

McPhillamys Gold Project

CCC Minutes

Title	McPhillamys Gold Project Community Consultative Committee (CCC) Meeting #18	
Meeting Date	12 September 2022 @ 6pm	
Venue	Blayney Community Centre and ZOOM*	
Chair	David Johnson (DJ)	Independent Chairperson
Meeting Attendees	Cyril Smith (CS) Elizabeth Russ (ER) Bob Russ (RR) Daniel Sutton (DS) Miles Hedge (MH) Tom Williams (TW) Peter Hildenbeutel (PH) Jordan Butler (JB) Bruce Reynolds (BR)	ORWSA Representative Community Representative Community Representative Alternate BHPG Representative Community Representative Community Representative Community Representative Community Representative NSW Farmers Association, Lachlan Valley Water (Alternate)
	Mark Dicker (MD) Rob Taylor (RT) Heather Nicholls (HN)	Blayney Council (GM) Bathurst City Council (Mayor) Cabonne Council (DGM – Cabonne Services)
	Andrew Wannan (AW) Kathryn Logan (KL)* Rachel Healy (RH)	Regis Resources Regis Resources Regis Resources (minutes)
	Steve O’Donoghue* (So’D)	Department of Planning
Apologies	Danielle Wallace Paul Hancock	Regis Resources Community Representative Alternate
Next Meeting	TBC Monday 31 October 2022 @ 6.00pm Blayney Community Centre 91 Adelaide Street, Blayney NSW or Via ZOOM* depending on COVID restrictions.	

MEETING WELCOME AND INTRODUCTIONS - David Johnson

Meeting opened at 6:04pm

Apologies: Danielle Wallace (Regis – maternity leave), Paul Hancock (Community representative – alternate)

Introduction and acknowledgement of Country by David Johnson

Acknowledgement of the service given by the late Queen Elizabeth II and welcome to new King Charles III (PH)

Declarations of pecuniary and non-pecuniary interests: NIL

BUSINESS ARISING FROM MINUTES OF THE LAST MEETING (20 June 2022) – David Johnson

- The minutes of the last meeting on 20 June 2022 were approved by the Community Consultative Committee as being read and correct, and have been published on the McPhillamys project website.

CORRESPONDENCE

- DPE correspondence confirming Jordan Butler as new community representative, and Bruce Reynolds and Paul Hancock as alternates. (DJ)

REGIS RESOURCES MCPHILLAMYS GOLD PROJECT UPDATE (PRESENTATION PUBLISHED ON WEBSITE)

The regulatory approvals process has not advanced since last CCC meeting

Regis has been working with the regulators to resolve outstanding water licensing matters which have evolved over the last two years and has now received advice on these. Regis expects to respond to DPE by 30 September.

REGIS PRESENTATION – DISCUSSION

Resource Regulator update (Slides 5 & 6)

If the cost of rehabilitation exceeds the bond, can the company walk away? (DS)

Updating the bond amount is an operating requirement and rehabilitation bonds are regularly reviewed using the three year forward plan for rehabilitation. Progressive reassessment of rehabilitation and the associated security held by NSW Government prevents this situation from arising. (SO'D) There is also an online calculator that generates per hectare rehabilitation estimates. In Andrew Wannan's experience, the calculator is kept up to date to reflect changing costs. (AW)

What is the consequence of not doing rehabilitation? (DS)

The government will not allow relinquishment to happen – and return the bond - without all rehabilitation conditions being met in accordance with Mining Lease terms. Those conditions have not been finalised for McPhillamys. (SO'D)

Can companies take out insurance to cover any gap between the bond and the cost of rehabilitation? (CS)

That is what the bond and revision process do. Note that the bonds can run into hundreds of millions of dollars and are reviewed periodically. (AW)

The EPA also has powers to protect the environment in addition to the Resources Regulator. (SO'D)

Kings Plains negotiated agreements (Slide 7)

Key points (SO'D):

- IPC is required to apply government policy consistently (IPC does not set or alter policy)
- In this case, the relevant policy would be the Voluntary Land Access and Mitigation Policy (VLAMP)
- It is against the IPC's Terms of Reference to apply policy inconsistently
- IPC may raise questions about the interpretation and application of policy

Question on Notice: Cadia has a big problem with dust blowing off their tailings dam. How does Regis plan to prevent this happening? (ER) (Slide 11)

Key points (AW):

- The McPhillamys Tailings Storage Facility (TSF) will be built to higher standards than the ones that applied 20 years ago when Cadia's Northern TSF commenced construction.
- The McPhillamys TSF will be designed and built to the highest NSW Dams Safety consequence category (it is understood from publicly available *Dams Safety Standard Reports* that Cadia's amended TSFs are two categories below the Category that will apply to McPhillamys)
- The EPA recently stated that Cadia's dust problem is the result of tailings in the facilities drying out following a failure of a section of a TSF dam wall.
- McPhillamys will have a permanent supply of water – in the event that the TSF was not used for a period of time, the surface would be able to be kept wet to manage dust.

Questions on behalf of Lachlan Valley Water (Slide 12)

Key points (AW):

- Q1 – The Special Purpose Access Licence may provide opportunities for licences from below Carcoar Dam to be transferred upstream. This is currently under consideration.
- Q4 – The regulator will require modelling of impacts of licence transfer on water availability etc to satisfy the minimal harm test.

What is the difference between active, dozer and sleeper water licences? (ER)

In the Belubula River about 22,000ML of water is covered by general security licence. The active licences use about 3,000ML annually. The remaining licences are generally considered by users as "dozers" (allocation used occasionally when needed) and "sleepers" (allocation not used).

Water Sharing Plan rules require that if regulated water use increases by more than 10% above the Long-Term Average Annual Extraction Limit (LTAAEL) over a period of time, water allocation is remodelled to ensure sustainable use of water in the catchment (under LTAAEL). (AW)

Will Regis use licences from downstream of Carcoar Dam? (DS)

Licensing is complex and Regis is considering a suite of options that will help meet the minimal harm requirements. Offsetting licences is under consideration as mentioned above. (AW)

GENERAL BUSINESS:

Will the IPC hearing be held in Blayney? (CS)

Since COVID started, all IPC hearings have been virtual but IPC is constantly revising their policy and looking to move to a hybrid model. Before COVID there was a legislated requirement that hearings were held as near as possible to project locations. The legislation was changed to allow IPC hearings to continue during COVID using online hearings. (SO'D)

Is it correct that Regis bought a property for the purpose of putting in a power line easement? Does the company intend to retain ownership of that property?

Yes, Regis did buy a property to put in an easement. The property will be sold on the open market very soon. (KL)

Is Regis finalising their response to the final Request for Information (RFI) or are they still waiting for information? (DS)

DPE Water has returned to Regis the modelling of inflows to Carcoar Dam and information on access licence requirements around minimal harm requirements. (SO'D) Having worked through a number of issues with DPE Water over time, Regis expects to close out the RFI at the end of September, noting that we still need to respond to questions from 2019-2021. (AW)

Where is the latest Department of Water advice to the company? When was it sent to Regis? Why isn't it on the portal? Why wasn't anyone notified? (DS)

The information was sent to Regis about three weeks ago. All relevant information will be posted on the website when DPE has the response from Regis. (SO'D)

So this RFI has been managed outside the normal process? Why did the company get it and the public didn't? Why don't we have access to review it? (DS)

Information is not always immediately put on the portal. (SO'D)

So will you put it on the portal tomorrow? (DS)

It is unlikely, there are contextual issues. (SO'D)

So DPE is refusing to publicise the latest Department of Water advice to the company?

(DS requested this sentence be minuted)

So you are saying you won't publish it at this stage? (DS)

Not at this stage, DPE is waiting for Regis' response. (SO'D)

So we are back at the same stalemate as we were last meeting. The people who are most affected are kept in the dark. (ER) It's all about Regis and we are waiting, can't plan and can't move forward. (RR)

Regis has obligations in terms of timing. (DJ)

Once Regis' final response to DPE Water has been submitted, do we have opportunity to comment? (DS)

The IPC provides opportunity for further comment. (AW)

As soon as the RFI is submitted, can DPE refer the project to the IPC? (DS)

No, Regis' RFI will be sent back to DPE Water for final comment then DPE will finalise their assessment and make their recommendation. The assessment and recommendation will be put on the portal. (SO'D)

It may be possible to obtain the information through GIPA (MD)

Yes, people can use GIPA to access information. I will consult internally for more information on this. (SO'D)
[Note: GIPA refers to the Government Information (Public Access) Act 2009].

When you have an answer to the question, can you contact me personally with the answer. (DS)

I will give the information to the Chair who will advise all CCC members at the same time. (SO'D)

What is the timeframe for the recommendation to be made and published? (BR)

DPE estimates an early November referral. (SO'D)

The IPC only has 12 weeks to make their decision. Will they have the hearing before the Christmas-New Year period? (DS)

Hearings are usually held within 3-4 weeks of referral. (SO'D)

What will be the impacts on water supply to McPhillamys if Centennial Mine were to shut down? (DS)

The commercial agreement between the 3 parties will provide for ongoing water supply. (AW)

Is the water supply agreement finalised? Can we see it? (DS)

It is in the final stages of negotiation. It will not be shared as it is Commercial in Confidence. (AW)

Why are copies of the summary reports on the table? And why is the second amendment report summary not here? (DS)

They are courtesy copies for members so that they have an easy reference point if people ask them questions. Copies of the second amendment report will be mailed out to members. (KL)

Will 'caretaker mode' prior to the next State election affect the IPC process? (MD)

It shouldn't because the IPC is independent of government. The IPC can request an extension for specific reasons which may include the Christmas break. (SO'D)

We should hold another CCC meeting after the RFI is submitted but before the IPC referral. Steve, could you make it a priority to attend ? (DS)

Agreed on **31 October 2022** for next CCC meeting, unless time frames change. SO'D will aim to attend in person.

OTHER AGENDA ITEMS - Nil

MEETING CLOSED at approx. 7.20pm

ACTIONS

	Action Items	Who	Due By
1	Book Blayney Community Centre for 31 Oct 2022	Rachel Healy	23 Sept 2022
2	Draft minutes to be provided to the Chairperson	Rachel Healy	19 Sept 2022
3	Draft minutes distributed to members by email (including alternates)	David Johnson	26 Sept 2022
4	Committee members provide comment on minutes to Chairperson	All committee members	10 Oct 2022
5	Minutes finalised & posted on the McPhillamys Website	David Johnson Rachel Healy	17 Oct 2022
6	Post hard copies of second amendment report to CCC members	Regis	16 Sept 2022
7	DPE to provide links to: <ul style="list-style-type: none"> - Resources Regulator rehab, relinquishment and bond return information - EPA Environmental Protection Licences bond return - IPC process for interpreting and applying policy - IPC advice on current policy on public hearings 	Steve O'Donoghue	7 Oct 2022
8	Information on when DPE Water's latest advice to Regis will be published on the Planning Portal.	Steve O'Donoghue	7 Oct
8	Blayney Council to follow up their letter to IPC requesting public hearing be held in Blayney	Blayney Council	23 Sept 2022
9	After IPC referral, Blayney Shire and David Johnson to make written representation to IPC requesting that public hearing is held in Blayney.	Blayney Council David Johnson	Hold over