closest were 20km to the northeast of the Project Area. The EES (9.13.3.1) identifies increased stress levels as a potential residual impact of the Project. This assessment does not appear to have been an assessment of the cumulative impacts of the stress of the 2019/2020 bushfires and the Project.

(ii) Request

26. The Proponent should provide further information on the cumulative impact (including socioeconomic and health) of the bushfires for the Project and the assumptions made in studies in relation to distribution and abundance of impacted flora and fauna, and proposals for habitat offsets.

3 Biodiversity

3.1 Ecological survey and impact assessment

(i) Reference

Several submissions mention the climatic conditions during which ecology surveys were undertaken and the scope of the ecological impact assessments. EES Chapter 9.1 (Biodiversity), and Technical Appendix A005 Detailed Ecological Investigations refers to the ecological surveys.

(ii) Request

The Proponent should:

27. Provide information on the conditions under which the flora and fauna surveys were undertaken, and whether survey conditions provide a true representation of conditions such as drought and the impact from the 2014 Mt Ray bushfire.
28. Clarify biodiversity-related mitigation measures and targets proposed to demonstrate how success will be measured.
29. Clarify the scope of the ecology impact assessment and whether the study has considered impacts from water extraction on biodiversity values in the Mitchell River.
30. Provide information on how Groundwater Dependent Ecosystems (GDE's) were selected for field investigations and impact assessment.
31. Provide information on the current calculation of remaining Gippsland Red Gum Grassy Woodland and Associated Native Grassland (noted as being 660-5,650ha in 2008) in Chapter 10, Table 10.20.

(iii) Reference

Submission 813 suggests several deficiencies in the surveying and assessment of impacts of the Project on biodiversity and matters of national environmental significance.

(iv) Request

32. The Proponent should respond and/or provide further information in relation to the deficiencies identified.

(v) Reference

Submission 734, EES Chapter 9.1 (Biodiversity).

(vi) Request

33. The Proponent should clarify whether the proponent has investigated and considered the implications of the reported Dissected New Holland Daisy on Carey's Lane roadside.

(vii) Reference

Submission 521, EES Chapter 9.1 (Biodiversity).

(viii) Request

34. The appendices associated with the Department of Environment, Land, Water and Planning (DELWP) Native Vegetation Removal Report have not been included in Appendix 6 of the Detailed Ecological Investigations report. The IAC requests clarification on when this information will be provided.
35. The Proponent should demonstrate how native vegetation removal has been avoided and minimised in gullies.

3.2 Siting of rail siding

(i) Reference

In response to EES Chapter 4 Project Alternatives, several submissions have sought clarification on the methodology used to determine the location of the proposed Fernbank rail siding and impacts on ecological values.

(ii) Request

The Proponent should:

36. Provide information on the preferred rail siding option, and how the location chosen abutting the rail reserve avoids and minimises impact on native vegetation, including *Prasophyllum correctum* (Gaping Leek-orchid).
37. Clarify how the current proposed joining point of the proposed railway siding at the Cowells Lane intersection has been sited to avoid impact on native grasslands listed under the EPBC Act 1999 and FFG Act 1988.
38. Provide information on the justification for siting the current join point of the rail siding to the existing rail line, considering the direct impacts on the recorded population of *Diuris punctata* (Purple Diuris).
39. Provide information on the indirect impacts of the railway siding on the wetland area including potential changes in the hydrological regime.
40. Detail other options considered for a railway siding and joining points that avoid and minimise impact on ecological values e.g. locating the siding at the mine site, moving the current joining point further east or to other sites impacting on Lowland Forest areas rather than grassland communities.

3.3 Native vegetation offsets

(i) Reference

Technical Appendix A005 'Detailed Ecological Investigations' refers to the Commonwealth and State Offset Requirements.

(ii) Request

41. The IAC seeks further information that demonstrates the offset requirements are available and able to be secured in perpetuity, should clearing be approved.

4 Ground and surface water

4.1 Surface water

4.1.1 Sediment loads and flooding

(i) Reference

Submission 358, EES Chapter 9.3 (Environmental and Socioeconomic Impact Assessment)

(ii) Request

The Proponent should

42. Provide information on the management regime to manage sediment loads in mapped ponds across the site.
43. Provide information on flood modelling undertaken to demonstrate changes to flood level and impact on the catchment, private property, and public infrastructure, until discharge of surface water to Lake Wellington.

4.1.2 Contaminants and environmental flows

(i) Reference

Submission 716, EES Chapter 9.3 (Environmental and Socioeconomic Impact Assessment)

(ii) Request

The Proponent should:

44. Clarify impacts on waterways downstream of the water management dams, before they join the Mitchell River, and plan (if any) to maintain environmental flows for these environments.
45. Provide information on the impacts of contaminants (including nutrients) on water quality of the Mitchell and Perry Rivers which are connected to the Gippsland Lakes under 'abnormal' conditions.
46. Provide information on the assessment of the mine water runoff including assessment of salinity, pH or radionuclides.

4.2 Groundwater

4.2.1 Groundwater dependent ecosystems

(i) Reference

Submission 358, EES Chapter 9.2 (Environmental and Socioeconomic Impact Assessment)

(ii) Request

The Proponent should:

47. Provide information on potential GDEs within the groundwater impact area to assess which GDE's are likely to be fed by perched aquifers or the regional water table aquifer.
48. Clarify the shallow aquifer impacts from dewatering of the mine pit and associated risks.
49. Clarify the expected quantity and quality of tailing seepage entering the groundwater system.
50. Clarify the groundwater monitoring plan (including GDE's) within the locality of the project.

4.2.2 Non-registered users

(i) Reference

Attachment I 'Water Independent Peer Review and Proponent Response'

(ii) Request

51. The Proponent should provide information on the non-registered groundwater users (for example spring fed dams and non-registered bores) in the locality.

5 Air quality and greenhouse gases

5.1 Air quality

(i) Reference

Various throughout EES. Assessment of potential impacts and mitigation of likely impacts to the maximum extent achievable is the key underpinning of the regulatory framework for mining activities.

(ii) Request

52. Has any analysis of potential air quality impacts using methods wholly consistent with the *Victorian State Environment Protection Policy – Protocol for Environmental Management (Mining and Extractive Industries) 2007* been undertaken and if so what has it demonstrated?
53. Has any analysis been completed for all sources of emissions during construction and operation and if so, what has it demonstrated?
54. Has any analysis been undertaken to assess potential emission control measures necessary to mitigate dust and other emissions to the maximum extent achievable consistent with the objective of the *Victorian State Environment Protection Policy – Protocol for Environmental Management (Mining and Extractive Industries) 2007*, and if so what has it demonstrated.

5.2 Dust dispersal

(i) Reference

Various throughout EES. Dust suppression is reliant on effective wetting down of mining and other disturbed areas. Dust dispersal in the real world will reflect the effectiveness of wetting down, evaporation rates and prevailing winds (direction and intensity).

(ii) Request

The Proponent should:

55. Present a plan showing modelled maximum likely extent of dust dispersal presuming wetting down has not occurred, based on monthly wind maximums and corresponding evaporation rates, using nearby Bureau of Meteorology (BOM) weather station data.
56. Present a plan showing the maximum likely extent of dust dispersal should wetting down fail or not prove as effective as forecast, based on monthly wind averages and assumed evaporation rates, using monitoring station data from onsite monitoring undertaken for the EES.
57. Advise whether any analysis of potential dust deposition consistent with the *Victorian State Environment Protection Policy – Protocol for Environmental Management (Mining and Extractive Industries) 2007* has been undertaken and if so, what has it demonstrated.

5.3 Dust suppression

(i) Reference

Various throughout EES. Dust suppression is dependent on wetting down disturbed areas with water delivered by tanker.

(ii) Request

The Proponent should:

58. Provide an assessment of the number of water tankers required and time taken to effectively wet down all disturbed areas in periods of high wind, high temperature and highest evaporation rates based on BOM data from nearby weather stations.
59. Advise the trigger wind strength and direction(s) that would trigger suspension of operations to mitigate dust impacts.
60. Advise whether additional methods were considered to assist in dust suppression and if so, what where they and what were any predicted impacts if it involves application of surface treatments or other combining agents, other than overplanting with grass?
61. Advise the expected total annual dust deposition per hectare for areas that may experience dust deposition from project activities?

6 Noise and vibration

6.1 EPA submission

(i) Reference

The Environment Protection Authority (EPA) (Submission 514) have raised several issues regarding noise and made many specific suggestions for changes to environmental management documentation.

(ii) Request

The Proponent should:

62. Provide a specific response to the issues around noise in the EPA submission Chapter 6.4 in addition to a general response to other submissions on noise.

6.2 Construction noise

(i) Reference

Appendix A010 Noise and Vibration Assessment. The Technical Report (Appendix 10, for example page 98) suggests that night time construction noise has the potential to exceed criteria at nearby residences.

(ii) Request

The Proponent should:

63. Outline the specific management controls that will be used to ensure exceedances do not occur.

7 Radiation

7.1 Potential ingestion of radioactive materials

(i) Reference

The EES indicates that the Project Area includes and is surrounded by a range of agricultural land uses including grazing and other livestock activities, general cropping and intensive horticultural activities along the Mitchell River.

(ii) Request

64. Has any assessment of the potential for ingestion of potentially contaminated dust by livestock in general grazing and cropping areas impacted by potential dust deposition been undertaken?
65. What is the assessed risk to livestock and other grazing animals from dust ingestion?

8 Roads, traffic and transport

8.1 Movement of Heavy Mineral Concentrate

(i) Reference

The EES identifies a range of possible transport options including road based transport or road and rail, including a potential dedicated siding at Fernbank.

(ii) Request

The Proponent should:

66. Advise the current status of any negotiations with transport authorities with respect to the feasibility of establishing the proposed Fernbank siding, and for transport of the heavy mineral concentrate by rail.
67. Provide the estimated total cost for the proposed upgrades to roads and other transport infrastructure, and rehabilitation. This information should be presented in a table showing each of the proposed upgrades or changes proposed, cost to implement the change and estimated cost to reinstate infrastructure or roads where a temporary relocation is proposed.
68. Advise whether agreements are in place with affected landholders to enable proposed road realignments to occur.

8.2 Freight movements

(i) Reference

Movement of the mineral concentrate is proposed to be via truck or truck and rail.

(ii) Request

The Proponent should advise:

69. The expected volume, frequency and night time movements of concentrate via rail if rail emerges as the preferred option.
70. The expected holding period of Heavy Mineral Concentrate at rail sidings that may be used.
71. The proposed security and access controls proposed for any rail sidings.

9 Land use planning

9.1 Applicable planning scheme/s

(i) Reference

EES Chapter 8.9.1.2; Appendix A013 at 3.4.2. The EES states at 8.9.1.2:

The project area is covered by the East Gippsland Planning Scheme. The project also includes ancillary infrastructure and activities ... that are covered by both the East Gippsland and Wellington Shire planning schemes.

Appendix A013 at 3.4.2 states:

The project area and all activities and works outside the project area are entirely within the East Gippsland Shire.

(ii) Request

72. The Proponent should clarify the application of the Wellington Shire Planning Scheme to the Project Area and the Infrastructure Options Area.

9.2 Overlay controls – application of LSIO

(i) Reference

EES Chapter 8.9.1.4; Appendix A013 at 3.3. The Land Use and Planning Impact Assessment report (A013) identifies that a planning permit may be required for activities and works in the Infrastructure Options Area under the Land Subject to Inundation Overlay (LSIO) (refer section 3.3.4) but does not identify any LSIO as applying to the Infrastructure Options Area (refer section 3.3.2). The EES at 8.9.1.4 does not identify any LSIO as applying to the Infrastructure Options Area.

(ii) Request

73. The Proponent should clarify the application of the LSIO to the Project Area and the Infrastructure Options Area.

9.3 Assessment of consistency with planning scheme

(i) Reference

Appendix A013 at 6.3; Submission 716. The Land Use and Planning Impact Assessment does not assess or provides limited assessment of the consistency of the Project with: (1) Clause 14.01-1R Protection of agricultural land – Gippsland; (2) Environmental Significance Overlay Schedule 1, 2 and 3 or Vegetation Protection Overlay Schedule 1; and (3) the Farming Zone as it applies to land surrounding the Project Area and Infrastructure Options Area that may need to be developed to facilitate and support the Project.

(ii) Request

The Proponent should:

74. Clarify whether any amendment to the Land Use and Planning Impact Assessment report (A013) is required as a result of Clause 14.01-1R Protection of agricultural land – Gippsland.
75. Provide a response to the objectives and decision guidelines of land within the Project Area and the Infrastructure Options Area affected by Environmental Significance Overlay Schedule 1, 2 and 3 or Vegetation Protection Overlay Schedule 1.
76. Provide further comment on how the Project (including the PSA) aligns with the Local Planning Policy Framework and matters included in the Municipal Strategic Statement such as: (1) Future agricultural land use; (2) Goods and services to facilitate personnel – Economic development and business facilitation; and (3) Housing to facilitate personnel, in respect of the area surrounding the Project Area and Infrastructure Options Area that may need to be developed to facilitate and support the Project.

9.4 Key policies

(i) Reference

EES Chapters 8.9 and 9.9; Appendix A013.

(ii) Request

The Proponent should:

77. Clarify whether Plan Melbourne (2017 – 2050) is relevant to the Project and if so, provide advice on whether the Project is consistent with it.

9.5 Compulsory acquisition of land and interests in land

(i) Reference

EES Chapter 9.9.2.1 (Adverse effects on infrastructure); Appendix A013 at 3.3.4; Various submissions. The EES at 9.9.2.1 (Adverse effects on infrastructure) discusses access to land and possible acquisition of land for the various infrastructure requirements of the Project.

(ii) Request

78. The Proponent should provide a map and further details (in table form) of the land or interests in land that are proposed to be compulsorily acquired for the Project (both inside the Project Area and in the Infrastructure Options Area), the proposed Acquiring Authority and legislation under which such land or interest in land will be acquired, and the likely area of land impacted in each case.²

² This information should be provided to the IAC only in the first instance.

10 Landscape and visual

10.1 Currency of references

(i) Reference

EES Chapters 8.10 (in particular, 8.10.1.2) and 9.10; Appendix A014 at page 102; Submission 813 at page 561. The Landscape and Visual Impact Assessment (Appendix A014) relies on references that range from 1975 to 2011, AS4282-1997 which was updated in 2019 and a number of references which are not Australian based.

(ii) Request

The Proponent should:

79. Confirm whether these references are the most up to date and most relevant to the Project and provide any updates as required.
80. Explain any change to the Landscape and Visual Impact Assessment required by AS4282 as published in 2019.

10.2 Views

10.2.1 Maps

(i) Reference

EES Figures 8.25 and 9.62.

(ii) Request

The Proponent should:

81. Provide a map that consolidates all sensitive receptors (Figure 8.25) and viewpoints used in the visual impact assessment (Figure 9.62).

10.2.2 Photomontages - residences

(i) Reference

EES Chapter 8.10.3.5 and Table 9.63; Appendix A014. The EES identifies that there are 10 residences that may have views of the Project. The Landscape and Visual Impact Assessment (Appendix A014) at section 6.3 assesses the potential visual impact of the Project on sensitive viewpoints and provides single-shot photographs of relevant views. Residences 15, 19 and 22 are assessed as having potential moderate or high “initial visual modification” or “initial visual impact” (refer Table 9.63 of the EES).

(ii) Request

The Proponent should:

82. Identify these 10 residences (for example by reference to Figure 8.25 and Table 9.63), their owners/occupiers and the submission number of any submission received from the owners/occupiers of these 10 residences.³
83. Select the most impacted and/or representative properties to undertake photomontages to enable the visual impact and the proposed mitigation measures to be effectively assessed (including at least Residences 15, 19 and 22 in Figure 9.63).

10.2.3 Photomontages – public domain

(i) Reference

EES Chapter 9.10.2.1, Table 9.63; Appendix A014, section 6.3. The Landscape and Visual Impact Assessment (Appendix A014) at section 6.3 assesses the potential visual impact of the Project on sensitive viewpoints and provides single-shot photographs of relevant views. Viewpoints 11 and VP17 (service corridor) and diverted tourist roads are assessed as having potentially moderate or high “initial visual modification” or “initial visual impact” (refer Table 9.63 of the EES).

(ii) Request

84. The Proponent should provide photomontages of Viewpoints 11, VP17 (service corridor) and diverted tourist roads to demonstrate the assessed visual impact of the Project and the proposed mitigation measures.

10.3 Impact on tourist drive experience

(i) Reference

Submission 813 at pages 563-4; EES Scoping Document at 4.6; Appendix A014. The Landscape and Visual Impact Assessment (Appendix A014) provides a visual and landscape assessment of the impacts of the Projects from specific vantage points but does not provide an assessment of the visual and landscape impacts as experienced when traveling along roadways used by tourist traffic driving to and from the Mitchell River National Park.

(ii) Request

The Proponent should:

85. Provide a visual and landscape assessment of the impacts of the Project, including the impact of loss of vegetation cover, as experienced when travelling along roadways used by tourist traffic driving to and from the Mitchell River National Park (for example the Bairnsdale-Dargo Road and the Fernbank-Glenaladale Road) rather than from specific vantage points on such roadways as is currently provided. Include appropriate photomontages demonstrating how the mitigation measures proposed will avoid

³ This information should be provided to the IAC only in the first instance.

adverse effects on the landscape and recreational values of the Mitchell River National Park.

86. Provide a topographic profile of these roadways used by tourist traffic driving to and from the Mitchell River National Park in relation to the mine and its highest and lowest visual points.

10.4 Vantage points

(i) Reference

Submission 813 at pages 586; Appendix A014. A number of the vantage points used in the Landscape and Visual Impact Assessment (Appendix A014) appear to be low-lying.

(ii) Request

87. The Proponent should provide information (such as topographical references or the like) for each of the vantage points discussed in the Landscape and Visual Impact Assessment (Appendix A014) in a manner that the IAC can easily understand the rationale for selection of vantage points and the relative heights and vistas of each vantage point in relation to the Project Area.

10.5 Lighting impacts

(i) Reference

EES Chapter 9.10.4. The EES states:

Lighting of the fixed plant components of the proposed mine will be visible from a number of locations with direct views of the sites, such as the surrounding and adjacent road network. For residences with surrounding, screening vegetation, the lighting of the project components will generally be seen as a soft glow during darkness. Refraction off clouds, when present, will make lighting more apparent in cloudy conditions than during clear meteorological conditions. The overall impact of the night lighting is expected to be low throughout the project.

(ii) Request

The Proponent should:

88. Provide details of any residences that will have a direct view of lighting of the fixed plant at night.
89. Provide details of any residences that do not have surrounding, screening vegetation that will mitigate the lighting of the fixed and moving plant at night.
90. Provide further details and lux measurements on what is meant by a “soft glow”.
91. Provide further details on the degree or amount of increase in the night-time lighting impacts of the Project in cloudy conditions.
92. Provide details of how sensitive viewpoints will be impacted by the lighting on moving components of the mine and truck movements at night.

10.6 Timing of works

(i) Reference

EES Chapter 9.10.2.2; Mitigation Measure VL04. Mitigation measure VL04 provides that works will be scheduled “wherever practicable” during daylight hours to avoid night-time activities in areas directly visible from nearby residence.

(ii) Request

The Proponent should provide:

93. Information on which activities:

- a. will be undertaken during daylight hours as opposed to evening and night-time, their frequency, the type of lighting required and the impact of that lighting.
- b. can only be undertaken at night-time (if any), their frequency, the type of lighting required and the impact of that lighting.

94. Information in relation to the situations in which activities could not practicably be undertaken other than at night-time, their frequency, the type of lighting required and the impact of that lighting.

10.7 Consultation with directly impacted landowners

(i) Reference

Appendix A014, section 7.3. The Landscape and Visual Impact Assessment (Appendix A014) states that “Affected landholders adjacent to the Project Area will be consulted on a case by case basis regarding the appropriate mitigation and avoidance measures which may be available”.

(ii) Request

The Proponent should:

95. Provide advice about direct consultation with affected landowners adjacent to the Project Area about visual impacts and mitigation options that has been or will be undertaken, including landscape screening.

96. Clarify the process through which requests for landscape screening from affected landowners will be managed, assessed and approved.

10.8 Vegetation screens

(i) Reference

Appendix A014, section 7.1.3. Vegetation screens are proposed for foreground visual screening.

(ii) Request

97. The Proponent should provide advice on the effectiveness of using vegetation screens to ameliorate visual impacts associated with the Project (VL01; VL06) including

proposed vegetation types and how vegetation screens will be established and maintained.

98. The proponent should provide advice on the proximity of potential vegetation screening to residential or other structures, and whether the proposed vegetation would contribute to any change in potential bushfire risk or impact for any properties identified.

11 Agriculture and horticulture

11.1 Agricultural production

(i) Reference

In various places in the EES and background reports, reference is made to the value of agricultural output from the Lindenow valley area, based on ABS data.

(ii) Request

The Proponent should:

99. Advise whether an assessment of total production value, and added value has been undertaken based on direct inquiry and information from all landholders and growers within the river flats agricultural precinct, and for dryland agricultural activities within 5 km of the Project Area and if yes what does it show?
100. Advise whether an assessment has been undertaken of the maximum extent of high-quality agricultural land in the Lindenow area, compared to the extent that is currently intensively cropped?
101. Advise whether an assessment of the potential for increased production from the intensive agricultural precinct been undertaken, presuming that additional water volume and supply certainty was possible.
102. Provide a plan identifying which agricultural properties within the Project Area or within 5 km of the Project Area boundary that were directly consulted, and those properties where no direct consultation occurred.

11.2 Rehabilitation and return of disturbed land to agricultural use

(i) Reference

The Project proposes to remove and stockpile overburden, remove mineral sands and then progressively replace fines and other materials and re-cover the underlying landform with overburden.

(ii) Request

The Proponent should:

103. Advise whether an analysis of the probabilities for successful restoration of the land topsoil has been undertaken in the context of the prevailing soil types and conditions in the Project Area.
104. Advise whether there is empirical evidence on successful reestablishment of pasture landforms where soil profiles are to a greater or lesser extent comingled in the process of stockpiling and redistribution.

12 Cultural heritage

12.1 Cultural Heritage Management Plan

(i) Reference

EES Chapters 9.12.3.2, 9.12.1, Mitigation Measure CH01; Appendix A017. The EES states that a Cultural Heritage Management Plan (CHMP) (or draft CHMP) has not yet been prepared and that “formal input” from GLaWAC will be undertaken in parallel to the development of the CHMP.

(ii) Request

105. The Proponent should provide details of the status of the CHMP, including:
 - a. when the draft CHMP is expected to be completed and submitted for approval.
 - b. whether a draft CHMP will be available to the IAC and if so, when.
 - c. any further consultation undertaken with Aboriginal Victoria (as Registered Aboriginal Party), GLaWAC (either directly or through Aboriginal Victoria) (refer EES 9.12.1) and any other relevant stakeholders since the release of the EES.
 - d. the likely major issues to be negotiated prior to its finalisation.
 - e. whether the CHMP, when finalised, might or is likely to require any changes to the Project, including changes to the proposed location, design, construction, or operation of the Project.

12.2 Scope of Aboriginal cultural heritage assessment

(i) Reference

EES Chapters 8.12 and 9.12; Appendix A017; Submissions 662 and 813. The investigation and assessment of Aboriginal cultural heritage appears to have a limited consideration of intangible Aboriginal cultural heritage, contemporary oral or ethnographic history, and the impact on the broader Aboriginal cultural landscape (including waters).

(ii) Request

The Proponent should:

106. Provide details of any further investigation and assessment of intangible Aboriginal cultural heritage since the EES and how any impacts on intangible heritage values will be addressed.
107. Provide details of any contemporary oral histories or ethnographic research that has been undertaken in relation to the Project Area.
108. Provide information on the impact on Aboriginal cultural values of the potential allocation of water from the Mitchell River to the Project.
109. Provide information on the impact of the Project on the Aboriginal cultural values associated with the Mitchell River itself as well as the broader landscape.

110. Provide a response to the submissions made at pages 489-495 of Submission 813.

12.3 Heritage salvage

(i) Reference

The EES suggests that the disturbance/destruction of indigenous cultural heritage sites and places can be mitigated by salvage and storage of recovered artefacts and scatters (EES 9.12; CH03, CH04, CH05, CH07).

(ii) Request

111. The Proponent should provide further information on the salvage and storage measures that are being proposed to mitigate the impacts of removal/destruction of known and unknown indigenous cultural heritage sites and places and evidence of Aboriginal Victoria's and GLaWAC's views on these suggested mitigation measures.

12.4 Aboriginal cultural heritage places

(i) Reference

EES Chapter 9.12.3.3 and 9.12.5.3. The summaries of residual impacts relating to disturbance/destruction of registered Aboriginal cultural heritage place (VAHR 8322-0226 (Fingerboards LDAD 1)) and disturbance/destruction of recorded Aboriginal cultural heritage place (Fingerboards LDAD 2) both state that a portion of each place is outside the mining boundary area.

(ii) Request

112. The Proponent should provide further details of the proportion of each place and its contents that is inside and outside the proposed mining boundary area including by providing a clear map.

12.5 Rehabilitation plans

(i) Reference

Submission 662. The extent to which the rehabilitation plans have considered Aboriginal cultural values.

(ii) Request

113. The Proponent should provide detail on the extent to which the rehabilitation plans have/will address Aboriginal heritage values and provide opportunities for traditional owner/GLaWAC input to ensure that cultural values are restored and/or improved to the extent possible.

13 Socioeconomic

13.1 Currency of information

(i) Reference

EES Chapters 8.13 and 9.13; Appendix A018. The EES states at section 8.13.2.1:

Information was obtained from the most recent sources available ...

However, the socioeconomic impact assessment appears to be informed by internet and other data sources dating back to 1998, 2013 (such as tourism data), and commonly 2017, for example, with limited more recent data sources. It is noted that the latest ABS Census data is 2016.

(ii) Request

The Proponent should:

114. Provide updated data sources and explain the extent to which any parts of the socioeconomic impact assessment need to be adjusted for any relevant changes to data on which the impact assessment is based.
115. Explain and provide justification where more recent data is not available.

13.2 Consequence criteria

(i) Reference

EES Chapter 9.13.1.1, Table 9.78. The consequence criteria for socioeconomic impact assessment combine time and distance from the Project Area.

(ii) Request

The Proponent should:

116. Explain the justification for the use of the consequence criteria which combine time and distance.
117. Explain how the consequence criteria apply where only one variable is triggered. For example, explain how the consequence criteria are applied where there is a long term and potentially irreversible impact that is localised to the Project Area.

13.3 Cumulative impact of future mining in the area

(i) Reference

Appendix A018 at 5.6.1 (page 70). A number of mining projects are proposed in the region of the Project Area.

(ii) Request

The Proponent should:

118. Provide a cumulative impact assessment on the basis that the mining projects referred to at page 70 of Appendix A018 proceed with particular reference to cumulative impacts on workforce availability (noting the comments at page 72 on anticipated skills shortages in the mining sector), community infrastructure and services, and accommodation availability.
119. Provide information on the status of each of the mining projects referred to at page 70 of Appendix A018.

13.4 Adjacent residences

(i) Reference

Appendix A018 at 5.3.1. The Socioeconomic Impact Assessment states that forty-nine private dwellings (R1 - R49) are located within the Project Area and 2 km from the edge of the Project Area (Figure 5.1).

(ii) Request

120. The Proponent should provide the names of the owners/occupiers of these dwellings and the submission number of any relevant submissions made by these persons.⁴

13.5 Aboriginal cultural values

(i) Reference

EES Chapter 8.13.4.2; Appendix A018 at 5.10. As no statement of cultural values was provided by GLaWAC during the preparation of the cultural heritage report limited information on cultural values is available to inform the Socioeconomic Impact Assessment report.

(ii) Request

121. The Proponent should provide an update on whether any consultation has been undertaken with GLaWAC or a statement of cultural values has been received since the EES.

13.6 Mitigation measures

(i) Reference

EES Chapter 9.13; Appendix A018 at section 6; Mitigation Measures.

(ii) Request

The Proponent should:

⁴ This information should be provided to the IAC only in the first instance.

122. Clarify the process for addressing concerns identified by affected parties in the engagements to be undertaken under Mitigation Measures SE03, SE06, SE12, SE14, SE15, SE17, SE19, SE20, SE26, and SE57.
123. Clarify the expected quantum of the community fund to be established under Mitigation Measure SE04 and the process for managing allocation of the fund to address the range of social interaction issues identified in the Socioeconomic Impact Assessment Report (Appendix A018) and any that may be identified in other engagement processes to be undertaken by the Proponent under other Mitigation Measures.
124. Clarify the process for addressing any concerns about the impact of the Project that are raised through the environmental review committee and the community reference group to be established under Mitigation Measures SE19 and SE20 respectively.

13.7 Potential reputational damage

(i) Reference

Various submissions refer to the impacts of the loss of the area's "clean green" image as a result of the Project, in particular impacts on tourism and agriculture/horticulture.

(ii) Request

125. The Proponent should provide advice on whether they have considered this impact and any socioeconomic impacts or specific mitigation that might be required.

14 Rehabilitation and closure

14.1 Rehabilitation

(i) Reference

Appendix A020 'Rehabilitation Report'. Several submissions have sought clarification on the proposed rehabilitation and closure plans to understand the final landfill form and land use.

(ii) Request

Dams, water and waterways

The Proponent should:

126. Provide information on whether the dams created as part of the project are proposed to remain as part of the final form of the rehabilitated site.
127. Provide information on how the footprint of land remediation was determined, and whether drainage lines and ephemeral gullies, both within and downstream of the mine site were considered.

Revegetation

The Proponent should:

128. Provide information on the mechanism to be used to ensure revegetated areas have long-term protection and native vegetation cover is established.
129. Provide details of the proposed 'research and development program' (Appendix A020 – Section 7.5.2) to assess soil requirements, seed sourcing and maintenance for the Native Grass Woodland domain 'Zone E which is proposed to be initiated once operations commence. Further details requested include funding arrangements, similar programs in operation and expected program duration.

Soils and Geotechnical

The Proponent should:

130. Clarify the volumes of materials required for rehabilitation including topsoil, subsoil, manufactured subsoil.
131. Confirm the management practices that will be used to prevent soil erosion during rehabilitation and closure.
132. Clarify when the Topsoil Management Plan mentioned in Section 7.4 of Appendix A020 Rehabilitation Report will be developed, who will be responsible for review and monitoring of this plan, and how it fits into the EMF.
133. Provide information on the geotechnical design assumptions used for the permanent landform.

General

134. The Proponent should update the IAC on the progress of activities to address 'Table 6: Key knowledge gaps for rehabilitation' (Appendix A020).

14.2 Performance measures and monitoring

(i) Reference

Submission 552, EES Chapter 9.3.

(ii) Request

The Proponent should:

135. Clarify how unquantified performance measures can be assessed and measured.
136. Provide information on how the closure monitoring frequency and scope was determined.

14.3 Chain of Ponds

(i) Reference

Submission 358, EES Chapter 11 'Closure'.

(ii) Request

137. The Proponent should clarify whether the closure and rehabilitation plan includes reinstatement of the chain of ponds system, and what the likely condition of aquifers that support the chain of ponds will be.

15 The draft planning scheme amendment

15.1 Specific Controls Overlay

(i) Reference

EES Attachment C, Planning Scheme Amendment. Submission 512. The Infrastructure Options Area will be subject to an Incorporated Document through the Specific Controls Overlay (SCO) to be introduced through draft Amendment C156egip to the East Gippsland Planning Scheme. Submission 512 (DELWP) has requested maps of the final haul road and water pipeline to clearly identify its alignment.

(ii) Request

The Proponent should:

138. Provide further explanation for why the SCO was selected as the preferred Victoria Planning Provision tool and why an approach using Environmental Performance Requirements was not preferred.
139. Explain whether there can there be more specificity about the extent of the boundaries of SCO1, including site and title details, and maps of the final haul road and water pipeline to clearly identify its alignment.

15.2 Incorporated Document

(i) Reference

EES Attachment C, Planning Scheme Amendment. Incorporated Document.

- No definition of the “project” or “Project” appears to be provided. The terms “project” and “Project” are used interchangeably.
- 4.1.4 Environmental Management Plan. There are no details specified for inclusion in the Environmental Management Plan.
- 4.1.1 Development Plan. The Development Plan appears to be the only Plan that can be amended to the satisfaction of the relevant approving authority.
- 4.1.1-4.1.7. There appears to be no requirement for relevant Plans to implement relevant Mitigation Measures to be consistent with other approvals required for the Project, or to be amended to update references and requirements to be consistent with the *Environment Protection Act 2017* as amended by the *Environment Protection (Amendment) Act 2018*.

(ii) Request

The Proponent should:

140. Clarify whether any amendments to the PSA provisions are proposed to address the above matters at this stage of the IAC proceeding, including in response to submissions.
141. Provide the following further information in relation to the Incorporated Document:

- a. explain the approval processes for the Incorporated Document after the EES IAC process and any mechanisms for review and further consultation.
- b. explain how the Incorporated Document will operate, including how the required plans (Development, Traffic and Roads, Noise Management, Environmental Management, Construction Management, Native Vegetation Management, and Fire Management) are to be prepared, reviewed and approved, including whether and how public input to these plans will be facilitated.
- c. explain how the Incorporated Document will provide a mechanism to implement relevant Mitigation Measures or other outcomes of the EES process, and how this will be coordinated with other approval documentation (e.g. Works Approval, Water Licences etc).
- d. given that several Mitigation Measures are aspirational or are not measurable, how will the proposed framework of the PSA, SCO, Incorporated Document and various management plans achieve a framework that is readily enforceable by relevant regulators including local council.
- e. explain how relevant work and findings from this EES process will be implemented in the Incorporated Document.

15.3 Other

(i) Reference

EES Attachment C, Planning Scheme Amendment, List of Amendments. The “brief description” of Amendment C156egip refers to the introduction of a “Specific Sites Overlay” rather than a “Specific Controls Overlay”. Heading “Clause 12.01-1S: Protection of Diversity” should read “Clause 12.01-1S: Protection of Biodiversity”.

(ii) Request

142. The Proponent should clarify whether any amendment to the PSA provisions are proposed to address the above.

15.4 Land acquisition for roads

(i) Reference

EES Chapter 8.9.1.5. The EES states at 8.9.1.5:

An additional planning scheme amendment is proposed to accommodate land acquisition for new roads, road diversions, road widening, intersection upgrades and any other land required for road improvements associated with the project within and outside the project area.

The EES appears to otherwise propose only one planning scheme amendment: proposed Amendment C156egip.

(ii) Request

143. The Proponent should clarify whether an additional planning scheme amendment (or other mechanism) is proposed to accommodate the land acquisitions referred to above.