

Submission in Response to Direction 59 On Behalf of Gasfield Free Bairnsdale

Introduction

1. This submission is made on behalf of Gasfield Free Bairnsdale.
2. In the proponent's response to Direction 58, they propose to proceed on the basis that the Inquiry and Advisory Committee (IAC) should consider the Fingerboards Mineral Sands Project as modified by Technical Note 1 only.
3. We respectfully contend that the IAC should consider both the Project in its original form as exhibited in the Environment Effects Statement (EES) and as modified by the introduction of centrifuges in Technical Note 1, for the reasons outlined below.

Rationale

4. As the Minister for Planning identified the tailings storage facility (TSF) in his reasons for determining that an EES would be required, the TSF must therefore be included in the IAC's consideration of the Project.
5. No investigation has been undertaken as to the merits and viability of centrifuges as part of the EES process, nor compliance and cumulative environmental impacts, therefore it is not acceptable to substitute the centrifuges for the TSF. There has been no consideration of their use and compliance by the regulatory departments and agencies that were a part of the Technical Reference Group (TRG) charged with reviewing the EES.
6. According to the '*Ministerial Guidelines for the Assessment of Environmental Effects*' (Ministerial Guidelines, 2006) the primary role of the TRG is to advise:
 - *“the proponent on the need for and adequacy of technical EES studies in terms of their consistency with good practice standards of methodology and analysis*
 - *the Department on the technical adequacy of the proposed EES, as well as the adequacy of its response to relevant matters.”*
7. There has been no assessment of the adequacy of the introduction of centrifuges to replace the TSF.
8. Very limited information and no specifications have been provided to the IAC and submitters about the centrifuges and therefore it is not established that the centrifuges are a potential substitution for the TSF and no assessment of their environmental impacts nor a risk-based assessment have been undertaken.
9. As stated in IAC tabled document 42 by the proponent on 18 January 2021, shortly before the hearing was due to commence on 15 February, the

introduction of centrifuges was to address an 'incorrect assumption' in the EES on water recovery from the fine tailings (White and Case, 2021). The community has been repeatedly told by the proponent that the EES was a rigorous scientific process and that we should have confidence in the EES technical studies as a result. Clearly those reassurances have proven to be incorrect.

10. It took nearly 4 years for the EES to be released for public submissions. The fact that the centrifuges have not been assessed and investigated through that process means that they are not able to be considered a potential substitute for the TSF as they have not been investigated by the TRG under the EES process. If they were a viable process, why weren't they considered by the TRG as it is clear from IAC tabled document 130, that testing occurred as far back as 2018 for the Project (Saracik, 2021).
11. Given the limited information about the centrifuges that has been provided thus far, and the fact that their application is untested in mineral sands mining as advised by the proponent, it is conceivable that the centrifuge modification could be abandoned by the proponent should they become unviable.
12. By assessing both the centrifuge option and the TSF ensures that should the centrifuge option fail that the TSF as specified in the exhibited EES has been duly evaluated as intended in the Minister's decision to require an EES.

Gasfield Free Bairnsdale
5 March 2021

References:

Ministerial Guidelines (2006) 14

https://www.planning.vic.gov.au/_data/assets/pdf_file/0026/95237/DSE097_EES_FA.pdf

Saracik, Ivan (2021) 6; Appendix B

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/2816/1283/3713/130._Kalbar_-_Expert_Witness_Statement_-_Ivan_Saracik_-_Centrifuge_-_8_2_2021_Direction_59.PDF

White and Case (2021) 2

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/7016/1104/7499/42._Letter_from_Kalbar_to_IAC_-_Proposed_changes_to_the_Fingerboards_Project_-_18_January_2021_Redacted.pdf