

28 January 2021

The Chair
Fingerboards Inquiry and Advisory Committee
C/- Planning Panels Victoria

By email only: Fingerboards.IAC@delwp.vic.gov.au

FOR THE PRIORITY ATTENTION OF MR NICK WIMBUSH

Dear Mr Wimbush

Request for the IAC to issue further directions

1. We continue to act for Mine-Free Glenaladale Inc. (**MFG**).
2. We refer to the Letter from Kalbar to the IAC dated 18 January 2021 (Document 42), in which the Proponent proposed a number of substantial changes to the Fingerboards Project which have the effect of transforming the proposed project with significant changes to the potential environmental effects.
3. We also refer to the Letter from the East Gippsland Shire Council (the **EGSC**) dated 28 January 2021, in which the EGSC request to a number of changes to the existing timetable and directions from the IAC.
4. Like the EGSC, our client has been taken by surprise by the proposed changes to the project. The addition of the centrifuges has not been assessed under the EES and our client has not had the opportunity to review and understand the impacts of the addition of the centrifuges.
5. Notwithstanding the above, we confirm that our client supports EGSC's request for the IAC to issue the following directions:

(1) Kalbar's expert evidence must:

- a. provide a detailed explanation regarding the use and operation of the centrifuges and how they are proposed to be incorporated into the proposal, including examples of mines where the technology has been used including their throughput and efficiency rates;
- b. consider both the positive and negative impacts (discrete, combined and cumulative) of potentially including centrifuges in the proposal; and
- c. include updated water modelling that considers the potential inclusion of centrifuges in the proposal.

- (2) Kalbar must provide a cross-reference document identifying which parts of the EES are no longer relevant or affected by the use of the centrifuges by noon on 11 February 2021
 - (3) The date that Council (and MFG) must file and serve any expert evidence is amended to be by 12 noon on 11 February 2021.
 - (4) The date that Council must file and serve without prejudice mark ups to the incorporated document and environment management framework is amended to be by 12 noon on 11 February 2021.
 - (5) The direction for expert witness conclaves is withdrawn.
 - (6) Responses to the IAC's request for further information must be provided by 12 noon on 11 February 2021.
6. In circumstances where significant changes to the project (and its attendant potential environment effects) have been proposed, we consider the EGSC's request to be in accordance with Clause 29 of the IAC's Terms of Reference and, specifically, in the interests of ensuring the IAC process is duly exploratory and constructive.
 7. Notwithstanding the above, our client is of the view that an adjournment is warranted in the circumstances. However, for the reasons articulated by EGSC, our client supports the EGSC's request for the IAC to issue the above directions, on the basis that our client reserves its right to seek an adjournment of the public hearings and or the preparation of a supplementary statement if necessary.
 8. We further request an urgent direction staying the operation of Direction 2 of the IAC pending the resolution of this issue.

Please contact Nick Witherow [REDACTED] and Virginia Trescowthick [REDACTED] should you have any questions.

Yours sincerely

[REDACTED]

Nick Witherow
Principal Lawyer
Environmental Justice Australia

[REDACTED]

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