To: NSW Parliament Portfolio Committee No. 2 - Health

Re: Inquiry into current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales

Responses to statements made in submissions

Submitted: 5 December 2023

The purpose of this document is to respond to particular assertions made by witnesses, as recorded in the submissions made by persons to the Parliamentary Inquiry, on particular issues relating to the McPhillamys Gold Project (the **Project**). This document is not directed to addressing each and every statement in the submissions with which Regis takes issue. Rather, it constitutes a non-exhaustive response to particular issues.

1. Air quality - dust

Under (the Air Quality and Greenhouse Gas Management Plan) there will be no instruments to monitor air quality downwind of the mine site. The two real time air samplers referred to in that Plan will be operated only one day in six.[1] (Ian Manning, Submission 137)

Regis disagrees with this statement.

> The draft Air Quality and Greenhouse Gas Management Plan includes a network of seven real-time ambient air quality monitors located in all directions surrounding the mine. These instruments will monitor continuously and log data on one-hour time intervals.

2. Approvals

…EDO and BHPG do not consider there was a strong case for justifying the McPhillamys (sic) on the basis of the State's transition to renewables, nor did the Department's materials substantiate any such case. We are concerned that mines such as McPhillamys will be promoted under the guise of being legitimate means for lowering Australia's greenhouse gas emissions, without evidence that this is in fact true.[2] (EDO, Submission 88)

Regis disagrees with this statement.

> The Department did not justify approval of McPhillamys on the basis of transition to renewables. It stated: *The Department notes that both the Federal and State Government recognise the importance of investment in mineral mining and this is reflected in the following policies:*
>
> - *Australia's Global Resources Statement (2020)*
> - *NSW Minerals Strategy (2019)*
> - *NSW Critical Minerals and High-tech Metals Strategy (2021).*[3]

The IPC's reasons for approving the MGP were numerous, and none reasons nominated energy transition as a factor tipping the balance in favour of approval of the MGP.[4]

"(Approval was given on) …assumptions that a mineral should be mined because it is there."[5] (Alison Ziller, Submission 14)

Regis disagrees with this statement.

These words are neither written nor implied in the Assessment Report. The Executive Summary and Evaluation (Section 7) of the DPE Assessment Report outlines the thoroughly considered, evidence-based rationale for the DPE's conclusion that the project is in the public interest and could be delivered with strict conditions.[6] Section 7 of the Assessment Report clearly states that "on balance, the benefits of the project outweigh its residual costs."

The IPC's Statement of Reasons neither said nor implied that gold resource should be mined because it is there.

3. Bees and the apiary industry

Night lighting and effect on local bee producers is something that is often forgotten about and needs more consideration when looking into approving a large mine in and area. (sic)[7] (Name withheld, Submission 146)

Regis disagrees with this statement

The potential impacts of lighting on bees and honey production is addressed in the Submissions Report[8] and the Amendment Report 1.[9] Consent Condition B77 requires Regis to take all reasonable steps to minimise off-site lighting impacts and to ensure that no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure.

The IPC'S Statement of Reasons said that the likely impacts on nearby apiary operators could be appropriately managed through conditions of consent.[10]

Offset land has been offered to Goldfields Honey for beekeeping…(it is) some 30 minutes' (away).[11] (Claire Bennett)[12]

Regis disagrees with this statement and some further context needs to be provided.

To be clear, no land owned by Regis is classified as offset at this point.

On more than one occasion over a number of years, Regis has offered Goldfields Honey access to both the Aziel property and Regis-owned properties that are close to their business premises (contingent on land tenant's agreement).

At a meeting on 3 July 2023, Mr Jon Lockwood explicitly and definitely declined Regis' offer to use any Regis land. The Aziel property was then offered to another local beekeeping business who took up the offer.

Commercial activity cannot be done on offset land and as beekeeping is a commercial activity the offset land offered to Goldfields Honey is useless. (Claire Bennett)[13]

This statement requires some further context.

Aziel is not currently classified as a biodiversity offset property and beekeeping is allowed everywhere on the property at the current time.

A portion of Aziel will be registered as a biodiversity offset site. At that point, commercial beehives will not be allowed to be placed in the offset area. The rest of the property will still be allowed to be used for beekeeping. This was first confirmed to Mrs. Vicki Lockwood in an email sent on 5 September 2022.

4. Biodiversity

(Intercepting) ...rainfall runoff and groundwater across the headwaters of the Belubula River will have a significant impact on aquatic biodiversity in the Upper Lachlan Valley.[14] (Bev Smiles, Submission 57)

Regis disagrees with this statement.

Detailed expert assessments relating to water[15] were presented as part of the EIS (surface water[16 17 18], ground water[19 20 21] and aquatic biodiversity[22 23]), the *Submissions Report* and three subsequent amendment reports. All assessments included baseline groundwater monitoring and surface water monitoring data collected since 2014 from monitoring points on and around the site.

The three Amendment Reports further refined ways impacts on water could be minimised (water management[24 25], impacts on water resources[26], aquatic ecology[27 28], surface water[29 30], groundwater[31]), again concluding that the potential for the project to have adverse health impacts on water was negligible.

The Specific Purpose Access Licence (SPAL) allows Regis to purchase water licences for offset purposes only. The offset water must be left in the river system.

The offset land is a property called AZIEL (sic) located between Blayney and Carcoar which was under stewardship, purchased by Regis Resources as offset land. This does not make sense as the land was already protected. (Claire Bennett)[32]

Regis disagrees with this statement.

Aziel is not, and has never been, under any stewardship or offset agreements.

5. Climate change

Climate change, including drought frequency and heavy rainfall intensity, was not considered in the modelling.[33] (EDO, Submission 88)

Regis disagrees with this statement.

Climate change was considered in the Surface Water Impact Assessment.[34] Consent Condition B53 (d)[35] requires Regis to prepare a Water Management Plan for approval by the Secretary before certain activities start. The plan must, ''incorporate recent meteorological and climate data and describe the periodic review of new and relevant input data, including sensitivity analysis of variations from climate projections and trends.''

6. Health

The McPhillamys Gold Project did not initially include any health assessment until the community lobbied that one should exist.[36] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement.

The EIS included detailed expert assessments relating to health[37] (air quality[38], noise and vibration[39] [40], hazardous materials[41] [42], lighting[43] [44]) which concluded that potential health impacts could be prevented, minimised or managed during construction and operations.

The *Submissions Report* tabulated all concerns submitted by government agencies and the community during the EIS exhibition process with references to where they had been addressed.[45] It directed respondents to information answering their questions about air quality, noise and vibration and hazardous materials in response to submissions.

An independently-prepared *Health Impact Assessment* (HIA) reiterated that, 'Based on the available information, and with consideration of the uncertainties identified, no health risk issues of concern have been identified for the off-site community'. [46]

The subsequent *Amendment Report (2020)* further refined the management of air quality[47], noise and vibration.[48] [49] Impacts remained consistent with the HIA and were of no or negligible concern. [50]

The development consent conditions define compliance requirements for air quality[51], hazardous materials[52] and light emissions.[53] Compliance with those conditions is covered in the associated management plans.

DPE's Assessment Report found that, with the proposed mitigation measures in place, off-site health impacts would be low or negligible. Their conclusion was drawn based on conservative worst-case scenarios.[54]

The proponent's health report determined the population in the area (being the Western Local Health District, not the mine site community) is generally obese, alcoholic smokers, and subsequently the impacts on health would be minimal as they're already generally unhealthy.[55] (Daniel Sutton, Belubula Headwaters Protection Group (BHPG), Submission 78)
Regis disagrees with this statement.

The Health Impact Assessment[56] neither states nor implies this.

(Mine workers) are within metres, if not centimetres, of machinery, and emissions that are deemed far too unhealthy for humans to be in the presence of. Yet these employees and contractors are exposed to these elements for 12 hour shifts, sometimes 7 days per week for years and years. The detrimental effect this has on not only their quality of life, but also life expectancy is never assessed by regulators.[57] (Daniel Sutton, BHPG, Submission 78)
Regis disagrees with this statement.

The Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017 protect all workers in NSW. Mine workers have additional protections under the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.

The Work Health and Safety Act 2011 sets down detailed requirements, including ensuring that no person at the workplace is exposed to airborne concentration that exceeds the exposure standard for the substance or mixture. Legally, workplaces must ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture

at the workplace. The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 sets down additional specific air quality monitoring requirements.

The Work Health and Safety Regulation makes it mandatory for NSW employers in all industries to provide health monitoring to workers who:

- regularly use, handle, generate or store hazardous chemicals and there is a significant risk to their health as a result
- ongoing work poses a significant risk because the worker will be exposed to a hazardous chemical.

Inspectors from SafeWork NSW and the Resources Regulator are allowed to enter sites unannounced to assess workplace compliance with legislation and regulation. They also assess administrative compliance with mandatory plans and documentation. Mines are required to develop Principal Hazard Management Plans and Principal Control Plans (PCP) for both air quality, dust and other airborne contaminants and health.

In the case of the approved McPhillamys mine in Blayney, how can this development be approved without taking into account the already poor health outcomes in the district. Residents live within 1km of the pit.[58] (Cadia Community Sustainability Network, Submission 92)
Regis disagrees with this statement.

The Health Impact Assessment concluded, "Based on the available information, and with consideration of the uncertainties identified, no health risks of concern have been identified for the off-site community.[59]

DPE's Assessment Report found that, with the proposed mitigation measures in place, off-site health impacts would be low or negligible. Their conclusion was drawn based on conservative worst-case scenarios.[60]

…health risks from lead and other minerals in dust, is to be dealt with retrospectively, that is by monitoring after the event…retrospective monitoring by definition fails the precautionary principle no matter how strict the measurement methods are.[61] (Alison Ziller, Submission 14)
Regis disagrees with this statement and some further context needs to be provided.

With regard to the precautionary principle, DPE assessed the project's threats of serious and irreversible environmental damage using reasonable worst case scenarios, and was satisfied that there was sufficient scientific certainty to determine the development application. The DPE concluded that risk-based performance conditions and performance measures would provide appropriate protection.[62]

The IPC found that the precautionary principle had been appropriately applied to the assessment of the Project. Subject to the imposed conditions, impacts of the current generation on future generations could be appropriately balanced.[63]

7. Housing

The project will result in the demolition of over a dozen existing dwellings and prevent several more potential new dwellings from being constructed.[64] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement.

Five houses within the mine disturbance boundary will be demolished. Two of them are uninhabitable.

8. Integrity of consultants

(Consultants who prepare reports for proponents) are not independent, and the consultants have a vested interest in providing reports that are supportive of proponents to secure future work in the industry.[65] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement.

Regis rejects outright these allegations against the integrity of the consultants used and their work.

Like all EISs, the McPhillamys EIS was prepared in accordance with Schedule 2 of the EP&A Act 2000, and contained all available and relevant information. Lead consultants signed off, confirming that information in the EIS is neither false nor misleading.[66]

9. Kings Plains & Negotiated Agreements

…(water filtration devices) are only provided in the event that these residents sign a contractual agreement with the proponent that then prevents the resident from lodging complaints to regulatory authorities if they're experiencing impacts of the mine.[67] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement.

Signing a Negotiated Agreement with Regis does not prevent a property owner from taking complaints to the regulator. The Agreement commits the property owner and Regis to trying to resolve the issue before the property owner takes it to the regulator for resolution. This approach reflects standard NSW Government complaint resolution processes.

Regis rejects any suggestion that it uses negotiated agreements for the purpose of preventing residents from lodging complaints with regulatory authorities.

Another proposed mitigation was the installation of air conditioning and double-glazing windows, but it was not clear which land holders would benefit from these measures.[68] (EDO, Submission 88)

Regis disagrees with this statement

Regis has always been clear that these mitigations were included in the Negotiated Agreements offered to 18 property owners in Kings Plains.

…the location of the mine is so close to the Kings Plains village that the residents could not realistically be sheltered from the noise, dust and vibration that will occur during construction and operation of the mine, and that these would make the village unliveable.[69] (EDO, Submission 88)

The IPC heard that such mitigation measures would require households to reside in enclosed environments for the duration of the construction and extraction operations, in order for this mitigation measure to be effective.[70] (EDO, Submission 88)

Residents would not be able to open their windows, especially in the early morning or in the evening or at night, as mining operation would occur 24/7 365 days per year.[71] (EDO, Submission 88)

Regis disagrees with these statements

The statements ignore a substantial body of noise and air quality modelling that indicate the mine will operate below the NSW government noise and dust trigger levels. As these levels will not be reached, it is difficult to understand how Dr Ziller arrived at her conclusion. The installation of air conditioning and double glazing provides certain residents with additional choice on how they mitigate any impact if required.

As set out in the IPC's Statement of Reasons for approving the Project, the IPC gave detailed consideration to the amenity impacts of the Project (noise, vibration, visual and lighting and air quality and dust impacts) and found that these impacts were capable of being minimised, managed or compensated where necessary.

The development consent includes a suite of conditions to effectively regulate the amenity impacts of the Project. For example, the Consent Conditions set strict noise limits under which the project must operate and the Noise and Blast Management Plan is required to include a network of real-time continuous noise monitors, five of which are located in the Kings Plains area.

10. Monitoring

There are no conditions imposed that force a proponent to proactively prevent contamination.[72] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement

By nature, Consent Conditions for SSD-9505 require proactive prevention of contamination.

Condition A1 provides, 'In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, and material harm to the environment that may result from the construction and operation of the development, or rehabilitation of the development.'[73]

The Development Consent also contains various specific conditions which are intended to ensure the proactive prevention of contamination of, for example, water sources. Condition B50 requires Regis to ensure that the development complies with various water management performance measures, including identifying, minimising and mitigating risks to the receiving environment and downstream water users.

No monitoring or inspections are required to be conducted by the regulatory authority which means any and all infringements can easily be manipulated by operators to prevent fines.[74] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement

Regis rejects any suggestion that non-compliances with the development consent for the Project could be manipulated to prevent fines.

The development consent contains various legally binding mechanisms to ensure that the operator complies with the conditions of consent. For example, conditions E6 and E7 respectively impose an obligation to notify the Planning Secretary of an incident and any non-compliance, and conditions E8 and E9-E10 respectively require the submission of an

annual review report to the Department and a regular Independent Environmental Audit of the development.

DPE's Compliance Team is responsible for monitoring and enforcing the conditions of the development consent and undertakes inspections of major projects to ensure compliance with the development consent. The Environment Protection Authority will be responsible for monitoring and enforcing compliance with the environment protection licence for the Project and the Project will also be monitored by other relevant Government regulators such as the Natural Resources Access Regulator.

Similar mechanisms are generally available to the EPA, which may be incorporated into the EPL granted for the Project (e.g. obligations to notify of pollution incidents, annual returns and the power of the EPA to impose, in accordance with law, reasonable conditions relating to monitoring of environmental conditions relating to air, water, land and so on).

Regis considers that there is no basis to suggest that non-compliances with the conditions of the development consent or non-compliances with other relevant environmental obligations could or would be manipulated by the operator of the Project.

Authorised enforcement officers from the Environment Protection Authority, DPE and the Resources Regulator have the right to enter places of business by asking for permission, exercising a statutory power of entry or obtaining a search warrant to enter the premises. They have powers of entry, to search and to require answers. [75]

Without the regulatory authority conducting any monitoring, let alone undisclosed monitoring to ensure it reflects true operational conditions, the enforcement of conditions again falls to the community.[76] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement

Further to the response immediately above, Regis rejects that relevant NSW regulators would not conduct any monitoring and that the enforcement of conditions would be left to the community.

Consent Conditions require Regis to monitor and report on monitoring results. The POEO Act requires publication of monitoring results and contains offences for publication of false or misleading results.

Regulatory authorities such as DPE, Resources Regulator and Environment Protection Authority have powers under their respective legislation to enter a mine site at any time and collect information, including monitoring, as they see fit.

Regulators such as the EPA regularly conduct environmental monitoring activities throughout the state, as described on their website.

11. Rehabilitation

(There is a) Lack of surety around funds being available for rehabilitation[77] (Name withheld, Submission 146)

…the rehabilitation conditions of consent are vague, difficult to enforce and have no method of accountability if not carried out.[78] (Daniel Sutton, BHPG, Submission 78)

There is no ongoing monitoring or progressive checks of rehabilitation either as it occurs, or after it's completed.[79] (Daniel Sutton, BHPG, Submission 78)

The rehabilitation of mine sites is done within the economic means of proponents, not to the requirements of safeguarding human and environmental health.[80] (Daniel Sutton, BHPG, Submission 78)

If the Government is going to go down the track of more mining the Government will need to take money from the large mining companies as bonds to keep for re-habilitation and if the mine goes bankrupt. (sic)[81] (Name withheld, Submission 146)

Regis disagrees with these statements.

Various standard conditions are imposed on the McPhillamys mining leases, via Schedule 8A of the Mining Regulation 2016, to address the protection of the environment and rehabilitation. The requirements set by those conditions generally include submission of a rehabilitation management plan and an annual rehabilitation report including a rolling three-year forward program of rehabilitation works.

Regis will pay substantial security bond at the beginning of mining operations. It will be recalculated over the life of the mine and refunded only when rehabilitation is completed to the required standard.[82] At the CCC Meeting on 5 June 2023, the rehabilitation bond system was discussed, including answers to the comments made above.

Consent Conditions are explicit about rehabilitation objectives for the mine site (B95), water supply pipeline (B96), progressive rehabilitation ((B97) and the contents of the Rehabilitation Strategy (B98) which must be approved by the Planning Secretary. These conditions are commonly found in development consents for mining projects and are undoubtedly enforceable.

…(the community has) been told by proponent representatives that "the site will be rehabilitated", and this means "they can't leave without filling in the pit." At no point has the proponent attempted to publicly announce this is not the case to the community at large.[83] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement.

Regis has always been clear that the pit void will not be refilled. This was stated publicly many times during the assessment process:

- Public Meeting at Blayney Community Centre attended by Daniel Sutton (23 May 2019)
- Community Newsletter[84] (March 2020, pg. 4 - delivered to every post box in Blayney LGA)
- McPhillamys Rehabilitation Factsheet (first published September 2021)
- Community Newsletter[85] (October 2022)
- At CCC Meetings on 14 August 2023[86], 5 June 2023[87], 28 November 2022[88], 3 May 2021[89], 2 November 2020[90] and 23 September 2019.[91] Daniel Sutton attended, and approved minutes for, all those meetings.

12. Social impacts

The requirements for a SIMP for…McPhillamys Gold …place implementation in the hands of the proponent who is also expected to fund its operation, that is, the effectiveness of a SIMP is also eroded by the conflict of financial interest inherent in its structure.[92] (Alison Ziller, Submission 14)

Regis disagrees with this statement.

Conditions relating to social impacts are not limited to the SIMP. The extensive requirements of the SIMP are outlined in development Consent Condition B101. Importantly, Regis cannot commence construction until the SIMP has been approved by the Planning Secretary (condition B102) and must implement the SIMP (condition B103).

In addition to the SIMP there are further conditions managing social impacts include the Planning Agreement (A12), operation of the Community Consultative Committee (A13), evidence of consultation (A14), compliance with conditions of consent (A23), construction noise (B1-28), noise (B29-37), compensatory water supply (B42-48), transport (B69-76), visual (B77-8), mine closure (B95, table 9), notification of landowners/tenants (D1-2), notification of exceedances (D3-4), independent review of exceedances (D5-7) and incident notification and reporting (App 7). **All of these areas contain enforceable outcomes and controls to manage impacts.**

(The McPhillamys SIMP would not) meet the Department's expectations that a mitigation of adverse social impacts should be '…responses are tangible, deliverable, likely to be durably effective, directly related to the respective impact(s) and adequately delegated and resourced.'[93] (Alison Ziller, Submission 14)

Regis disagrees with this statement.

The extensive mitigation measures identified for the project, and committed to, are tangible, deliverable and enduring. Over the course of the assessment of the project Regis has applied the hierarchy of controls to manage potential impacts, including the redesign of the site to mitigate through elimination as many impacts as possible.

Other impacts have been reduced by substitution of equipment, isolation or engineering and administrative controls, in that order. This very structured approach has, and will continue to, deliver tangible and enduring mitigation measures. Dr Ziller's comment ignores this widely recognised approach to effective impact control and its application to the project.

13. Specific Purpose Access Licence (SPAL)

(Details about the application for a) Specific Purpose Access Licence … are not publicly available.[94] (Cathy Merchant, Submission 50)

Regis disagrees with this statement

Details about the proposed Specific Purpose Access Licence(s) for the Project were made publicly available as part of the assessment of the Project by DPE and the IPC.

Correspondence between Regis, DPE Planning and DPE Water, including details of the SPALs, is publicly available on the DPE Major Projects Portal.[95]

In this regard, DPE-Water advised that *"to support a future application for this SPAL, no critical barriers have been identified to a successful application provided relevant criteria and statutory consultation is met. DPE Water encourages the proponent to utilise this application*

pathway." Further, in its Statement of Reasons, the IPC stated at [241] that it accepted the advice of DPE Water that no critical barriers to a successful application for a SPAL have been identified.

These SPALs will move licences for otherwise downstream entitled water users to north of Carcoar Dam so the operator can consume them.[96] (Daniel Sutton, BHPG, Submission 78)
Regis disagrees with this statement

The Specific Purpose Access Licence (SPAL) allows Regis to purchase water for offset purposes only. As clearly stated in SSD-9505 Condition B52, licences cannot be used or traded. Furthermore, there is no circumstance under which Regis can consume any of the licenced offset water for any purpose.

The volume of water McPhillamys can apply for (under the SPAL) is not pre-determined.[97] (EDO, Submission 88)
Regis disagrees with this statement

Before construction of the Tailings Storage Facility starts, Consent Condition B52 requires Regis to have purchased an equivalent of 413ML of Water Access Licence shares from the Belubula Regulated River water source (below Carcoar Dam).[98]

14. Tailings Storage Facility

There is a high risk of contamination of groundwater, springs and sinks, streams and rivers that are receiving groundwater discharge from the proposed tailings dam.[99] (EDO, Submission 88)
Regis disagrees with this statement.

The Tailings Storage Facility (TSF) is a highly engineered structure. To address risks associated with water contamination, the MGP Development Consent SSD-9505 requires that a TSF Liner Verification Plan be prepared prior to commencement of TSF construction works. This Plan must be developed in consultation with EPA, DPE-Water and Dams Safety NSW.

In its Assessment Report, DPE gave extensive commentary on its assessment of all aspects of the TSF[100] as did the IPC.[101]

The uncertainty analysis of the pollution from the tailings dam has not been undertaken to determine the extent of the impacts.[102] (EDO, Submission 88)
Regis disagrees with this statement.

The MGP Groundwater assessment included modelling consistent with the Australian Groundwater modelling guidelines.[103] The modelling was peer reviewed by a third-party expert who determined that the model was suitable for impact assessment scenario modelling purposes. DPIE then completed an additional independent review which resulted in clarifications to the modelling including additional sensitivity analysis, additional information regarding boundary conditions, model extent and predictive uncertainty, and conducting additional scenarios to further assess predictive uncertainty.[104]

In its Assessment Report, DPE gave extensive commentary on its assessment of all aspects of the TSF[105] as did the IPC.[106]

15. Water

There is not enough water in the local area to support another large water user. The mine would take about the same amount of water as a large town of 40 to 50 000 people would.[107] (Name withheld, Submission 146)

Regis disagrees with this statement

Regis rejects any suggestion that the Project would have unacceptable water impacts.

For the reasons given in DPE's Assessment Report for the Project (which was informed by the advice of DPE Water), DPE considered that potential impacts to water resources could be managed to meet levels acceptable under NSW government policy through the preparation of a suite of management plans, incorporation of best practice contemporary mitigation measures, and ongoing refinement and review of predictions.

As identified in the IPC's Statement of Reasons for approving the Project, the reasons given by the IPC for approving the Project included that impacts to water quantity are capable of being minimised, managed or compensated where necessary.

In this regard, it is noted that during operations, the Project will source a significant volume of water from Centennial Coal and Mr Piper Power station. This will minimise the impacts of the Project on local water resources.

The development consent contains various conditions to ensure that the Project has acceptable water impacts, including the water management performance measures condition (B50), the offsets - regulated water users conditions (B51-B52) and the water management plan conditions (B53-B55).

Consent Condition B39 also requires McPhillamys to ensure it has sufficient water for all stages of development to match its available water supply. Prior to the commencement of development, Consent Condition A7 requires Regis to supply DPE with a Water Offtake Agreement that articulates among other things, the supply of water to the site via the water supply pipeline over the life of the development, consistent with the EIS.

Regis have modelled that their mine will have a drawdown of a 1km radius and a drawdown of 1m.[108] (Name withheld, Submission 146)

Regis disagrees with this statement

While the pit will result in groundwater drawdown, groundwater levels at existing privately-owned bores are predicted to experience little or no change as a result of the mine development.[109]

In this regard, DPE noted in its Assessment Report for the Project that the groundwater drawdown from the mine as a result of inflow into the open cut pit would be mostly localised and the predicted impacts would comply with the minimal impact considerations of the NSW Aquifer Interference Policy[110], as did the IPC.[111]

A comprehensive groundwater monitoring program is proposed to be included in the Water Management Plan required by the development consent, which will include monitoring of groundwater drawdown surrounding the pit, and investigation triggers in the event that drawdown is greater than predicted. It is also noted that condition B42 requires the

Applicant to provide a compensatory water supply to any landholder of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations.

…the DPE has issued an 'Excluded Works Exemption' which states that all attempts must be made to store the diverted water in a clean dam. The order also states if the water does get contaminated to any level, it must not be released into the river. There is nothing stopping the proponent from undertaking this deliberately so that they can access all water, without having to license for part of it.[112] (Daniel Sutton, BHPG, Submission 78)

Regis disagrees with this statement

The reference in the above statement to an 'Excluded Works Exemption' order issued by DPE is unclear.

Regis rejects any suggestion that it would deliberately contaminate clean water to attempt to access it without a licence. In this regard, condition B50 in the development consent requires the Applicant to comply with performance measures which include maintaining separation between clean, dirty and mine water management systems and transferring water captured in all clean water facility dams to the Belubula River downstream of the site.

(McPhillamys has) been approved with insufficient water to maintain operations, including dust suppression during and (sic) extended drought.[113] (Nick King, Submission 24)

We note that… the McPhillamys mines have been approved with insufficient water to maintain operations, including dust suppression during drought.[114] (Neil Jones, Submission 34)

(McPhillamys)…was approved without all water requirements for mining operations being met.[115] (Bev Smiles, Submission 57)

Regis disagrees with these statements

McPhillamys dust modelling was based on over 130 years of available historical climate data for the site, to accurately calculate amounts of water likely to be needed for dust suppression under different climatic conditions. We note that chemical dust suppressants are an effective alternative to water.

During operations, McPhillamys will source water from Centennial Coal and Mt Piper Power station via the Project's water supply pipeline. Water requirements for dust suppression and management were included in the water supply pipeline volume design assumptions.

Consent Condition B53 requires Regis to prepare a Water Management Plan to the satisfaction of the Planning Secretary. The plan must include a site water balance that details sources and security of water supply for the life of the mine (including authorised entitlements and licences).[116] Consent Condition B55 requires the approved Water Management Plan to be implemented.

Consent Condition B39 requires McPhillamys to ensure it has sufficient water for all stages of development, and if necessary, adjust the scale of the development to match its available water supply.

Prior to the commencement of development, Consent Condition A7 requires Regis to supply DPE with a Water Offtake Agreement that articulates, among other things, the supply of

water to the site via the water supply pipeline over the life of the development consistent with the EIS.

The IPC found that the air quality impacts of the Project could be appropriately minimised or managed to achieve an acceptable level of environmental performance that is consistent with relevant government policies and guidance.[117] The Consent Conditions require air quality impacts and mitigations to comply with criteria set down in B30 and B33.[118]

There has been no condition imposed on Regis Resources that they monitor surrounding properties for loss of water resources, even when they expect to disrupt aquifers with a large and extremely deep open cut pit.[119] (Name withheld, Submission 51)
Regis disagrees with this statement.

While the pit will result in groundwater drawdown, groundwater levels at existing privately-owned bores are predicted to experience little or no change as a result of the mine development.[120]

In this regard, DPE noted in its Assessment Report for the Project that the groundwater drawdown from the mine as a result of inflow into the open cut pit would be mostly localised and the predicted impacts would comply with the minimal impact considerations of the NSW Aquifer Interference Policy[121], as did the IPC.[122]

A comprehensive groundwater monitoring program is proposed to be included in the Water Management Plan, which will include monitoring of groundwater drawdown surrounding the pit and existing bores within the Kings Plains area. Investigation triggers are included in the event that drawdown is greater than predicted, and all monitoring results will be published in the annual review. It is also noted that condition B42 requires the Applicant to provide a compensatory water supply to any landholder of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations.

The proposed Regis gold mine located at the headwaters of the Belubula River near Blayney will import water of dubious quality from the coal mines in Lithgow and risk polluting the water supplies of rural properties along the Belubula.[123] (Bathurst Community Climate Action Network, Submission 82)

Risks associated with leakage, malfunction, or breakage of the 90km pipeline, as well as information about the level of pollutants in the wastewater that will be transferred by the pipeline, have not been adequately addressed/considered. Particularly in the context of the length of the pipeline and the high volume and velocity of the water to be pumped through it.[124] (EDO, Submission 88)

(The pipeline) …relies on polluted water being piped from Lithgow.[125] (Name withheld, Submission 4)
Regis disagrees with these statements.

The water quality of the three proposed water sources currently ranges from around 600 mg/L total dissolved solids (a measure of the salinity of the water) to 7,000 mg/L with a likely average of approximately 3,500 mg/L. For reference, the NSW DPI fact sheet on the water requirements for sheep and cattle identifies the maximum salinity suitable for stock watering in the following ranges:

- Sheep: 5,000-10,000 mg/L generally, and up to 13,000 mg/L for limited periods; and

- Beef cattle: 4,000-5,000 mg/L generally, and up to 10,000 mg/L for limited periods.[126]

The imported water will be contained within the operational water management system, which is designed not to discharge to the environment.

To manage the risk of leakage or spills from the 90km pipeline, real-time and continuous leak detection system will operate that will immediately alert Regis of the potential for a pipe failure.

It is also noted that the development consent include various conditions to minimise the risk of any discharges of imported water to the environment. For example, condition B50 requires the Applicant to ensure that the development complies with water management performance measures which include designing, installing, operating and maintaining water management infrastructure in a proper and efficient manner and identifying, minimising and mitigating risks to the receiving environment and downstream water users.

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