



Tracey Anton
Toongabbie VICTORIA 3856

The Manager
Earth Resources Tenements
Department of State Development and Business Innovation
Earth Resources Development Division
G.P.O. Box 4509 Melbourne, 3001.

Dear Sir,

I write to register my objection to the following application for a Retention Licence (RL) that has been put forward by Gelliondale Resources Mining Corporation Ltd.

Re - Application Number: RL 2013 from Tracey Anton **COMMUNITY OVER MINING**

As spokesperson for [Community Over Mining](http://www.communityovermining.org) for Mining Reform I am very concerned by this proposal to further explore for coal in the area of Gelliondale in South Gippsland as it is already experiencing instability and stressed geographical formations from land subsidence and an increase in seismic activity.

For the most part, **Community Over Mining (COM)** is a Gippsland grass roots community group campaigning for legislative and regulative reform of resource extraction, processing and production to ensure improved risk management for our social, economic and environmental health and that of the future.

However, there also exists certain geographical conditions that no amount of regulation or environmental protection can prevent substantial damage to not only in the immediate community but also to the greater region.

It is for this part that **RL2013** should not be granted and **COM** seeks assurance from the Minister that his government desist in further eroding the ability and value of Gippsland farming for short term mineral exploitation as further studies in the retention licence period cannot possibly address the subsidence issue. As such, the site could never be rehabilitated, can never possibly have the negative hydrology effects mitigated and will put unknown pressures on the existing fragile and stressed fault lines.

This RL application should not be granted until the full bio-regional assessment of the Gippsland Region is completed and that the government acknowledge the existing subsidence legacy (land sinking) that has already cost the region millions of dollars for altered floodplains, damage to infrastructure and physical assets of built-up areas and environmental and coastal degradation.

If this licence application is granted will the minister clarify how the current economic burden on the Government, hence the taxpayer, will not be further impacted given the DSE document:

Latrobe Aquifer Impact Investigations - Information on Assistance Measures 2008
<http://www.communityovermining.org/aquiferLatrobe-Aquifer-Impact-Investigations.pdf>

This is a payment methodology of compensation for farmers affected by the extraction industry impacting on irrigation capability and stands to the year 2030 and is under the assumption that resource extraction would be in decline, not in expansion.

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The compensation plan was in response to the 2004 Hatton CSIRO report **FALLING WATER LEVELS IN THE LATROBE AQUIFER, GIPPSLAND BASIN - DETERMINATION OF CAUSE AND RECOMMENDATIONS FOR FUTURE WORKS.**

'The Government has made a commitment, as part of the \$2 billion Australian Government Water Fund, to provide funding for research and structural adjustment for the Yarram Irrigators adversely affected by the fall in water levels of the Latrobe Aquifer. Funding would be subject to matching Victorian Government funding. This commitment supports the CSIRO report recommendations, which identify a need for additional scientific research into this issue. The proposed further research will determine how best to answer the problem of declining water levels in the aquifer.'

Again, we find that this research and further studies based their findings on industry decline not on industry expansion. As recently as 2012, the National Water Commission released a case study noting what land subsidence in the Latrobe Aquifer system means legally, socially and economical.

http://www.wetrocks.com.au/media/files/resources/state/16-CS24_Latrobe_Aquifer.pdf

Apart from the odd mention in Government policy documents in ground water management, land subsidence has largely been ignored and no further research studies have been forthcoming.

So, how can an industry possibly provide a transparent and adequate assessment of environmental concerns in a retention licence period when their objective is to develop a site not abandon it?

PAST HISTORY

Currently the Victorian government is not managing the impacts of existing mines and the recent concerns with the 2007 and 2012 flooding events at the Yallourn mine highlight exactly why independent and rigorous environmental regulation is important.

Professor Tim Sullivan, was appointed Mining Warden in the State of Victoria to undertake an inquiry into the Yallourn Mine Batter Failure in 2008

The Terms of Reference for the inquiry were to:

- a) Establish the facts, circumstances and causes surrounding the collapse,
- b) Examine any mine safety issues and
- c) Make high level recommendations to prevent or minimise the risk of similar future events

His report noted:

"The open cut mines in the Latrobe Valley are very large excavations. The mines are not rigid structures, they are highly deformable and the deformations spread a long way outside the mine perimeters...They are in part surrounded by natural and man-made infrastructure. This infrastructure is often quite rigid or inflexible. In an engineering sense deformable structures next to inflexible infrastructure can result in some incompatibility, which in a wider context means risk."

In regards to the Gelliondale proposal, and given the existing subsidence legacy from years of off-shore oil and gas extraction, no amount of further exploratory and economic studies can reverse the environmental and economic cumulative impacts already occurring and to develop this mine is irresponsible so granting a retention licence is futile.

Additionally, as this retention licence is a precursor to a mining licence, the community find the current and proposed changes to Work Plans, reduction in red and green tape regulation and a failure of government to reform the Environmental Effects Statement Process to be in total conflict with the government's response to the 2008 mining warden report noted on this [Department of State Development and Business and Innovation \(DSDBI\) website](#). In actual fact, it shows that the government has not learnt any lessons from past mining failures as the DSDBI is working more to reduce environmental regulation rather than improve it.

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Statement from the above webpage in regards to Government's response;

While the Mining Warden's recommendations are specific to the Latrobe Valley, Government is also considering whether there may be merit in considering the application of some actions to the broader Victorian mining sector.

The Government will partly fund the additional cost of implementing the initiatives outlined in this response to the Mining Warden Inquiry and will establish a levy to be applied to industry to recover the remaining costs associated with the delivery of the new initiatives. Industry and the community will benefit from the establishment of these new measures designed to address the level of geotechnical expertise within the mining industry.

In relation to the government's response, the Energy Minister at the time, Peter Batchelor, said the Government would cut the risk of another mine collapse by auditing all coal mines, establishing a body to handle groundwater, better regional planning, an expert technical review board and boosting Department of Primary Industries expertise.

If the issues with auditing, groundwater management, planning and the all-important technical review board have occurred then why was there another systemic failure at the Yallourn mine in 2012.

MINING WARDEN RECOMMENDATIONS

Ground and surface water - Recommendation 1

Groundwater control is essential for all coal mines. However this also has large scale and widespread ramifications. There is a need for a more all-encompassing approach to all aspects of ground and surface water in the Latrobe Valley

Planning - Recommendation 2

There also needs to be a more all-encompassing approach to planning for all future developments in the Latrobe Valley that recognises the somewhat competing demands for all the various elements.

Management and Control of Mining Risk - Recommendation 3

Given the complexity and scale of the technical issues, effective regulation of current and future mining is difficult. It is recommended that the Government instigate the establishment of a Technical Review Board to undertake annual or bi-annual reviews of all mining operations and their potential impacts.

It is further recommended that DPI review the Mining Licence notification conditions.

Technical - Recommendation 4

The issues exposed by the North East Batter failure highlight the need for the mine and their advisers to:

- Continue to develop their hydrological models;
- Continue to develop their geotechnical models;
- Ensure the disciplines of geology, hydrogeology and soil mechanics are fully integrated into a comprehensive geotechnical model of stability;
- Ensure that any new or significant changes to mine plans, mine layouts or mining systems are thoroughly evaluated from a geotechnical and hydrogeological perspective before they are adopted; and
- The last recommendation is perhaps more nebulous but is probably the most important. It is critical for maintenance of future stability in mining that the historic experience and understanding is not lost but effectively captured in the new and evolving models of understanding.

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- **A new coal mine will result in land instability and further subsidence.**
- **Rehabilitation cannot occur once hydraulic pressure has already been lost in the aquifer system** resulting in even more saltwater intrusion rendering all existing bores completed useless.

Furthermore, there is also the issue of increased seismic activity since 2009. The whole of Gippsland is not stable and has become a seismic hotspot with a particular emphasis on the Strzelecki formation. Before 2009 in the Strzelecki Ranges there were only 50 earthquakes recorded, since then 700 tremors have been picked up.

"The motion in Gippsland here, the rate of earthquake activity is high, the geology suggests that the average over the last few million years is probably even higher,"

<http://www.abc.net.au/local/stories/2013/09/10/3845031.htm>

To date, the seismic studies in conjunction with land subsidence have not been properly assessed and are a failure by Government to properly protect the aquifer system from further depletion. Their own reports note the increased legacy of subsidence trending significantly into the future even though industry will be in decline.

With any mining practice the potential for intrusion is enormous and the associated infrastructure including roads, trenching (subsidence), transport vehicles/machinery will impact hugely on our rural landscape.

Additionally, air quality and health considerations need to be factored into the granting of this licence due to the pollutant contaminates that will occur from this mining operation.

ENVIRONMENT

- As all waterways flow into the Ramsar listed Gippsland Lakes and it is this significant tourism asset that is already suffering the consequences of existing mining development let alone future expansion.
- The coal industry cannot be sustainable without the region suffering extreme degradation as a result with land subsidence and saltwater intrusion to irrigation bores and that of the Gippsland Lakes.

HEALTH

Health issues are always a relevant consideration near any mining and processing operations because of the release of fine particles, air toxics and other pollutants which contain carcinogens and other disease causing chemicals.

- Respiratory diseases and asthma are already well documented as a by-product of living close by to coal mines
- Increased cancer rates possibly because of carcinogens in the fossil fuels
- Noise from the mining operations resulting in sleep deprivation and increased stress levels.

PLANNING

- The current issue of buffer zones in relation to open cut mine are, as yet, not clearly defined, and
- to the appropriateness of coal-related development in relation to main transport corridors to minimise adverse effects such as noise, dust, fire, earth subsidence, and visual intrusion.

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ECONOMIC DEVELOPMENT

- With tourism prospects and property values vastly decreased, it will be harder for diverse industries and communities to attract or maintain tourism.
- The new RL structure will also impact on community renewal and a landowner's ability to sell land at what would have been fair and reasonable prior to a RL being granted by the Minister. Who wants to buy into an industrialised zone?
- The economic risks that would flow on to the broader community are of major consideration in allowing any further mining speculation on this site regardless of its extractive worth.

TRANSPORT

- An open cut coal mine development and subsequent proposed intensity for export would expose people to unacceptable health and safety risks to existing road users

I therefore urge the Minister to consider the full ramifications of this proposed mining development and reject the Retention Licence application and provide a commitment to the community that this government will not willingly impose an economic and environmental burden on the people of Gippsland.

Yours sincerely

Tracey Anton
Chairperson