**Fingerboards Mineral Sands Project – final EES scoping requirements Q&As**April 2018

**What is the purpose of the scoping requirements?**

Kalbar Resources Ltd is preparing an environment effects statement (EES) for the Fingerboards Mineral Sands Project, and the EES scoping requirements set out the matters that need to be investigated and documents within the ESS.

Final EES scoping requirements have been approved by the Minister for Planning and are available on the DELWP website: <https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/fingerboards-mineral-sands>

**Why is an Environment Effects Statement (EES) required for the Fingerboards Mineral Sands Project?**

An EES is the most comprehensive and robust assessment process available and will provide for an integrated and transparent examination of the proposed project and its effects, which is necessary because of the array of potential effects, the substantial public interest and the different statutory approvals typically required for this type of major project.

The Minister for Planning determined under the *Environment Effects Act 1978* that Kalbar should prepare an EES for the Fingerboards Mineral Sands Project in December 2016. The project as proposed could have a range of significant effects relating to:

* native vegetation and associated biodiversity values, including listed threatened species and communities;
* surface water and groundwater (i.e. hydrology, quality, availability) and protected beneficial uses;
* existing land uses, amenity and landscape values of the project area and those associated with the broader area, including the Mitchell River National Park; and
* Aboriginal cultural heritage values.

The EES documentation will need to include detailed description of the proposed project and rigorous assessment of its potential effects on the environment and approaches to mitigation. The EES will inform the public and stakeholders, and seek feedback. Ultimately it enables the Minister to issue an assessment of the environmental effects of the project at the end of the process. The Minister’s assessment will inform statutory decision-makers responsible for the project’s approvals.

The project was also referred to the Australian Government under the Commonwealth’s *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The delegate for the Minister for the Environment and Energy determined on 6 July 2017 that the project is a ‘controlled action’ and hence requires assessment and approval under the EPBC Act. The provisions for the Australian Government’s controlled action decision under the EPBC Act are:

* Ramsar wetlands (sections 16 and 17B);
* listed threatened species and communities (sections 18 and 18A);
* listed migratory species (sections 20 and 20A); and
* nuclear actions (sections 21 and 22A).

The EES process is accredited to assess impacts on matters of national environmental significance under the EPBC Act through the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. The EES for the project will be undertaken in accordance with the bilateral agreement; there will be no separate assessment by the Commonwealth.

**What studies are Kalbar doing to further identify any associated risks with the project?**

In preparing the EES, Kalbar are undertaking a range of technical investigations to assess the potential impacts of the project. These investigations include biodiversity, groundwater and surface water, air quality and soils.

These studies will inform strategies to avoid, minimise or mitigate potential impacts which will form an important part of the EES documentation.

**What are the final Scoping Requirements?**

The set of matters to be investigated and documented in each EES are tailored to the project and its environmental risks. The draft scoping requirements for a project are prepared by the department on behalf of the Minister and then exhibited for 15 business days for comment by interested parties. The draft scoping requirements for the EES were informed by the proponent’s referral and draft EES study program, as well as advice from agencies represented on the Technical Reference Group (TRG) and advice from the Commonwealth Department of Environment and Energy.

The scoping requirements for the Fingerboards EES represent a broad scope of issues that must be addressed by Kalbar in the EES. Assessment of effects as required by the scoping requirements must include discussion of all potential direct, indirect, on-site and off-site effects as result of the proposed project. Consistent with the Minister’s decision for requiring an EES, the final scoping requirements cover a range of matters that need investigation, including impacts on biodiversity values, water (catchment and hydrology) values, amenity values such as air quality, noise and social amenity in general, social and land use values including agriculture and tourism, as well as landscape and visual values and cultural heritage.

The broad nature of the final scoping requirements will ensure that the specific concerns raised through submissions are addressed in the EES. However, several refinements and editorial changes have been made to the scoping requirements to strengthen the clarity of issues and better reflect the local context, these changes include:

* Further expanding the assessment of effects on agriculture to include grazing, forestry and tourism;
* Consideration of bushfires to characterise the existing environment;
* Characterising Mitchell and Perry Ricer systems as part of the catchment study;
* Accounting for climate risks and the potential effects of climate change;
* Expanding sensitive receptors to include schools, recreational facilities, water supplies and tourism as part of the amenity study;
* Assess any effects of dust emissions on Lindenow Valley primary industry and local water supplies;
* Referencing reduced access to the Mitchell River National Park as a key issue for social values;
* Consideration to representative local residences as part of the assessment of visual effects.

**Was there public consultation for the draft scoping requirements?**

An integral part of the EES process is the proponent engaging the public and stakeholders to identify and respond to their issues in conjunction with their EES studies.

Kalbar has already commenced consultation with stakeholders and the community on the EES, in accordance with a consultation plan they prepared for this EES process. The plan is publicly available (on the DELWP website) and the program for consultation will be kept up to date. Under its EES consultation plan the proponent needs to inform the public and stakeholders about the EES process and its associated investigations, ensuring it provides opportunities for input and engagement on these investigations. The consultation plan is reviewed and amended in consultation with DELWP and the TRG prior to being published on the DELWP website.

Draft scoping requirements for the EES were exhibited for a period of 15 business days and closed 5 October 2017. Notice of the draft scoping requirements’ exhibition was publicised on Engage Victoria, the DELWP website and via advertisements in major newspapers.

In total, 72 submissions were received on the draft scoping requirements. Submissions were received from landowners, members of the local community and environmental groups.

The majority of submission received raised potential environmental effects and issues that the Minister identified in the decision to require an EES and were already included in the draft scoping requirements and therefore the final scoping requirements. Submitters provided a valuable local perspective on the local community values and sensitivities of particular concern.

All submissions have been provided to the proponent and the technical reference group to inform the ongoing development of the EES.

The key environmental issues raised in the submissions relevant to the EES scope relate to:

* The independence and adequacy of background data collection for the EES specialist studies to ensure sound assessment of the project impacts.
* The security and quality of domestic and stock water supplies, the health of the Mitchell and Perry Rivers and impacts on downstream Gippsland Lakes Ramsar wetlands.
* The significant value and sensitivity of the Lindenow Valley agriculture and horticulture industry.
* The public’s health, safety and amenity, particularly relating to trucks on local roads, noise and dust.
* Erosion and dispersive nature of local soils.
* Rehabilitation and restoration of local landforms and associated land uses.
* Fire and flood hazards.

**What happens now the Minister has issued the final scoping requirements?**

The proponent will proceed with the necessary information-gathering and investigations to inform the EES. This is expected to take at least several months. It will conduct its studies and prepare the EES in close consultation with DELWP and a technical reference group consisting of lead statutory agencies and relevant local councils.

The proponent will also need to implement its EES consultation plan to engage the public and stakeholders about the EES process and its associated investigations, ensuring it provides opportunities for input and feedback on these investigations. The consultation plan is reviewed and amended in consultation with DELWP and the TRG prior to being published on the DELWP website.

When the EES is ready, it will be reviewed by DELWP, and the Minister for Planning will decide whether to authorise the EES to be exhibited. If authorised, the EES will be advertised for public comment for a period of 30 business days. There will be further opportunities for public comment on the project’s environmental effects when the EES is exhibited.

The EES and the submissions received, together with the draft planning scheme amendment, will be referred to inquiry to be appointed under the *Environment Effects Act 1978.*

An inquiry will consider all the information before it, having undertaken a formal hearing process and will report to the Minister, who will then make an assessment and provide it to decision-makers (including Earth Resources Regulations in DEDJTR and the Commonwealth with regard to the required approval under the *Environment Protection and Biodiversity Conservation Act 1999*).

After the Minister has made an assessment, the report of the inquiry and the Minister’s assessment will be published on the DELWP website.

**When does Kalbar expect to have an environmental effects statement released?**

The EES is expected to be released in late 2018, when it goes on public exhibition for public comment. During this period Kalbar will undertake planned engagement activities

**What is the Fingerboards Mineral Sands Project?**

Kalbar Resources Ltd proposes to develop the Fingerboards Mineral Sands Project on 1,675 hectares of the Glenaladale mineral sands deposit in East Gippsland.

The project is comprised of an open pit mineral sands mine, two mining unit plants, wet concentrator plant, tailings storage dam and other infrastructure, including office, warehouse and workshop.

The proposed mining methods involve open pit mining to extract approximately 170 million tonnes of ore over a projected mine life of 20 years to produce 6 Mt of mineral concentrate.