



Dargues Reef

Community Consultative Committee

Minutes of Thirty-second Meeting

The DRCCC held its 32nd meeting on 24 June 2019 at the Majors Creek Hall.

Meeting

Attendance: Brian Elton Chairperson, Bill Waterhouse, Matt Darwon, Kathleen Waddell, Karis Sanderson (Alternate Member), Mahendram Manoharan (ESC), Pete Harrison (QPRC), Len Sharp (Dargues Gold Mine), Paul Rouse (Dargues Gold Mine), Shannon Green (Dargues Gold Mine), Hannah Bubb (Elton Consulting – minutes)

Observers: Nick Woolrych, James Dornan, Philip Owen, Brian Sanderson

Apologies were received from: Peter Cormick, Belinda Royds, Rebecca Bigg and David Lever

Site visit

CCC members undertook a site visit prior to the meeting.

The Chair reported that Kathleen Waddell had been approved by the Department as a full community member on the CCC and congratulated Kathleen. The Chair sought feedback on nominating Braidwood Community Association representative Philip Owen as an alternate member. The CCC suggested that Philip be nominated as a full community member and the Chair agreed to put this to the Department of Planning, Industry and Environment.

At the request of CCC community members, resignation letters from Richard Roberts and Tom Wells have been attached to these minutes in Attachment 4.

Pecuniary and other interests

In keeping with the *Community Consultative Committee Guidelines – State Significant Projects* (Department of Planning and Environment, 2016) all members are asked to declare any pecuniary or other interests. No changes were reported by members present. The Chair reiterated that his costs are paid by DGM.

Minutes

The minutes of the CCC meetings are available to the public at the Braidwood office of the Queanbeyan-Palerang Regional Council and via the Company's website (www.divminerals.com.au).

Matters arising

Bill Waterhouse raised issues with communication discussed at the 31st meeting (*his correspondence is available in Attachment 1*). Bill stated that communication needs to improve, noting that the community newsletter was not available on the website and many suggestions were put forward to DGM at the March meeting. Bill added that DGM needs to increase communication with the community and the CCC.

It was raised that the website and information is hard to find and that a single source of information is required.

The process of questions between and following meetings was clarified. Bill raised that getting responses to the questions on notice shouldn't take too long.

Matt asked, is it a problem of resources dedicated to communication such as a community liaison person?

Paul responded:

- DGM representatives do spend time in the community and we believe that communication is increasing.
- With increasing construction onsite there isn't the level of communication resources that the community is looking for.
- A specific position has not been budgeted for as this is covered by a portion of Len's time.

Bill raised:

- Communication and engagement from DGM to the community should be improved.
- There is lack of communication between the CCC and DGM and this needs to be improved.
- It is beneficial that the CCC can share information and CCC members should be able to be a better conduit for information.

Shannon responded that DGM have done more since the last meeting. Shannon raised that DGM is developing a better understanding about what is appropriate for sharing with the CCC.

The Chair undertook to discuss about communication options with DGM outside of the meeting.

Correspondence

Prior to the meeting Peter Cormick provided correspondence between himself and the Dams Safety Committee, provided in Attachment 1.

Karis Sanderson provided a complaint from a community member regarding a traffic incident. The process for complaints and traffic issues was discussed with agreement that complaints can go directly to the DGM community email (DGMCCommunity@divminerals.com.au). Len investigated the matter and, in order to keep the complaint anonymous, undertook to respond to Karis.

Karis requested that copies of the correspondence on this matter and letters of resignation from former CCC members be attached to the minutes.

Presentation

Len Sharp presented an update from DGM on community engagement, the community grants program, climate change, wombat management and streamflow monitoring. The presentation slides are provided as Attachment 2. The following component of the minutes notes questions, responses and information provided additionally to the slides.

Community Grants Program

There was clarification on whether Araluen is included in the community grants program. The CCC agreed that communication should include Araluen when discussing the areas impacted including Majors Creek and Braidwood.

Pete Harrison advised DGM to contact QPRC's Grants Officer to share and advertise the grants program with local community groups.

DGM representatives sought feedback from the CCC on the criteria. Shannon noted awarding grants is at the discretion of DGM. Paul added that other mining companies community programs had been researched to aid the formation of the DGM community grants program. Nick Woolrych noted that this included the Veolia Mulwaree Trust and North Parkes.

Bill raised the tax deductibility status of an organisation may be relevant. DGM representatives responded that this is difficult for small organisations and won't be included.

Bill stated that the grants program is comprehensive and offers a good sum of money for small groups, particularly if it provides seed funding.

Paul noted that DGM currently support local events adding that the grants program is aimed at providing an opportunity for DGM to support other organisations.

Co-funding from other sources as a criteria for grants was discussed, with some support for this as a necessary criteria rather than essential to show a level of commitment.

The CCC was generally comfortable with the criteria.

There was clarification required around the terms "special interest group" and "commercial benefit." In response, Paul raised these terms are intended as guidance and the decision will be at the company's discretion. Shannon added that the CCC is able to provide further feedback.

Education Program

Karis Sanderson asked, could the same student be supported throughout primary, secondary, tertiary education?

Shannon responded that it is possible, adding it will depend on the applicant and the company will encourage many to apply.

It was clarified that a DGM employee's child could receive an education grant and would not be excluded as a conflict of interest. Bill added that this is appropriate and DGM should have a clear policy. Bill added that DGM should also consider a cadetship.

Climate change

Kathleen raised that documentation from DGM suggested that DGM didn't take climate change into consideration in the planning process. She added that during the March CCC meeting it was stated that climate change had been addressed and sought the methodology for this.

James Dornan responded that modelling for the TSF in Mod 3 considered significant rainfall events. He added that statements referred to by Kathleen are reasonable given the short mine life of infrastructure and rainfall events. He stated that for the life of the mine, engineering and controls are appropriate and the TSF design was raised to High C as climate events had been considered. This was discussed further in Kathleen's presentation.

Wombat

Bill raised that wombat exclusion needs to be maintained during construction.

In response to a question from Karis Sanderson, Len responded that no pigs have been found on site.

Streamflow monitoring

Len noted that new weir loggers had been installed which provide real time data. He added DGM is hoping to have data available on the website.

Matters which community representatives wish to raise with Diversified Minerals

Climate Risk

Kathleen's presentation is provided in Attachment 3.

Kathleen introduced climate risk and how climate change risk management has been considered for corporate sector and infrastructure development. Kathleen provided examples of projects where only achieving compliance was not appropriate given the risks of climate change.

The Chair raised that the purpose of this item was to discuss whether there are any beyond compliance measures worth considering for Dargues.

Karis asked, what about post mine problems such as the TSF?

Shannon responded:

- Closure planning is considered in detail closer to the date.
- DGM will need to consider the land and rehabilitation in perpetuity.
- The industry is developing and information about good practice rehabilitation is improving.

Kathleen raised that the design of the TSF is based on average meteorological data and queried whether the design had been readjusted.

James Dornan responded that:

- The TSF bunds were originally designed to a certain compliance standard.
- In response to the original EA and Land and Environment Court action the bunds were upgraded to maximum probable flood event.
- DGM concurrently modelled the facility in the event that the bunds failed.
- DGM did go an extra step to upgrade modelling and address community expectations.
- DGM revisited the TSF in Mod 3 – and proposed an alternative TSF – which was withdrawn.
- On water balance and modelling, DGM were at the top end of category and chose to design and register the facility as a High C which is a level above what was required
- Although regulatory environment is to a certain standard, the design of TSF addresses community expectations and puts the facility to standard well above what is required.

Kathleen asked, what is the maximum flood event considered?

James responded that this information, including the TSF design, is in the process of going on the website. It contains all design criteria and modelling information. This information will be summarised on the website and is currently included in water management plan.

Matt asked, is DGM's proposal for the design of TSF and wall best practice?

James responded:

- The design of wall considers many different aspects and requires a lot of material to build.
- The standard of design doesn't change regardless of raising method.
- The design has been signed off by the DSC and assessed by the regulatory authority. DSC has agreed that the methodology (modified center line to maximum disturbance line) is appropriate.
- If using another option, the volume of material required significantly increases which creates noise, potential air and water pollution and more biodiversity impacts.
- He believes it is world's best practice as it is lined even though the material is relatively benign, considers a maximum probable flood event and is designed by a world leader in TSF design.

Noise update

Matt's presentation is provided in Attachment 3.

Matt provided an update on noise issues.

The Chair undertook to contact and invite EPA to the next CCC meeting.

In response to a question, Len stated that DGM is in regular contact with the EPA. Len added that the EPA have undertaken ad hoc visits including to investigate noise sources in line with monitoring at Matt's property two weeks prior to the meeting.

In response to a question from the Chair, Matt stated that the matter had been raised to the level of formal complaint with the EPA as it had been raised by multiple people in the community.

Matters which Diversified Minerals wishes to raise with the community representatives

Shannon continued on Len's update on accommodation, groundwater extraction, power and onsite progress. The presentation slides are provided as Attachment 2. The following component of the minutes notes questions, responses and information provided additionally to the slides.

Power

Matt asked, considering the mills will run 24 hours a day will DGM look at locations of generators and noise treatment?

Paul responded that DGM are working to consider options for grid connection. Shannon added that DGM are in an early evaluation phase given the challenges, understanding the noise concerns and desire to get grid connection.

Onsite progress

In response to a question Len, stated that tunneling was about 115m vertical 1200m in length.

Bill raised that given less water has been retrieved from the mine, what is DGM doing?

Shannon responded that harvestable rights dams had been accelerated.

Karis asked, will covering of the dams and TSF be undertaken to stop evaporation?

Shannon responded, not at this site although DGM need to be conservative with water use.

Next three months

Bill raised that launch of community grants program should be promoted including through the newsletter.

Other business

Paul stated that improvements to the road undertaken by Council are good and that he will write to Council recommending that the lines be marked all the way to Braidwood on Majors Creek Road.

Next Meeting

The below dates are provided as tentative days and times for a future meeting.

- Monday, 30 September 2019 at 2.30pm
- Monday, 16 December 2019 at 4.30pm

The Chair will negotiate the dates and times for the balance of the year between meetings, and will endeavor to give at least 10 working days' notice if any additional meetings are to be held.

Attachment 1

Bill Waterhouse

Dargues Gold Mine CCC disappointments.

Summary: Most matters raised by CCC community members at march meeting have been ignored or not addressed and if addressed, the CCC has not been informed of their progress.

---- What the CCC Chair or DGM management and staff have not done since march meeting.

- No newsletter until 3 days ago, no newspaper articles, no social media, no contact with CCC
- Pybar/ DM/ Dargues- where is the centrally located information?- Dargues “branding” is not yet done.
- Kathleen’s question on notice to James- no response shared with CCC??? Do we seriously have to wait three months for a reply to legitimate and carefully thought out questions. Shouldn’t they be responded to immediately?
- “Matt Darwon expressed the view that climate risk is an important issue which should be considered at an extraordinary CCC meeting with an independent expert to be present. Matt’s proposal was supported by other CCC members. Shannon Green stated that the company would provide information on this subject to the CCC. The Chair undertook to put Matt’s proposal to the standing Chair.” What has happened about this? No contact with CCC yet. Did the “standing chair” get this info? Did he respond to the CCC? No.
- “Bec encouraged more transparency at a community level from the company. She stated that she would like to see better communication of environmental and community issues with and through the CCC and with the community. All CCC community members felt that better communication is required.” So what has happened since March?... One presentation to 25 people.
- “Shannon responded that the company is committed to improving how it works with the community. He stated he would like to hear and do more in the community and would like more balanced feedback from the CCC. He added that DGM needs to know what is working and what’s not working well in the community.” Several positives were listed at the March meeting but apart from his presentation at the Braidwood Association’s meeting there has been the sound of crickets.
- “Matt responded that the CCC should act as a conduit to the community, adding that at the moment it is hard to see the mine’s good work, particularly when the CCC isn’t fully informed about what is happening at the mine.” So how much better is the CCC informed since March??
Zero

- “Bill Waterhouse raised that the CCC has suggested communication options including a newsletter and Facebook page to the company.” nothing in 3 months
- “Bec said that the community is interested in the mine and would like more information. She added that residents are having a hard time finding information, for example, the online newsletter sign up link doesn’t work, and that a google search for Dargues Gold Mine does not bring up the company’s website.” Agasin, nothing in 3 months
- “Belinda stated that it would be beneficial if the CCC can be provided with more information and that community members have two-way communication with the mine.” So what has come from the mine for us to be able to bring this about???
- “Nick Woolrych advised that Bec’s questions provide a good framework for the company to consider for engagement. He added the company is committed internally to engaging with the community and needs to communicate this. Shannon and Nick noted they would consider DGM’s approach to engagement over the next month.” So how is that going? “Needs to communicate this...” That was 2 months ago.... nothing until today.
- “Bill suggested communication with the community could include tours for interested community members and a newsletter. He added that the meeting and open day were positive.” Any plans yet?? Maybe you could tell us if there are... or even if there are not...
- “Shannon noted that traffic and management of heavy vehicles is being discussed onsite and have been addressed (e.g. curfew breaches). Shannon added that the company is working with subcontractors to address traffic management options including options around the school bus and within curfew hours.” How is that going? The 5 o’clock exodus is still travelling way too fast!
- “Belinda suggested that DGM clarify how long this solution (truck movements and curfews etc) would be proposed for and how it would work.” Has this occurred- would you like to tell us about it??
- “Belinda stated that the mine should look into a 24 hour noise monitor at Matt’s property.” - did you do this? I think the EPA did. Did the mine?
- Monday Meetings- great! Thank you. What about an extended Saturday meeting to cover some of the “big issues”??Any plans yet?

Bill Waterhouse 24/06/2019

Peter Cormick

From: [Peter Cormick](#)
To: [Brian Elton](#)
Cc: [Hannah Bubb](#)
Subject: Fwd: Dargues Reef Gold Project Tailings Dam - Expression of Concerns (INW19/3596)
Date: Tuesday, 16 April 2019 11:34:59 AM

Hi Brian,

I trust all is well with you.

Below (in fact, well below) is my preliminary response to the Dams Safety Committee, following my receipt of its 29 March 2019 response to my initiating letter to it dated 8 February 2019 (which I forwarded to you at the time and which was subsequently shared with the CCC membership, on 19 February). Both documents are attached.

To say the least, and as you will see below, I am unhappy with the DSC response and will respond in full when time permits. In the meantime, I have been in communication with Matthew Rizzuto, Unit Head, South East Region, EPA, to bring the issue of the proposed TSF's geotechnical stability to the EPA's attention and to seek whatever assistance the EPA might be able to provide in having aspects of the TSF design shared with the community and thereby enable the community to be much better informed and engaged with on this matter, than it has been thus far. There has been no consultation by the company with the community on the TSF, whatsoever.

The company's presentation on the TSF to the CCC in March last year ought not to be confused or equated with *consultation*. It was a *presentation* - of selected information. In stark contrast, at section 5.4.7 of the 2016 Federal Government publication [Tailings Management: Leading Practice Sustainable Development Program for the Mining Industry](#), we see best practice described as follows:

Community values such as health, heritage, surrounding land uses, aesthetics and the environment must be included throughout the decision-making process for a TSF from planning to closure. This involves meaningful, ongoing, regular consultation with the relevant interest groups, including information sharing and dialogue with stakeholders. This consultation is normally carried out as part of the stakeholder engagement during the mine approval process and throughout operations to ensure that the community is fully informed of any possible impacts and how they are being managed. Further consultation will be required as TSF closure approaches to ensure that the community is fully informed and able to contribute to closure objectives and plans.

So, in moving beyond the background information and in getting to the purpose of this email, I am seeking access to a range of documents concerning the currently-designed TSF, including the Knight Piesold reports and correspondence between the company and the DSC - for a second time. When I first sought (some of) this information at the March 2018 CCC meeting, James Dornan in 'declining' my request, on behalf of the company, responded with the (silly) question of "Peter, would *you* let me see *your* bank statements?", or with words much the same. I am not seeking any commercial-in-confidence information. All I seek, on behalf of the community that I report to and take questions from in the lower Deua River Valley, is information that should have been made available from the beginning of this process, as a matter of course. Though, to be fair, when the Mod 3 (Mark I),

cyanide-processing-on-site application was made, the company did make the then KP design report available (as Appendix 7 to the Mod 3 application) on the DPE website. No doubt this occurred because, with the increased, cyanide-related risks then posed to the environment and the obvious need for increased embankment stability, the more stable (and more costly) downstream method of embankment raising was proposed, and so the company would have been more than happy to share this information. But now, with the vastly less embankment material requirements of the modified centreline method, being the present method of choice, information on the design, its underlying assumptions and modelling, is not forthcoming - except for a single cross-section drawing of the embankment, presented to the CCC in March 2018.

You would no doubt agree, Brian, that it would be absurd if I or any member of our CCC found it necessary to lodge a GIPA request with the DSC in order to obtain information on a critical aspect of the project, such as the TSF - and then possibly, or likely, find the need to appeal to the IPC and then NCAT. Hence, in order to avoid such a situation, I make the following request, through you, to the company, in relation to the currently-designed TSF. Could I please be provided with (digital or, ideally, hard) copies of:

- all reports and design drawings submitted by Knight Piesold to the DSC; all peer reviews, sought and provided, of KP's design assumptions,
- modelling and final TSF design; research papers relied upon by KP;
- correspondence between the company and the DSC, excluding of course
- any information of a commercial nature; and the following Australian National Committee on Large Dams
- Incorporated (ANCOLD) publications:
 - [*Tailings Dams: Failure Impact Framework*](#), 2016
 - [*Tailings Dams*](#), 2018
 - [*Guidelines on Tailings Dams - Planning, Design, Construction, Operation and Closure*](#), 2012

[I am well aware that the ANCOLD publications are not 'company documents' but they *are* relied upon and referred to by both Knight Piesold and the DSC. Therefore, I would hope that the company will have copies of these documents. If not, then maybe you could (please) obtain copies either from the DSC or directly from ANCOLD, on behalf of the CCC - as part of the 'CCC library resources'.]

This request may appear to be a rather 'tall order'; but, to state the obvious, the integrity of the TSF is of paramount importance to the population and environment below where it is to be built. It is equally obvious and important that those who stand to be most affected by a TSF failure, not only have a public-interest right to all relevant information on the TSF but also a responsibility to the environment in which they live and on which they rely. The documents I seek will assist those members of the community and, of course, the CCC community membership, who choose to take advantage of this information, in undertaking their own, independent assessment of the TSF's integrity - by being able to examine the underlying assumptions, data and modelling upon which the design has been based. In so doing they can either come to a position of being assured that the modified centreline embankment raising is as secure a method as can be had, or come to a position that challenges this method. The community has every right to this opportunity of independent

assessment. The need for such an assessment is made starkly clear by the alarming statement by the DSC, in its 29 March 2019 response to me, that it "has no mandate on the type or method of embankment construction. [and that] Such options and choice selection are the responsibility of the Dam Owner". In other words, we cannot rely upon the DSC to look after our interests or the interests of the environment. So, given that a mine owner's first priority is to minimise costs and maximise profits, we must rely upon ourselves in order to know what method of embankment construction is the most secure, no matter the cost.

It is more than likely, if not certain, that my request will draw a hostile reaction from the company, which will no doubt see the information I have sought to be no one else's business. And herein lies the problem. As we, the CCC, sought to explain to the company at the last CCC meeting, there needs to be meaningful consultation by the company with the CCC. Otherwise, what is the purpose of the CCC? Such consultation cannot take place until the company is not only willing to share *all* relevant information and seek *input* from the CCC but, more than that, and impossible as it sounds, to actually *want* to do so. I imagine that this is the standing challenge of all CCC-company relationships. - and for all CCC chairpersons!

For your convenience, please feel free to simply forward this email to the company, in its entirety.

Thank you and best wishes,

Peter

----- Forwarded message -----

From: **Peter Cormick** <pjcormick@gmail.com>

Date: Wed, 3 Apr 2019 at 20:11

Subject: Re: Dargues Reef Gold Project Tailings Dam - Expression of Concerns (INW19/3596)

To: Engin Hizbas <engin.hizbas@damsafety.nsw.gov.au>

Hi Engin,

Thank you for the response to my 08/02/2019 letter to the DSC, though you won't be surprised to hear that I am very disappointed and dissatisfied with it.

I won't attempt to respond in any sort of detail, until later, when I have the time, but in the meantime I have the following to say.

1. My (reasonable) questions at paragraphs 16 b. & e., of my letter, have not been answered.
2. In response to the questions I raised in relation to Consequence Categories and Severity of Damage and Loss - as they relate to the Moruya water catchment - the DSC letter refers me to Appendix A of DSC3A. Yet, in my letter, I pointed out the glaring failure of that very Appendix, under the heading "B3 Heath and Social Impacts", in that it pays no regard whatever to the risks posed by TSFs to community health, such as to a water supply - in our case, a supply to a large population. As though a part of that Appendix fell on the printer's floor, but was

never noticed or attended to, B3 addresses the issue of "heritage", only, not health. Why is it headed "Health ..."?

3. Regarding the DSC response to my question at para 16 e. of my letter, the risks posed by a TSF to the threatened species I have referred to, is very much a matter that should concern the DSC, since these species form part of the environment that the DSC is required to have regard to (see sections 4 and 7.4 of DSC3A). Indeed, as the DSC letter states, dam safety is not the responsibility of the other government authorities that the DSC letter refers to, such as the EPA; it is the responsibility of the DSC.
4. The DSC letter states that there is "no evidence that one method [of embankment raising] is less [or more] stable than other(s)". This opinion, surely, flies in the face of the fundamental laws of mechanics, of the forces at play at a TSF embankment. (Incidentally, for what it's worth, I have degrees in mathematics and applied science as well as being a now retired Registered Surveyor, with plenty of earthworks experience. So, please feel free to throw any high end research that supports the DSC opinion, my way.) For the purposes of my detailed response, to be made when time permits, I will be going back to the research papers on TSF embankment wall construction that lead me to express my concerns about the method of embankment raising in the first place. Also, the declaration that as far as stability is concerned all methods are equal, begs the question of why the proponent chose to raise the embankment by the downstream method at the time that it proposed final processing with cyanide, on site, but withdrew that method when the cyanide processing proposal was withdrawn. If all methods are equally stable, why would the proponent have committed to a much more expensive method of embankment raising if there was no need for it - as far as stability and (therefore) safety is concerned?

As I have said, I will follow up in due course but would be grateful for responses to the matters and questions I have raised here.

Kind regards,

Peter Cormick

On Fri, 29 Mar 2019 at 11:04, Engin Hizbas <engin.hizbas@damsafety.nsw.gov.au> wrote:

Hi Peter

Please see attached letter issued as a response to your correspondence following the DSC's March 2019 meeting.

Kind regards

Engin HIZBAS

Tailings Dams Engineer



Dams Safety
Committee

NSW Dams Safety Committee
Level 11, 10 Valentine Avenue
Parramatta NSW 2150

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Mr. Engin Hizbas
Tailings Dam Engineer
Dams Safety Committee NSW

8 February 2019

Dear Mr Hizbas,

Tailings Storage Facility (TSF) at the Dargues Gold Mine, Majors Creek NSW: MP 10_0054

1. As a member of the Dargues Community Consultative Committee (DCCC), I wish to express my concerns, and to seek answers to questions, on aspects of the Dargues Gold Mine TSF - construction of which is due to commence in the middle of this year. My communication with the DSC is quite independent of the DCCC itself; however, information I receive from the DSC will be shared with the DCCC membership, which includes employees of the proponent. I expect however that you will in any event be sharing our correspondence, with the proponent.
2. Although the TSF is to be constructed nearby the village of Majors Creek, within the Queanbeyan-Palerang Regional Shire, it will in fact be located within the Moruya Catchment, which provides more than 70% of the water consumed by the adjoining coastal Eurobodalla Shire. The standing population of that shire is around 40,000 but rises to well above 100,000 during holiday periods. I am one of a number of residents of the shire who lives along the Deua River and my family and I are presently able to drink the very clear river water without the need for filtration.
3. The proponent has advised that the TSF embankment is to be raised four times, to a height of 30m, by the Upstream Modified Centreline method. **It is this issue, of the method of raising the embankment, which has prompted me to write to you.**
4. I understand that Centreline raising – being midway between the two extremes of downstream and upstream raising - is “not used commonly in Australia”¹ and that, when compared with downstream raises, it “will reduce geotechnical stability”². Also, under the heading of “Upstream/Centre Lift Tailings dams”, the DSC has expressed the view that “While upstream tailings dams can be the cheapest method of construction, they require the highest level of operator skill and owner diligence in order to maintain their stability. They also need to be subject to strict design and operational constraints to ensure their ongoing safety”³. Given these expert opinions, I and others within the community can only wonder how and in what circumstances a reduction in a TSF’s geotechnical stability could be regarded as acceptable to a regulator. We are very concerned that the DSC may have given its approval to (or endorsement of) the proposed Dargues TSF design without having been fully informed of the consequences of the TSF failing.

¹ Australian Department of Industry, Innovation and Science, *Tailings Management: Leading Practice Sustainable Development Program for the Mining Industry*, Australian Government, 2016, p. 59.

² *Ibid.*, p. 62.

³ Dams Safety Committee, *Tailings Dams, DSC3F*, June 2012, p. 11.

5. The proponent, itself, has stated that “failure of the Tailings Storage Facility would clearly have a significant impact on downstream ecosystems and water users.”⁴ I submit that a failure would have a catastrophic impact. Contamination of a water supply to a population of many tens of thousands, and also to the surrounding environment, cannot rationally be described as anything less.
6. While it is encouraging to see that “The DSC’s charter relates only to protection of the community’s interests, including protection of the environment. [and that] Consequently, the DSC takes no account of a dam owner’s private business risks in assessing a dam’s Consequence Categories.”⁵, I can’t help but wonder why the DSC would not have insisted on the far more stable downstream method of raising, even given that it would be more costly to the proponent. It is clear that the proposed “upstream modified centreline” method of raising the TSF embankment is financially more attractive to the proponent than the downstream method is and that it is the proponent, not the community nor the environment, that benefits from this method of construction.
7. And so, that brings me to the matter of Consequence Categories and the uses to which they are put: more specifically, the *relationship* of Consequence Categories to the required TSF design standards. I see that one of the “three important purposes” of “Sunny Day and Flood Consequence Categories”, listed by the DSC, is “To *determine* the design standards (level of safety and review frequency) that a prescribed dam is to meet ...”⁶ (emphasis added). However, **I can find nothing in the DSC documentation that even refers to, let alone prescribes, the TSF embankment design, including the methods by which it should be raised, for specific Consequence Categories.**
8. More than that, I can find nothing in the DSC documentation that addresses the circumstances I have described, of a TSF placing a public water supply at risk. As you know, the Population at Risk (PAR) is defined as “All those who would be significantly exposed to floodwaters within the natural flood, or dambreak zone, if they took no action to evacuate”⁷. Knight Piesold, contracted to design the Dargues TSF, has declared the PAR to be between 1 and 10, being the mining staff population in the zone described in the PAR definition, resulting in a Consequence Category of High C for the design of the TSF⁸.
9. In what I have seen of the Knight Piesold documentation, no recognition at all is given to the consequences of a TSF failure on the further reaches of the Araluen and Deua River Valleys, which carry life-supporting water through valley ecosystems and onto large populations, of many tens of thousands. In fact, and incredibly, even in the context of the since-withdrawn on-site cyanide processing proposal, the environmental impact was described in the following terms: “The area of impact would be contained within the creek lines downstream in a relatively narrow flow path. An impacted area less than 5 km² is expected”⁹!

⁴ Unity Mining Limited, *Preliminary Documentation Assessment for the Dargues Gold Mine: Modification 3 EPBC 2010/5770*, R.W.Corkery & Co. Pty Ltd., June 2016, p. 20 (produced post the on-site cyanide processing proposal).

⁵ Dams Safety Committee, *Consequence Categories for Dams, DSC3A*, June 2010 (updated November 2015), p. 9.

⁶ *Ibid.*, p. 7.

⁷ *Ibid.*, p. 9.

⁸ Unity Mining Limited, *Environmental Assessment – Modification 3, Report 752/38, Appendix 7*, July 2015, p. 7.

⁹ *Ibid.*, p. 8. And, as an insight into the view held by Knight Piesold on ‘collateral damage’, in assessing the “severity of damage and loss (ANCOLD 2012)” following a large scale failure of the [TSF] facility” (in the context of the on-site cyanide processing), under the heading of Health and Social Impacts, KP had this to say: “...it is

10. I see that Appendix A of DSC3A (Consequence Categories) presents tables directed to the “severity of damage and loss” as they relate to “Health and Social Impacts” (Table B3) and “Environmental Impacts” (Table B4). However, Table B3 appears to be entirely focused on the “loss of cultural heritage”. There is no reference that I can see to impacts relating to health, in spite of the heading to the table. The contamination of and (therefore) the loss of drinking water to a large population, caused by a TSF failure is, surely, a health and social issue of the utmost importance; and given that TSFs are very often, if not usually, constructed in valleys, one would expect that scenarios involving the impact upon a water supply to large populations would be included in considerations of the “Health and Social Impacts” of a TSF failure.

11. Table B4, while offering some recognition of the consequences of the loss of habitat of “regionally or state-listed rare¹⁰ or endangered species”, under the heading of “Major” impact, and “national rare or endangered species”, under the heading of ‘Catastrophic’ impact, is (for me at least) confusing and a very unsatisfactory tool. It takes a rigid, fragmented, ‘mutually-exclusive approach’ to its various elements, which actually combine in ways that the table cannot accommodate. Presentation of the various entries in this table, against, “Area of impact”, “Duration of impact”, “Riverine landscape processes”, etc., under the headings of “Minor” through to “Catastrophic”, makes it impossible to categorise a multitude of scenarios. For example, an impact that could be expected to:

- a. Extend beyond an area of 20km² (under the heading of “Catastrophic”), involve a “significant loss of habitat for state-listed endangered species” (under the heading of “Major”) and involve “no change to [a] river channel” (under the heading of “Minor”); or an impact that could be expected to
- b. Cause a “Significant loss of habitat for national rare or endangered species”, a “significant change in river course”, a “Duration of impact” of 50 years, “Extensive damage to area B” *only* (all three falling under “Catastrophic”), but with an area of impact of less than 20km² (which could fall under any of the “Major”, “Medium” and “Minor” headings), etc.,

... cannot find a place in Table B4.

12. Remaining with Table B4, even in the context of the since-withdrawn, and the much greater environment threat of the on-site cyanide processing proposal in 2015¹¹, the environmental impact of a TSF failure described by Knight Piesold, on behalf of the proponent, makes no reference whatever to any of the vast number of threatened species of flora and fauna which enjoy protection under the NSW *Threatened Species Conservation Act 1995*, the NSW *Fisheries Management Act 1994*, or the Commonwealth EPBC Act – in spite of Table B4 of DSC3A

possible that 100 to 1000 people may potentially be affected as a result of an uncontrolled release of tailings. There could be some contamination of habitable areas and groundwater could be impacted. However, impacts associated with emergency management, dislocation of people and business, employment affected, loss of cultural heritage and loss of recreational facility are considered to be minor ... [and under the heading of Environmental impact] it is possible that it would require between 5 and 20 years for the environment to return to original conditions after initial clean up”!

¹⁰ I understand that this conservation status, of “rare”, is no longer in use under *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

¹¹ It is only in this context – of the on-site cyanide processing - that the proponent has made TSF design details publicly available, via its submissions to the Department of Planning and Environment –as far as I am aware.

requiring such considerations by the proponent; and the proponent therefore made no comment whatever on the impacts of a TSF failure on these species. For the DSC's information, I have attached two EPBC Act "Protected Matters Reports", which deal with the threatened flora and fauna of the Araluen and Deua River Valleys, including the Moruya River drainage basin, and an excerpt from a Conservation Agreement between landholders within the Araluen Valley, and the NSW Government, which describes the Conservation Values of the conservation area (being 106 ha), and presents a table of the "Threatened fauna and flora species found in the local area" protected under the legislation just referred to.

13. As far as the lower Deua River Valley is concerned, I can report first hand that it has within it the following species:
- a. The **Australian Grayling**, shoals of them, listed as "vulnerable" under the EPBC Act and as "endangered" and "protected" under the *NSW Fisheries Management Act 1994*;
 - b. The **Brush-tailed Phascogale**, **Glossy Black-cockatoo** and the **Powerful Owl** which are each listed as "vulnerable" under the *NSW Biodiversity Conservation Act 2016*;
 - c. And of course, there is our iconic **Platypus**, which has been [described as being under threat of extinction](#)¹².

14. To add to my confusion with the many aspects of the subject of Consequence Categories, I see from the Victorian government's publication on the *Design and Management of Tailing Storage Facilities*, ANCOLD (2012 Section 2.3) describes "two consequence categories assessed for design purposes:

1. The dam *failure* consequence category; and
2. The environmental *spill* consequence category"¹³.

I don't have access to the ANCOLD publications but relying just on this quoted passage, I am unable to reconcile the DSC's broad division of Consequence Categories with those just referred to; since *both* the DSC's Sunny Day Consequence Category and the Flood Consequence Category refer to TSF *failures* – without mention of "environmental *spills*". I would be grateful for clarification of this apparent difference in categorisation.

15. In summary, along with many others within the community, I submit that the raising of the Dargues TSF embankment, as presently proposed (and presumably approved or endorsed by the DSC), is very obviously not in the best interests of the environment or the community that stands to be affected by a failure of the TSF. Given expert opinion that the Upstream Modified Centreline method of raising a TSF embankment is geotechnically less stable than the Downstream Method, and that the DSC has declared that it places the environment and the community before the financial interests of a TSF owner, I ask that the DSC please review the design of this TSF in the light of what I have presented above.

16. However the DSC responds to my requests, could you please arrange for me to be provided with responses to the matters I have raised and answers to the following questions:
- a. Who is responsible for the determination of the Consequence Category of a TSF: the proponent or the DSC?
 - b. Was the DSC made aware of the impact of a TSF failure on the water supply to the Eurobodalla Shire at the time the proponent proposed the Consequence Category of

¹² <https://www.abc.net.au/news/2017-05-31/platypus-populations-under-threat-researchers-warn/8575816>

¹³ Victorian Government, *Technical Guideline: Design and Management of Tailings Storage Facilities*, April 2017, p. 10

High C and the Upstream Modified Centreline method for raising the TSF embankment?

- c. What is the relationship between a determined Consequence Category and the method of TSF embankment raises?
- d. In detail, as far as the Dargues TSF is concerned, by what reasoning and upon what standards, and by whom, was the method of TSF embankment raises decided upon?
- e. In obtaining the DCS's approval to (or endorsement of) the current design of the TSF and the method of raising the embankment, did the proponent provide the DSC with the lists of threatened species and ecological communities as provided in the attachments to this letter?

17. I thank you in anticipation of your response.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Peter Bellamy". The signature is fluid and cursive, with a long, sweeping tail on the final letter.



29th March, 2019

Peter Cormick

Our ref: DarguesTSF (INW19/3596)

Your ref:

Dear Mr. Cormick,

Re: Dargues Reef Gold Project Tailings Dam – Expression of Concerns

The Committee wishes to thank you for expressing your concerns and acknowledges your correspondence of 8th February 2019. The Committee at its March 2019 meeting has reviewed your letter and the following information is provided as a response to the matters raised in your correspondence in relation to Dargues Reef Gold Project Tailings Dam:

- a) Consequence Categories are assessed by the Dam Owner's dam safety consultant (designer); and independently peer reviewed by a third party because of the High C Consequence Category, and finally a determination and assignment of specific Consequence Categories is made by the DSC following the review of the application and the design report and associated information.
- b) With an estimated potential loss of life (PLL) of 0.09 and Severity of Damage and Loss (SDL) of "Catastrophic", a High C Consequence Category has been assigned to the dam in accordance with Table 1 of the DSC3A – Consequence Categories for Dams. The Catastrophic SDL is at the upper end of SDL. Explanatory notes regarding the selection of SDL are available in Appendix A of the DSC3A.
- c) There is no relation between a determined Consequence Category and the method of TSF embankment raising. There is also no evidence that one method is less stable than other(s). TSFs could be designed and built in upstream, centreline or downstream methods, each method specifically checking the static and seismic stability of the embankments, as well as their design flood holding capabilities. Operation and Maintenance Plans are also prepared for operators to manage them properly on daily and routine basis. The DSC has specific requirements in terms of design flood, spillway capacity, static and seismic stability, seepage flows, liquefaction and piping assessments for High Consequence Category dams. However, the DSC has no mandate on the type or method of embankment construction. Such options and choice selection are the responsibility of the Dam

Owner. The Consequence Category of a dam also determines the frequency of inspections and monitoring measures for that dam.

- d) Based on the information provided in the Design Report by the designer and comments from the independent peer reviewer of the Report, the proposed structure satisfied the DSC's requirements.
- e) The DSC administers the Dams Safety Act, 1978. However, administration of any other act is outside the scope of the DSC's core business. Health and social and environmental impacts during the selection of severity and damage and loss (SDL) of a proposed dam are taken into consideration in accordance with the requirements of the DSC3A.

It is in the concerns of other Authorities (for example the local Council, EPA, Fisheries and/or other agencies) to cover relevant matters other than that of dam safety.

Your continuing cooperation is appreciated. If there are any queries in regard to the above please do not hesitate to contact the undersigned.

Yours faithfully,



for Chris Salkovic
Executive Engineer

Attachment 2



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Dargues Gold Mine

DCCC No. 32– 24 June 2019

DCCC 31 follow up questions

Question	Response
How does DGM plan on engaging with the local (Braidwood and Majors Creek) community over the next 12 months as they expand?	Developing community programs and providing support for community groups. Regular community meetings and one on one interactions with mine employees.
How can the committee support this engagement?	Continue to provide feedback on the level of engagement to the community and promote the programs implemented in the community once made public
How will this information be publicly available	DGM Website, newsletter
What is the avenue for community organizations to apply for grants/funding within DGM support?	Application form will be made available on the website – Grant program yet to be announced
What will, and where will guidelines be available?	Proposed outline TBA
What activities will be funded or supported?	Proposed outline TBA
What kind of employment opportunities will be available for school leavers seeking apprenticeships/traineeships?	Apprenticeships will offer comprehensive training and support a nationally recognised qualification following successful completion and are done through PYBAR Mining Services. Work experience placements will be offered subject to availability and preference will be given to students based within the Majors Creek and surrounding region.
Are the section 355 funds allocated to the council or does the community have a say in how these funds are best spent in consideration of the community as a whole? (eg; new playgrounds or pool upgrades?)	The funding arrangements under the Section 355 are as agreed between BIM and QPRC (former Palerang Council). This project is the upgrade of the Braidwood Recreation Ground as per the Mines approval conditions. The Section 355 committee will be the organisation managing this expenditure.

DCCC 31 follow up – Climate change consideration

- TSF Design Criteria – moved up a classification from Significant to High C.
- Section 6.1.2 of the original *Environmental Assessment* provides an assessment of the key ecological risks from the project.



Wombat Management

- Discouragement program of wombats from TSF footprint
- Wombat management plan
- Program carried out over three weeks, monitored for another three weeks



Wombat management – burrow census

- Peg the outside perimeter of the TSF and dam construction areas;
- General locations of burrows were pegged in order to be easily located and monitored;
- Burrow entrances raked over to identify fresh tracks and determine if they are actively in use;
- A probe made of flexible poly was used to distinguish between shallow holes or diggings and burrows;
- Starting at the proposed TSF wall and work up the gully to ensure first disturbance areas (the wall) are cleared first.

Wombat Management - discouragement

- Cattle introduced to area to reduce feed
- Vacant burrows blocked off
- Occupied burrows were further assessed as follows:
 - Burrow entrances were raked over to identify fresh tracks
 - One way gates installed at the entrance
 - Burrows were monitored and inspected for a minimum 3 days, checking for fresh tracks
 - Tape was placed on the gate to determine if the gate had been used
 - In a situation where vacancy is uncertain a camera scope was utilised to look into the burrow

Wombat Management



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RESULTS

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Wombat Management



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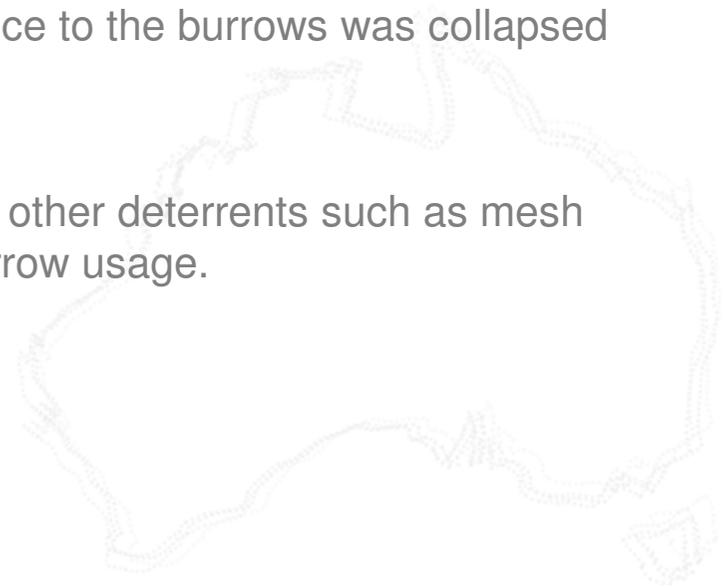


Wombat Management



Wombat Management

- Once burrows are determined as empty, the entrance to the burrows was collapsed to prevent re-entry;
- Burrows were excavated from the entrance in;
- Where wombats are proving difficult to discourage, other deterrents such as mesh and dynamic lifter would be used to discourage burrow usage.



Wombat Management – wombat finder



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Wombat Management – Summary & Lessons

- Burrows 83 total, 57 active, 9 occupied
- Unpredictable
- Low-tech is good
- One way gates worked well in most cases
- Re-entry is possible overnight
- Burrows can have multiple entrances
- Numbers/occupancy surprisingly lower than expected
- Cattle grazing very effective – likely some wombats moved on before active deterrents commenced



Streamflow Monitoring



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Accommodation

- Advertising for Accommodation was successful. Contractor workforce is being accommodated in Braidwood.
- No update from Council regarding DA for Mine Village.
- Investigating other Mine Village accommodation options.
- Investigating and evaluating all accommodation options.



Other Works

Groundwater Extraction

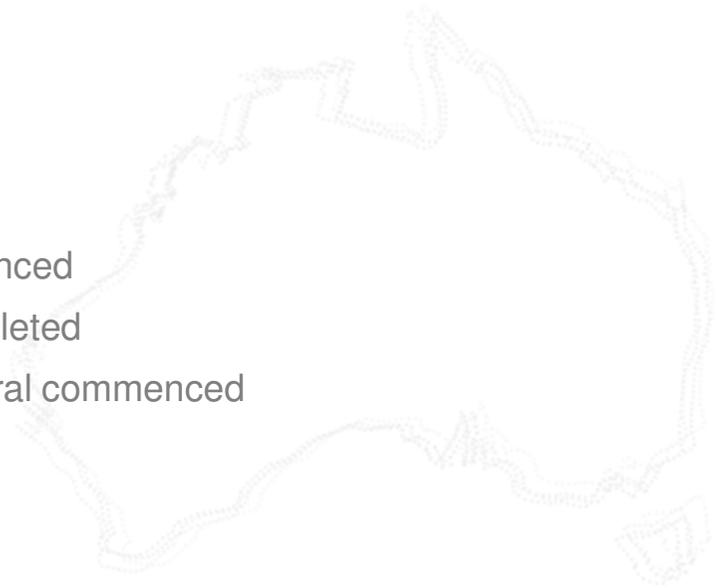
- Dewatering Snobs + Stewarts & Mertons – planned set-up

Power

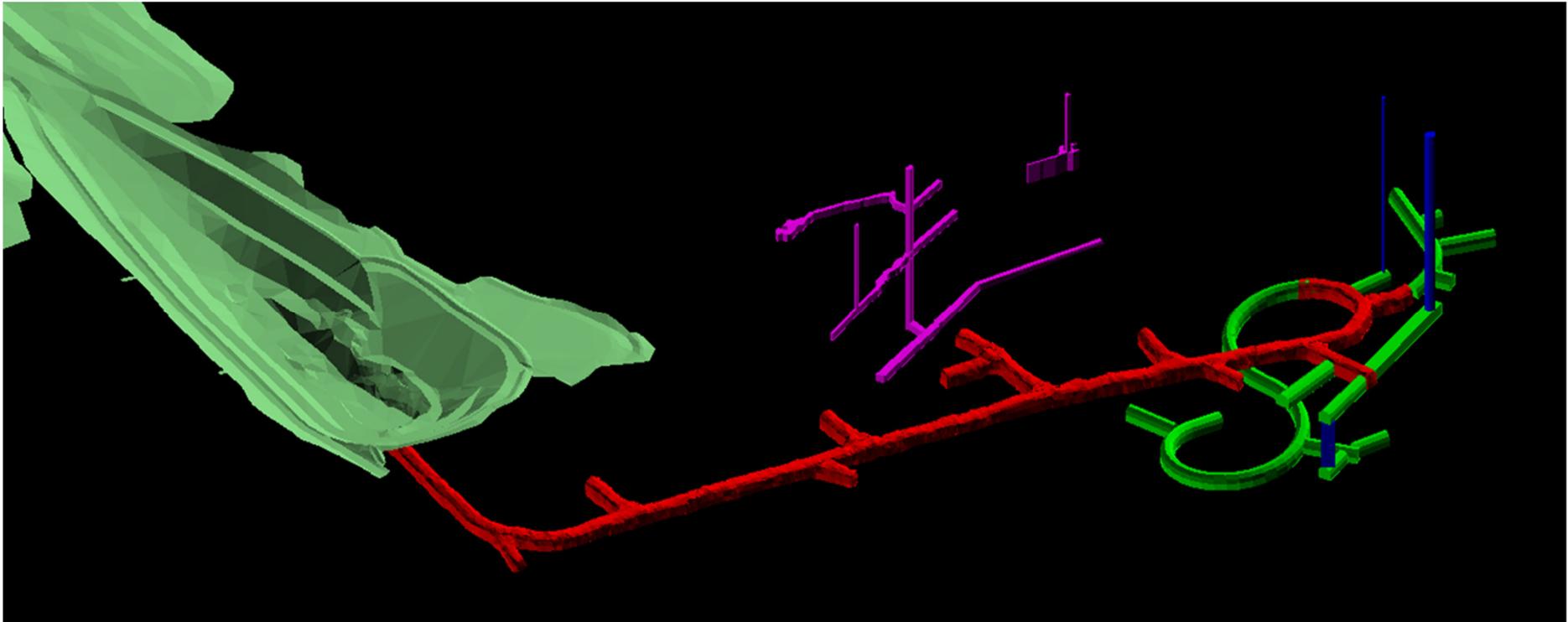
- Dargues Gold Mine is working with Essential Energy to upgrade the current grid allowance from 750 kVA (Stage 1) to 4.8MVA (Stage 2).
- Essential Energy grid upgrade may not be able to service early commissioning of Processing Plant.
- Generators may be required to provide commissioning power to Mill and underground.

Achievement since last CCC – progress update

- Waste Rock Emplacement completed and active
- Harvestable Rights Dam completed
- Spring Creek Crossing commenced
- Mobilisation of TSF contractor commenced
- Escapeway shaft piling completed and raiseboring commenced
- Return Air Rise earthworks, piling and raisebore slab completed
- Processing Plant construction civils completed and structural commenced



Project Status - Underground

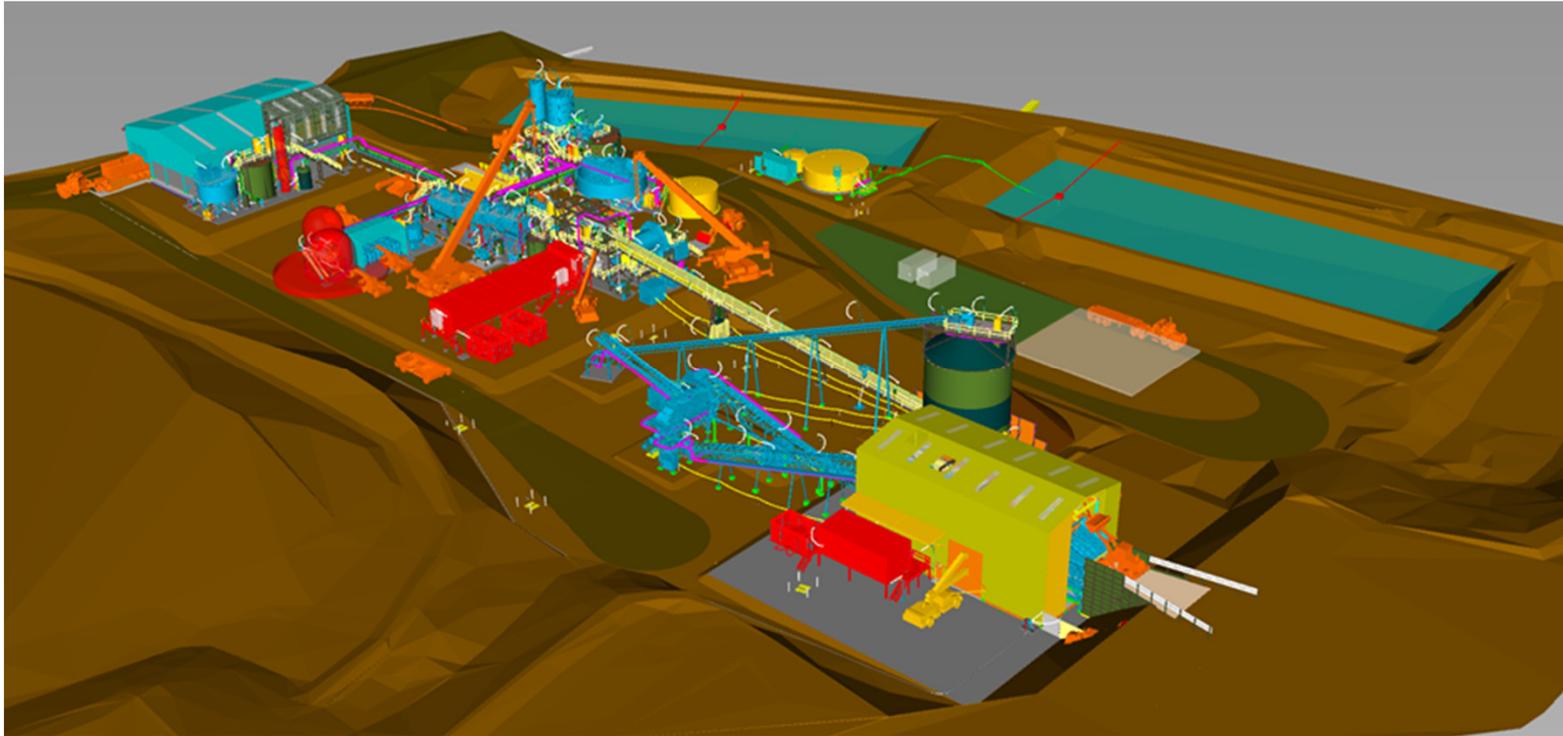


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Processing Plant



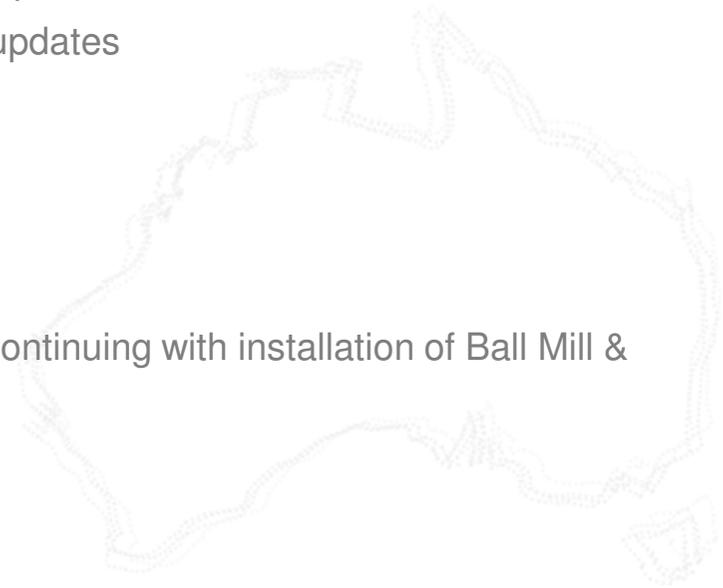
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Look ahead - next 3 months

- Increased opportunities for local employment as underground operations move to 24/7
- Further community engagement including monthly newsletter updates
- Commence DGM Community Grants Program
- Completion of Escapeway and Return Air Rise shafts
- Relocation of surface ventilation fan underground
- Commence sourcing water from Snobs + Stewarts & Mertons
- Processing Plant construction civils completed and structural continuing with installation of Ball Mill & Re grind Mill
- Spring Creek Crossing completion
- Tailings Storage Facility construction
- Continued environmental monitoring
- Environmental Management Plan





Meeting close



Attachment 3

Kathleen Waddell

Climate Risk

- *physical risks* (including to people and assets) associated with rising aggregate global temperatures, the consequences such as dryer periods, severe weather events; and
- *transition risks* associated with developments that may (or may not) occur in the process of adjusting towards a lower-carbon economy – legal risks, financial risks.

Drivers for climate risk

Directors duty of care

“Failing to consider climate change risks now” could constitute a breach of directors duty of care.

Noel Hutley SC,
President of
Australian Bar
Association 2016.

Growing investor and creditor pressure

Expectation of comprehensive climate strategy and risk disclosure.

APRA & ASIC

Placing emphasis on organisational stress testing for climate risks.

ASX Corporate Governance

ASX Corporate Governance Principles & Recommendations includes a strong link to assessment of overall risk including social and environmental climate.

Taskforce on Climate-related Financial Disclosures



Recent assessments on climate risk from the MDBA Royal Commission

- That climate change was not considered or factored into the modelling at all was unlawful, as it meant the Basin Plan was not based on the best available scientific knowledge, and was done with total disregard for the principle of ESD."
- "Reliance on the historical climate data from 1895–2009 was not only unlawful and against the advice of the CSIRO in 2009, it was and remains an indefensible decision from a policy perspective."
- "The MDBA is required to take into account climate change to accord with Australia's international obligations, satisfy the principles of ESD"



Adopting best practice and exceeding compliance to reduce risk

- Ensham mine in central Queensland was flooded with more than 100,000 megalitres of water. It took four months to pump it out and recover a submerged dragline. The total cost was estimated at \$300 million. Having invested in flood prevention measures and levees to protect these mines from a 1 in a 1000 year flood, this mine completely avoided being flooded in the next major flooding event in 2010.
- Baralaba Mine in Queensland ceased production for 4-5 months due to flooding in 2010. This resulted in an operating loss of over \$21m in 2011. Full production did not resume until Q3 2011. The mine retrofitted levee banks to withstand a 1 in a 1000 year flood approximately 2.5 meters higher than the 2010 flood event.

Matt Darwon

Matt Darwon

Majors Creek NSW 2622

machineshed@bigpond.com

Statement to The Dargues Mine CCC concerning issues related to
“Noise” on 24th June 2019.

As an update to the CCC, and for clarity on issues concerning Noise the past three months have seen great fluctuations in the noise levels at 13 Wilson Street Majors Creek. This has been generally due to changes in wind directions and speed.

As previously mentioned when wind is prevailing from the north-west, north, or north-east, noise emanating from the mine can be heard at the subject property, and as reported to me by other residents of the village at other properties also.

The onset of winter, has brought with it of course the potential for temperature inversions and this has had an effect on the relative impact upon the village of noise from the site. Early mornings and post-sundown times are obviously times when this is most intense. Several residents have mentioned to me that they have heard fan and machinery noise from site inside their houses during these cold and still times.

That said, there has been some relief due to winds from the south-west and the south-east and this has offered some relief to members of the community, which brings me to the term “respite”.

Respite, is a concept that I would like to table at this point with the CCC as a possible measure of relief for the community. All members of the company have said on numerous occasions to me that I should expect that I WILL hear the mine, and to expect that I SHOULD NOT hear it, would be unreasonable on my part. Now, we have all spoken about the strict compliance with the approval conditions regarding dba levels etc etc, and that is not what I’m discussing here.

What I'm putting forward is that people need relief from continuous intrusion, in this case noise. I will give an example to put this in context because sometimes its hard to communicate what impact continuous noise can have on someone, on people, or a community.

The example is a running idling car. If someone was to park a car in a street and lock it up and leave it idling there non-stop 7 days a week between 7am and 7pm, or 24hours a day, it would play havoc with the residents of the area. Perhaps sometimes when there is a lot of other traffic noise on the street it may have little or no impact at all, and possibly at times it may have huge impact. However, there will most probably be times when, even though its not a very loud noise, some people may really feel that they just need that car to run out of petrol and turn off, if even for just an hour, just to have some relief.

In the past three months I have felt this way twice. Len, and Shannon know about one of those times and that night I felt nothing but totally overwhelmed, and emotionally drained by the loss of amenity I was experiencing at my property and my helplessness in the situation. Relief came at 7.03pm that night when the fans were switched off. When the fans are located underground there will no doubt be a relief for the community and for the staff at the mine, however, this has been an impact upon the community here for almost a year now. I still do not understand how governments can impose rules and regulations upon individuals and businesses that control hours of operation, building works and construction and yet can waive these controls when it involves business such as mining, especially when it involves an operation located this close to a community. The relocation of the fans underground will allow the mine to shift up into 24hour operation and the impacts from this increased intensity of work on site will no doubt soon be heard.

Back to Respite. I would like to put forward a formal request to the company, that they be mindful of the power they hold in their hands, and that at any time, they have the opportunity to offer the community respite. I totally understand, how this concept is at odds with maximizing profits, but I am one that sees the ultimate success of this endeavor being measured by more than dollar profits for the owners of the company. Profits, without compromise of amenity and environment is what we really should be striving for regardless of the ticking of regulatory compliance boxes.

The operation of the mine at night time has been a concern of this community since around 2011 and I have expressed my thoughts on the issue many times especially regarding noise from the site and the existing amenity of the residents of this village. To that end, I have had multiple meetings with Matthew Rizzuto and Carlie Armstrong of the EPA both in Queanbeyan and at my house. I put forward to the EPA, the need to establish accurate data recorded at my property on existing baseline noise levels throughout the night. After discussions the EPA installed a 24hour noise logger at my property for a period of approximately 3 weeks. As previously mentioned to the CCC Matthew Rizzuto has mentioned to me he would be more than happy to address the CCC on matters concerning noise the EPA, and I put forward here that the CCC invite him to address the Committee at the first available opportunity, preferably prior to the mine going 24hours. I also put forward that this may, and possibly should, be done in a special meeting of the CCC, or that a meeting should be structured in order to run longer or start earlier to allow for this presentation.

I will again mention that I have had nothing but great levels of interaction from Len on matters concerning noise and we have had many discussions on how to navigate this issue. So again, I am very thankful that we have Len here.

Attachment 4

From: [Brian Elton](#)
To: [Richard Roberts](#); [Hannah Bubb](#); [Brendan Blakeley](#)
Cc: [Dargues Goldmine CCC](#)
Subject: RE: Resignation of Membership of the Dargues Reef CCC
Date: Tuesday, 26 March 2019 9:19:46 AM
Attachments: [image001.jpg](#)
[image002.gif](#)

Dear Richard,

I note and accept your resignation from the Dargues Community Consultative Committee (DCCC). I understand it was reported to the DCCC meeting last week.

Can I take this opportunity to thank you for your contribution to the work of the DCCC and for representing Coastwatchers Association. I know that circumstances have prevented you from attending routinely.

Does Coastwatchers, as the approved environmental group represented on the DCCC, wish to nominate a replacement?

Very best
Brian

Brian Elton
Executive Director Veris and Founder Elton Consulting



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Bondi Junction NSW 2022 Australia

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From: Richard Roberts [mailto:robertsbroulee@bigpond.com]
Sent: Monday, 18 March 2019 2:37 PM
To: Brian Elton; Hannah Bubb
Cc: Matt Darwon; Belinda Royds; David Lever; Karis Sanderson; Bill Waterhouse; Kathleen Waddell; Peter Cormick
Subject: Resignation of Membership of the Dargues Reef CCC

Mr Brian Elton,



Chairperson,
Dargues Reef Community Consultative Committee

Dear Brian,

I am writing to notify you as the Chairperson of the Dargues Reef Community Consultative Committee (CCC), of my resignation from the CCC as an environmental group representative.

I have had a long career in policy and administration at the Commonwealth, State and Local Government levels, in various roles, all of which I have found professionally rewarding. However, I find my role as a member the CCC is difficult to understand and conflicted. I feel that the CCC would never exist if it's existence was the Miner's discretion, but only exists because it is a statutory requirement. That perception permeates the CCC's operations, and the concept of cooperative and constructive consultation is therefore minimalised. The CCC is simply a process for ticking the statutory boxes.

Unfortunately, consultation with the community by the Miner is selective. The recent process of releasing Modification 4 over the 2018 Christmas break, (as was mirrored by Woodside Petroleum and the Commonwealth Government) while being legal, was not foreshadowed to the CCC, and is in my opinion given the timing, a deceptive and underhand action and builds little confidence or transparency in the Miner's approach to the process. It is an action which in the long term is too smart by half. But it happened, and I was extremely disappointed. Similarly, there has been a lack of consultation regarding the proposed workers camp. I cannot help but feel that the Miner's approach is entrenched, and will continue indefinitely. I am not prepared to be a party to it.

The Coastwatchers Association Inc. (of which I am a member) opposed the opening and operation of the Dargues Reef Mine a decade ago and more recently with Modification 3. The Association's opposition was not with the development of the mine per se, but was because the location of the mine was on the top of the Great Dividing Range at Majors Creek, where any problem could only go one way, downhill. Unfortunately with all mines, adverse weather conditions, accidents and lapses in management, are all probable outcomes, which can have profound impacts, not only at the mine site, but on the surrounding and downhill areas.

With this Dargues Reef Mine these impacts could extend to the Tasman Sea, downstream water users, and the Deua National Park. The costs of any serious accident at the mine could be significant for the Miner, the State Government and the community. While there is no statutory requirement in NSW to install buffer containments at mining sites to contain an accident, as there are in some other States, I have been disappointed that the Miner, has not initiated this protection for the sake at least of the community. The Miner has in my opinion followed the minimalist approach, as specified by the NSW Government, when far more protections were necessary.

The hypocrisy of the NSW Government to the community I represent, is astounding, when it legislated to stop any discharges from the Dargues Reef Mine to the west into the Shoalhaven catchment, to protect the integrity of the Sydney Water Supply. There were no such restraints on discharges to the eastern water supplies. My position still is that this mine should never have been approved, and I continue to carry those views, but that is now history. For this and the reasons above regarding meaningful consultation, I have reached the position where I am unable to continue as a member of the CCC.

Yours sincerely

Richard Roberts

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From: [Brian Elton](#)
To: [Tom Wells](#)
Cc: [Hannah Bubb](#)
Subject: Resignation
Date: Monday, 19 November 2018 3:31:38 PM

Dear Tom,

I acknowledge and accept your resignation from the Dargues Community Consultative Committee (DCCC). I note your reasons for doing so.

I will convey your decision to DCCC members and the Department of Planning.

You have made a significant contribution to the work of the DCCC during the time you have been a member. On behalf of the Committee I thank you for the diligence you have shown in identifying and raising matters of concern to yourself, the community members of the DCCC and the broader community.

I can assure you that I take very seriously the matters of my even handedness, independence and responsiveness as Chair and likewise the accurate recording of the DCC's deliberations.

Very best

Brian Elton

Brian Elton
Executive Director Veris and Founder Elton Consulting



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From: Tom Wells <tmwells85@gmail.com>
Date: 15 November 2018 at 1:41:59 am AEDT
To: Brian Elton <Brian@elton.com.au>
Subject: resignation

Dear Brian,

Please accept this as my resignation from the Dargues Gold Mine Community Consultative Committee.

Thank you for chairing this committee with professionalism, patience and a general respect for all members. All of my (quite limited) contact with you has been pleasant.

I'm resigning because the Committee is ineffective as a mechanism of democratic process. Specifically:

1. The Dargues Community Consultative Committee involves little to no genuine consultation.
2. The public record of these meetings, without laborious revision, does not faithfully reflect the content, intonation, or sentiment of meetings.
3. Despite the best intentions of the Chair, the business and funding model of Elton Consulting (especially after its acquisition by industrial consultant Veris) precludes genuine independence.
4. The Chair has not been sufficiently responsive to certain community representatives, including myself, outside of meetings.

Points 1 through 3 are borne out [here](#). Due to the personal nature of point 4 (the grievance concerning you directly), I have given details post-script with this email.

Thank you nonetheless for your efforts at even-handedness. I hope that the Committee, its administration by Elton Consulting and its successors, and the state-wide CCC Guidelines, evolve into an effective platform for the voice and will of affected communities. While my departing thoughts are more concerned with identifying problems than suggesting solutions, ideas for improvement are implicit as the inverse of current practice in each case. I have also left aside the positives of the Committee, which are that it exists, that it involves civil dialogue, and that it has the potential to one day serve the public interest in substantive ways.

Regards,

Tom Wells

Re: Point 4 (the Chair's lack of responsiveness outside of meetings to certain community representatives). This is the least of my concerns about the committee. But, looking back, I've written several emails, addressed to you Brian, that were either not responded to, and/or their requests not followed through. These were, even in retrospect, reasonable. I sought mediation between myself and the company. The main issue, which I identified to you as important, involved seeking an acknowledgement *and* statement of intent (from the company) in response to a document outlining the lessons learned and steps for reform of TSF design, construction, and management derived from the Mt Polley investigations:

Please refer to my emails by date (this may not be exhaustive):

-8/3/2017: no response
-20/4/2017: no response
-16/5/2017: no response
-30/6/2017: response received from Brian (01/07/2017): receipt of Mt Polley recommendations acknowledged by company [but not provided to me], Brian commits to 'chasing a response' from company re: statement of intent [nothing further heard on the matter]
-14/10/2017: no response

I made several follow-up phone calls in January 2018, and was told each time that you were not available to speak. It had at that stage been almost a year since my original request. I raised the issue one last time, in person during a meeting with you, Hannah and Peter Cormick in Braidwood, mid-2018. You indicated that Diversified Minerals had not offered a response to you. I did not have the impression that you had persisted.

Other emails to which you have not responded include my raising of substantive concerns about the running of the meetings, behaviours of the proponent that are counter to the guidelines and purpose of the Committee, and the way the meetings are presented in the minutes. For examples, please refer to emails dated:

-22/12/2017 (in which I raised the company's active exclusion of community representatives from consultation on future plans, and the company's generalised accusation of "misinformation dissemination" against community reps)
-12/01/2018 (in which I raised the censorship of minutes)
-03/7/2018 (in which I gave evidence as to the toxicity of tailings [above and beyond the retiring of the use of the word "benign"], and flagged a power imbalance between company and community that is perpetuated by certain procedures that you as Chair endorse)

I recall preceding such matters with words to the effect of "for consideration by the Chair", or "for the attention of Brian". While I did not explicitly ask for a response, your silence on serious matters raised in the public interest left me with a sense of resounding futility.

Others have expressed similar grievances. We are here on our own time, out of concern for the future of the place we call home and its ongoing ability to support life in its current richness and diversity. This includes human life. You are the first person between us and the companies that impinge on the land and our headwaters. I implore you to respond to those who remain on the Committee, and to carry their concerns in good faith - not to be dismissed with "more information", but to be resolved by affirmative action.