

ACTING CHIEF EXECUTIVE OFFICER

DA/LATE ITEM 6.1

3. CORRESPONDENCE REQUEST FROM YP LAND OWNERS GROUP

(File Ref:9.24.1.1)

INTRODUCTION

To keep Elected Members informed in relation to a request from the YP Landowners Group.

RECOMMENDATION

That Council approve the Acting Chief Executive Officer writing to DMITRE and Minister Koutsantonis requesting a further round of public consultation in relation to the Rex Minerals Mining Application to address the issues raised in the correspondence received from YP Landowners Group.

COMMENT

Information has been forwarded to Elected Members previously in relation to the suggestion that additional public consultation is required on this matter.

Members of the community via the YP Landowners Group are seeking approval from the Government for further consultation and to seek access to Rex Minerals responses to the initial approximately 250 public submissions and would also like the opportunity to peruse the additional hydrology results in relation to this application.

The YP Landowners Group have written to the Minister and DMITRE (copy attached) and have asked the Council and the Community Consultative Group via Peter Stockings to also request additional consultation on behalf of the community to address their outstanding concerns.

At the Special Meeting of Council held on Wednesday 6th November 2013 called to discuss the Rex Minerals Mining Lease Proposal the following resolution was endorsed by Council:

Cr Cook moved Cr Butler seconded

That Council:

- 1. advise DMITRE that it is not prepared to support the development at this time as it considers that the proposal lacks sufficient information for the Council to be able to make a considered judgement of the application.*
- 2. requests reports from reporting agencies and including any requests for more information or recommended conditions of approval, be provided to Council and the community and both the Council and community, be afforded additional time to consider and respond to those reports before the application is formally considered.*
- 3. prior to the application being formally considered, Rex Minerals be requested to undertake a further round of consultation with the local community, such consultation*

to involve staff of the various government reporting agencies, to enable the Council and community to be fully briefed on the potential impacts of the development and be confident of its ongoing management.

4. *negotiate with Rex Minerals regarding the ongoing funding and management of the social investment programme and the composition of the community consultative committee as discussed above.*

CARRIED UNANIMOUSLY 220/2013 (06/11/2013)

In the interests of accountability and support for the wider community, it would be prudent for Council to request additional public consultation via the Minister and DMITRE to address the communities outstanding concerns about access to the responses to the public submissions and hydrology results.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Strategic Plan

Key theme:

Sustainable Communities

Strategic Goal:

4. Economical Growth through Sustainable Industrial Development

4.2 Encourage and advocate for infrastructure to support major industry growth on the Yorke Peninsula

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

Corporate Email Address

RECEIVED 16 JAN 2014	From: YP Land Owners Group Inc <chairman@yplandowners.com.au> Sent: Wednesday, 15 January 2014 4:58 PM To: Corporate Email Address Subject: Att: Andrew Cameron: re request fto DMITRE for further public consultation re Hillside Attachments: request for second round of public consultation.doc
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Dear Mr Cameron,

Please find attached a letter sent to DMITRE by the Yorke Peninsula Land Owners' Group requesting a further round of public consultation.

We believe it is crucially important that the community be given an opportunity to scrutinize and comment on Rex Minerals' responses to the issues raised in the public submissions, rather than relying exclusively on the assessment of DMITRE.

We will send a similar letter to the Minister for Mineral Resources and Energy

I understand from a reading of the Council's submission to DMITRE on Rex's Mining Lease Proposal that Council also believe further consultation is vitally important.

I therefore ask that the YPDC also write to DMITRE and the Minister requesting that this occur.

I have written to Peter Stocking, asking the CCG to do the same.

If all three bodies make a similar application, we may be successful.

As you would be aware, a decision is expected in the near future, so time is relatively short.

I look forward to your response.

Regards

Stephen Lodge,
Chair, YPLOG

Item Number 213-2014-1
GDS Number 4.67.2.4
Distribution

Andrew Querzoli,
Manager, Mining Assessment,
DMITRE,
Email: andrew.querzoli@sa.gov.au

13th January 2014

Dear Mr Querzoli,

Request for second round of public consultation to scrutinise information not provided in the MLP and Rex Minerals' Response to Government re issues raised in public submissions.

On behalf of the Yorke Peninsula Land Owners' Group, I strongly request that DMITRE conduct a second round of public consultations re Rex Minerals' Hillside proposal before any decision is reached by Government.

The fact that DMITRE received approximately 250 submissions during the first public consultation phase indicates the level of community concern about this proposed venture. Given that the community will bear the costs if the operation causes major environmental and long-term economic damage, it has the right to be closely involved at every stage in the decision-making process. If Rex is serious (as it claims to be) about community consultation and involvement, it should fully support this request.

Two issues justify further public consultation.

1. *The MLP did not contain all final results*

In a recent email to the CCG (Dearlove; forwarded on by Peter Stockings, Jan 10th 2014), Rex confirmed that a 'deep drilling program was finalised after the submission of the MLP in August 2013'.

The MLP failed to note that Rex was undertaking such additional work. Nor were the details of that work (ie scope, methodology and results) made public either during or subsequent to the consultation phase. Instead, we understand from the email that this 'consolidated groundwater report' will be 'provided as a part of the response document when finalised by the State Government' (Dearlove email). Under DMITRE's current process, this means that the report will never be made public.

This is totally unacceptable.

In submissions to DMITRE, the YPLOG and others were highly critical of the groundwater modelling contained in the MLP. In fact, the YPLOG went so far as to use our limited financial resources to engage Gilbert & Sutherland, an Australian consultancy company specialising in groundwater and hydrology assessments, to review the hydro-geological

modelling components of the MLP. They found major flaws in the work. Their report was forwarded to DMITRE.

We now know that we (and many others) wasted both time and resources responding, in good faith, to a document that was not the final version.

The public consultation process was therefore seriously flawed because the public, were in fact, commenting on out-of-date information.

2. Exclusion of public from any further involvement in the decision-making process

It is totally inappropriate that, given the vast scope of this project and its potential to cause major harm to the Peninsula's environment and long term economic future, the community will not be allowed to scrutinize Rex's responses to all of the issues raised in the public submissions.

Instead, all further discussions between DMITRE and Rex Minerals are taking place behind closed doors.

A wide range of concerns were raised in those submissions, with various groups and research specialists recommending that the mine not proceed in its current form. This is illustrated by the following submission extracts, which I am sure you are familiar with.

- **The Yorke Peninsula District Council:**
"..is not prepared to support the development at this time as it considers that the proposal lacks sufficient information for the Council to be able to make a considered judgement of the application.
- **Rex Mineral's Community Consultative Group :**
"we ...are not in a position to support the MLP in its current form".
- **The Grain Producers SA Ltd (GPSA) :**
"This submission is tendered as opposition to the proposed Hillside mining development by Rex Minerals".
- **Assoc. Professor Jochen Kaempf** (* physical oceanographer at Flinders University, who is an expert on Gulf St Vincent):
" [F]rom the conservation point of view and given the high likelihood of environmental damage to the upper Gulf St. Vincent ecosystem,this mining proposal [should] be rejected.
- **Gilbert & Sutherland** (*consultants in groundwater and hydrology)

"The report does not address potential impacts to any groundwater dependent ecosystems in the zone of influence.[T]he modellers ..have failed to articulate their outcomes to the extent required for the public and decision makers to have confidence in the work".

- **Dr Anthony Milnes** (specialist on mining rehabilitation strategies)
"The proposed rehabilitation strategy is minimal [and] inadequate in terms of the long-term stability of the post-mining landscape and espouses the outmoded view that ' backfilling the pit and properly rehabilitating the site may sterilise the resource for future operators..'[This] approach "is unacceptable in this day and age"..

Community concerns about, and opposition to, the mine (as reflected by the above) will not be allayed if the public is not informed about how Rex propose to address the issues which the community has, in good faith, raised. As the CCG minutes (2 December 2013; 4) note: "a lack of response to the community .. will be seen as Rex withholding information".

Urgent Request

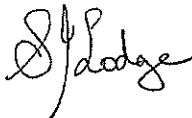
In the interests of open, public scrutiny, the YPLOG strongly urges DMITRE and the Minister for Mineral Resources and Energy to announce a second round of public consultations to allow the community to scrutinize and evaluate

- any additional work conducted by Rex Minerals not included in the original MLP (such as the groundwater drillings) and
- Rex's responses to, and strategies for, addressing the wide range of criticisms raised in the 250+ public submissions.

This is critical to Rex if it wants to gain a social licence to operate, and for the State Government's claimed commitment to open government.

I look forward to your positive response to our request.

Yours faithfully



Stephen Lodge
Chair, YPLOG

Phone: 0418 846215