



Matthew Kean
Minister for Energy and Environment

Dear Matthew,

We run a mixed farming operation in Central West NSW which happens to have a gold mine lease over a portion of the property. Around 2004, Broula King Joint Venture exercised its right to apply for, and was then granted, a DA by the Weddin Shire Council to mine gold on adjacent Crown Land and we consented to a section of our land being used as the tailings storage facility on the understanding that at the end of the mining operation this land would be rehabilitated as per standard operating procedures.

In October 2018 the mining operation, having been in care and maintenance for some time, was to be finalised. This did not happen and instead we are left with a serious and ongoing environmental challenge.

- Water from the site continues to discharge through the old historic mine workings with their arsenic and mercury remnants before preceding through our property to the local creek network. This area had been rehabilitated in the early 2000s and was revegetated and secure.
- Water with a low pH, around 3.0, continues to leave the mine site despite this being contrary to policy. The monitoring bore below the dam wall has been running at positive head since mining commenced – Ground Monitoring Point 1. Two dams further down the catchment demonstrate through significant colour variations the impact of the mine leachate – one fed by the dam green while the other fed from the natural watercourse is clear. Water from these dams then proceeds to the Tyagong Creek. See Appendix A - Google Earth satellite image from 22 February 2016. Farm dams located at bottom of the image.
- The dam wall of the tailing storage facility was to be made from kaolin clay, an effective sealing agent, but without variation to the DA and with consent from the presiding representative from the Mines Department, inferior sodic material was used and the dam wall has leaked since its creation.
- Cycles of wetting and drying sodic clay lead to dispersion and potential compromise of a structure such as a tailings storage facility. Independent analysis of the material used said it was not suitable for constructing a farm water storage dam as the clay would not seal. The impact of using it for a tailing storage facility for the processing of gold is unknown, especially on a bed of acid rock.

We have liaised with the Department of Mining/Industry and Planning and the NSW EPA since the beginning. Prior to the commencement of mining, we held a meeting at our house with

representatives from the Weddin Shire Council, Broula King Joint Venture, the NSW EPA and the Mines Department at which we were given assurances that the DA would be followed, all our concerns would be addressed and the mining company would comply with all aspects of the Mining Operations Plan.

This has not occurred. As it stands, our property is compromised because government agencies failed in their oversight of this mining operation. We have been told that were this project to be submitted for approval now it would be rejected, partly because it sits at the top of a significant water catchment, partly because of the nature of the geology of the site and partly because new due diligence requirements place significant financial security costs on a mining company to rehabilitate the site.

What we need now is a solution. We know that a mining site can be rehabilitated to look like it was never there, as the previous recovery work demonstrated. We also know there is a lead investigator assessing this mine site as due to a variety of concerns, including compliance, it ranks as one of the most concerning in NSW. We would like to meet with the investigating officer as well as key managerial personnel in both the NSW EPA and the Department of Industry and Planning. As one outcome, we would like an independent report on the integrity of the tailing storage facility dam wall carried out by highly qualified assessors. We have very many years of photographic evidence proving the grounds for our concerns. The most important outcome would be to determine a path to recovery.

On our bookshelf are four volumes of evidence that have been prepared by our solicitor for a barrister. We have not pursued this path because we believed we can work together to find a solution, that is the government agencies, our local council and the mining company. However, on speaking to the new head of the mining company today we learnt that they plan to sell the site. This is a serious complication.

We are thoroughly exhausted by meetings, emails, telephone calls, and anxiety. Our most recent meeting was last Wednesday 5 August 2020 with Stephen Clipperton, Senior Inspector Environment, Resources Regulator | Department of Regional NSW and Sheridan Ledger, Unit Head Regulatory Operations – Regional South, NSW Environment Protection Authority. Again, we expressed our frustration. We made it clear that we want action and a plan for rehabilitation of the site.

We would appreciate your intervention to assist us in achieving an outcome that resolves this difficult situation.

Regards,

Craig Day and Cath Sullivan
14 August, 2020

Letter also sent to John Barilaro and Steph Cooke.