Belubula Headwaters PROTECTION GROUP

Independent Planning Commission
GPO Box 7011
SYDNEY NSW 2001

RE: SUBMISSION OF OBJECTION TO MCPHILLAMYS GOLD PROJECT- SSD 9505

Overall comments

The Belubula Headwaters Protection Group (BHPG) wholly, and with the full support of its members, object to the McPhillamys Gold Project – SSD 9505.

Our Group has over 110 financial members at the time of submitting who have all paid a membership fee to become part of the group and support the cause to stop this project and protect the waterway, landscape and area that creates the Belubula River. As such, most of our members have refrained from making a personal submission on the basis of a summary of their issues being included in our submission below. For perspective of those that support the cause but don't want to financially contribute, we have over 600 supporters on our Facebook page. We hope the IPC does not doubt the level of objection for this proposal, simply because most of those objecting to it have relied on our group submission to represent their interests and concerns.

The fact the DPE has been assessing this project for over 2 years and the Applicant had four attempts at the proposal in a system that is skewed at approving projects like this, demonstrates this project is unfit for approval and must be rejected. Not to mention the only reason it progressed to a DPE referral was due to a change in the Water Management (General) Regulation 2018, that now specifically allows this Applicant to apply for Special Purpose Access Licences upstream of Carcoar Dam. The uncontrollable impacts on the lives of thousands of people and the irreparable damage to the environment far outweigh any overstated financial benefits of this proposal and we hope to demonstrate this in our following submission.

The majority of submissions made in support of this proposal are in a pro forma format and most contain less than a paragraph that simply state something such as "more jobs" or "growth for the town", showing no understanding of the project and that the Applicant simply encouraged those submitters to write what they expect from a large-scale project in town. Additionally, of concern is that the Applicant has sent in 120 submissions on paper with simple tick box responses and most with only a matter of a few words that again, all claim the same benefit – jobs for Blayney. It is clear none of these people have been appropriately informed by the Applicant or understand the local business and social environment. We witnessed how the Applicant was collating these pro forma responses which we believe to be inappropriate and contrary to the purpose of the IPC. Dropping them off into local businesses and requesting that the business get customers to sign (without any education on the proposal); having staff sit at the exit of the only supermarket in town for weeks getting people to sign (again, being people in a hurry to enter/leave the shop and without providing education); and at markets after offering to purchase them drinks and food to come over and sign a form in support of them. The CEO of the company also made a request at the Company AGM on November 24th to all shareholders (in person and online) to ALL make a submission to the IPC in support of the project. These shareholders know nothing of the details of the project and are simply following instruction to gain a small, short term financial benefit. In fact, when considering the methods they went through in a town of several thousand people, it speaks volumes they were only able to obtain 120 of these easy to complete forms. Additionally, we query if the IPC is confident that none of the submissions have been duplicated – i.e. are you confident that no one who completed a pro forma sheet has also completed an online submission?

We could have gone down the route of a survey/pro forma submission and got thousands do the same, in fact we had other groups in the area reach out to actually offer to do so with their members. We were lead to believe this is not in the nature of the IPC and that such submissions weren't encouraged and wouldn't add value. We were told the IPC is not assessing the basics of the proposal, but instead the DPE assessment and conditions. We instead encouraged everyone to either sign up to present, or send in their own written submission on their own terms. This obviously knocks out a significant number of people who feel either: intimidated to make their position public as we face daily threats, harassment and embarrassment from those in town who support the project; or inadequate as they feel they don't have the ability to concisely deliver their message in an effective manner. Although we encourages many that their voice would count, they stated they wouldn't feel comfortable in doing so. There were also many others who stated they wouldn't have the time to go through the DPE assessment and conditions, and then write a submission on it, so they simply did not submit at all. Submissions of support are filled with assumptions that the assessment has been reviewed appropriately and that the proponent will do what is right. This evidences the submissions of support have not reviewed the DPE assessment or conditions, and also that they're basing their submission on what the Applicant has told them. The fact the Applicant has gone through this process is another display of their efforts to smokescreen the reality of this proposal.

The DPE refers to many of the countless negative impacts of this proposal but seems to be satisfied that each issue and risk can be 'mitigated' and 'controlled'. A major failure in their assessment is not assessing the cumulative negative impacts which will all occur at the same time as this proposal is carried out. Whilst acknowledging there will be impacts that make the conditions worse than they are now, the light intrusion is deemed 'negligible', as is the dust and noise intrusion after all mitigation efforts. Reduction in groundwater bores, surface water flow, and increased traffic to the area are all deemed 'minimal' and, in isolation, makes the project approvable. At no point has the DPE assessed the cumulative impact of the negative items they deem 'negligible' or 'minimal' and that more than 85 residents will be directly exposed to ALL of these 'minimal' impacts, at the exact same time, on a repeating basis, every day, for the next 4,380 days of their lives.

The concerning part of the impacts is that due to the type of impacts and how they're generated, they're likely to combine and occur in similar conditions. For example in times of drought, dust suppression becomes more difficult and there is limited surface water flow. This is also when the perennial springs of the Belubula River a relied upon most by downstream users. At the same time, groundwater movements occur more frequently in times of extreme weather patterns, which also risks the integrity of the Tailings Dam floor and walls. We could easily find ourselves in a situation of the impacts of surface water reduction, groundwater depletion and quality deterioration, air quality decline, and, once night falls, light intrusion, all at the exact same time.

The only proposed benefit from the project is economic, and this based on a simplistic assumption that more jobs in the area means more prosperity. The reality in the current economic environment is the complete opposite. The unemployment rate in the Central West is less than 2%, and economists generally agree that a rate of 3% represents full employment. By economic expectations, the area has employed more people than are even available to work. Our committee is comprised of several small business owners and operators. Our President is a local Accountant, President of the Orange Business Chamber and is a regular attendant and part of the Bathurst Business Chamber. We know firsthand that every industry in the Central West is suffering significantly from a labour shortage. We are regularly inundated with businesses in distress as their employees are lured away from their existing jobs with small business to work for larger businesses doing equivalent or less work for more pay. The biggest culprits for these are Cadia Valley operations and the DPI offices in

Bathurst and Orange. We're constantly told scenarios of junior skilled staff being lured away for jobs that require no qualifications for at least 20% higher pays.

Unfortunately, this isn't an issue that can be fixed by simply bringing in more people to the area. Many businesses have tried this to no success. The reality of the situation in the Central West is that there is a severe shortage of housing, childcare, and essential workers. This means even if you can manage to find staff outside of the area (as businesses have), they will struggle to find either somewhere to live or essential services to support their needs (such as health needs, childcare, or education). We have observed firsthand businesses losing existing staff, potential future staff (to the point that contracts are signed but the new employee must withdraw before moving to the area), and even closing their business due to any one of the above issues, let alone a combination of all. Other non-essential businesses are not operating at capacity due to the staffing shortages, including restaurants not opening to full hours or all tables, accommodation providers not offering all rooms due to shortages of cleaning staff and other service businesses such as mechanics, hairdressers, bookkeepers, and lawyers not accepting new clients.

The DPE note the Applicant is committed to reducing the impacts of workforce accommodation however they omit to explain that this cannot be done, nor condition how this must be done. The proposal of working with Orange360, Councils and other tourism bodies to ensure the workforce aren't impacting on local accommodation is inappropriate in the current climate. Even if the Applicant reduce their workforce in times of high tourism (which the Councils are trying to increase to a more regular occurrence with weekly tourist attractions), any additional requirements will still further strain an already crippled industry. This again demonstrates the DPE's lack of consultation to research for themselves whether the proposed strategy from the Applicant is appropriate, and a lack of understanding the impacts.

Approving such a large project with such a limited pool of workforce will result in further small business closures due to staffing shortages, wage inflation, housing shortages, and essential services shortages. If the fact that long standing existing small businesses closing is not enough, the new workforce these staff would be entering is mining; an industry in decline and that is temporary. This results in down skilling of employees and a 'skills gap' when they re-enter the local market upon completion of mining.

Once you step back and assess the reality of bringing a new large employer into an area with a restricted labour force, and with a housing and service shortage, it's obvious there will more likely be negative economic impacts by reducing the diversity of skilled labour, increasing living pressures on the lower socio economic demographic, and artificially inflating the price of housing, rent and other needs. There is unlikely to be any direct or indirect economic benefits in the short to medium term economic environment, coincidentally the proposed life of this project.

Some items we noted form the IPC hearing, include:

- The Applicant claims that 70% of the Blayney LGA support the proposal according to their own surveys. These are surveys conducted by the Applicant of people they know will respond positively. We know from feedback of those surveyed that the methods of survey were inappropriate and included persuasion and comments when negatives were raised to convince the respondent to alter their answer to be in support, or at least neutral. Finally, as you experienced at the hearing and will no doubt learn through the written submissions, those in support are expecting outcomes from the project that aren't even proposed by the Applicant and will not form part of the proposal. As an example, Robert Taylor who was speaking in support of the project on behalf of the Bathurst Council, when asked about how he thinks the Applicant will manage the draw of employees, he replied with "I'm presuming

a lot of workforce would come in from out of the region", and when commenting on how the housing issue would be addressed he states could be addressed by "housing being provided for the workers". He also stated that these would be "definite problem" and "issues" if not addressed. He's clearly not aware the application is based on a 'local hiring policy' and that there are no proposals to deal with housing, either by the Applicant, or conditioned by the DPE".

- When Jim Beyer was asked about what the future arrangements in regards to management and maintenance for the pipeline are, he did not answer this and in the written proposal and DPE conditions, the surface infrastructure of the pipeline is to be decommissioned and the sub surface infrastructure remains as it is with no one nominated to pay for maintenance or care if damage was to occur. This is of major concern particularly for the river and creek crossings that the pipeline will be buried under.

- Jim Beyer confirmed that the DPE assessment of 85 properties being within 2km of the mine site is not correct. He confirmed that 85 was the number of properties the Applicant's consultant advised them should be included in an impact assessment. As such, the IPC must be conscious that although many submissions may refer to the 85 residents within 2km (including our own to ensure consistency with the assessment report), this is the **minimum number of dwellings** and the actual number of dwellings in the 2km radius is higher than this. This is yet more evidence of the incompetent assessment from the DPE for their lack of community engagement.

- It was touched on at the Hearing that this project would allow existing residents on FIFO arrangements to stay home (i.e. those FIFO workers that live in Blayney but fly out to other mines). The fact is, there is over 100 mining jobs on offer at Cadia locally at the moment (and have been for some months now), and yet the supposed FIFO workers don't apply for them. Why would Regis be any different? The existing workforce requirement also extinguishes the items raised around 'needing jobs for our children'. The jobs are already there. Approving a short-term mine won't provide any jobs for children that aren't already on offer or will be in the future.

- Jim Beyer mentioned corporate income taxes as a benefit of the project however the company has operated at tax losses for the last financial year and that doesn't include a year of significant construction and initial costs. As a Chartered Accountant, I strongly doubt the income tax revenue quoted in their economic assessment will eventuate. Additionally, Jim has stated on occasions in shareholder updates that there is a potential that they may not make a profit on McPhillamys, but instead, be relying on the 'satellite projects' around the Central West (such as Discovery Ridge) for the project to be profitable.

- Jim Beyer admitted solar panel companies have approached them and yet they haven't pursued. It needs to be a condition that must install solar power sufficient to run the site prior to commencement of operations.

- Jim Beyer in his closing statement said, "it is my strong view that the process and preparation by us, Regis, and the detailed assessment by the DPE and the other key government bodies who have been involved is what we should be focused on". This is the CEO of the Applicant clearly stating that the community concerns and items raised by expert consultants are invalid, irrelevant and should be disregarded.

- Clay Preshaw stated the assessment was based on all technical evidence and 'tools'. Not only does this ignore community raised issues or social costs, but it also evidences that their assessment is not applicable to the Kings Plains or Blayney area and is instead simply assessed on score ratings, tables and criteria derived form policy that does not apply to this area.

- Clay Preshaw stated he knows that "Steve O'Donoghue and some of the team have been meeting and talking over the phone regularly with key residents including the BHPG" since he returned 2 years ago. We reaffirm that this is not true and the only time the DPE consulted (whether by phone or meeting) directly with the BHPG was in October 2019, certainly nothing in the last 2 years. As such, we request you seek evidence from the DPE as to who these claimed conversations were with, in what environment/context and what method. We then ask this evidence be shared with us because we are confident that it did not occur. If they have lied about this in relation to their community engagement, being the lead group of opposition, it concerns us that they may have applied the same lies generally with their claim of consultation, if not more.

- Clay Preshaw did not answer the question in relation to managing the economic and social impacts. He admitted that it is "tricky" to assess and yet these are two of the largest areas of risk from this project. That being that the Economic benefits are overstated and the social impacts are understated. The fact that Clay could not explain how the project will manage these impacts shows there is no plan, there is no strategy, there is no effort manage these impacts by either the Applicant or the DPE.

- Clay Preshaw stated he was not sure if Gold was listed as a critical mineral but then went on to say why he assumed it would not be listed which was based on him then making comments stating we already know it's critical and we've always mined it so it's important. When using an example as to why, he stated because it brings in high royalties, which we've proved this is already an insignificant contribution. In addition, it would be more reasonable to assume it's not listed because it's not in fact critical. This is also supported by the fact over 90% of the gold that is being processed at McPhillamys will be used in either Jewellery or Investments.

Items specific to the DPE Assessment

DPE refers on several occasions to Regis proposing to mitigate impacts with 'industry best practice' and stating that because they're proposing to use industry best practice, that's the best outcome possible. We are exposed to the reality of 'mining best practice' results time and time again. From Tailings Dam failures, workplace injury and deaths, dust and noise exceedances, destruction of heritage significant areas and disgruntled neighbours locked into NDAs. Just because Regis is proposing to mitigate some impacts with industry best practice measures, doesn't mean they're sufficient or adequate. There are no other projects of this nature and scale that are within 2km of over 85 residential dwellings that operate within the conditions without impact on their neighbours. 'Industry best practice' should not apply to this proposal as this proposal is not an 'industry standard proposal'.

The DPE also refers to 'where practicable' and 'where reasonable' in a lot of their comments and conditions. This demonstrates the DPE is acknowledging that the optimum strategy and efforts may be expensive, and that if this is the case, the Applicant can reduce their efforts to what they deem achievable within their budget. If the Applicant is confident of the economic benefits of this proposal, it leads that mitigation, rehabilitation and management measures cannot be jeopardised for the sake of profits.

Recommending management plans (of any kind) is an inadequate solution to managing risk as we've seen in the recent past. Companies disregard the importance of complying with these. They're internally created and merely reviewed by the DPE (the same department that has shifted rules and thinks that this project is approvable), and are reliant on the Applicant self-reporting when issues or exceedances occur. These methods are ineffective in ensuring companies develop a robust plan that will accurately complete it's intended task, and that companies are held accountable to them. The Applicant has already shown its aversion to committing to costs that mean a better result for the community and a safer project so there's no expectation that their own management plans will be adequate.

The DPE claims the economic benefits are 'considerable' however notes the royalties are only $56m over the life of the project. This is an average of $5.09m per year over the 11 years of operation. In relation to NSW Royalties, this represents just 0.016% of total annual NSW mining royalties. This is just it's portion of mining royalties, not total revenue for the NSW Government. If the DPE are claiming that a 0.016% impact on something is 'significant', how can it claim the stand-alone impacts are negligible, let alone the cumulative impacts combined. Further to the disproportionate perceived 'benefit' this project is offering, the Gold to be extracted represents just 3.2% of the total ore that will be dug up. All this damage, permanent change of landscape and impacts so that nearly 97% of what they will dig up will not be used for any purpose but to reshape the existing landscape.

The DPE also states the gold resource is a need and states on several occasions the irreparable damage is justified due to the need for the resource for electrification and urbanisation. This conflicts entirely with what the Applicant states the resource will be used for. At 1.6 (pg 15) of the Applicant's EIS, they state that over 90% of the resource will be used for investment and jewellery purposes. Again, the DPE has demonstrated their inability to comprehend the gross overstatement of the benefits of this proposal by the Applicant.

DPE Engagement and Council VPA

The department notes meeting with our group, which they did. On one occasion, after the original EIS in October 2019, and not once more, be it via phone call, online meeting or face to face. Not after we continued to send them information and reports, not after the Applicant submitted an additional three amendments to the DPE. There was no follow up from the DPE to our group to answer queries and items raised in that meeting and no other communication was received by the Group from the DPE following this meeting. In over a 2 year assessment period, the DPE consulted with our group on one occasion and believes that is adequate engagement and was enough for them to make an informed recommendation to the IPC. As one of the most significant submitters on this proposal and considering the time the DPE dedicated to consulting with the Applicant, the consultation from the DPE with the BHPG is inadequate and demonstrates their lack of community consultation.

The DPE did not consult with residents on Guyong or Vittoria Roads, most of whom are in very similar proximity to the mine boundary as those in Kings Plains. In addition, the Applicant has not offered any form of mitigation or acquisition offers as they have for those on Walkom Road. The fact these residents are ignored, even though they're in similar situations than those on Walkom Rd, again demonstrates the lack of understanding and consultation completed by the DPE. The DPE even refer to these other residents as being part of the more than 85 residents within 2km of the mine, and yet at no point consulted with those beyond Walkom Road.

The DPE refers to the level of submissions made in support of the EIS which, similar to the submissions made to the IPC, are weighted with misinformed individuals who are confronted to make a submission in support on the simple basis that "the mine will bring jobs". Hence why nearly all of these submissions in support are no longer than a single paragraph and simply state, "more jobs". This is ill-informed and arose by the Applicant attending group settings and encouraging individuals under implied pressure to commit to the submission.

The DPE assessment on several occasions diverts from an issue raised either by an inter government agency, a peer review or by public submission by stating an unrelated item resolves a similar issue. For example, when it was raised by their SIA review that the VPA does not explicitly result in funding to the Kings Plains locality who will be directly impacted by the proposal, the DPE divert and state they understand there is an "in-principle agreements via resolution of Blayney Shire Council that if the project were approved, that funds from the sale of Dungeon Rd to be paid by Regis would be allocated for road projects around Kings Plains and Guyong/Vittoria Roads". Not only does this not address the issue at hand – that the VPA is not structured to benefit those in the community who are experiencing the impacts; it demonstrates the DPEs inability to understand an issue raised. Not only is the fact the DPE does not address the inadequacy of the VPA as raised, disrespectful to both their own review and the community it involves, the fact the DPE believes that money being spent on roads then adequately addresses the concern is just ignorance.

The Blayney Council has been blindly oblivious to the reality of this proposal. They only speak with our group when requested by us and regularly undermining the impacts of the proposal that we raise as 'scaremongering' or just 'lying'. Multiple Councillors have admitted to not reading any reports or submissions made by the Applicant and not understanding vital parts of this proposal, with some even stating there would be no reduction in water flow to Carcoar Dam even though the Applicant openly admits there will be. The Council are under a perception that the nearby neighbours are being supported even though half of the ones being offered acquisition agreements haven't signed them. They believe the Applicant is carrying out adequate consultation, despite us informing them our members advise us they haven't. This is evidence of a Council that is either voluntarily ignoring the concerns of the community, or oblivious to the reality of the proposal. Both of which have resulted in the 'sit back' attitude where they simply push the responsibility of looking after the community to the DPE whilst the Council receive the funds from the VPA and the promised 'jobs' of the project.

The VPA is still in a format that does not ensure the proceeds will be spent on those affected and in ways to mitigate the impact of the proposal. Additionally, the Council failed in their obligation to ensure the VPA adequately serves its purpose. There was no engagement of suitably qualified consultants to have input on the inclusions of the VPA, or the likely impacts of having such a proposal in the community. Additionally, after receiving only submissions of criticism of the VPA, the Council did not consult the submitters or offer any explanation to address concerns raised in these submissions. Instead, they changed nothing in the VPA and signed it as proposed by the Applicant.

This was a significant oversight and shortfall of the Council at the time and we now understand the Council realise how significantly underfunded they will be from the VPA to simply repair and upkeep roads, let alone commit to other infrastructure and purposes of the VPA. The Council has been negligent in their responsibility the entire assessment period with a 'we're not the consent authority so we don't have input' mentality. The Council are not across the details of the project and I encourage the IPC to actually ask them questions of the basics, particularly around the proposed mitigation measures or measures around impacts to the local community. You will soon find out they do not have the required understanding of the proposal or it's impacts to decide on if a proposed VPA is adequate. We strongly encourage the IPC, in whatever power it has, to force the

Council to withdraw from the current VPA, engage at least one suitably qualified consultant and engage with those who made submissions on the VPA to ensure they have a full and proper understanding of the impacts, concerns and reasonable requirements of the VPA. These criticisms are supported by the presentation made by Blayney Mayor, Scott Ferguson who stated the Regis staff have provided regular updates and communications about the project and assessment, but the Council has not consulted with the BHPG. We'd love to know how many times they've consulted with the Applicant as a proportion of the times they've consulted with the BHPG, we expect it would be at least a 20:1 ratio at least. Scott also goes onto to state that "there is an expectation that these impacts would be mitigated as much as possible" when referring to the impacts that will occur to the Kings Plains residents. This comment alone shows the Council had not used their position to ensure this actually occurs, but are instead 'hoping' that the DPE or IPC act on behalf of their community. Scott also states in his conclusion that "Council does not employ staff with the required specialist technical skills and or experience in these fields. It is extremely difficult for Council to interpret and comment on the various technical assessments and studies against industry best practise and acceptable thresholds". This is the Council admitting that they have not engaged adequate specialist services to inform not only their VPA, but also their submissions in general and as such, we encourage the IPC to interpret Council comments and submissions accordingly.

Noise

Given the importance of the noise modelling, we engaged RCA Australia to conduct a peer review of the noise assessment completed for the project. We have attached their report as Annexure 1 with our submission. They have highlighted several areas which we either require review, strict conditioning in the event of an approval, and a critical review of the method of modelling carried out. Our summary of the review is as follows:

Background Noise and Project Noise Trigger Levels

The RCA Peer review finds the Noise Policy for Industry (NPI) procedure for setting background noise levels, particularly the rules for excluding data, has not been followed for the Kings Plains location. This may well have bearing on the adopted criteria and the associated degree of impacts. RCA tables evidence that:

- Table 10 of the Amended Noise and Vibration Impact Assessment (ANVIA) presents Assessment Background Level [ABL - background level for each assessment period (day, evening and night)]. ABLs are measured within the Kings Plains precinct over 87 days. There is a very large range in the ABL day values. The maximum daytime ABL was 44 dB and the minimum was 14 dB (14 dB was measured on both the 4th and 5th of January), giving a range of 30 dB. This range is too large to be correct in their opinion. When RCA reviewed the noise monitoring charts in Appendix B it was seen that several days (including the 4th and 5th of January) had large segments of data missing (the noise terminal appears to have been offline). The process to calculate the ABL for these days appears to have been corrupted by large sections of missing data.
- The NPI has rules that exclude day, evening and night periods if a minimum number of samples was not present, meaning no value should have been presented for these days as they didn't meet the requirements.
- Also, much of this data was taken during school holidays. The NPI states that background noise monitoring should not be undertaken during school holidays.
- The Muller report does not state that periods of wind above 5 m/s has been excluded prior to analysis and the monitoring charts do not show periods of exclusions. This indicates that periods of rain or wind above 5 m/s may not have not been excluded prior to analysis.
- The range of presented ABLs for the evening is 21 dB (maximum of 45 dB and minimum of 24 dB). This large range seems implausible unless the ABLs have been affected by either

extraneous noise, atypical conditions (ie school holidays) or periods of wind greater than 5 m/s.

- RCA recommends that the ABLs and then the RBLs (Rating Background Level (RBL - the median of ABL values over the whole monitoring period) as defined for Kings Plains be re-examined in accordance with NPI's procedure for calculating RBLs, including all exclusion rules.
- The potential outcome is that the day and evening RBLs may need adjusting downwards (resulting in an adjustment of 1 dB during the day and 2 dB during the evening to meet the minimum background levels). Even a small adjustment such as this would have a bearing on both operational and construction noise criteria and how all results and the VLAMP assessment are presented.
- A downwards adjustment will also give further context to whether the current DPE proposed noise conditions are reasonable.

Critical Assumptions Underpinning the Noise Predictions

The Amended Noise and Vibration Impact Assessment (ANVIA) states that construction and operational noise predictions are lower than what was presented in the original EIS, largely due to the selection of quieter equipment for modelling purposes.

RCA's Peer Review notes that the ANVIA also states that the fleet has not been finalised and as such, RCA emphasises the importance that any consent be must based on the vehicle and equipment fleet as proposed in the ANVIA and that any variation to this, even slightly, could be enough to trigger VLAMP conditions. It is therefore vital that the IPC impose conditions that ensures only the fleet as proposed and all mitigation equipment and strategies proposed are adopted in full. This is also expanded in the Plant Selection paragraph below.

The operational noise results presented in Table 37 of the ANVIA may change pending a review of the Kings Plains noise criteria (once the RBL analysis is reviewed) and also once the stability class frequencies are confirmed.

Section 6.8 of the ANVIA states that "Mobile equipment such as haul trucks, excavators and drills are to be mitigated to achieve low noise emissions. Therefore, factors such as intermittent noise and duration have not been considered further in this ANVIA." RCA's Peer Review emphasises how important the sound power data and spectrum of the mining fleet is and contends that the question of intermittency should not be immediately dismissed.

The NPI lists intermittency as an annoying characteristic, which when present, attracts a 5 dB penalty. The penalty applies at night-time only, "where the level suddenly drops/increases several times during the assessment period. With a noticeable change insource noise levels of at least 5 dB(A)".

It is difficult to tell from the noise contour figures provided in the ANVIA which do not show noise source locations, but one scenario where intermittency could be applicable is where mobile plant cycle through periods of varying exposure to a receiver. This scenario will occur as the operations, eg pit shape, change.

A scenario that appears not to have been captured is the use of the access road at night-time. Any noise from vehicles on the access road should be added to general "site noise" and assessed against the NPI. The access road itself may add an "intermittent" nature to noise levels received by the receiver closest to the access road.

The ANVIA has concluded that tonality and low frequency noise will not be an issue based on the modelled fleet. RCA reiterates that if the final fleet differ to what was modelled, this assumption may prove false.

Plant Selection

The total sound power from the amended mine site has been reduced compared to the initial Noise and Vibration Impact Assessment (NVIA), largely due to the use of data for quieter plant and equipment. The Amended NVIA notes "it is highly likely that alternate (electric drive) haul trucks will be used for the Amended Project (or similar fleet with equivalent sound power levels and spectral content)".

The assumed sound power and spectral content of the plant is the primary input into the noise model. If these assumptions prove false, then the model outputs are not representative of what will occur in reality. This could have bearing not only on the absolute noise levels but also potentially on low frequency noise. RCA's Peer Review recommends that any project approval be conditioned on the final fleet meeting the sound power level and spectral content which formed the basis of the assessment.

After-Market Noise Attenuation

The ANVIA makes reference to noise-attenuated fleet (which has implicitly been assumed in some of the sound power data modelled). The RCA Peer Review points out that noise attenuation has a lifespan, and so the modelled noise levels are no longer representative after that lifespan. For example, RCA staff have taken sound power measurements of haul trucks on mine sites and found that engine bay attenuation was missing. They were then told that maintenance crews removed the attenuation because it made servicing the plant more difficult. Even if the proponent intends to commit to achieving the sound powers that are presented in the ANVIA, this is very difficult to police and enforce in practice. As such, we have suggested far stricter reviews of attenuation conditions in our suggested conditions section in this submission.

Road Noise Assessment

RCA's Peer Review notes the Road Noise Assessment has not assessed maximum noise levels associated with braking and engine noise at the proposed intersection at the site access. The proposed intersection could potentially cause significant sleep disturbance impacts for the nearest resident.

The ANVIA does not consider the additional noise that will be caused by project related braking and engine noise at the proposed intersection connecting the Mid-Western Highway with the site access road. Appendix C7 of the Road Noise Policy states: "Engine brake noise from heavy vehicles is a major source of community noise, and impacts can occur during both the day and night. It can be a source of sleep disturbance in both rural and metropolitan areas. Likely locations for noise impacts from engine braking include traffic intersections..."

The relevance of this, is that the Amended Noise and Vibration Impact Assessment presents traffic numbers for the first three years (Mine Construction, PY1 Construction and PY2 Construction & Operation), which indicate that the mine will add over 100 light vehicles and approximately 70 heavy vehicles to the general traffic each night. Creating an intersection where there is currently free flowing traffic will create additional engine and braking noise which may lead to significant sleep disturbance impacts for the nearest receiver (noting that not all residents sleep at night, such as nurses and shift workers). RCA recommends that this be re-assessed.

VLAMP Assessment

The RCA Peer Review notes the outcome of the VLAMP assessment is based on the current project noise trigger levels (which may change for Kings Plains following its recommended review of the RBLs) and determination that noise enhancing weather is not a feature of the area (which RCA recommend is confirmed against a second nearby weather station). This assessment will need review once the above points are confirmed.

DPE's Proposed Noise Conditions

If Table 10 of the ANVIA is to be believed and not reassessed as is recommended by RCA, the lowest night time ABL that was measured in Kings Plains was as low as 14 dB. The DPE are proposing a night time noise condition for these receivers of LAeq,15 minute 37 dBA (Table 1 of proposed consent conditions). But these proposed conditions are only valid during very calm conditions. The ANVIA has reported that calm conditions rarely occur, so in fact, the proposed DPE noise conditions for Kings Plains at night time will routinely be LAeq,15 minute 42 dBA (condition B9). This is 28 dB higher than the lowest reported night time ABL for Kings Plains. The next lowest night time ABL reported for Kings Plains was 18 dB and 20 dB. The DPE proposed night time noise conditions for Kings Plains according to condition B9 would still be 24 dB and 22 dB higher than these reported ABLs respectively.

The RCA Peer Review notes that the proposed conditions in B7 Table 1 (operational noise criteria) will not protect the amenity of the nearby receivers because the limit stipulated in B7 will rarely apply, that is, less than 2% of the time because the breeze/wind will be more than 0.5m/sec for 98% of the time (according to the Applicant's own ANVIA).

RCA expresses concern that accepting the modelled levels as the limit of what is reasonable and feasible will not protect the amenity of the nearby community for the following reasons:

- The proposed noise conditions are higher than the Project Noise Trigger levels (PNTLs) derived under the Noise Policy for Industry (NPI). The NPI already acknowledges that "not all members of the community will find the noise acceptable" even when the PNTLs are adopted.
- The above concern is compounded in a rural environment where the background levels are very low. Table 12 of the ANVIA shows that the night-time RBLs (background noise) are 24 dB (Distant Rural), 30 dB (Kings Plains), 24 dB (WalkomRoad) and 26 dB (Sturgeon Hill).
- RCA refers the IPC to NSW Case law Gloucester Resources Limited v Minister for Planning where it was accepted that the impact of an intrusive noise is "highly dependent on the environment in which it is experienced". This means that the PNTLs are already potentially insufficient to protect the amenity of the community due to the true background levels (particularly at night time) being lower than the adopted levels. If the project approval noise conditions are then higher again, this only further degrades the amenity of the community.
- Condition B8 Table 2 of the proposed DPE conditions outlines the meteorological conditions for which the proposed criteria are valid. These meteorological conditions are based on what was modelled in the ANVIA. Clause B9 states that "for other meteorological conditions, the applicable noise criteria are as defined as Table 1 plus 5 dB". The concern here is that the ANVIA presented weather analysis that shows that the applicable meteorological conditions very rarely occur. This means that the criteria presented in Table 1 will almost never be applied, and that the applicable noise criteria will routinely be 5 dB higher than what is shown in Table 1.

In summary, the PNTLs presented in the ANVIA are most likely to be insufficient to protect the amenity of the community due to the true background levels being lower than the adopted background levels, but the DPE are proposing noise conditions that will routinely be a further 5 dB higher than the PNTLs presented in the ANIVA. This must be seen as an unacceptable degradation to the amenity of nearby receivers.

RCA's Peer Review recommends the following reviews are conducted prior to the contemplation of any project approval:

- The RBLs for Kings Plains be re-calculated, in accordance with the NPI procedures, including exclusion rules.
- Once the RBLs are confirmed, any new operational and construction noise limits be applied to receivers. All results and discussion of impacts, including the VLAMP assessment, will need review to ensure they are consistent with the confirmed RBLs.
- A maximum noise level assessment is undertaken for the proposed site access intersection, given the number of light and heavy vehicles the project will generate at night time.
- If project approval is granted, any and all mitigation strategies outlined in the ANVIA, including sound power levels and spectral content of mining fleet, become conditions of consent. RCA also recommends the site undertake no more than annual fleet noise testing to track and action the sound degradation of fleet.
- If project approval is to be granted, RCA recommends that the consent noise criteria reflect the Project Noise Trigger Levels outlined in Table 17 of the ANVIA (once these are confirmed) and that those limits are valid for wind speeds up to 3 m/s,not 0.5 m/s. We ask the IPC go even further and align the wind speed condition with other similar projects in the area, I.e. Cadia Valley which has a wind speed allowance of 5m/s. The wind analysis presented in the ANVIA shows that calm conditions rarely occur. That would mean that proposed noise limits which are only valid for wind speeds up to 0.5 m/s will rarely apply and thus the additional noise concession of 5dB will mean a limit of 40dB which is unacceptable.

Equally as important and modelled off the same meteorological conditions as the noise assessment, is the air quality assessment. Given the inconsistencies in the baseline monitoring of the noise assessment we have concerns over the methodology adopted for the modelling and inputs of the Air Quality Assessment. There appear to be equally large variations of the day and night meteorological conditions in the dust modelling, raising concerns of the validity of the base line data.

Visual

The DPE relies on the existing tree planting and landscaping exercises by the Applicant to justify the Applicants ability to effectively carry out the proposed screening and mitigation measures. The DPE seems to be ignoring the fact that although the Applicant may have planted trees, they only plant seedlings/tube stock and after 5 years, they're still less than 6ft tall, let alone tall enough to shield views. Additionally, thousands of other trees they planted have died due to their inability to water and care for them. The Applicant has owned the area for over 10 years and still have no mature native trees to show for their screening and mitigation efforts. This doesn't just speak to the issue of visual mitigation, but also for fauna migration away from the area. The Applicant has stated at CCC meetings that the expectation is that disturbed fauna will use the 'corridors' created by their tree planting to migrate away from the area. Apart from the issue that the corridors don't actually lead the fauna to habitat areas, they're not mature enough to provide sufficient shelter for the fauna.

The DPE acknowledges that for properties at higher elevation, screening will not be effective and the only method of visual mitigation will be the rehabilitated amenity bunds which aren't expected to be commenced until year 6. The DPE justifies the visual impacts as acceptable because "these impacts are expected to be substantially reduced from year 6, as the rehabilitation measures progress". This means residents must endure at least 6 years (or more than half the operational life of the project) with significant impacts until the anticipated rehabilitation begins to take affect in mitigating visual views. This also assumes mitigation is carried out as proposed and most importantly, water is available for the Applicant to water and grow the rehabilitation. Given the patchy success of the Applicant planting screening and corridor trees in the past, this does not give us much faith or hope

that the Applicant will be able to successfully rehabilitate as they propose. Based on the Applicants past performance, we therefore believe the extreme visual impacts will extend beyond year 6.

At item 166 of the DPE assessment report, they admit that the diffuse light impact on residents will be 'significant' for neighbours and the wider locality and yet there are no conditions to mitigate this except that encourage the Applicant to 'minimise' lighting. In fact, the DPE go on to say that the significant disturbances will be exacerbated in periods of fog, which is commonly more than 5 months of the year. The DPE notes that the mitigation agreements offered "would also help to mitigate any impacts for direct and diffuse lighting", however not all offers include measures that adequately address lighting intrusion or other visual mitigation. The fact the Applicant continues to try and divide the residents in attempted negotiations means there can be no assurance that they will get adequate protection from light intrusion, especially as many residents (including those who have already signed) feel intimidated and that they 'have no choice' but to sign what has been proposed, not what has been negotiated. Additionally, of the more than 85 residents within 2km, only 18 have been offered visual mitigation and yet the DPE state that with mitigation agreements, the impacts will be reduced. The DPE justify their position by simply stating "there are fundamental limitations in the ability to avoid and minimise visual impacts where the location of the target mineral resource is physically fixed". Just because the site of the proposal cannot be moved does make the impacts 'justifiable'. If the DPE acknowledge that impacts cannot be mitigated, they need to either think harder about conditions to help the affected community, or reject the proposal.

The DPE state the Applicant is implementing a series of 'best practice' mitigation measures throughout their proposal but fail to acknowledge the proposal requires far higher measures than best practice. They also acknowledge that "completely avoiding amenity impacts from the project is not possible". They believe that the impacts can be managed and mitigated to levels 'acceptable' under the relevant NSW policies. The NSW policies are written with the consideration of commercial, high traffic areas in CBDs. This is not an area that is comparable to the CBD of Sydney, Newcastle or Wollongong for example. This is a greenfield open cut site proposed to be in an existing village in a semi-rural valley of pasture fields. Residents have no noise intrusion, no air quality deterioration, and no light intrusion at night. For the DPE to believe that the mitigation measures proposed are sufficient to compensate the residents, shows just how out of touch and inconsiderate the DPE have been in their assessment, and that due to the lack of adequate consultation, how inappropriate their conclusions are.

The viewpoints that the Applicant provides in their assessment reports to demonstrate mitigation efforts are all from the South and South West direction. The Applicant nor the DPE assessed any impacts of the view from the North or North West looking South into in the pit, processing area or TSF. Additionally, there is no recognition of the properties on Pounds Lane or to the East of the mine site and the impacts that they will have from both site and dust, despite the Applicant acknowledging that the wind direction regularly blows East. There are many houses on crests, peaks and hills to the West and North of the mine site that all look over the rolling hills in the area and will see into the processing facility and likely the open cut pit.

Pages 16 to 18 of the amended visual impact assessment (Appendix R) shows the significant impacts and changes to the exiting view when looking East from the Western side of the mine site. Properties along Guyong road are not only closer to the site than the image taken, but also higher elevation and yet the Applicant has not offered and the DPE has not conditioned any form of visual mitigation for these residences.

6.3 Social Impact

It is vital that the DPE acknowledge that the residents were located in the area before this proposal, stating "…resource in relative proximity to **existing community residents**". It also acknowledges that "completely avoiding amenity impacts from the project is **not possible"**. And yet they still recommend an approval.

We have included the DPE's own SIA expert review as Annexure 8 to this submission. This report was compiled late in the assessment piece following ongoing pressure from ourselves and Kings Plains residents with the assistance of consultants after the DPE refused to commission a review. It is a vital report that touches on several of the big issues of this proposal and suggests recommended actions by the DPE and conditions in the event the DPE recommended approval. Our below points are made in reference to the SIA Expert Review.

All items under section 2.1.2 and 2.1.3 in the DPE SIA Expert review show that even with mitigation, the negative social impacts remain at least high. Of particular note are the following:

- Item K and similarly Y; that the risk to the local community of an over expectation of the reality of the economic benefits of this proposal is **high,** in addition to the reliance on one industry to feed the economic growth of the town as **extreme**. The Applicant has only amplified this risk by running full size promotions in the local paper since the referral to the IPC stating they'll be employing hundreds of people with their locals first policy. When queried at a CCC meeting what the details of this policy, the company admitted no such policy exists. This Applicant has relied one line submissions of support on the back of implying that locals (who already have jobs), will get jobs and there will be a significant economic boost to town. The Applicant continues to increase the risk of inflating the local expectation of the economic outcomes of this project.

- Items N, O and X; that the risk of labour draw for the project will result in a reduction in the existing non-mining local labour pool is **extreme**. In a town that relies on small business to service the needs of its community this consequence will be catastrophic resulting in business closures, less skilled services in town and less diversity of goods and services. Even with mitigation the Applicant still assessed this as **almost certain**. Not only does it draw labour from existing business, it re-routes the labour into short term, specifically skilled roles which won't be transferrable on cessation of mining.

- The DPE expert review acknowledges the demography of the existing Blayney community and the reality of the negative impacts that this project will have on the existing community. The review listed 5 areas the experts deem to be of **high** significance, regardless of the Applicant downgrading them as medium. These include issues such as: less private dwellings for existing and future residents; displacement of low income residents; increased demand on health and emergency services; disparity in the Blayney LGA experiencing the burden of the proposal; and economic and social costs resulting from a cyanide contamination event.

- The assessment acknowledges a direct impact to approximately 230 community members who live within a 2km radius of the mine site. That number is existing people who already live there and excludes the 14 dwellings which the Applicant has acquired. Using the same apportionment of individuals per dwelling, this equates to an additional 36 people, taking to the total number of people who would reside here without this proposal, to 266. More than the average operational workforce for the proposal.

- The expert review raises the fact that if all offered options to sell are exercised, it would result in a 41% reduction in the existing, and in some cases, very long-standing households of Kings Plains. The review states that "a 20% reduction in the number of community members, deriving from an adverse mutual experience is generally considered to be a **catastrophic consequence on the community**. It then talks about the success of any attempts to co-exist is dependent on the Applicants ability to be a good neighbour. The fact that only half of the offered contracts have been singed, in conjunction with the volume of those neighbours who oppose the proposal is evidence that this is not the case. The review confirms this and states the "the overall social risk to the Kings Plains community of loss of community wellbeing and cohesion due to out-migration be assessed as **extreme**".

- The Applicant has demonstrated no efforts to be a 'good neighbour'. Providing sponsorships and donations to groups and organisations that are in Blayney and surrounding areas, but not Kings Plains – the area to be directly affected by the proposal. All of the items listed by the review that would demonstrate a good neighbour have specifically NOT been carried out by the Applicant.

- Although the review suggests that as properties vacate, they be filled with locals who contribute to the community, the Applicant is already planning to fill them with their own work force (and currently already are as evidenced by the Project Director, Wayne Taylor, being a recent new resident of Kings Plains). This will create a distinct divide in the community and further threaten the community cohesion.

- The review notes that the proposed contracts from the Applicant "do not adhere to the SIA Guideline Principle of Transparency". It goes on to state that that those who sign the agreement "**contractually lose some procedural fairness**". These comments from the review touch on the surface of some of the issues of these offered contracts and as to why so many remain unsigned.

- The review also states that the proposed mitigation of air conditioning and window improvements is "not proportionate to the level of impact". This is further evidence of why the Company's offered contracts are inadequate and also why they lack trust in the community. After the Kings Plains residents stated "they were not supportive of these measures" during consultation Round 3, the Applicant has not changed the offers.

- The method of how the company has pursued the signing of these contracts has also driven division as they refused to speak to residents together until the DPE was forcibly involved at the request of an external consultant paid for by the residents (and was refused to e reimbursed by the Applicant).

- The review acknowledges the Applicants concept of offering these contracts to be good in theory, however the method of how they've approached them has and will create "adverse social consequences".

- The SIA review states that only the Applicant, Government and small portion of business owners may benefit from the proposal. It acknowledges the adverse impacts will be experienced by a far greater portion of the community and to a larger severity.

- The SIA review points out that the Applicant has not made any efforts to mitigate or address distributive and intergenerational inequity. It also specifically states that because the VPA has been agreed giving total control of fund distribution to Council discretion, it cannot be considered a form of mitigation to address spatial or distributive inequities.

CONDITION: Proposed Condition due to Blayney only having one police officer who is on an 'on call' basis and only has one police vehicle: The Applicant is to provide a 24/7 available security services service of at least two staff and one vehicle to service the Chifley area and deal specifically with disputes/issues with Regis staff in the community. They act as a 'second responder' scenario in the event the police are otherwise occupied. This will ensure the single officer in Blayney has support and also that any increased negative social behaviour brought by the staff of Regis can be dealt with at the expense of the Applicant and the cost to the taxpayer is somewhat reduced.

CONDITION: The review recommends a SIMP which the DPE have recommended however we argue the Applicant has proven they are unreliable and untrustworthy, and that such measures would not achieve the required outcome for community cohesion. Given the severe and extreme impacts of the proposal, if the IPC was to deem it approvable with conditions, the Applicant has demonstrated over their 6 year planning and assessment period that they cannot conduct themselves in a socially responsible manner. As such, we request the IPC impose a condition of consent that forms an independent Trust. This independent Trust will be community controlled, ensuring that those who are experiencing the impacts and cost of this project have direct input to the trust. Such a condition may be unprecedented, but so is the proposal of an 24/7 open cut gold mine so close to so many existing residences. Although it may seem extreme, we encourage the IPC to give it appropriate consideration and we're happy to be consulted to define the functions and powers of the Trust. Such a condition would assist in building trust between the Applicant and the community, increase community cohesion and likely reduce outmigration of existing residents. The fact the community continue to have significant concerns about issues the Applicant claims are irrelevant shows the Applicant is incapable of adequate communication with the community and more specifically their direct neighbours and the people directly affected by any potential failures or breaches. The establishment of this trust would force the Applicant to deal directly with those affected and will undoubtedly increase trust and force the Applicant to be more engaging with the community. Part of the Trust would include a mediator and risk communication specialist (as recommended by the DPE SIA review) to provide third party and qualified input. This proposed trust would also address the issues raised by DPE SIA expert review at section 3.1.5 and require directly impacted community involvement with Council decisions.

The SIA review is clear on page 27 that without the involvement of several parties, including those that the Applicant are currently not communicating with, the proposed mitigation measures would be insufficient. The proposed trust setup would provide a central vehicle for the management of these exact issues and mitigation measures which will force the Applicant to involve those directly affected and ensure the mitigation is directly beneficial to those experiencing it.

We engaged Mr Warwick Giblin who has experience in assisting private landholders, Councils, Government agencies and mining proponents in dealing with community and social impacts of projects similar to this. He has prepared a written submission which he submitted himself and we also include as Annexure 2 of our submission for your reading.

We have also engaged Dr Alison Ziller to complete a review of the Social Impact Assessment of the project and her report is included as Annexure 5 of our submission.

6.4 – TSF and Water Resources

The EPA have stated they're satisfied with the TSF placement and proposed lining as being in accordance with current legislative requirements. It considers the alternative locations as being either too high risk of failure or more visually impairing to the residents of Kings Plains. These three other locations are not exhaustive by an means and ignore several other locations that are not tributaries to the Belubula River. Additionally, their assessments of alternatives do not consider or compare all components, particularly the fact that if an increased visual impairment results in a reduced risk of water contamination, this would be a better outcome for the greater community with a lowers cost; especially given there is already going to be a guaranteed visual impact for the mine neighbours. Additionally the alternatives consider the visual impact on the village of Kings Plains, but not on the other neighbouring areas of Vittoria, Guyong, Fitzgeralds Mount, Blayney and the properties in between.

Another issue with the EPA determination that the lining and construction is adequate, is that it still doesn't ensure a nil discharge or a guarantee that the TSF will not fail, nor does it enforce safeguards to control the consequences if and when such failures occur. The EPA indicated they were satisfied with the information provided but that it would be subject to a rigorous testing regime and management plan. These plans are reactive and will not prevent leaks, failures, or stop the flow of contaminated tailings downstream.

Item 330 from the DPE assessment report is frustrating to read because the only way this has become possible is by the Water Management Regulation being modified to allow this sole project to be able to exchange water licenses from downstream to upstream of Carcoar Dam. Acquiring licences does not solve the problem of reduced water. And redirecting water licences upstream of their designated area is irresponsible and problematic as has been demonstrated around the Country when downstream users end up with no water in dry times because it's been consumed upstream. Just because someone might hold the licence to consume the water, doesn't mean there won't be impacts on aquatic wildlife and other wildlife that rely on the springs that feed the river continuously through droughts, even if it is in low quantities.

One of the major issues for the project has always been around the water. The lack of water and the amount of water to be taken for this proposal has never been in balance. The rules have had to be changed and extra licenses given just to make this a provable by the DPE. Our specific issues around the TSF and Water impacts are noted below with suggested conditions (where possible) in the event the IPC believe this project is approvable.

1. TSF - DESIGN

ISSUE: The design of the TSF is one of the most major issues with this project that can be resolved by moving the facility out of and away from the Belubula River and its springs and seeps. The risk of the wall failing and/ or a catastrophic weather event (as seen in November 2022 flood event) will result in immediate contamination of the Belubula river, downstream into Carcoar Dam and into the Lachlan River. As proved in March 2018, Cadia Valley Operations gold mine, approximately 20km west of this proposal, had a catastrophic wall failing (which still has not been fixed or resolved) which was built to Australian standards but still failed.

ISSUE: Professor Ryan Vogwill states that there is a lack of transparent data and "Contamination risk is inferred by the proponent to be low due to mixing during down gradient flow. But this has only been assessed using analytical model, simple calculations and predictions from a porous media only flow model". He states that there is evidence of fractured rock which also travels to outside the mine site boundary, that has not been analysed to more accurately assess travel time for mine site

contaminants (50m in 100 years) and states “the fractured rock portions of the aquifer are dominated by conduits, these areas will flow faster than porous media equivalent”.

ISSUE: The pit lake as a flow through system. There is uncertainty that:

a) it will take 400 years to become a flow through system (due to statements above); and
b) As stated by Professor Ryan Vogwill “*The waste rock dumps and pit void will interact with and contaminate the aquifer, but we only have one prediction of the extent of contamination and with no assessment of certainty.”*

It is clear that there is a major deficit in accurate and comprehensive assessing of the risks and long term affects that the TSF will have by being placed in such a sensitive area of the catchment. Independent experts have been able to undertake a practical analysis of the assessment, identify some major shortfalls, of the Regis own expert studies.

ISSUE: No containment facility directly below the TSF. In the event that there is a catastrophic failing of the TSF (as seen at Cadia TSF nth wall failure in 2018) and that the Belubula River flows directly below this wall, it would be at least feasible to have a containment facility below this TSF that would have the capacity to capture a large amount of the tailings if they were to escape, ideally with enough time for alternate measures to be implemented to protect further leakage into the river. In the event at Cadia, the ONLY thing that stopped the tailings from entering directly into the river was the fact that there was a second dam below this nth TSF, which captured the tailings.

CONDITION: That the TSF be moved out of the Belubula River and its associated streams and springs to reduce the risk of contamination to the immediate river below and Murray Darling Basin beyond.

If this condition is not considered, then the following condition should be considered.

CONDITION: There will be an emergency contamination catchment constructed directly below the TSF wall which in the event of a wall failure or extreme weather flooding event, be large enough to catch the tailings and stop any contamination of the Belubula River.

ISSUE: Multilayer TSF Liner. As stated by Ryan Vogwell “All TSF liners, clay or geo-membrane, do leak”. If one considers Jim Beyers comments on day 3 of the hearing, “(springs) will continue to flow downstream and return to the river downstream” and that there are 26 springs under this liner almost ensures that contamination of these springs will occur, pushing the contamination into the Belubula River. This ‘risk’ along with the above mentioned comments by Ryan Vogwell regarding the potential higher velocity of flow due to fractured rock and not just porous material, almost guarantee contamination will occur.

CONDITION: That the TSF be moved out of the Belubula River and its associated streams and springs to reduce the risk of contamination to the immediate river below and Murray Darling Basin beyond.

ISSUE: That the springs are a source of high value (macro-invertebrate rich) life. In Ryan Vogwells report, he states “Most biologically important areas in the area (Type 1 and Class 2 & 3) will be covered by the TSF.” And “although dams weren’t included in the waterways survey, due to the lack of fish passage in dams, they could have other aquatic biodiversity values of local importance”. These springs have many values and even DPI Fisheries have placed a large monetary value on the potential loss of important fish habitat and as a result of Regis taking away 1.8km of type 1 highly sensitive Key Fish Habitat, and 0.4km of Type 3 minimally sensitive key fish habitat, resulting in a payment to the DPI Fisheries of $4.58 million.

CONDITION: That the TSF be moved out of the Belubula River and its associated streams and springs to reduce the risk of contamination to the immediate river and all associated fauna.

ISSUE: TSF Size. As stated by Frances Retallick at the IPC Hearing, the amount of ore being taken out of the pit for processing doesn't add up to the size that the TSF is being built. She states "Cadia assumes a conservative density ratio of 1.5 tonnes / cubic metre. We estimate that 60 million tonnes of processed ore at a density of 1.5 implies a volume of 40 million cubic metres suggesting the proposed 50 million cubic metres is 25% larger than required for this ore body. It appears that the tailings dam has been designed for a production rate that is not under consideration in this application".
The TSF should accurately reflect the size it is needed for storing tailings and no more. Designing this facility any bigger will result in more unnecessary mine site disturbance.

CONDITION: That the TSF be redesigned to better reflect the needs of this proposal and only this proposal, and therefore if made to a smaller size, consider moving the TSF out and away from the river and surrounding springs.

If this condition is not considered, then the following condition should be considered.

CONDITION: That the TSF be redesigned and made smaller to better suit the required needs of this assessment.

2. REDUCED INFLOWS DOWNSTREAM of MINE and UPSTREAM OF CARCOAR DAM
ISSUE: There has been no consideration of downstream users along the Belubula River (above Carcoar Dam) which will be negatively impacted both economically and environmentally by the reduction of water flows in the Belubula River below the mine site. These users rely on the plentiful springs and stream flows where the TSF will be built, for a healthy river flow and charge along their properties. At no time has the DPE looked into or questioned the proponent regarding this, even after the DPE Water and NRAR stated in ATTACHMENT A Advice to DPIE - Planning & Assessment regarding the McPhillamys Gold Project (SSD 9505) – RTS, Amendment Report & Additional Information, stating: 2.1 Pre Approval Recommendations: That DPIE P&A consider the significance of the project's impact on Carcoar Dam and downstream flows and consider any mitigation that may be warranted. Regis has not consulted with landholders as to the potential impacts that this reduced flow will have on stock and fodder production levels, stock carrying capacities, changed operational implications during extreme weather events (such as drought), and many more issues.

CONDITION: That Regis conduct independent assessments of landholders below the mine site and above Carcoar Dam to measure the impacts that a reduced river flow will have on all landholders.

CONDITION: In the event that a landholder can prove that impacts have occurred, the proponent fully compensate any downstream users above Carcoar Dam for the negative economic impact that reduced river flows has on their businesses.

3. PLACEMENT OF SRWMF
ISSUE: The proposed placement of the SRWMF is parallel to the Belubula River below the TSF wall. Potentially this will not be a 'fresh' water dam due to the use of pipeline water to be used as a dust suppressant on the ground as well as other runoff contamination from the ROM Pad. This dam is not required to be constructed to the same conditions as the TSF, and as such, being built over alluvial soil parallel to the river, risks contamination of the Belubula River.

CONDITION: That the SRWMF be moved further away from the alluvial flats of the Belubula River.

If this condition is not considered, then the following condition should be considered.

CONDITION: That the SRWMF either be built to the same specifications as the TSF with a full liner and that all water is tested regularly to ensure that if there is any flooding, resulting in the dam running into the river, or under dam seepage, will not result in pollution of the Belubula River.

4. EXCLUDED WORKS EXEMPTION

ISSUE: The lack of clarity around the Excluded Works exemption. This exemption 'encourages' clean water captured onsite to be stored separate to dirty water, however there is nothing that explicitly states this must happen. It is understood that if clean water is contaminated it must remain on site to ensure that the river will not be polluted. As stated in a letter to the Department in November 2022 (attachment 1 Letter to Department re excluded works exemption), by the Environmental Defenders Office (EDO) "there would be no legal barrier to the McPhillamy's proponent capturing and using that clean water for another purpose, for example for the processing of ore and dust suppression".

ISSUE: The second issue around this Excluded Works Exemption is that the Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012 indicates that there is only a total of 264ML of available water in the catchment for consumptive use. Again in the same letter (attachment 1), the EDO states "We are concerned that the department's interpretation does not prevent the proponent from relying on this exemption to potentially take water far in excess of the extraction limits in the catchment. This will have significant adverse impacts on other water users and the environment".

CONDITION: Any clean water that is captured in a clean water facility must not be mixed with dirty water. And if there is any contamination of the clean water, then the proponent must not use this water for any uses onsite, including but not limited to processing and dust suppressants.

5. PIPELINE WATER

ISSUE: That this water, made up from three sources including the brine from the Mt Piper Power station desalination plant, Springvale Coal Service, and Angus Place Colliery, all owned by Centennial Coal Company, will in fact be highly polluted. Dr Ian Wright from the University of Western Sydney, stated on the ABC Landline program in 2021 "It is the worst single point source of water pollution" he has ever seen in the Sydney Basin, in his 30 years of experience.

Regis is claiming to dilute the brine from the Mt Piper plant with the other two sources so that it will be at an acceptable livestock drinking level. Even so they have not identified the negative environmental aspects that the water will have. Dr Wright states that the "heavy metals in the water, namely nickel and zinc, even at a dilution level of 1 to 100 will have a detrimental effect on aquatic life and build up in the soil".

Jim Beyer in his final speech stated that the water in the pipeline would be of stock drinking quality. Although stock drinking quality by definition, there is no assessment of whether or not this is still worse than the current water levels at the properties the pipeline traverses or water ways it's bored under. In the event of a leak, although it may be stock drinking quality, is it still going to result in a deterioration of existing water quality? And after Ian Wrights presentation stating that this water , at stock drink quality levels, will be harmful to aquatic life , therefore must not be released into the Belubula River or any other waterways or storage facilities.

ISSUE: There is very little clarity on what the water sources will be, the makeup of this water, and extremely vague suggestions as to how this water will be managed at the end of the mine life, i.e. how often can it be stopped from pumping, who will hold the contract with the water source, how will it be continually monitored for quality, the list continues. These are issues that should be completely finalised and contractually finalised BEFORE this proposal moves ahead. It should also be agreed that if no persons are interested in taking this water once the mine has finished, then the Applicant MUST remove the pipeline completely.

ISSUE: Lack of clarity of how the pipeline will be monitored for leaks and possible contamination into the environment along the approximately 90kms. Even when questioned by the Commission, Regis was unable to answer how this pipeline will be maintained and monitored whilst in use over the mine life. This pipeline will traverse approximately 113 waterways consist of 5 pumping stations and will travel up steep gradients causing huge amounts of pressure along the way. As stated by Ian Wright who has over 30 years of experience stated in his hearing speech, "all pipes will leak" The potential for contamination along this corridor is huge and needs to be managed.

CONDITION: That the proponent find alternative water which is less polluted and cleaner, for mine operations.

If this condition is not considered, then the following condition should be considered.
CONDITION: That stringent testing of the water in the pipeline be conducted at least weekly, and made available to the community within 24 hours of results.

CONDITION: Before the proposal is approved a contract must be made with the interested party who is prepared to take on the ongoing management and total responsibility of the pipeline. And if not, at the completion of the mine life of 15 years, the pipeline be fully decommissioned, removed and the resulting pipeline corridor be fully regenerated including all water courses it will cross.

CONDITION: The Applicant provide a full management plan on how the pipeline will be monitored and managed, and what they will do to compensate private landholders in the event of pipeline failure. This must take into account catastrophic failure where the pipe completely breaks and contamination is extensive.

6. LACK OF FLOW DATA
ISSUE: In Regis' own Appendix C GW and SW Interaction report it is clearly stated "During the community open days for the project in 2019, Regis and EMM personnel spoke with many local landholders, and some expressed interest in Regis visiting their property to collect information related to springs, their bores, flow in local creeks…" and then further "EMM visited various landholders properties… During these surveys, water samples were collected". Being at the end of an extended drought, they reported only water holes and pools at the time, but care needs to be taken when interpreting their results to understand these were extreme conditions.

In the EIS Appendix J Surface Water Assessment pg 28 Regis has used only three existing water flow gauges (two of which only have data from 1998 - approx. 2002) and another gauge situated at Carcoar Dam which only has recorded data from 2012. During the hearing Regis showed photos of monitoring points and a v notch weir. This weir had not been installed by the EIS, as stated in their own report (Appendix J Surface Water Assessment pg 25) "*Approval is being sought for the Belubula Downstream flow monitoring station and an application for the other two sites will be made once design is complete with the aim to have all three gauging stations in place during 2019*".

This issue is twofold: 1. Why didn't the proponent install and use flow gauge monitors from the time they have owned the land, considering the nature of the vast springs and river headwaters they were potentially effecting, this would have provided a much more accurate measurement of water impacts and captured data for both extreme dry times and extreme wet times; and two, there is very limited flow data (using the existing gauges) from which they used for their modelling of flow. Considering 2022 had two significant flood events in the Belubula River, real time monitoring would have been invaluable over this time, and would continue to assist the proponent in terms of updated and relevant information.

Separate from the issues in the water modelling, this is the exact tactic we're used to with the Applicant where they rely on specific wording of statements, requests or claims to avoid and manipulate outcomes and make our group look like we're lying. To be clear, they may now have flow data monitoring on their site, however these were not used for their modelling of water impacts.

CONDITION: That the proponent have to revisit the modelling used to incorporate the flow data they have recorded from the actual site of impact to represent a more accurate outcome in terms of flow velocity in the Belubula River.

We have engaged Dr Ryan Vogwill to review and comment on the proposal and DPE assessment in relation to surface and groundwater impacts and we have included his report as Annexure 4 for your reading. We have also engaged Associate Professor Gavin Mudd to review the TSF and rehabilitation strategies which we have included as Annexure 9 with our submission. Finally, we also engaged Dr Ian Wright to review the source water of the pipeline and this is included as Annexure 11 of our submission.

6.5 Biodiversity

At point 352, the DPE justify the destruction of the bio diversity by stating the Applicant will be implementing "a suite" of mitigation measures, but then lists measures which don't mitigate the impact and are invalidly justified. Such as:

- Claiming the destruction of endangered Box Gum Woodland to make way for TSF as being "unavoidable", even though the TSF could be relocated to a location where this Flora is not;
- "Designing" disturbance areas to 'minimise' impacts when they could also be designed to completely avoid the impacts with a slightly more cost.

These demonstrate the DPE have simply allowed the Applicant to pursue the easiest and cheapest path possible, without regard to the critically endangered, endangered and threatened species it's destroying. The DPE also refer to the Applicant offering to plant native trees as part of rehabilitation however the Applicant has experienced exactly what the local conditions can do to new flora, having lost most of their planted trees in the 2018 and 2019 years due to drought and feral animal abuse.

CONDITION: That all trees and plantations used as part of rehabilitation must be at least 5 years of age at the time of planting, and must be actively maintained (watered and fertilised) and protected to ensure they have the best opportunity of survival.

At point 371, the DPE refers to Regis using Aziel as a bio-diversity offset property, even though this property had previously been privately used as a bio-diversity protection area and was not under threat of destruction. Not only does this offset not do anything for the existing fauna that use the established flora at the mine site for habitat, but there is also no direct path for the Fauna to travel the 14km from the mine site to the offset land. It is therefore argued that the Applicant is not in fact adding any additional bio-diversity offsetting and the net effect of the bio-diversity offsetting if approved as is, would result in net losses of the endangered and threatened Flora and Fauna.

In addition to this, both the Applicant and the DPE have proved they are unaware of what can and can't be done on a biodiversity offset area as they offered the area to local beekeeping businesses as a means of relocating their bees from near the proposed Tailings Dam. It was only with prompting from a local beekeeper that they did not believe this would be allowable, did the DPE concede that beekeeping couldn't be carried out on the offset land. This shows that even if the Applicant was to have offset property, they aren't conscious of their responsibility nor the requirements for protecting the offset land. The admission that only 70% of the required Koala credits will be achieved (using existing habitat that was already not threatened at the property), and that the remaining credits would be funded by payment to the Biodiversity Conservation Fund, is yet another demonstration of the Applicants efforts to cut costs and take the easiest route at the cost of what is the best mitigation measures.

The DPE notes that they are recommending an area of 22ha Box Gum Woodland be restored and that they believe this would be 'suitable compensation' for the neighbouring beekeeping operations. However, the DPE has not consulted with the neighbouring beekeeping operation on what they believe would be appropriate compensation and nor does their recommendation force the Applicant to offer this area to the existing beekeeping operation for their use. As such, the recommendation could be severely insufficient with the operators needs or just inappropriate and plans, and it leaves the potential for the Applicant to not even offer it to them. This further demonstrates the DPE's lack of consultation, but more so demonstrates the unsuitability of the proposed conditions of consent.

The company could take efforts to proactively and appropriately rehome the existing Koala population from the area, but when asked if this would be investigated at a CCC meeting, the response was that they will "progressively remove habitat, encouraging the Koala's to relocate". Ignoring the fact that the Koala's won't voluntarily migrate 14km South to offset area, the company will not put in any effort to identify and proactively relocate them. Leaving them to most likely migrate into the neighbouring state forest which will also be periodically destroyed. This behaviour is further evidence that the Applicant does not have a mentality of preserving the area they intend to destroy, nor supporting the existing amenity.

CONDITION: A condition that states "any Biodiversity Stewardship Agreement must apply to properties and areas of land which previously did not house the Flora or Fauna needed and the purpose of such offsetting is to ensure the net impact of the destruction of such areas becomes at least annulled by the introduction of new areas".

At point 380, the Department admit that the impact of endangered Box Gum Woodland trees and Koala's would be "significant", and yet they believe the offsetting measures, in accordance with the current policies are sufficient to deem the project approvable. The reality is that current offsetting provisions are inadequate. They do not protect existing species, they attempt to provide protection in another area which is either not suitable for the species being protected, or is already not under threat and as such, results in a net loss of the species. This is evidenced by the fact the population of these endangered species continues to decline, regardless of current offsetting strategies.

Koala scats are destroyed quickly by weather, decay and other fauna. Spotlighting is also ineffective due to it being specific to what you can see only directly in front of you. Meaning they could be on the other side of the tree, in denser cover or be moving to avoid the disturbance.

(Koala #1 near Gardiner's Road 31/10/2020)

(Koala #2 photographed 03/10/2020 in trees along Pounds Lane)

(Koala#3 photographed on 4/10/2020 on Pounds Lane)

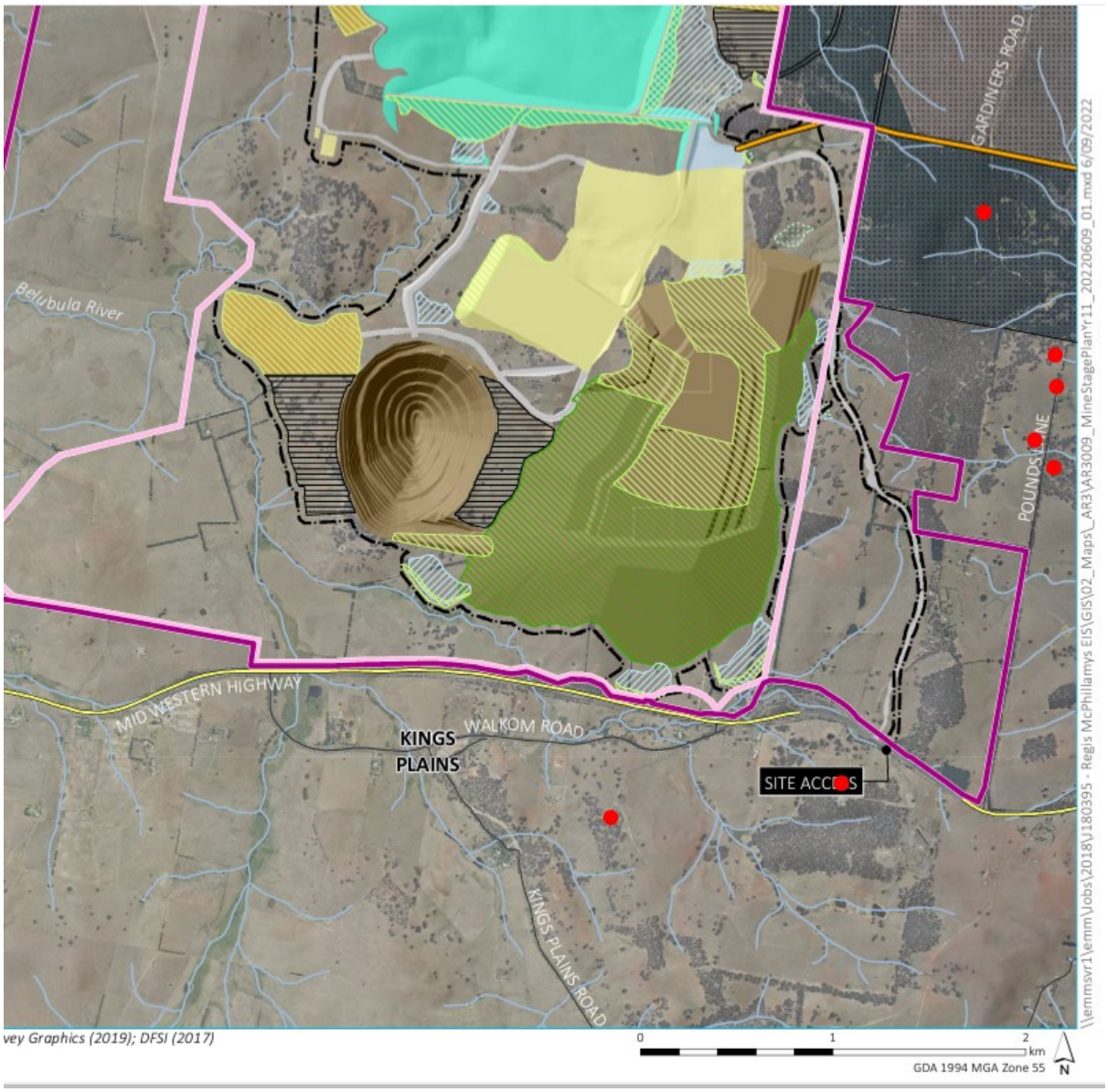
(Koala #4 located in pine trees at 2745 Mid Western Hwy – opposite proposed site entrance, in July 2021)

(Koala #5 and it's baby in trees along Pounds Lane on 17/01/2021)

(Koala #6, an albino, moving along Pounds Lane in 2020)

(Koala #7 located on 232 Walkom Road [Receiver 18] on 24/01/2016 – now Regis property)

The locations of the above Koala's are marked as red dots on the map below. Although we can't access the Applicants site, it's obvious there is a healthy Koala colony that use the trees that directly neighbour the site. These are just images taken from neighbours from roads around the site. These are not specifically being looked for, they are not targeted. When you combine these sightings with those in submissions from others (notably Mark Tutton who borders the mine site), there is no doubt there are Koala colonies directly next door to the mine, and reasonably assumed that there are colonies on the mine site that just haven't been looked for. With the Applicant acknowledging they will be destroying Koala habitat for their Pit, TSF and waste rock, it must be acknowledged that there will be a direct impact to numerous Koalas.



CONDTION: If approved, as an absolute minimum, the Applicant must be forced to carry out detailed surveys and attend to the safe relocation of any endangered species on their property to a suitably protected area.

We have also engaged an independent expert, Associate Professor Mathew Crowther to make a submission specifically looking at this project impacts on the local Koalas which we have included as Annexure 3 with our submission.

6.6 Aboriginal Cultural Heritage

The company has not made any guarantees that the property which potentially contains ancestral remains will not be disturbed. There is nothing in the reports that indicate the area will be disturbed, but to be sure, the IPC must impose conditions that ensure the area will not be disturbed. The conditions must include a protection zone/area around the potential sites to ensure no staff, visitors or other persons can access the area at the risk of disturbance, and that the company will take all reasonable precautions to ensure its preservation and protection whilst in its ownership. There also needs to be an appropriate consequence for a breach of that same condition.

A brief outline of just three properties with long standing significance in the Kings Plains area that under direct threat if this project is approved:

- Whim Park has been occupied by the same family since 1850 and is currently in the hands of the fourth generation of the family. This was intended to be passed to fifth generation but the children have openly stated they will not continue the property legacy in the event the mine is approved
- Hopetoun was originally purchased by a teacher at the Kings Plains School who taught there from 1895 to 1924. This was handed passed through the generations until it was purchased by the Applicant. This property is set to become the site entrance for the proposal.
- Iralee is now in the hands of the fifth generation after being acquired in 1858. Similar to Whim park above, the intention was for the sixth generation to take over the ownership but again, the children openly state they do not want live across from the proposal. The current owners specifically moved back to the area over twenty years ago to ensure the ownership of the property remained in family hands.

SITE SURVEY ISSUES

The review report completed by Doug Williams from Technical Heritage Studies (and included as annexure 6 to our submission) identifies that the McPhillamys Gold Project Aboriginal and Historical Cultural Heritage Report completed by Landskape Natural and Cultural Heritage Management - May 2019, shows that the McPhillamys survey did not meet the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-archaeological-investigation-of-aboriginal-objects-in-nsw)

The requirements that were not met are identified in the extract from Doug Williams report in the table below.

Requirement	Adequately Included	Notes
5a Survey Sampling Strategy	No	The survey method does not explicitly reference a sampling strategy
5b Survey Requirements	No	There is no record of accurately defined and named survey units. Survey transects/trajectories are not accurately mapped or presented (at all).
5c. Survey Units	No	Beginning and end points of transects not provided, survey unit boundaries are not defined.
6.Site Definition	No	There is no definition presented on how 'sites' were defined.

7a. Information to be recorded	No	No site plans were included in the report.
7b. Scales for photography	No	Photographic scales are inconsistently included
19.Attribute Recording	No	
20.Photography and drawing	No	At least one photograph includes 7 artefacts collected to make a photo (maximum allowed is 6)

52 Aboriginal Heritage Sites were recorded over the 5559ac Regis Resources footprint, refer to map on page 67 of the PEA. With only 14% surveyed which equates to 778ac. Refer to volume 7- appendix P - page 37- Survey Coverage Data 6.4.2 Coverage Analysis of the Regis Resources EIS. 14% of a generally significant area is insufficient to then base a decision that there's nothing of significance in the area's to be destroyed. It's also worth noting that this area of coverage was prior to the company's more recent acquisitions and as such, the area covered compared to the whole ownership area is now an even smaller percentage – being closer to 12%.

CONDITION: Given the shortfalls in the Applicant's survey's it is imperative that a full site survey be conducted. There are no reasons why all areas of disturbance couldn't be surveyed. The areas are easily accessible and safe.

CONDITION: Considering existing no compliance to the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, and to ensure that the protection of any heritage objects occurs, it would be warranted that rather than a company managed Heritage Management Plan, including Aboriginal Cultural Heritage, that this process be monitored by an external body or group including RAPs.

MAPPING ISSUES
The era of the mapping used to discount land ownership by Sir John Wylde and George Thomas Palmer in 1822 to 1824 is not reliable as the maps used by Landskape Appendix O AHCHA Addendum - Cupper August 2020, are from 1837 & 1843, well over a decade later. These maps highlight the rapid changes in land ownership.

The 1833 Surveyor Generals Map – Surveyor JB Richards – shows the Government Reserve at Kings Plains which shares a boundary with the McPhillamys MLA. This counters the statement made by Cupper (Landskape Appendix O AHCHA Addendum - Cupper August 2020) that: *"None of the conflict events are known to occur in the project area. Specifically, events described by John Wylde in July-November 1823 appear to have occurred at the government reserve immediately west of Bathurst (approximately 27 km northeast of the mine project area) and George Palmer's holding (approximately 41 km northeast of the mine project area;…)"*

Cupper (2019:29) acknowledges that pastoral runs may not have been officially leased ("The earliest pastoralists in the district secured large runs on the best quality grasslands on river flats and valley slopes. In many cases the runs were simply occupied rather than officially leased or purchased. Squatters rarely formalised their occupation unless forced to do so by the threat that someone else would register a lease"; Cupper 2019:29). This highlights the complexities in pinpointing the locations of these events on maps.

The events in 1823 that are recorded in the Colonial Secretary's diaries specifically mention "on Kings Plains beyond Bathurst" not immediately west of Bathurst, nor to the east of Bathurst, as proposed by Cupper (2020:7). Overall, Cupper's (2020:7) statement that "*None of the conflict events are known to occur in the mine project area*", and the evidence that he provides, do not establish that these events occurred outside the study area.

There is a high likelihood, given the nature of the event, that the conflict events at the Government Reserve at Kings Plains spilled over to the Mining Lease Application area.

Time and again, the mapping starting from 1833 mentions "old sheep station" on the parcel of land that is number 29 in 1833 - 29 in 1884 there has not been enough research to discount this as either George Thomas Palmer or Sir John Wyldes stations.

For more detail on heritage impacts, please refer to the personal submissions of Lisa Paton and Tony Newman where they will reference detailed further heritage impacts.

Unfortunately, given the nature of heritage significant items, these cannot be protected or mitigated unless they're not to be disturbed, in which there must be conditions equivalent to that above around education, exclusion zones and heavy consequences for failures.

6.7 Agriculture

BEES

At point 449 the DPE refer to tree planting efforts form the Applicant to offset the impacts of reduced foraging species. These plantations were made many years ago as seedlings and are still not at a maturity level that is sufficient to provide foraging requirements for the bees in the area. The Applicant has only ever planted seedling/tube stock trees and it can only be assumed this will be the case with their future planting efforts that form part of their screening and rehabilitation efforts. This is insufficient to replace existing mature trees which the bees rely on immediately.

CONDITION: If approved, all trees planted for screening, rehabilitation or offsetting purposes must be 'mature' natives and be maintained and protected for at least 48 months from plantation. Any plants/trees that perish in this time frame, regardless of the cause, must be replaced immediately and the 48 month timeframe recommences.

The assessment of the impact of the proposal on Bees ignores a key component about the quality of honey. It simply determines if the project would result in health risks resulting from honey produced by bees exposed to the mine site. What it ignores entirely and does not provide assurance of, is whether the quality of the honey would deteriorate at all. The honey currently provided is of a certain quality and standard with flavour and texture. The assessment reports state that contaminants in various sources which the bees will be exposed to "would be below levels that might indicate that health impacts on bees could occur"; but it does not state that it won't result in a deterioration of the quality of the honey produced. This means that although it may not result in the death or health issues of the bees or consumers of their honey, it could still result in lower sales for the business. It could also result in reputational damage, and it could jeopardise the operations and prosperity of the established and existing beekeeping enterprise and its associated ventures. What is then also ignored in any of the Applicants assessments is the risk of cost to the community if the mine resulted in reduced or cessation of beekeeping operations.

The fact the Applicant did not even assess the impact on the significant bee keeping enterprise which borders their mine until very late in the assessment process demonstrates the disregard of the existing local industry from the Applicant and lack of understanding of the area they're proposing to operate in. The beekeeping enterprise existed and leased the state forest many years before the Applicant even acquired the site and yet it wasn't until the significant shortfalls in their EIS were raised by the public (and the operators of the business noting they had not been consulted by the Applicant) in submissions, that the Applicant finally assessed the impact. This is yet another example of a lack of consultation and engagement from the Applicant. The other issue this raised is that the DPE's recommendation is for a commitment to communicating with the beekeepers on a regular basis and yet history demonstrates to us that the Applicant is incapable of doing this.

CONDITION: Due to this history and the clear uncertainty around the understanding of the impacts on bees, the recommendations need to go further and ensure that multiple suitably qualified experts are engaged and force *adequate consultation* with the beekeeping community. This needs to be evidenced by a signed agreement with the bee keeping enterprises that they have been adequately consulted which is to be provided with the program before any destruction of existing trees or production occurs.

The DPE assessment of light impacts admit that the Applicant relied on screening from the state forest which has since been harvested and they note cannot be relied upon and are out of the control of the Applicant. Again, this demonstrates a complete lack of understanding and consultation from the Applicant, but more so, it means there is no screening between the bee hives and the mine site/processing plant as the Applicant claims in their assessment reports. The only mitigation proposals to reduce the lighting which will attract the bees is now simply light shields which simply remove the direct lighting impact. The residual lighting and reflections which will occur from the night lighting will attract the bees to the mine site and the mitigation measures proposed are not sufficient to address the issues which were raised by the community, bee keeping businesses and DPI Agriculture.

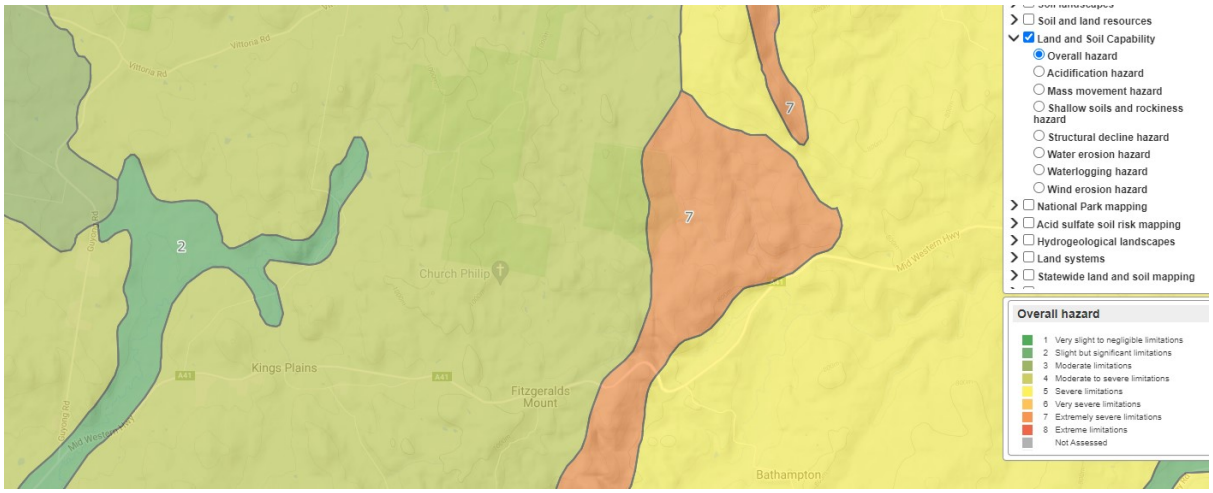
In another demonstration of a lack of understanding and consultation by the Applicant, they offered their proposed offset property to the apiarists, contrary to Biodiversity Conservation Act which prohibits such activities on protected areas. This shows either the Applicants incompetence in understanding the Acts which will ultimately govern their mitigation, rehabilitation and operational efforts; or deliberate disregard for them. If the Applicant cannot be trusted to understand and comply with the basic requirements of an Act designed to help protect the Biodiversity of the State, it cannot be trusted to create, implement, and then adhere to the numerous management plans that are proposed to be run in conjunction with the project.

The DPE are proposing that the Applicant plant new Box Gum Woodland trees to compensate for the loss of trees for bee foraging. However, there is no requirement in the condition for these trees to be mature.

CONDITION: The proposed tree planting compensation needs to be mature trees and the plantations need to be protected and nourished to ensure they survive. The condition needs to be specific to ensure this occurs so that it is replacing well established, healthy mature trees with 'like'' substitutes, and this needs to be **prior** to the destruction of the existing trees to ensure the bees know the alternative trees to forage from.

FARMING

The soil type classification in the EIS (ref main report section 7.2.2 page 196) has been understated. The Applicant claims there are nil type 2 and 3 soils on the project site referencing work that was done by Kovac et al (1989). The NSW Gov eSPADE website has the online version of the work that was done by Kovac. The Applicant reports are state that the existing soil types and classifications are a lot worse (up to two classes below) than what they actually are. The DPE has not captured this in their assessment. The map below clearly shows the darker green class 2 soil that runs up through the edge of Dungeon Road and under the proposed tailings dam. All of the land to the East of this (between the class 2 and 7 on the map) is the lighter green class 4 land. A lot of this class 4 land has been classified as class 5, 6 and 7 by the Applicant in their investigations.



The Applicant's soil classification can be found in EIS (ref main report figure 7.4, page 201)

The Applicant has not updated their value of local land production for agriculture which is based on figures from 5 years ago and the value of agriculture has significantly increased in this time. The quoted figures of $406,000 per year of loss in agriculture would now be closer to $1.2M per year in lost production alone, without adding the indirect contribution agriculture has.

The Applicant reports state that there is no BSAL in the area (BSAL being protected highly productive land). The project has had multiple changes including slight adjustments to the tailings dam to avoid BSAL which is right on the boundary of the mining lease area. With local farming members, we have seen on previous maps that there is a definite area of BSAL / class 2 land which follows the Belubula River through the middle of the proposed tailings dam. There were no soil test pits completed in this area and there are assumptions made to the slope of the ground to remove it from the maps. In the Regis EIS Appendix I Agricultural Impact Statement, page 20. A critical BSAL map has been removed from the document and it comes up with an error.

The IPC should seek clarification of this redaction to assure no BSAL is threatened by the proposal. "*The BSAL needs to be verified for all land in a project including surrounding buffer zones and offset areas;"* Regis EIS Appendix I Agricultural Impact Statement, page 18. As there is admission that the surrounding areas do have BSAL soil, part of the conditions need to ensure that the Planning Secretary must inspect the perimeter of disturbed land that is within 100m of BSAL land to ensure the project is being carried out in the proposed location, and not risking contamination of BSAL. Just last year Cadia drilled a vent shaft over 800m away from where it was approved to be by the DPE, evidencing that just because something might be approved for a location, that is not where the Applicant will do it.

Applicant models predict a drop of 2m in local bores, Regis EIS Appendix I Agricultural Impact Statement, page 11. Cadia mines didn't predict falls in neighbouring bores but have publicly stated that they have impacted bores in the area that are up to 10km away, with some bores dropping by over 10 metres. A lot of the current bores on the larger farms in the local area were installed in the middle of the 1982 drought and they were not licenced as the drilling companies. A lot of these bores are still in operation and have been operating that way for 40 years now. Several properties also use hand-built wells that are only 15 metres deep at best. These wells have been installed for over a century and still operate today with the same flow as the day they were built. The financial cost of neighbouring famers losing these bores in times of drought is not factored in by the Applicant, on the assumption it won't happen. Our amended B42 condition in the below condition recommendations addresses concerns of this issue.

6.8 Economics

The DPE at item 24 and other supporters claim the approval of this project is consistent with state and regional plans when it's not. Goal 1 of the plan is to have "The Most Diverse Regional Economy in NSW". It then goes onto show that Mining already makes up 16.2% on it's own and is the single largest contributor to the existing economy. As such, by adding more mining to the economy, it extends the mining contribution and further dilutes other industry, including agriculture, leading to specifically, a LESS diverse economy. It would also result in a narrower skilled workforce and ancillary services associated with mining. As part of Goal 1, it specifically lists the protection of the region's productive agricultural land. Just another statement in the regional plan that this proposal is directly contrary to. A reminder that although the Applicant claims they will return 96% of the land to be pasture, it comes at a reduction in the quality grade of the land, meaning it's not as productive. Direction 5 of the plan is to improve access to health services which, as we heard at the hearing, this proposal will again be directly contrary to. It will result in more people needing more access to the already limited health services in the region. Direction 11 of the plan is to Sustainably manage water resources for economic opportunities. Yet again, the Applicant has already acquired 99% of water licences north of Carcoar Dam and will become yet another mine acquiring licences downstream of Carcoar Dam. This again is directly contrary to the Regional Plan. Goal 2 of the strategy is for a Stronger, healthier environment and diverse heritage. It is obvious how this proposal directly conflicts with the goal in its entirety. It will destroy the existing environment, reduce the quality and quantity of water in the local waterways, add GHG emissions, destroy and disturb existing indigenous heritage, and destroy and disturb the existing heritage of Kings Plains, Vittoria, Fitzgeralds Mount and Guyong.

The DPE refers to the cost benefit analysis factoring in environmental externalities and the recently increased gold price to justify the net benefit in the cost benefit analysis. What the Applicant and DPE ignore in their cost benefit analysis is the time factor of the benefit and costs, and the real value of the costs. A lot of the impacts of the proposal are permanent and yet the cost analysis only runs the costs for the period of the project. More importantly, the cost analysis undervalues the cost of impacts, including social costs and environmental costs (because they're difficult to quantify) when these happen to be the largest costs of the project. Additionally, the DPE further increase the NPV benefits due to the recent increase in gold price but provide no increase in value of the costs even though existing limited resources and increased endangered species should result in increased valuations of the costs as well.

One of the major reasons the economic benefits are overstated is because it assumes the jobs and income of employees, is new. The reality is that with such a tight labour market, they will not be employing people who were previously unemployed, they will simply be taking existing employees from business. This will not result in benefits as modelled, instead the benefit would be the

difference their existing income and the proposed income as employees of the Applicant. Additionally, the opportunity cost of lost productivity and diversity to the local community has not been assessed. As such, the economic benefits have been significantly overstated.

There is no assessment in their calculations of the benefits about the opportunity cost of lost permanent, long-term residents. The DPE social assessment expert review touches on the issue of out migration but the economic assessment and review does not factor this into the modelling. These are just properties that have been acquired by the Applicant and will be used for their own staff. If you consider the others who would relocate due to the change in amenity and impacts of the mine but that haven't been offered acquisition and so would move away of their own accord, there's easily more than 100 residents that would be leaving the area while the project operates, who would have otherwise remained. Even if these people who leave are replaced by mine staff, the economic assessment does not account for these departing residences and as such, is overstated.

It also assumes the job creations are 'new' and therefore doesn't assess the opportunity cost of the existing employee existing wage already circulating in the economy. You've already seen how the jobs will not be 'new', but instead simply taking existing employees from existing roles. At best, it means there might be an increase in the average wage, but it's not hundreds of jobs from new. As such, the economic assessment is flawed and is not based on NET economic benefits. The fact more than a hundred existing residents would leave (that would otherwise remain without this project), combined with the fact that only a small portion of the jobs will be new, the net economic benefit is going to be a very small portion of the current claims.

The Applicant claims the land to be disturbed by the mine site is not productive farmland, and yet the historical evidence proves that it is, it's just not being run as such since being owned by prospect companies. Residents of Kings Plains recall not only observing the area as productive farmland, but also working and operating it themselves. In the small area that is the proposed pit, it would not be uncommon to have more than 150 head of cattle. Once expanded to the flatter areas of the processing plant, the TSF and waste rock wall embankments, it would run near to a thousand head of cattle. This is evidenced by the Applicant in their claims when speaking of the condition of the landscape, waterways, springs, heritage properties, and cultural significance. When justifying the proposed damage to these aspects, they claim that areas are already damaged due to the operations of farms, digging out for dams, and livestock usage. The economic assessment is understating the productivity of the area as farmland to support their claim of such a low opportunity cost for the use of the land, however local residents know it can be far more productive than the Applicant claims,

At item 436 of the DPE assessment report, there is acknowledgement that the net cost to agriculture, assuming running 2,728 sheep per year, is at least $110,114 per year. This is a bare minimum amount assuming all rehabilitation is carried out as planned and to the best degree allowing productive grazing to commence again after operations. Given agriculture is an infinite industry, the true long term cost of this project to agriculture could be $10m, it could be $100m or more and yet the DPE still justify this project as having a net benefit on balance against all negatives.

Some businesses who already get paid to do preliminary work for the Applicant are yet to explain how they will employ more people if this gets approved. Contractors already used by the Applicant at this early stage are advertising for jobs that haven't been filled for months. Regis themselves are struggling for employees in WA with Jim Beyer commenting on "Labour" being a prohibitive factor in lower production numbers for their existing mine at Duketon. A simple search on Seek shows that within just a 50km radius of Cadia, there is over 120 jobs being advertised with an associated word of 'mining'. An existing mine that has been operating for over a decade can't fill it's job requirements and yet Regis being a new mine in the area think they can fill all of theirs without negative impact on

the existing economy? The ageing population resulting in less people entering the workforce and more people leaving it, combined with the current economic times of significantly low unemployment, mean there is no capacity for the workforce to fill these jobs. The supporters of the project are happy to say more jobs will be created, but not one can devise a plan to evidence how this will happen without drawing from the existing workforce and putting existing family run and large businesses under their own pressures.

This article evidences that the mining industry as a whole is seeking more of the workforce. In what is a relatively small region for a labour pool, compounded with the already well below 2% unemployment in the Central West, there is ample evidence that the labour force needed for this project does not exist: https://indaily.com.au/news/business/2023/02/06/miners-seek-record-numbers-of-new-workers/.

The only way this project can exist without negative impact on the existing local economy is by not hiring locally. This conflicts directly with the Applicant promises of using a "Local hire policy" (which doesn't exist as confirmed at a CCC meeting), and Jim Beyer's comments at the IPC that they will not be bringing in outside workers. If they were to bring in a new population for the work force, we also know that there is no available local housing. When completing a Domain search for rentals, with no restrictions on property types or prices except for requiring at least 1 bedroom, there is less than 100 results which includes Blayney and 'nearby suburbs' including all surrounding villages and Bathurst.

Some of the supporters of the project claim the project is needed to help other businesses recover from the financial hardship of drought, current interest rates and cost of living. They then go onto explain that approval of this project would be beneficial and help those struggling. All of the statistics, our experience in running small businesses and being on various local business committees tell us this is not the case. We know that introducing a new large business that requires a large workforce in the area will draw from the existing local work force. One supporter mentioned this project is like "introducing a new Government Department in the are". They obviously don't run a business which requires staff that are complementary to a Government Department, because they would know that when this occurs, they take senior staff from private business offering higher pays. We have directly experienced this with DPI offices in Orange, and expansion of health services in Orange and Bathurst.

It was mentioned by nearly all presentations in favour of the proposal at the hearing that Blayney 'needs' this project, and that it will ensure sustainable growth for the region. However, this is factually and statistically not evidenced. The Blayney LGA has continued to grow for centuries on the back of its own sustainable growth. There is no evidence that Blayney is shrinking or the population is reducing. Quite the opposite in fact with very low unemployment and even lower rental vacancies. Blayney is gully employed, and fully occupied. This project is not a 'sustainable' industry. It is a 15 year life project where the jobs begin to decline after year 6 of operation.

We have engaged Andrew Buckwell and Professor Christopher Fleming to review the Cost Benefit Analysis and their report is included as Annexure 10 of our submission.

Traffic

The DPE acknowledge that Vittoria and Guyong Roads will be used heavily by workforce coming from Orange and the North West direction. They note that this is proposed to be managed via an internal policy from the company. This sort of assurance is inadequate as has been experienced with the Applicant, what they say and propose one day, either changes or is completely ignored the next. Both Vittoria and Guyong roads are very poor-quality sealed roads, including being narrow (often

having to leave the sealed portion when passing oncoming busses/vehicles with trailers), not having lines, having blind bends and crests with no barriers, have chronically poor surface maintenance (potholes that burst tyres and crack and dent rims), and poor bordering grass/flora control. As such, if traffic was increased on these roads, it would increase the risk of accidents substantially and also result in further deterioration of the road surface, further risking more accidents. During times around school bus routes, there are children which stand on the side of the road and local vehicles which park on verges as they wait for the busses. If increased traffic was also at this time, it could end catastrophically.

CONDITION: As there is no way to force the workforce to use the upgraded and more appropriate Millthorpe Road, the DPE should have imposed a condition that the Applicant upgrade Guyong and Vittoria Roads to be suitable to deal with the increased traffic, including resurfacing and widening, the road, line markings the entire way, safety barriers where appropriate, and pull off/parking bays for the bus stops. Due to their reliance on the Applicant's comment that they will 'encourage' the workforce to use Millthorpe Rd, they have not recommended such conditions and as such, we encourage the IPC to do so. This is not a preferred option due to the increased cost it puts onto rate payers and state tax payers to then maintain the larger roads indefinitely. The upgrading of any roads may be covered by the applicant initially, but the indefinite ongoing maintenance after mining is borne by the individuals and Government. The preference is simply that their workforce do not use the roads but this is unenforceable.

The proposed intersection on the Mid Western Highway is in an area which becomes covered in black ice from as early as April and stays that way until at least 9am daily until October. It's also at a downhill gradient when coming from the East. It means if vehicles are travelling at 100km/hr heading West, they will come round a right-hand bend over a crest, in fog, on ice and need to brake on a downhill entrance to the turning lane into the site. It also means turning traffic will be crossing Eastbound traffic in heavy fog, on ice, that are travelling at 100km/hr. This intersection if far too unsafe and simple fog lights don't only disturb the near neighbours, but also don't effectively act as a deterrent to drivers.

The Applicant does not appear to have assessed the potential for a site entrance from the Mitchell Highway. Reduced residential impact and better and safer road conditions would imply it's a far more appropriate to have the site entrance from the wider, barrier enforced, and better funded Mitchell Highway.

The other alternative which would also solve a second issue listed below, is that the Applicant reconstructs the entrance to Pounds Lane to have their entrance integrate with an improved Pounds Lane intersection.

Pounds Lane is currently a blind crest intersection in a 100km/hr zone with overtaking lanes both West and East bound. It is an incredibly dangerous intersection with many near misses happening weekly at the least. When turning East, you enter the road with maybe 30m of visibility of oncoming traffic, just as the left lane is ending and people are checking their mirrors/blind spots to change lanes. If turning West, you have to cross the East bound hazard and then enter the overtaking lane of the West bound traffic who are approaching again, at 100km/hr around a blind crest with maybe 40m of visibility. Locals will often drive along the verge just off the road until they're further down the road for a better line of sight for traffic. Given the hazards of this intersection as is, if you introduce a new complexity of a large, multi-lane intersection just a couple of hundred metres down the hill, it will inevitably end in tragedy.

CONDITION: It must be condition that the Pounds Lane intersection be upgraded prior to the construction (or as part of as suggested above) the mine site entrance construction. This could be an RMS issue with the Applicant, but the proposed intersection has no chance of safely co-existing with the already extremely dangerous Pounds Lane intersection.

Rehabilitation

There are no conditions or requirement which force the Applicant to ensure their rehabilitation efforts survive, grow and achieve the objectives. The DPE has pushed its obligation to ensure adequate rehabilitation occurs into a "Rehabilitation Strategy" which is not detailed and risks insufficient and inadequate rehabilitation from the Applicant.

Rehabilitation is defined as "the action of restoring something that has been damaged to its former condition" by the oxford dictionary. The Applicant has been promoting that they will "Rehabilitate" the site which has lead to many misinformed in the community to believe the pit will be filled back in as part of rehabilitation. This confusion is reasonable due to what rehabilitation means but is misleading in the context the Applicant has used it. The supporters of the proposal believe the pit will be filled in and the area will be rehabilitated, to the point they don't believe us when we advise them otherwise. They believe the Applicant "will be forced to fill it" and "there's no way it'll be approved without forcing them to fill it in". The Applicant claims they will not be filling in the void due to it being uneconomical and yet they have not substantiated that claim. We requested clarification of this at a Community Consultative Committee meeting and requested the DPE demand justification of the claim but no such evidence was provided.

CONDITION: Without any evidence that it would be uneconomical to fill in the void and appropriately rehabilitate the site, if approved, the IPC must impose a condition of consent that ensures the Applicant actually "Rehabilitates" the site as the community is expecting, including putting the Tailings, waste rock and other material back into the pit to fill it back to its pre mining land form, and restore the valleys to their pre mining structure and condition.

Just because it may be expensive to do something, doesn't mean it should be ignored. If the right action or appropriate alternative means the profits are lower or even if the project becomes uneconomical, then the so be it. The Applicant's current attitude of 'if it's uneconomical to do, it shouldn't be done', will mean any imposed conditions will be ignored or manipulated to ensure profits are retained.

Community Health

The health and wellbeing of the community has not been assessed by the DPE at all. The Applicant completed a health assessment after pressure from the community. The Applicant's assessment was desktop based and used historically published health data about the NSW Western Health District from NSW health, which encompasses the entire Central West from Lithgow to West of Parkes and Forbes. This is not specific to the neighbours of the mine and community of Kings Plains who will feel the impacts of the proposal. The Applicant did not even attempt to identify the health status of its neighbours and instead refers to them as obese smokers and that the detrimental health impacts from the proposal will not impact them because they are already in poor health. If the Applicant bothered to even at least survey their neighbours, as we did for the residents of Kings Plains in 2019, they would realise that none of them smoke, all moved to the village for it's cleaner air (some were recommended by health professionals to locate to cleaner air for respiratory health issues) and all participate in regular outdoor exercise.

Findings of the health survey completed and assessment that was submitted following the EIS by the Blayney Health Coordinator have been included as Annexure 7 and we strongly encourage the IPC to review this report as the DPE make no acknowledgement of if in their assessment, or make any recommended conditions that would mitigate the impacts.

Precedent for rejection

The applicant and DPE imply that the unavoidable costs of this project are necessary for the 'furtherance' of the State and society. We've already gone over why the perceived benefits are overstated and insignificant to the state and broader society, so we'll now look at why the IPC can be confident in rejecting the proposal.

In NSW, the Rocky Hill Mine was rejected principally on the basis of unacceptable planning, visual and social impacts which cannot be satisfactorily mitigated. We encourage the IPC to review the determination of the Rocky Hill mine and you will find the impacted neighbours were fewer and further away, and yet Preston CJ still found the negative impacts on fewer people outweighed the proposed larger benefits than those proposed from McPhillamys.

Below is a link to a story on the SA Government rejecting a proposal to reopen an old gold mine on the grounds that the immediate, permanent and irreparable impacts to the local tourism and existing community is too high for such a short-term project: https://www.abc.net.au/news/2023-02-09/sa-goldmine-at-bird-in-hand-winery-rejected/101951934?utm_campaign=abc_news_web&utm_content=mail&utm_medium=content_shared&utm_source=abc_news_web. This also supports that the extraction of gold is not a priority (which is also supported by it not being listed as a critical mineral for extraction in NSW).

Also, the Bylong valley rejection may have been primarily around climate change, of which McPhillamys does not get to the extremes of, but the product of McPhillamys (gold) serves a much less beneficial outcome for society, given that over 90% goes to investment and jewellery. It was also rejected in part due to the groundwater, land, heritage, aesthetic and agricultural impacts, all of which do apply to McPhillamys.

All of these recent rejections touched on social, water and environmental impacts of which McPhillamys eithers mirrors or exceeds. Should the IPC somehow think this proposal is approvable, we have gone through the proposed conditions from the DPE and modified and strengthened where we feel appropriate, and also considered some more realistic and fair conditions as "new conditions" in the below.

Additions and modification to conditions from DPE:

Generally

The DPE provide the Applicant too many avenues that allow for impacts by using words such as "minimise", "maximise", and "reasonable". By having a condition that simply tells the Applicant they "Must maximise water recycling" for example just means they'll do it when it's convenient and at no extra cost, but when it's easier or cheaper to not use recycled water, they wont. If it's ever queried or examined, no breach can be enforced because they simply argue that "on this occasion it the most practicable method, ordinarily we would ensure recycled water is used but at this time, there was none available". There is no enforceability of these conditions and it provides the applicant with free kicks, ways out and freedom to simply not comply with the intention of the condition.

In some instances, the DPE conditions are defined and strict, such as for the Bio Diversity offset credits which "must" be retired "prior to commencement". It is confusing as to why the department wouldn't then use the same terminology for all of the conditions. There are limited consequences or implications for failure to comply with the proposed conditions and as such, there is no incentive to comply. Standard regulatory financial penalties are insignificant and inappropriate on their own as they do not compensate what or who was impacted.

Although our modifications insist on accountability and consequences for non-compliance for nearly all conditions and the Applicant may believe these are excessive, the Applicant has claimed they will not breach any of their modelling at any stage. As the consequences don't eventuate unless breaches of not just their modelling, but the more lenient DPE policy conditions occur, the applicant shouldn't have any issues with any of the consequences being part of the conditions. It would be inconsistent to claim they will not have impacts, and then also claim it's excessive to be penalised if those impacts occur. As such, all of the conditions (not just those mentioned below if any were missed) MUST have consequential and accountable conditions for failure. We are not solicitors and we have never dealt with this before so we apologise if our wording isn't quite correct but we are happy to discuss with the IPC what our intended cause/capture is for the below conditions. We have consulted with various consultants on these matters and believe the condition modifications are reasonable and fair. We also may have missed some conditions but we hope the IPC can recongise the theme and apply them appropriately to any conditions we have overlooked.

As for consequences and accountability, although financial infringements can be imposed by the EPA or other departments in the event of breaches, these infringements do not compensate those impacted and do not act as a deterrent as the maximum penalties only represent a very small portion of their profits and are often justified as a cost of business. As such, we have attempted to impose conditions that result in fair consequences to breaches that represent impacts that would be experienced from the breach. Again, we are mere volunteers doing this in our own time so there is a good chance we have missed items but hope that the IPC will fill in the gaps of any conditions that we missed the consequences for.

Furthermore, regardless of Regis' claims of what they may do or will do (even if not in writing), if they were to sell the project to a third party, it is only what is written in the conditions that applies. As such, if the Applicant claims they 'will' do something, it must be conditioned to ensure that any subsequent owner or operator does the same.

Part A – Administrative Conditions

- A1 needs to be modified to remove "if prevention is not reasonable and feasible" as this condition is specifically referring to 'material harm' and the Applicant could then claim if the cost is too expensive to their perceived benefit, it's not required (per the definition of 'reasonable' in the conditions). Material harm is defined in the conditions but not from an environment aspect. However, one could draw a reasonable conclusion that the intended definition is comparable and means resulting in the death or harm to ecosystem or environment, or damage to an ecosystem that would exceed more then $10k in aggregate value. An example of what this could result in if it remains unchanged is the Applicant identifying a Koala on site in trees on the outer perimeter of the pit. If the their management plan requires them to cease operation within a 100m radius of the sighting and to engage a suitably qualified person to safely relocate the Koala and they deem the cost of this to be $600k including the lost time of production, and the cost of losing one Koala and not reporting it as only $60k, they can justify the decision to not relocate the Koala as it was not 'reasonable' to do so. This example can applied to water contaminations, water flow reductions, air quality impacts, or any other negative impact to the environment.

- A14 needs an addition of: *"(b) (iii) Signed agreement from the consulted party that consultation has occurred where they have been: informed of why the consultation has occurred; informed of the impacts of and matters related to the consultation; offered an opportunity to raise questions; approached but waive their right to consultation".* This condition is required to ensure genuine consultation takes place. We have learned that the Applicant simply defines consultation as a phone call or notification to a party without actually engaging with them. Getting a signed affirmation that the party has been consulted will provide confidence that the consultation has occurred. Without this condition, the applicant can claim they consulted and the party showed no interest which historically has not been the case. If this is the case, the party will still sign the form to show they have been consulted and are disinterested.

- A17 needs to be removed. This clause allows the Applicant to change any of the management plans (of which social and third party impacts are major components) <u>without</u> consulting all parties. This will mean that the Applicant could change for example their traffic management plan without consulting the neighbours across the road from it. Even though there is a requirement to have the Planning secretary approval, the secretary will not understand any potential impacts without consultation with those affected.

- Heading of A18: Assume this should be "Payment of *Reasonable* Costs"?

- A19(a): Why is does this specifically exclude works for roads, in particular during construction? If anything, their should be a specific condition that the roads within 200m of the Dungeon Rd/Mid Western Hwy intersection is resealed within 3 months of the road closure. Given the significant increased heavy haulage traffic that will use this intersection for the first 6 months until the new intersection is built, the road will become heavily deteriorated and yet this condition specifically precludes the Applicant from paying to repair it.

- A20 Needs to include a condition that: "*prior to any demolition work that all structures are inspected for heritage related items, artefacts, or relevance by a suitably qualified person and that photographic/image records must be taken prior to any demolition of both the interior and exterior of the structure*". This reason for this is obvious in terms of protecting heritage significance, and to ensure there are records for reflection stored somewhere.

- A23 requires consequences. With hundreds of people on the site with independent decision making ability, they need to know there a personal consequences for breaching any conditions. Specifically, what if a contractor destroys an Aboriginal artefact and the Applicant claims it was not them, but a third party. This would void any consequences to the Applicant even though the responsibility of contractors still lies with the Applicant. We propose the following additional conditions at A23:
  (a) *any employees found to be in breach of any consent condition must be immediately terminated unless it can be proven they were not informed of the condition they breached*.
  (b) *if it can be evidenced that they were unaware of the condition, the Applicant shall be penalised for the breach of condition, and must carry out induction and training to all staff on the conditions of consent within 30 days of identifying the breach.*
  (C) *A copy of the training/induction must be supplied to the DPE or relevant authority*

- A26 needs rewording to be captured by the same definition of 'consultation' proposed above. This is required because several agencies and organisations wrote in their submissions that the Applicant had not consulted with them as claimed in their EIS. Our proposed wording is simply changed to: *The applicant must conduct consultation with DPE Crown Lands prior to undertaking development on Crown Land or Crown Roads.*

- New condition: *"upon identification of a breach of any Administrative Conditions of consent, all construction or mining operations must cease until the condition is satisfied"*. This is a blanket consequence on administrative conditions due to the nature of these conditions. Due to the relating to the administration of the project, failure to comply with these jeopardise the underlying integrity and operation of the entire project. They should be however, easily remedied. As such, the consequence needs to be suspension of consent immediately to ensure that fundamentals are rectified, but only suspension as opposed to withdrawal of consent because they should be able to be remedied.

Part B – Specific Environmental Conditions

- New condition: *"In an occurrence where construction noise limits are exceeded, construction is to immediately cease. A change to the method of construction must occur such as less equipment, change in schedule or in alternate meteorological conditions".* As a sub condition "*in the event noise limits cannot be mitigated or recurrence of exceedances occur on more than two occasions, the Applicant must work with the impacted resident to implement a solution. Acknowledging construction is a short term impact, options for remedies could be the applicant relocating the resident or implementing short measures at the residence.* As the DPE conditions are, there is no consequence for exceeding construction noise limits.

- B7 night noise limits appear to start at the NSW noise Policy level of 35 (still being 13db higher than a lot of residences in the area), but then go up to 37 at some properties without justification. All night noise limits need to be set at the NSW Noise Limit level of 5db above the minimum of 30 – i.e. 35db.

- B8 table 2 needs the meteorological conditions lifted. It currently shows that the noise conditions in table 1 are only applicable in wind conditions of 0.5m/s or less which we assume is typo from the DPE. The NSW Noise policy states wind speeds of up to 5m/s are suitable to be recorded and only above 5m/s does the wind play a role in noise measuring. As such, the IPC must correct this condition to either state similar to other project conditions which state the wind speed (to be 5m/s as stated above), or state simply they're "to be measured in accordance with the relevant requirements and exemptions of the latest Noise Policy for Industry".

- B12 (c) needs to be changed to at least *annual* intervals. Due to the reliance on the noise suppression and mitigation to making this project approvable, it is vital these components remain functioning and efficient at all times.

- B12 (d) needs to be *"restore the effectiveness of any attenuation prior to using the equipment after identification if it is found to be defective".* This is to prevent the Applicant using the defective equipment whilst waiting on repairs/parts and claiming they WILL restore it but for now, can't.

- B13 needs a new addition to provide 24/7 real time monitoring available to all neighbours. The Applicant has already advised their noise, dust and weather monitoring will be live and in real-time and that it wouldn't be difficult to publish this data on a website or similar

platform. It's vital this information is shared with all neighbours at a minimum to allow for transparent reporting and to also save everyone's time. If everyone can see that noise limits are within the conditioned limits, it will save people time in filing a complaint, and the Applicant and EPA in dealing with a complain/investigating and reporting on it.

- B24 (a) needs to have the word "reasonable" deleted. The condition relates to the health, safety and wellbeing of people and animals. Even if unreasonable steps are needed to protect this, the Applicant must take them. The definition of reasonable in the conditions allows the Applicant to ignore the steps if it would cost them more to do them than it would to not. An example could be that the cost relocating stock or closing the highway to ensure safe distances whilst blasting is higher than the cost of losing 50 head of cattle that may be killed from reacting to the blast, or the cost of a persons health that would be exposed to excessive dust particles. As such, it's unreasonable to take those steps. This is similar to B24 (b) or B29 where the DPE have adequately provided a condition without the flexibility of deeming it 'reasonable'.

- B26 (C) (iii) needs to be changed to "*No blasting during noise enhancing meteorological conditions*". It is well documented and evidenced the noise and dust impacts that will be experienced by hundreds of persons in nearly a hundred dwellings if anything but pristine conditions occur when blasting. With predictive weather modelling available to the company, they should be able to ensure they blast only in calm, favourable meteorological conditions. Asking them to *minimise* blasting in unfavourable conditions means nothing, is vague and is unenforceable.

- B26 (e) (ii) this needs to be more specific and ensure that monitoring does not only occur on Applicant owned property or property which is under a signed agreement to not complain about operational exceedances. Additionally, the DPE for some reason only require them in Kings Plains, regardless of the fact that there are direct neighbours in Guyong and Vittoria that are next to internal roads and that need to be factored in for wind direction changes. Given all of the properties in the area are separated by rolling hills and sit at different elevation levels, there is an argument to have monitoring on each property that sits at different distances and elevations to allow for differing temperature inversions which occur commonly in the area. i.e. In November 2022 we had snowfall and regularly had top temperatures of 12 degrees. In the week before the hearing in January, we had tops of 28/29 degrees, followed by lows of just 8 degrees on the weekend before the hearing. Giving the Applicant flexibility in electing the location of the monitoring, whilst also focussing it on just Kings Plains is again evidence of the lack of the DPE understanding of the area. The IPC should engage 2 suitably qualified experts to examine the area in total and in person and determine the appropriate locations, with adequate consultation with neighbours. The Applicant should not have or correspondence with the consultants to avoid any potential of coercion or influence on their recommendations. The condition should then enforce noise and dust modelling stations at all locations as advised by both consultants. The fees should then be paid by the Applicant.

- B26 (e) needs to have an inclusion that all monitoring be publicly available 24/7. The data will be available to the Applicant and if the have to report their findings regardless, it's not like it's proprietary data. Additionally, it will provide both neighbours and third parties such as Council, and community groups with real time access to the data to prove they are operating within their modelling and conditions. Further, if the community can see first hand that they are not exceeding their limits, it will remove wasted efforts of complaints to the EPA – saving both community members, Applicant, and EPA time in assessing claims that

aren't valid. We see time and time again the retrospective reporting is worthless. The impacts are already felt by the community resulting in mental disturbances, sleep interruptions, social exile and behavioural changes and consequences are purely financial to which go to the EPA, not to those impacted. This condition is of vital importance to be included for the benefit of all, including the Applicant. This condition needs to be copied to all other relevant areas in the conditions, such as air quality at B34.

- B26 (e) There needs to be a condition that allows neighbours to request the EPA attend a nominated location to complete noise assessments without the Applicant's knowledge. It can follow the usual one month's notice to the EPA, but it specifically needs to state the EPA cannot inform the Applicant of the planned monitoring until the final results of their assessment is complete. This is to ensure the Applicant does not simply modify operations to ensure they meet conditions while being assessed. This is an abnormal request but with such reliance on the Applicant to ensure their equipment are in order and adequately supressed, is used in accordance with strict scheduling by their employees on a timeline controlled by them and monitored by their own monitoring devices, it is simple for the Applicant to easily exceed their noise limits under their own command, and then fall back under when needed to address assessment activities.

- B28 must include "*implement and comply with"*. Although these are conditions of consent and the Applicant must comply with conditions, as the conditions are stated, it is only a condition to implement the Plan. There is no requirement in the conditions to comply with their Plan. This theme is continued throughout the conditions and we have noted the same where applicable. We request the IPC review the conditions closely to ensure that any and all management must be complied with as part of the conditions of consent.

- B36 needs to be changed to be on an annual basis at the most (preferably 6 months). We're dealing with impacts that could have long term health impacts, and for some people with respiratory issues, short term and immediate impacts. 3 yearly reviews are inadequate. They're too far apart for action and accountability and will be too late to identify potential health issues for the near neighbours being exposed to exceedances. This is supported by the independent peer review by RCA. There also needs to be an inclusion that any and all new vehicles and equipment is sound power tested to the full and required standards to comply with the conditioned fleet at worse.

- B37 needs to state "*implement and comply"* to ensure compliance with the implemented plan under the conditions of consent.

- B38 needs to have at least two stations. Given the size of the site, and more importantly, the varying topography, weather conditions in the area vary significantly. It is not uncommon for one property to receive 10mm of rain in a 30 minute window whilst their neighbour receives nil.

- B42 needs to be amended to simply state: "*The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply (groundwater or surface water) is adversely and directly impacted in excess of the limits stated in A2 (c) as a result of mining operations, in consultation with DPE Water, and to the satisfaction of the Planning Secretary"*. This is needed to remove the ambiguous 'minor or negligible' measurements. This makes the measurement in accordance with what the Applicant has proposed anyway, so there's only compensation if the Applicant exceeds their own modelling.

- B44 is insufficient. The term "*as soon as practicable"* needs to be replaced with *"within 24 hours unless otherwise agreed in writing with the landholder"*. This is because the residents in the area do not have access to town water. If there is an impact on someone's water supply, this could result in a loss of drinking water, household water, water for livestock or other animals, or water for business operations. An immediate compensatory supply needs to be provided, even if it is temporary in nature until a permanent alternative can be organised.

- B46 needs to state "*If the applicant is unable to provide an alternative long term supply of water, then the operations must immediately cease. Operations cannot recommend until adequate compensation has been provided and the planning secretary is satisfied that knew or modified operational measures will ensure the prevention of re occurrence."* As it is currently worded, it provides the Applicant the a way to draw down on other's water supplies and, if simply too difficult to compensate with water, simply either pay money or offer some other form of compensation which doesn't replace the taken water. Worse still, it's only to the satisfaction of the Planning Secretary, not the impacted landholder. How would the Planning Minister know if the proposed compensation is adequate? By ceasing operations, it will force the Applicant to genuinely commit to a solution due to the significant cost of ceasing operations. They will be incentivised to: 1. Not impact water; and 2. Remedy any water impacts immediately and adequately.

- B47 needs to be reworded in accordance with our suggestion for B44 as above.

- B55 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B59 (e) (ii) mentions the translocation of threatened species but makes no reference to the protection and translocation of any other species, including the worse of endangered species. It is obvious that the Applicant will be destroying habitat used by Koalas, they will inevitably come across several in the 11 year mine life as they are not transient and yet the DPE has not made a requirement for the Applicant to proactively identify and translocate them. This condition needs to be modified to state "Minimise impacts on fauna, including undertaking pre-clearance surveys, fauna detection activities at least a month prior to any disturbance activities, and translocation of any fauna species identified as being at risk of the activity, as guided by the NSW Government's Translocation Operational Policy 2019 (as amended from time to time); and"

- B59 does not provide any consequences/implications in the event of a failure or breach of the plan. There needs to be a condition included that states "in the event a threatened or endangered fauna species is injured or identified deceased in the mine lease area or pipeline, the cause of injury or death must be investigated by a suitably qualified expert to determine contributing factors. If the contributing factors are found to be caused by the Applicant, the maximum penalty under the BC Act is to be imposed for each occurrence." As a second condition, "In the event a specific activity, event, exercise, action or similar performed by the Applicant is found to be a contributing factor, the Applicant must immediately cease that activity, event, exercise, action or similar until such time that they can provide an updated plan to carry out the activity, event, exercise, action or similar that will prevent further harm to the fauna".

- B61 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B63 needs the words "surrounding the area" replaced with "within a 500m radius". The phrase *surrounding the area* is too vague and could be interpreted as simply being within a foot of the area. If human remains are found, a much larger area than immediately next to the find is relevant and needs to be surveyed and investigated.

- B66 (c) needs to have "*and any other interested aboriginal persons*" so that it allows any and all aboriginal persons to have input on the consultation should they choose to do so.

- B66 (c) (iv) needs to have the word "reasonable" replaced with "*safe*". The question here is not whether it is convenient to the Applicant, but whether or not it is safe for the access to be granted. They are Aboriginal objects in the first place, reasonable access is any access. The only mitigating factor should be if it is unsafe. The Applicant could simply claim they granted access a month ago and as such, that was reasonable. This is again a vague word used in a manipulatable structure that won't achieve what it is designed for without modification as requested above.

- B66 (c) (v) needs to have "*and any other interested Aboriginal persons*" to ensure inclusion of all of those that would like the opportunity.

- B66 (d) we assume should state "Blayney Shire Council", following the comma after Heritage NSW?

- B68 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B71 (d) needs to include "and reinstate the overtaking lane". This is because the conditions as worded simply refer to decommissioning the mine access road, without reference to the Mid Western Hwy or reinstating the existing highway back to how it was.

- B73 (e) (v) needs to go further to state "*Provide the construction and operational workforce with a coach service between the mine site and Bathurst, Orange and Blayney each, and encourage car pooling with incentives for those who do*". This needs to be provided as opposed to promoted due to the benefits of using pooled transport, including: less traffic impact on the roads, less environmental impact, less risk of vehicle incidents, safer environment for staff working long hours not having to drive, and more intersection safety risk and less noise and light impact for neighbours with less traffic using it.

- B73 (f) has no value. It simply states to monitor actual outcomes compared to proposed with no action, consequence for variations or recommendations. It also only monitors origin and destination, not method transit (i.e. roads used). This condition needs to have a consequence, being that if monitoring identifies staff are not using pooled transit methods on offer, they mut move from 'promoting' them, to 'enforcing' them and if their own monitoring identifies incorrect passages are being use, they must upgrade the routes used to be appropriate to handle the increased traffic safely.

- B76 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B77 (a) needs to be far more specific. It should state: "Visual and off-site lighting impacts of the development site must be entirely eliminated. Where elimination cannot occur, mitigation must be offered to those affected to ensure visual or light intrusion on their properties does not impede their way of life". Leaving this as 'reasonable steps to minimise' allows the Applicant to simply state it would be 'too expensive' or 'too difficult' to mitigate appropriately for those experiencing the intrusion.

- B77 (e) needs to include the word "mature" before trees to ensure the Applicant doesn't just plant seedlings.

- B78 needs to be changed from "high visual impacts" to "moderate visual impacts or more severe". This is because high visual impacts are the utmost severe impacts that can be experienced and the DPE are stating that only if you experience this level can you call on this clause. A moderate visual impact is still above the 'median' if you will, and still results in a direct impact on those experiencing it. Below is a table from the visual assessment referred to in the DPE report which defines the categories of impact for the condition:

Table 2.3 ***Visual Impact***

		Visual Sensitivity			
		High	Moderate	Low	Very Low
Visual Effect	High	High Visual Impact	High/Moderate Visual Impact	Moderate/Low Visual Impact	Moderate/Low Visual Impact
	Moderate	High /Moderate Visual Impact	Moderate Visual Impact	Moderate/Low Visual Impact	Low Visual Impact
	Low	Moderate/Low Visual Impact	Moderate/Low Visual Impact	Low Visual Impact	Very Low Visual Impact
	Very Low	Low Visual Impact	Very Low Visual Impact	Very Low Visual Impact	Very Low Visual Impact

Visual Impact is dependent on the interaction between visual effect and sensitivity.

This condition also needs to have a consequence. The way the DPE have written the condition means that if the Applicant has a an impact that is highly sensitive and results in a high impact, but they can't reasonably mitigate it, nothing needs to be done. The condition needs to extend to state that "in the event mitigation cannot be carried out to reduce the impact to, at most, low visual impact, the landholder can make a written request for acquisition in accordance with the land acquisition clauses."

- B79 needs to have a condition that the applicant "must recycle any waste wherever possible" as a somewhat small gesture to minimise waste wear possible.

- B81 needs a consequence for failure to comply. We're unfamiliar with this area but it needs to be a consequence sufficient to incentivise the Applicant to comply with the conditions. A reduction in future stockpiles or a restriction on production should be adequate.

- B90 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B91 needs to be more frequent. After 12 months then once every 5 in an 11 year project, will mean there's at most, 3 audits. Given the proximity of the site to so many residents, the audit of hazardous material standards needs to be farm more frequent. We request this condition be revised to annual (yearly) audits.

- B92 (a) (ii) is not specific enough. It must require minimum equipment and volumes of water on standby and available for firefighting purposes. For example, a minimum of three (3) functioning and equipped Cat 1 fire fighting trucks with immediate access to at least 50ML of water for firefighting purposes (acknowledging there is a access to up to 15ML per 24hr period through the pipeline). This is to mitigate risk of not just fires on site from the hazardous materials, but also significant grass fires around the mine site on their pasture properties. We already experience the properties owned by the applicant having grass taller than the fencing between their properties and private landholders to the point where the landholders request the applicant to arrange someone to slash a buffer in the grass to the fence to reduce the fire risk.

- B94 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- B94 needs a sub category imposing a consequence for non-compliance. The condition should be "if the Applicant fails to comply with conditions B92, B93 or B94 inclusive, a financial penalty equivalent to 1% of the Board approved capital expenditure of the project paid to the NSW RFS. Any costs to private landholders associated with fires that commence, traverse, or are assisted by the proposal or applicant property must be paid for by the applicant in full.

- Table 9 at B95 for "Areas proposed for native ecosystems re-establishment" needs the last point modified to "*vegetation connectivity and wildlife corridors using mature native flora".* We know from the applicants action to date that they plan seedling or juvenile flora that struggles in dry weather and with feral fauna such as rabbits and grasshoppers. These efforts of corridors are supposed to allow for the movement of fauna. We heard from bio-diversity experts at the hearing and in the written submissions that immature flora is inadequate for Koalas, birds and other fauna and as such, would unlikely be used by them to traverse from the mine site. We also remove the reasonable and feasible part because a corridor should not be 10m wide just because it's cheaper than being 20m wide if a 20m wide corridor will result in more life being retained. This condition is specific to areas for native ecosystem re-establishment so this only applies to areas that are not being restored as agricultural land so there's no reason to restrict the quantity of flora planted.

- Table 9 at B95 for "Final Landform" second dot point needs the last five words removed (to the greatest extent practicable). Again, cost is not a prohibitive factor. This is rehabilitation, not mitigation. The applicant must spend what's needed to ensure the final landform is consistent with the existing landscape.

- There needs to be a condition that the final landform "must be in a condition and form as to prevent the occurrence of erosion". The waste rock wall and amenity bunds will have very steep gradients and there is risk that they will be susceptible to erosion in periods of high winds or rain. The applicant must ensure underlying soils, drainage and shapes ensure that erosion will not occur. We would expect a condition similar to that of C1 (e).

- Table 9 B95 for the "Final Void". We argue the void must be refilled. It's not rehabilitation if the void is not filled. It is not sustainable if the void is simply fenced off. Someone has to maintain the condition and safety of the fence, it will remain there for hundreds of years filling with redirected groundwater. We propose there should be a condition that the Tailings must be pumped back into the pit at the end of the mine life, use the PAF material

from the waste rock walls to seal the TSF material in the pit, and the topped with topsoil. This reduces the impacts of Tailings, reduces the size of the remaining void, along with the length and steepness of the void walls. It reduces the impact of the steep waste rock walls in areas that are currently valleys, and returns the landscape more to it's original form.

- Table 9 B95 for the "TSF" second point. With more and more extreme weather events occurring and becoming less predictable, combined with the extreme impact an overflow of TSF would have on the Belubula River and subsequently downstream, this must be upgraded to at least a 1:100,000 annual exceedance.

- Table 9 B95 for "Community" has no requirements for the applicant to reskill and train the workforce or industry to allow for a seamless transition of the workforce back into the ordinary Central West community. There needs to be specific conditions that require the applicant from year six (when their workforce commence reduction – see image below from the applicant social impact assessment) to engage with existing non mining industry in the Central West and run training programs for staff to reskill them into other industries as needed to retain the employment. If the applicant were to make these positions redundant in 6 years time without providing sufficient transition opportunity to other industry, it will result in either an increase in unemployment, or out migration. This is why it must be a condition of consent that the applicant provides training and transition for both their redundant employees and contractors.

Graph 1 illustrates the indicative FTE annual average project workforce by project phase.

Graph 1
Indicative Annual Average FTE Workforce, by Project Phase

Source: Regis, 2019.

- Table 10 B96 feature "Water Supply Pipeline" first dot poi t needs to end after the word "rehabilitated". There should be no diminishing factor to rehabilitation such as to being to someone's 'satisfaction'. Disturbed areas must be restored to their pre disturbed or better condition.

- B97 the first sentence needs to be reworded to: *"The Applicant must rehabilitate the site progressively, that is, as soon as areas of disturbance are no longer in use or being disturbed".* This removes the ability for the Applicant to claim three years was reasonable due budget constraints, or lack of workforce or time. It ensures the Applicant applies appropriate resources to rehabilitation and prioritises rehabilitation in their project.

- B98 needs to also be approved by the Belubula Headwaters protection Group. Our Group is the peak protection group for the area impacted and it's committee and members live and use the area. The Planning Secretary is unfit to solely determine if rehabilitation measures are adequate or appropriate. Additionally, B98 (a) and (b) need to include "*all residents within 2km of the mine site boundary"* and "*all residents' property the pipeline traverses".* The only entity that has representation of the community interest in the current list is the CCC, and that doesn't give full and proactive opportunity for all impacted to input. The people most directly impacted by the rehabilitation and final landform need to have input on what measures need to be undertaken. Although B98 (c) includes 'stakeholders' this has been used by the Applicant in the past to simply mean Government departments and less than a hand full of residents, some of which aren't even neighbours. This is why (a) and (b) need to specifically state those nearby neighbours.

- B99 needs to be changed to "*construction"* instead of mining operations. This is because if the plan is unable to be prepared to the satisfaction of the Planning Secretary, permanent works would have already commenced without sufficient measures to rehabilitate. E.g. the new intersection is part of construction, closing of Dungeon Rd, new internal roads, destruction of fauna and the pipeline are all some examples of works which will destroy existing landscapes prior to the implementation of a rehabilitation strategy.

- B100 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions. A new condition needs to be added to state: "*The mining lease cannot be surrendered until all rehabilitation measures in accordance with the strategy have been completed".* This ensures the applicant fully rehabilitates before being released from their responsibility to the area.

- A new condition needs to be added that imposes consequences for failure to comply with the plan. Given we're dealing with the area that mining companies avoid the most and provide the least attention to but has the longest lasting impacts after mining, the consequences need to be severe. We already have more than 85 dwellings within 2km of the mine site area and if it's to be rehabilitated appropriately, there should be an increase in residences. As such, failure to comply results in negatives impacts being felt by hundreds of individuals for the rest of their lives and following generations. The following condition should be sufficient: "*If the applicant fails to comply with any condition under the Rehabilitation conditions of consent, any directly impacted privately owned residents must be offered acquisition in accordance with the 'method of acquisition' under these conditions. If there are no direct impacts to privately owned residents but the rehabilitation fails to comply with the rehabilitation strategy, the Applicant must pay an additional amount equivalent to 100% of the allocated rehabilitation funds for the project to the Blayney Council under the VPA, and the equivalent amount to the EPA".* The reason the funds are required in addition to the bond payable to the Government is that the bond does not assure the rehabilitation will be carried out, nor does it ensure the rehabilitation will be carried out in accordance with what is appropriate for the area. By implementing the above conditions, the neighbours and those directly impacted will be creating the rehabilitation plan with the Applicant so it follows that failure to implement the strategy should result in a financial

penalty paid to an entity that can ensure the rehabilitation is carried out – hence the payment to the Blayney Council under the VPA. It is important that not only the it is paid under the VPA, but that the IPC intervene with the additional conditions in the VPA as proposed in this submission. This will ensure the funds received under the VPA are used for their intended purpose.

- B101 needs to include to the satisfaction of the "*Blayney Council"* as well. As most of the Social Impacts will occur in Blayney and the Blayney Council will be responsible for dealing with those impacts, it is important they have also approved the SIMP.

- B101 (b) needs to be reworded to state "*in accordance with"* instead of "having regard to". The Applicant to simply state they have considered the suggestions in the SIA Expert review but disagree and as such, they have 'had regard to it'. The SIA Expert review identifies several areas of shortfall from the Applicant in their efforts of Social Impact identification, treatment and resolutions. It is reasonable to assume the Applicant's efforts to date will continue in inadequate treatment of social impacts and therefore, they must be held accountable to the expert review.

- B101 (c) replace "Kings Plains Residents" with "*all residents in the Kings Plains, Vittoria, Fitzgeralds Mount and Guyong locality"*, and delete "to the greatest extent practicable". Again, the DPE have provided the Applicant with a 'get a jail free' option by simply stating they have 'tried'.

- B101 (e) again needs to be extended beyond the Kings Plains residents and include those in Guyong, Vittoria and Fitzgeralds Mount.

- B101 (h) only requires a program to report on the effectiveness of the measures, not to identify shortfalls or unidentified impacts and methods of compensating those impacted and reducing or eliminating the impacts. As such, we request a new condition (I) be added that states "*include a program to identify impacts that weren't originally identified or were understated and either eliminate the impacts or reduce them as much as possible and: (i) add these impacts to the SIMP for ongoing recognition and management; and (ii) compensate those impacted if any loss or damage has been incurred as a result of the proposal.*

- B103 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- New condition must be imposed to ensure accountability for failure to comply with their SIMP or these conditions. As it stands, the Applicant could fail to comply with their own SIMP and there are no consequences for doing so. Given the social impacts have been identified by both the Applicant and the DPE as being high risk and high consequences, the consequences need to be severe. These are impacts on people's direct way of life with a lot of impacts being intangible and result in changes to mental and physical health and wellbeing, and domestic relationships. Impacts are often difficult to quantify for the purpose of compensation or accounting for loss. Given the social impacts are overwhelmingly going to be a major consideration for rejection, it is reasonable to state that if the Applicant cannot mitigate their social impacts as projected, that the project must cease. As such, we propose the consequence of failure to comply with any Social related conditions, including failure to adhere to the SIMP, be an immediate cessation of operations and revocation of this consent. The Applicant must carry out all activities of rehabilitate as though the project was complete.

- B104 (c) (ii) these trigger levels must be considerably below levels which would result in contamination to local bees (suggest somewhere between 30 and 50% below levels that result in quality reduction). Once a bee has been contaminated, it cannot be identified until after the honey is produced. This means if contamination occurs it will result in poor honey quality for large batches of produced honey which would then either need to be sold at a lower price, or entirely destroyed. It cannot be changed or separated mid process and as such, trigger levels need to be such to allow for time in the delay in monitoring, testing and reporting, and then subsequently responding to any occurrences.

- B106 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

- New Condition (B107) that states if any breach of the Apiary Monitoring and Management Program or failure to comply with the Agriculture conditions results in the immediate suspension of mining operations. All efforts must be taken by the Applicant to identify and immediately cease the cause of contamination, compensate the impacted Apiarist for direct and indirect costs, including impairment of goodwill. Prior to mining operations recommencing, the management program must be updated to ensure a recurrence of the contamination cannot occur.

Part C – Water Supply Construction Specific Environmental Conditions

- C1 (e) (iii) needs to include consultation and involvement with any interested Aboriginal persons.

- C3 needs to be reworded to state *"implement and comply with"* to ensure compliance forms part of the consent conditions.

Part D – Additional Procedures

- D1 (a) needs to add that the inspection must be completed by a suitably qualified and experienced independent expert and that all costs, be it direct or indirectly related to the inspection are borne by the Applicant.

- D1 (b) must include a required response from the informed tenant to ensure they have been appropriately informed and not that the Applicant has simply posted it to them or attached it to an email without explanation of what it is or it's purpose.

- D2 needs a required response as above to again ensure the tenant understands the risks. The condition as it is currently worded simply requires the Applicant to 'advise'. A requirement for a signed acknowledgement of receipt of the information and understanding of the impacts would be sufficient.

- D3 is allowing 7 days after receiving results from monitoring, not form the exceedance itself. This could mean it's weeks before people are being exposed to excessive dust and ppor air quality before their informed about it. Given the health issues faced by several of the near neighbours, this is far too long. They have consumed hundreds of litres of contaminated water, breathed in thousands of litres of contaminated air and it all could have been prevented if notified earlier. From the point in time the Applicant becomes aware of an exceedance, it is not unreasonable that notice is delivered within 24 hours of that identification. With online and mobile notification systems including text, email, portal and phone calls, this is entirely achievable. Again this is simply to notify the residents, it's not to

say they've rectified it or have a plan. It's simply to let them know to cease using tank water for consumption, cooking, cleaning; close up their house and reduce any outdoor activities until they advise the quality is back under the limits.

- D7 allows for up to three months for the Applicant to take action. This again is far too long of a time frame. This is simply a timeline for the 'commission' of an expert, not for the report to be finalised. The Applicant would have ample time within 21 business days to locate and engage a suitably qualified expert. They should have a dedicated staff who is responsible for dealing with complaints and as such, they have 38 hours per week to simply locate a suitably qualified expert, compare with others and engage them. We request this condition be revised to state 21 calendar days.

- The entire premise of the independent review condition is inadequate. It allows for the Applicant to be informed that a landholder believes an exceedance has occurred, modify their operations before engaging the expert and then evidencing no breach has occurred. The landholder needs to have the ability to engage an independent appropriate expert to conduct investigations without needing to notify the Applicant the investigations are occurring. Then, following the submission of the report to the Applicant and the Planning Secretary, an invoice from the expert is forwarded to the Applicant for payment. A simple example of how the current condition is inadequate: Let's say the Applicant begins exceeding air quality limits at property. The Planning Secretary will advise the applicant (after an indeterminant period of time) they have (assuming our above condition modification is agreed to) 21 days to engage an expert to review it. The applicant simply increases dust suppression, ensure vehicles do not move in that area of the mine, potentially even reduce production whilst they know the assessment is occurring. The report comes back and shows no breaches. The Applicant simply goes back to what they were doing prior to notification that was in fact exceeding limits. The entire process is flawed and favours the Applicant to modify their operations as needed when they know their being investigated. There needs to be freedom for residents to engage their own experts without notification being sent to the Applicant, for those experts to then conduct investigations on the landholder's property and then to provide the results of those. Again, if the applicant is so confident they won't exceed their modelling (let alone the far more lenient limits in the conditions), there should be no concern with expert investigations occurring on private residents without the Applicants knowledge. If the applicant is concerned that landholders would simply request numerous investigations that all show no breaches that just waste the Applicants money, you could add a clause that states if the results of the expert report show no breaches of conditions in Part B, the cost is to be borne by the land holder.

Part E – Environmental Management, Reporting and Auditing

- E1 (e) (ii) needs to replace the word "handle" with "*resolve".* Handling a complaint is ambiguous**,** it could simply be filed and not even acknowledged. As such, the word needs to be updated to be "*resolve".*

- E1 (e) (iv) needs to be "*respond, resolve and remedy"* to ensure that again, the Applicant actually rectifies breaches and incidents and not just 'responds' to them.

- E2 needs to include "*implement and comply with"*

- E3 (a) seems contradictory to the purpose of the clause. If an exceedance occurs, 'reasonable and feasible' become irrelevant. Even if after all 'reasonable and feasible' actions can't prevent a breach of a condition, consent must be revoked. This should be

reworded to simply state "*take all steps required to ensure the exceedance ceases and does not occur again"*

- E3 (c) similar to the above, it should simply state "implement the remediation measures as directed by the Planning Secretary.

- E3 needs an additional clause for re-occurrence of breaches. "*If the Applicant breaches the same condition on more than one occasion, the project consent is to be suspended until such time that the Applicant can demonstrate they taken new measures to prevent the breach from occurring a third time, along with an appropriate management plan to the satisfaction of the Planning Secretary".* It then needs a final condition that states: *"In the event that Applicant breaches the same condition on a third occasion, it is obvious they cannot comply with the conditions and the consent is to be revoked".*

- E4 (h) needs to state *"a protocol for managing, responding to and reporting any:*" included in it.

- E9 needs to be updated to be annual reporting. 3 years is far too long to have an environmental impact or failure reported.

- E15 needs to be removed. This allows the Planning Secretary to approve changes to plans without consultation to those impacted by the plans. No management plan or strategy should be able to modified without consulting those directly impacted by the plan or strategy.

New Conditions

Separate from the modifications and minor additions to the DPE proposed conditions above and the conditions we've listed under specific areas in the body of our submission, should the IPC determine this project is approvable, we insist the following new conditions must be added to the consent. We have tried t explain the necessity for the condition with each one but should you require further explanation, please do not hesitate to contact us to allow us to clarify.

- There needs to be a new condition added for occurrences of noise, vibration and air quality limit exceedances. As it stands, the DPE has not provided an avenue for any resident to receive mitigation or acquisition options in the events of exceedances of noise, vibration or air quality limits. This evidences the lack of consultation carried out by the DPE as they have not taken on the feedback, some of which the IPC received at the hearing about resident's simply wanting security that their way of life is somewhat protected. In a scenario where someone is being impacted by noise exceedances on a regular basis, there is no avenue for them to request noise mitigation measures or acquisition. The same scenario occurs for dust and vibration impacts.

- Similar to above, there are no conditions in the event that residents are unable to dispose of their property on the open market due to the mine operations. Even without impacts, the operation of the proposal near to residents will likely result in a reduction in market values, or at least sale appeal. This was expressed as an existing issue by one resident at the IPC hearing and has occurred to the three residents on Walkom Rd just form the potential of this proposal being approved, let alone if it actually is. As a reminder, a large portion of the neighbouring residents are of retirement age or nearing it. They will find themselves in a position of most likely needing to downsize their property during the period of project operation. If they find themselves in the situation that purchasers are not interested due to

the mine operation, the responsibility of compensation falls on the Applicant to either compensate the difference between sale amount and valuation assuming the project did not exist; or for the Applicant to acquire the property at market value assuming the project did not exist. This situation would also apply in any life event that might require a resident to dispose of their property; it could be a divorce, death of family, change in work, or just a relocation desire. In any of these situations, it should not be the responsibility of the resident to bare the reduction in property value as a result of the project.

- Following the above, there needs to be conditions around the acquisition process. The DPE has these in other consent conditions for similar projects such as Cadia for example so the fact they've been omitted from this is concerning. This is to ensure the landowner is not outweighed in negotiations and is treated fairly through the process.

- Water conditions (B39 to B41) needs to include a condition that states if insufficient water is onsite or accessible for operations, the water available must be prioritised for safety, the projects mitigation, or rehabilitation efforts (such as dust suppression) as opposed to operating such as plant processing. This is required to ensure if in a drought, fire, failure of pipeline, leak in a water management facility or similar which is resulting in a reduced availability of water, that whatever water is available is used to ensure either the health and safety of people or the environment, or the reduction of negative impacts as opposed to the ongoing productivity of the project.

- In the event that there is an exceedance or breach of any water or TSF related conditions, regardless of the extent, or they fall outside of the modelling or anticipated impacts in accordance with A2 (c), all mining operations must immediately cease and

- There needs to be a condition that imposes a consequence for the Applicant in the event that items or sites of heritage or aboriginal relevance are destroyed or disturbed. The current conditions simply state the Applicant must plan to avoid, ensure they relocate, and protect artefacts and sites however in the event of destruction or disturbance (regardless of it being accidental), there needs to be a consequence to the Applicant. We would think obviously immediate education of all staff and contractors on how to identify items of heritage and aboriginal relevance, what to do if located and whom to notify must be conducted immediately. Local Registered Aboriginal Parties and other first nation people who have registered interest in the project must be notified of the destruction or disturbance. The parties must come to an agreement on compensatory action and an improvement in future measures and behaviours of the proponent to prevent reoccurrence.

- The noise modelling is based on the assumption the pit bund is constructed within 6 months of commencement. Given this, there must be an imposed condition that states they cannot commence operation until the pit amenity bund is complete. This will ensure that if for some reason the pit bund isn't complete in time, the southern neighbours aren't adversely impacted because the scheduling has changed.

- Air Quality needs to be monitored and upheld in accordance with the most recent air quality National Environment Protection Measure (or equivalent at the time, noting it's changing in 2024).

- In an event the consent is revoked, the Applicant must implement their Rehabilitation strategy, including decommissioning of surface infrastructure, reshaping landscapes and carrying out tree planting. The Applicant must ensure this is completed within 24 months of

the cessation of operations and that any rehabilitation efforts are accompanied with ongoing maintenance of the rehabilitation until it's reached it's final form and is self sufficient.

- If Groundwater flow into the pit exceeds predictions at any time, no further extraction/pit operations can occur until the cause is identified, rectified to cease any inflow and prevent any future inflow. If the cause cannot be identified or rectified, operations must cease and the consent for the project is to be revoked.

- If the surface water draw exceeds the predictions at any time, no further mining operations can continue until the cause is identified and rectified.

- No development can commence until there is a signed and in effect agreement between LFB, Centennial Coal and Energy Australia that agrees to provide water in accordance with A2(c). This is to ensure that there is no disturbance to any areas until this water supply is secured. Given the project cannot operate without it, if the agreement ceases to be completed, the project cannot commence.

- The applicant must develop and construct a large-scale solar operation in an appropriately designated area already owned by the Applicant which can sufficiently offset at least 80% of it's emissions. Not only will this encourage the Applicant to electrify as much of their fleet as possible; it reduces the drain on the already strained electricity grid, and provides a long term sustainable, environmentally beneficial project that can continue to provide benefits to the community and state after the mine ceases. The Applicant owns thousands of hectares of land that is not being used in the mine operation and could instead be utilised for renewable energy production.

- To ensure any failures or impacts occur the Applicant must hold adequate insurances over the TSF, pipeline and Pit prior to commencement and it must be retained at all times during until mining ceases. Construction cannot commence until the certificate of currency is provided to the Planning Secretary. The current certificate of currency must be presented to the Planning Secretary within 14 days of renewal. If at any time the insurance lapses or is revoked on the TSF, pipeline or pit; or the certificate of currency is not forwarded to the Planning Secretary, mining operations must cease until a new policy is taken out and an updated currency certificate provided to the Planning Secretary. This condition is required to enforce financial support and security in the event an adverse event occurs.

The DPE rely on numerous statements by the Applicant that issues raised by the community and specialists "will be managed by", that the Applicant "will implement", or that operations/activities "would be designed" to minimise or reduce impacts, and yet the DPE do not enforce what the Applicant claims will be done with conditions. There is ample evidence that the DPE does not enforce what Applicants claims in similar projects, and that there is no accountability to Applicants when carrying out proposals to what they've claimed in their applications. Additionally, there is abundant evidence that the Applicant also either changes what they claim they'll do, or just doesn't do what they say they will – at least with their neighbours they have. It is for this reason the IPC must impose conditions of consent that force the Applicant to carry out what they claim in their own reports. Specifically:

- The Applicant claims to implement a "local hiring policy" and have marketed this to the Blayney community for years stating that they will offer jobs and contracts to local employees and businesses first, and yet no such policy exists. The IPC must impose a condition that such a policy is in fact implemented and that the policy does in fact force the Applicant to employ locals first, train those who are unskilled for roles needed and assist local businesses that cannot cater for the requirements of the project if needed. Additionally, it must define that "local" means the Blayney LGA and any other LGA within a 50km radius of that LGA.

- In addition to the above, the Applicant claims they will endeavour not to employ staff from existing roles in the local economy that would then leave local businesses without staff. A condition needs to be included that ensures if Regis employs people that have resigned form a local business within 30 days prior to being offered employment from the Applicant, that the Applicant must offer assistance to the business which would allow them to refill the role, be it in the form of compensating for the cost of advertising for the new role, compensating for training costs of the business to upskill staff to fill the role.

- The Applicant states: "The pipeline would be designed to avoid impacts to this site" when referring to impacts to the Swan Ponds Quarry site, yet details of how this will be done do not exist and there is no condition from the DPE that force these details to be submitted to be vetted prior to the works that could destroy the site. The IPC must impose conditions to ensure that no works are carried out until a formal plan is submitted to the Planning Secretary about how the works will be carried out to ensure no disturbances occur.

- Additionally, there are numerous management plans proposed for this project to deal with and yet the DPE does not enforce the reliability or accountability of any of these. We encourage the IPC that if the Applicant claims they can do everything they say they can in these management plans, they must be enforceable and accountable to the proposed management plans. There needs to be a simple condition in the event of an approval that states, "The Applicant must comply with any and all management plans in full and in the occurrence of any breach or failure to act in accordance with the plan, the operations relating to that plan must cease until such time that the operation or occurrence aligns with the plan. If the plan requires modification due to unforeseen circumstances, the plan is to amended and approved by the Planning Secretary before operations can continue."

Conclusion

When you consider the countless negative impacts this proposal will have on at least hundreds of people in the existing community, the cumulative negative impacts of this proposal far outweigh the small benefit to the State and Federal Governments.

As can be seen from the condition recommendations above, to ensure this project can operate within its proposed impacts and to ensure it can do so, requires significant resources from the EPA, DPE, Planning Secretary and all stakeholders due to the countless risks and negative impacts it will cause. And even with these, there are still impacts that simply cannot be mitigates as stated by the DPE. We again plead with the IPC to please, please see reason that the reality of concerns have been overlooked by the DPE in their assessment, and that if just one of the modelled impacts are understated, the impacts are severe.

Belubula Headwaters PROTECTION GROUP

In conclusion, we'd like to remind the commissioners of the two perceived potential benefits of this proposal: more jobs (in a community with unemployment under 2% and a housing and essential worker shortage); and monetary stimulus (by way of rates, VPA, royalties, and increased average wage), even though the cost of living is already nearly 8% and the average Blayney resident will be displaced on their average income of less than $60k compared to a miner on an average of $86k.

Compare these potential benefits which, in the current environment are unsubstantiated, unjustified and most importantly actually risk amplifying existing social and economic burdens and restrictions in the area; to the numerous actual and known negative impacts, along with the potential risk of further negative impacts in adverse weather conditions, failure to monitor or adhere to the numerous management plans, failure to adhere to consent conditions, or just from adverse actual outcomes from ill-informed modelling; it is obvious that on balance by a large margin, this project does not provide any benefits in excess of the costs and **must be REJECTED**.

Thank you for the opportunity to submit in relation to this project and please do not hesitate to contact us in the event you'd like anything clarified or to discuss the option of a third party trust to manage social and community impacts.

Yours Sincerely,
Daniel Sutton
President – Belubula Headwaters Protection Group