

Our Reference: GE202500136 IR:fk

28 April 2025

Minister for Energy and Resources  
c/ Manager for Licensing Earth Resources Regulator  
PO Box 500  
East Melbourne Victoria 8002

<https://rram-vic-gov.my.site.com/ObjectionSubmission>

Attention: Hon. Lily D'Ambrosio

Dear Minister

**RE: Application for a Mining Licence Application MIN008642**

Please find enclosed Horsham Rural City Council's submission to the WIM Resource Pty Ltd. Notice of Application for a Mining Licence Application MIN008642.

Should you require any further information, please contact myself on 0409 330 603 or the Interim CEO Craig Niemann on 0437363911.

Yours sincerely,



CR IAN ROSS  
**Mayor**

**Submission: Application for a Mining Licence Application MIN008642**

Horsham Rural City Council (HRCC) is writing regarding the proposed Mining Licence for the Avonbank Mineral Sands Project by WIM Resource, located northeast of Horsham.

The proposed Mineral Sands Mine is a significant development in the Horsham Rural City municipality and the Wimmera region, and it is important that the social, environmental, economic and health impacts are appropriately considered and managed to world's best practice/international and federal guidelines.

Council has listened to community concerns in relation to the proposed mine and held a listening post at the Dooen Hall where there were approximately 100 attendees. Issues raised at this meeting have been included in this submission as follows:

- a. WIM Resource has advised that the Avonbank Mineral Sands Project has been approved by the delegate of the Minister for Environment and Water under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The forum questioned the validity of this decision as this occurred in caretaker mode. Was this legal?

- b. Why is the WIM Base Area (WBA) separate from the mining licence area (addressed further in our submission below)? What is the permitted usage? Will other future proposed mines use the WBA for processing?

Any approval for processing should be for this licence only. The ability for material from other tenements to be processed at this site should not be added to a licence for this site without an appropriate EES process and community consultation.

- c. Concerns were raised in regard to buffer zones, the community view is that the mine is too close to food manufacturing etc. and that there will be an impact on trade – potential for contamination/perception of contamination to impact on export market for crops but also concerns about impact on new industry located close by.

Council and community believe there needs to be a buffer zone of 2km from sensitive receptors and food manufacturing and processing plant areas.

- d. There was a motion at the meeting from the floor to ban all mines in the Wimmera which was supported by over 97% of those who attended the listening post.

The Dooen listening post was the first open council ran public forum, which demonstrated that the process to date has failed the public interest test. Especially when you take into account, when the attendees were asked 'How

many people understood and knew about the EES process'; 7% indicated they knew about the process.

Does this indicate a public engagement failure on behalf of WIM Resource and does this indicate that WIM Resource no longer have a social licence for this mine?

- e. Concerns regarding drinking water. There are rainwater tanks on surrounding farms and in the rural settlements of Dooen and Longerenong and the township of Jung that could be impacted by dust, which could also be radioactive. Roof-mounted evaporative air conditioners will draw in dust particles which could impact quality of health. Potentially silica dust and radiation airborne particles can impact on intergenerational health.
- f. Water Security: How can water supply be guaranteed in drought and if not, how is dust managed in the WBA and in the mining area? What uses of water are prioritised when there are water restrictions? Will this impact on residents that use potable water e.g., living in Horsham?

Every new user impacts the security to supply to other customers.

- g. Concerns were raised regarding how effective the rehabilitation of land will be. The view was that that land would lose productivity and never return to pre-mining levels.

And it was mentioned that this has been the Douglas experience within this municipality.

This concern was also expressed by a professional agronomist.

- h. Increased population, as a result of the mining project, will impact on the local health system, which has already had its services reduced. The health system will not be able to cope with additional demand unless additional State Government funding is invested in the region.
- i. How will accommodation and workforce be addressed? There will not be enough housing, the mine will impact on housing prices and affordability. The mine workforce will impact on other businesses as employees will be recruited from other local businesses.
- j. There will be an impact on ratepayers due to increased traffic, demand for services etc – who bears the cost and some concerns about rate increases to cover the costs of compliance etc (noting mine is not rateable)
- k. Monitoring of the mine to ensure compliance with conditions of licence – who will be responsible, how will enforcement occur? HRCC should not have to manage this process or pay for this to occur. We have limited resources, capacity, expertise, and enforcement powers.

- l. Has the EES process been compromised due to the alleged falsifying of letters by a WIM Resource employee? This needs to be determined as part of assessing whether WIM Resource is a fit and proper person.
- m. Council has been advised that the ashes of a former Mayor, Councillor and respected Community Leader, Don Johns have been spread on part of the property that comes under the proposed mining licence. This is significant to the family and to the community and needs to be protected'.

Council participated in the Environmental Effects Statement (EES) process and understand potential impacts the mine may have. This includes effects on biodiversity, surface water, groundwater, agriculture, traffic conditions, amenities, human health, land use, social impacts, economic values, soil quality, landform, and historic heritage, including Aboriginal Cultural heritage, as outlined in the Minister's Assessment.

Accordingly, we would like to raise the following matters:

### **Mining Licence Area**

#### ***What are the reasons for the WBA to be outside of the mining licence?***

HRCC objects to the WIM Base Area (WBA) being located outside the licensed area and the development and operation of the WBA will be subject to regulation under the Horsham Planning Scheme through a Special Control Overlay with HRCC being the Responsible Authority. HRCC is strongly of the view that the WBA should be included in the mining licence area so that the same regulatory frameworks are applied and reiterates its view that the State Government should be the regulatory authority for all mining activity. There is no legislative empowerment for a Council to have regulatory oversight of radiation.

Council insists that any stockpile containing Heavy Metal Concentrate (HMC) in the WBA or on any site must be contained within a shed while being stored as is the case with the Port of Portland.

#### ***Why has the WIFT site been included in the mine licence?***

We also note that the Wimmera Intermodal Freight Terminal (WIFT) is included in the mining licence area, despite no mining activity or connection to rail being proposed at this stage. Accordingly, the current Council insist it be removed from the mining licence due to its primary role as freight terminal, Council ownership, the current lease by SCT and strategic importance to the region.

In 2017 when WIM Resource first acknowledged their planning timeline, they stated that they would be employing in excess of 500 employees, and that they were to be operational in 2023. In the interim, developments on the WIFT/WAL Hub have now advanced to such an

extent with new agricultural plant and processing which now renders WIM Resource's plans incompatible unless sufficient safeguards are incorporated to protect these other significant uses.

Council and community believe there needs to be a buffer zone of 2km from sensitive receptors and food manufacturing and processing plant areas.

### **Environmental Effect Statement**

The Environmental Management Measures proposed by the *EES Inquiry and Advisory Committee Report 2023* identifies important mitigation and management measures to ensure any mining activity adheres to this environmental assessment and is considered under any legislative frameworks that apply.

The application for Mining Licence MIN008642 is a critical part of the legislative framework and HRCC wishes to ensure all relevant management measures are incorporated into a mining licence if approved, in particular:

- *TM-01: HMC Haulage route*

*The proposed Heavy Mineral Concentrate (HMC) haulage route must rely on sealed roads gazetted for the types of vehicles generated by the Project. The number of HMC haulage trucks using the haulage route must be limited to 2 per hour between 10pm and 6am.*

That there must be no axle loading dispensation given to WIM Resource as/or the mining licence holder as was understood was given to Iluka Resources. We believe this has contributed to damage on state and local roads.

- *TM-02: Traffic Management Plan*

*Include a program to consult with the community and landholders prior to local road closures and changes to the local road network.*

This must be a negotiated outcome with Council, the community and landholders prior to local road closures and/or changes to the local road network.

- *TM-07: Progressive rehabilitation of local roads*

*Local roads that have been removed for the purposes of mining operations must be reinstated to a condition agreed prior to removal, in consultation with stakeholders, HRCC and impacted landowners. The minimum condition of the reinstated road must be agreed to prior to the removal of the road for mining operations. The process and standard of road reinstatement post-mining operations must be to an all-weather standard, or to the relevant road standard described in the HRCC 'Road Management Plan' (HRCC, 2024), in consultation with landholders and the community.*

That a rehabilitation bond equivalent to the future replacement cost be placed with Council for the rebuilding of the proposed Council roads to be removed due to the mining operations, prior to commencement of any works. Also, that the licence holder must also compensate any other business for loss of business interruption, personal inconvenience and any other negative impact unforeseen regarding road closures, howsoever caused.

- *LV-04: Landscape screening*

*The visual impact of Project elements that are expected to remain in place for the Project life must be minimised through landscape screening established prior to the commencement of Project works that require landscaping.*

It needs to be established at least three years prior to commencement of mining to have an effective shielding of amenity and wind speed.

- *AQ-08: Air Quality Management Plan*

*An Air Quality Management Plan (AQMP) must be prepared prior to Project commencement. The AQMP must be maintained and implemented for the duration of the construction, operation, decommissioning and closure of the facilities to the satisfaction of the responsible authority.*

It appears to be a flaw in the EES process whereby these plans have not been presented to the community. Council expects there to be community consultation on this plan as part of developing the works plan prior to submission for approval.

- *AQ-0A: Real time continuous air quality monitoring*

*Real-time continuous air quality monitoring of particulate matter (preferably with an alarm to notify of preset particle concentrations alert levels) must be undertaken at sensitive receptors according to a schedule approved in the AQMP (AQ-08)*

Real-time air quality monitoring of particulate matter taken at sensitive receptors must be undertaken by an impartial independent expert using the best available technology and that all other real-time air quality monitoring must be done parallel and laterally going away from the site at specified intervals.

- *RD-08: Radiation Management Plan*

*A Radiation Management Plan (RMP) must be prepared prior to Project commencement. The RMP must be implemented. The RMP must provide a management framework to avoid and minimise risks so far as reasonably practicable in line with the 'Code of Practice on Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing' (ARPANSA, 2005) (the Code of Practice).*

*The RMP must be developed in consultation with stakeholders and must be subject to approval by the Department of Health.*

The process of the EES is inadequate whereby this plan has not been presented to the community for comment or consultation prior to approval of this mining licence. This should occur as this is the highest risk activity that affects the community and is one of the greatest concerns to local landholders, other stakeholders and in respect to the agricultural manufacturing near the mine site.

Noting a Radiation risk assessment has been prepared as part of the EES process. The Radioactive Waste Management Plan has not been presented to the community for comment or consultation prior to approval of this mining licence.

It is essential that local community members be represented on the Environmental Review Committee.

- *SL-12: Agricultural baseline assessment*

*A detailed agricultural baseline assessment (ABA) must be completed prior to mining within each landholding or paddock by a suitably qualified person. The outcomes of the assessment must inform the setting of appropriate performance standards and rehabilitation criteria (including but not limited to yield). The assessments may be used to form the basis of the Land Access and Compensation Agreements performance target, where appropriate.*

This initially should have been benchmarked from the restoration of the test pit site; however, this opportunity has been lost. Council questions the scientific rigor of the trials. WIM believes they can restore the land, which is an opinion without scientific basis.

- *SE-04: Targeted community and workforce support programs*

*A community support and workforce development strategy will be prepared in consultation with HRCC and other relevant stakeholders before construction commences and implemented across the life of the Project that recognises the following initial key areas of focus:*

- *Skills development and apprenticeship programs.*
- *Indigenous employment programs.*
- *Mining and rehabilitation research programs.*
- *Student research programs established with Longerenong Agricultural College on agricultural mine rehabilitation.*
- *Programs will be established to encourage local small businesses to tender on goods and services contracts over the life of the Project.*
- *Communicate anticipated Project workforce size and composition to HRCC and the Department of Education following Project approval.*

'A community support and workforce development strategy will be prepared in negotiations with HRCC. The responsibility, management and expense of any of the above programs lies fully with the mining licence holder. WIM Resource has publicly provided inconsistent workforce figures, raising concerns about their ability to plan or budget. This lack of clarity undermines confidence in their transparency and capability as a mining licence holder. Accurate workforce details should be confirmed before any licence is approved.

- *SE-03: Workforce Accommodation Strategy*

*A Workforce Accommodation Strategy (WAS) must be developed prior to the commencement of Project works in consultation with key stakeholders, including the HRCC and relevant local housing organisations.*

There is community concern regarding the displacement of local residents already under pressure to find appropriate and affordable housing.

- *RH-01: Rehabilitation Plan*

*Prior to Project commencement, a Rehabilitation Plan must be established and implemented to ensure the progressive rehabilitation of the mine and the timely rehabilitation of other Project components.*

Penalty clauses need to be established to make Directors/Board Members or the like personally liable for failure to undertake timely rehabilitation to the landholder's approval.

- *SE-07: Wellbeing Plan and access to counselling services*

*Prepare and implement a Wellbeing Plan focused on supporting landholders and families who will be displaced by the Project.*

This is to be at the landholder and family's choice of provider upon request, and at the expense of the mining licence holder.

- *LP-02: Land Access Agreements or Land Purchase*

*Prior to the commencement of work on a mining licence, consent from the owners/occupiers of the land directly affected must be granted, land may be purchased prior to the commencement of works, or compensation must be determined under the Mineral Resources (Sustainable Development) Act 1990*

Compensation must also include inconvenience, loss of amenity and extra operational costs. Loss of earnings should also be factored into compensation where land access agreements are in place.

- *RH-03: Contingency plan for unplanned closure*

*Prepare an unplanned closed contingency plan, in consultation with independent mining management experts, stakeholders and landholders, before construction commences and reviewed before each mine stage. It must give pathways for both temporary and permanent closure.*

This should be triggered when there is dust and/or radiation exceedance.

These wide range of mitigation measures are critical to our Council and community, and it is essential that HRCC is engaged as a key stakeholder in the preparation and implementation of these plans as part of any mining licence issued.

### **Mineral Resources (Sustainable Development) Act 1990**

We also understand that under the *MRSD Act*, the Minister in addition to the amenity, social and environmental impacts must also consider the following:

- *The applicant is a fit and proper person to hold a licence.*
- *The applicant intends to comply with the MRSDA.*
- *The applicant genuinely intends to do the work.*
- *The applicant has an appropriate program of work.*
- *The applicant is likely to be able to finance the proposed work and rehabilitation of the land.*

There needs to be an independent and thorough assessment of the applicants' credentials and capability to deliver on the project. These tests are important to our community to ensure any licence holder is capable of dealing fairly and openly with landholders, meeting their legislative obligations and completion of rehabilitation to original usage and production levels of agricultural land to the landholder's approval. We expect the highest due diligence to be undertaken to ensure WIM Resource as/or the mining licence holder meet these standards. The test should be applied to not only WIM Resource but also to any if its associated companies and Directors/Board Members. HRCC expects the highest fiscal due diligence standard to be upheld to ensure the mining licence holder is capable of doing what they claim, prior to works commencing.

The regulation of mining is critical to ensuring the economic benefits of this type of development are not outweighed by negative social and environmental impacts, and we seek assurance that the legislative requirements outlined above will be met and that the Earth Resources Regulator will commit to resources in the region to appropriately engage with community and monitor any licence issued.

There are outstanding allegations against WIM Resource and/or Senior employees, which if upheld, undermines the validity of the EES process and should disqualify WIM Resource as a fit and proper body to hold a mining licence.

HRCC has suspended the Memorandum of Understanding (MOU) with a resolution of Council at its meeting on 24 March 2025. HRCC is not in partnership with WIM Resource, although this is stated on their website.