

McPhillamys Gold Project – Social Impact Assessment Expert Review

Prepared by Tanya Martin, Reviewed by Dr. Richard Parsons, November 3 2022

1 Context and approach to this review

The NSW guideline for social impact assessment (SIA) of resource projects defines SIA as “the process of identifying, predicting, evaluating and developing responses to the social impacts of a State significant resource project, as part of the overall EIA of that project” (DPE 2017, p.1). It notes that social impacts are consequences experienced by people as a result of changes associated with that project, and that these social impacts may be positive or negative, and direct, indirect or cumulative. The consent authority is required to consider social impacts in the locality, and to consider the public interest. The public interest includes the object of promoting the social and economic welfare of the community, and the object of ecologically sustainable development, which requires effective integration of social, economic, and environmental considerations in decision-making (*Environmental Planning and Assessment Act 1979 No 203*).

This review considers the SIA report for the proposal SSD-9505. The applicant’s methodology and approach is assessed with respect to the SEARs dated 19 December 2018. The SEARs included a requirement to undertake:

“an assessment of the social impacts of the project, prepared in accordance with the Social Impact Assessment Guideline for State Significant Mining, Petroleum Production and Extractive Industry Development (2017), including the likely impacts of the development on the local community, cumulative impacts (considering other mining developments in the locality), and consideration of workforce accommodation”

This expert review has been prepared for the NSW Department of Planning to support the SSD-9505 project assessment team in making a recommendation for the project’s determination through the provision of technical advice. Both the author and reviewer of this review work for the NSW Department of Planning (the author also consults) and are independent of both the applicant and the impacted community. Both the author and reviewer have 20+ years of SIA experience.

Relevant documents include:

- The Mine Development SIA (SIA) report is Appendix T of the EIS, and was prepared by Bronwyn Pressland of Hansen Bailey, dated 20 August 2019. The Scoping report was prepared by Hansen Bailey on behalf of R.W Corkery & Co. Pty Ltd dated July 2018.
- The Economic Assessment (EA) report is Appendix DD of the EIS, and was prepared by Gillespie Economics on behalf of EMM Consulting, dated July 2020.
- The Health Impact Assessment (HIA) report is Appendix E of the EIS Submissions. It was prepared by Environmental Risk Sciences Pty Ltd (EnRiskS) on behalf of EMM Consulting, dated 25 August 2020.
- The Appendix S SIA Amendment Report (Amended SIA) was prepared by Bronwyn Pressland of Hansen Bailey dated 1 September 2020.

- The *McPhillamys Gold Project Submissions Report* (Submissions Report) was prepared by Janet Krick and approved by Nicole Armit of EMM Consulting dated 3 September 2020.
- (Regis) Response to Request for Information (RFI) dated 24-08-2021. Response received 30 November 2021 (RFI Response dated 30/11/2021)
- NSW DPIE Water and the Natural Resources Access Regulator (NRAR) letter dated 10/2/2021 Ref: OUT20/10904
- Template Draft Landholder Mitigation and Compensation Agreement between LFB Resources and (landowners) dated 2021
- NSW Land Acquisition (Just Terms Compensation) Act 1991
- NSW Voluntary Land Acquisition and Mitigation Policy, Sept 2018

1.1 Report Structure

This report is structured as follows:

The applicant's SIA methodology is summarised in section 1.2.

The applicant's assessment of the social impacts is provided in section 2.

In reviewing the SIA and related documents, the Department's SIA specialists have identified in section 3 the key social impacts for the project. The subsequent sub-sections discuss the significant impacts, mitigations and some recommendations. In section 4 some general recommendations are provided, should the project be approved.

Appendix A provides an example Social Impact Management Plan (SIMP).

1.2 Applicant's SIA Methodology

While the Department released a revised SIA guideline in July 2021, that guideline does not apply to this project as the SEARs reference the *Social Impact Assessment Guideline for State Significant Mining, Petroleum Production and Extractive Industry Development* (2017). The 2017 Guideline provides scope for applicants to "adapt and apply the Australian New Zealand standard on risk management." (p.42).

The applicant has utilised Fig 6 Social Risk Matrix and the Likelihood Definitions from the 2017 DPE SIA Guideline. That Guideline did not include definitions of SIA consequence. The applicant has adapted the Queensland Department of State Development, Infrastructure and Planning, Social Impact Assessment Guideline July 2014 (Qld SIA Guideline 2014) definitions of consequence.

The general approach and methodology undertaken by the proponent is acceptable, as it is very similar across all three guidelines (Qld 2014, NSW DPE 2017, and NSW DPIE 2021).

In the SIA Guideline (DPE 2017) on p.42 there are four classifications of overall social risk: low, moderate, high and extreme. These classifications are the product of five-point scales for both likelihood and consequence. This best practice aligns with the International Association for Impact Assessment¹ approach.

¹ Vanclay, F., Esteves, A.M., Aucamp, I. & Franks, D. 2015 Social Impact Assessment: Guidance for assessing and managing the social impacts of projects. Fargo ND: International Association for Impact Assessment.

While applying the same 5 x 5 social risk matrix, with the same likelihoods and consequences, the applicant has replaced the DPE 2017 Social Risk Rating of “extreme” with the term “significant” (Table 16 p.84 of the SIA). The term “significant or significance” has multiple meanings in SIA and in particular in this SIA, for example the applicant has assessed each impact in terms of significance (high, medium and low). In addition, an impact that is “significant” for the project and DPE may have a different social risk rating than that assessed by the applicant to be “significant”. For consistency of understanding, to reduce ambiguity and to be in line with the 2017 DPE Guideline, in this review **where an impact has been assessed to be “significant” by the applicant, it will be referred to as “extreme”**.

Table 16 of the SIA p.84: Risk Rating Matrix

**Table 16
Risk Rating Matrix**

			Consequence Level				
			1	2	3	4	5
			Minimal	Minor	Moderate	Major	Catastrophic
Likelihood Level	A	Almost Certain	A1	A2	A3	A4	A5
	B	Likely	B1	B2	B3	B4	B5
	C	Possible	C1	C2	C3	C4	C5
	D	Unlikely	D1	D2	D3	D4	D5
	E	Rare	E1	E2	E3	E4	E5
Social Risk Rating							
	Low		Moderate		High		Significant

Source: DPE, 2017.

Appendix B Table 4 p.7 of the SIA: Likelihood Definitions

**Table 4
Likelihood Definitions**

Rating	Description
Almost Certain	Very likely to occur or be an opportunity at either a specific stage of the project lifecycle or more broadly
Likely	Likely to occur or be an opportunity at either a specific stage of the project lifecycle or more broadly
Possible	Possible to occur or be an opportunity at either a specific stage of the project lifecycle or more broadly
Unlikely	Unlikely to occur or be an opportunity at either a specific stage of the project lifecycle or more broadly
Rare	Very unlikely to occur or be an opportunity at either a specific stage of the project lifecycle or more broadly

Source: DPE (2017)

Appendix B Table 5 p.8 of the SIA: Consequence Definitions

Table 5
Consequence Definition

Rating	Social Impact	Social Opportunity
Minimal	<ul style="list-style-type: none"> Local, small-scale, easily reversible change on social characteristics or values of the communities of interest 	<ul style="list-style-type: none"> Local small-scale opportunities emanating from the project that the community can readily pursue and capitalise on
Minor	<ul style="list-style-type: none"> Isolated issues or complaint that can be resolved via routine site procedures Short-term recoverable changes to social characteristics and values of the communities of interest Minor social harm 	<ul style="list-style-type: none"> Short-term opportunities emanating from the project
Moderate	<ul style="list-style-type: none"> Medium-term recoverable changes to social characteristics and values of the communities of interest 	<ul style="list-style-type: none"> Medium-term opportunities emanating from the project
Major	<ul style="list-style-type: none"> Repeated incidents or community complaints that require significant adjustment to overall site level and business level procedures Long-term recoverable changes to social characteristics and values of the communities of interest 	<ul style="list-style-type: none"> Long-term opportunities emanating from the project
Catastrophic	<ul style="list-style-type: none"> Significant, widespread and enduring community issue or dissent Irreversible changes to social characteristics and values of the communities of interest 	<ul style="list-style-type: none"> Long-term and Intergenerational opportunities emanating from the project

Source: Adapted from the Department of State Development, Infrastructure and Planning (QLD). Social Impact Assessment Guideline, July 2014

2 Applicant's assessment of the social impacts

The mine project area is located in the community of Kings Plains, approximately 8km east of Blayney. It is a rural area with strong rural character and residents highly value their rural way of life, community, surrounds and the associated cultural aspects, access to groundwater and surface waters in the Belubula River, and their rural amenity (Section 4.3.1 of the SIA on p.48).

2.1 Applicant's assessment of impacts that are significant

2.1.1 Kings Plains

In Table 37 (p.208) of the SIA the applicant rates **high** significance and **high** stakeholder concern for the following impacts.

- Impact to sense of place due to adverse changes in valued attributes of the local area (i.e., the landscape and the natural environment and community.

- b. Rural amenity of near neighbours reduced due to the impact of cumulative biophysical changes i.e., noise levels and a reduction in visual quality.
- c. Residents experience reduced enjoyment of outdoor spaces at night due to intrusive lighting and resulting impacts on dark skies.
- d. Perceived reduction in the value of private property due to proximity of the mine development and anticipated amenity impacts (to) property.
- e. Mine development impact on the cultural ecosystem services accessed by residents.
- f. Mine development impact on the provisioning ecosystem services accessed by residents.
- g. Fragmentation of Kings Plains community and potential changes to social cohesion.
- h. The mine development negatively affects the existing rural way of life.
- i. Resident health and wellbeing affected by the stress and anxiety associated with project uncertainty.
- j. Resident health and wellbeing affected by sleep disturbance resulting from the noise and vibration impacts of the mine development.

For almost all (except d and j) of the above impacts the unmitigated risk has been assessed by the applicant as **major** consequence and **almost certain** to occur; and for the remaining two (d and j) the assessment has a consequence of **major** and a **likely** likelihood. Following mitigation (Table 17 on p.86 of the Amended SIA), the applicant has assessed the social risk for most impacts (except d, f and j) to be **high**. Following mitigation, the applicant has assessed the social risk of d. to be **extreme**; f. to be **moderate** and j. to be **low**. (Table 17 on p.86 of the Amended SIA).

The only change to the applicants' social risk ratings between the SIA and the Amended SIA was to impacts d and j. This is attributed to the enhancement of proposed mitigation measures.

2.1.2 Blayney LGA and beyond

In Table 38 (p.211) of the SIA and Table 18 (p.89) of the Amended SIA the applicant rates **high significance** and **high stakeholder concern** for the following impacts:

- k. Local business expectations in relation to project opportunities are not met resulting in a financial burden for some local businesses and potential loss of services for Blayney community. This impact has been assessed by the applicant. This unmitigated consequence is major and the likelihood is possible. Overall unmitigated social risk rating is extreme. The mitigated consequence is moderate and the likelihood is possible, so the overall social risk rating is **high**.
- l. Influx of construction workforce leads to changes in structure and cohesion of the communities of Blayney and Millthorpe townships. This impact has been assessed by the applicant. This unmitigated consequence is moderate and the likelihood is likely. Overall unmitigated social risk rating is **high**. The mitigated consequence is moderate and the likelihood is possible. Overall unmitigated social risk rating is **high**.
- m. Increased demand for short term accommodation by the construction workforce presents challenges for competing local industry and businesses. This impact has been assessed by the applicant. This unmitigated consequence is moderate the likelihood is almost certain. Overall unmitigated social risk rating is extreme. The mitigated consequence is moderate the likelihood is possible. The mitigated social risk rating is **high**.
- n. Construction phase labour demands results in labour draw from the non-mining sector impacting economic output and business viability. This impact has been assessed by the

applicant. This unmitigated consequence is major and the likelihood is almost certain. Overall unmitigated social risk rating is extreme. The mitigated consequence is moderate and the likelihood is almost certain. The mitigated social risk rating is **extreme**.

- o. Construction phase labour demands significantly constrain the labour market of Blayney LGA. This impact has been assessed by the applicant. This unmitigated consequence is moderate and the likelihood is almost certain. Overall unmitigated social risk rating is extreme. The mitigated consequence is moderate and the likelihood is likely. The mitigated social risk rating is **high**.

There was no change in the mitigated social risk ratings for any of these impacts between the SIA and the Amended SIA.

The following impacts have been assessed to be medium concern to stakeholders (p - s) or of medium significance (t.). However, the Department's SIA Specialists judge them to be as high significance as those listed above, because they have the potential to affect the most vulnerable people within the community.

The assessment ratings for consequence and likelihood listed below were provided by the applicant in Table 38 (p.211) of the SIA and Table 18 (p.89) of the Amended SIA.

- p. Construction phase workforce accommodation demands reduce accessibility to private housing for existing and future residents. This unmitigated consequence is moderate and the likelihood is almost certain. Overall unmitigated social risk rating is **extreme**. The mitigated consequence is moderate and the likelihood is likely. The overall mitigated social risk rating is **high**.
- q. Low-income households are displaced from private rental accommodation in Blayney due to workforce accommodation demands. This unmitigated consequence is moderate and the likelihood is almost certain. Overall unmitigated social risk rating is **extreme**. The mitigated consequence is moderate and the likelihood is possible. The mitigated social risk rating is **high**.
- r. Increased demand for health and emergency services by the construction workforce reduces access to these services for existing residents. This unmitigated consequence is moderate and the likelihood is likely. Overall unmitigated social risk rating is **high**. The mitigated consequence is moderate and the likelihood is possible. The mitigated social risk rating is **high**.
- s. Different sectors of the Blayney LGA experience a greater social and economic burden as a result of the project. This impact has been assessed by the applicant. The consequence is moderate and the likelihood is almost certain. Overall unmitigated social risk is **extreme**. The mitigated consequence is moderate and the likelihood is likely. The mitigated social risk rating is **high**.
- t. The potential for significant economic and social costs to society due to a cyanide contamination event. This impact has been assessed by the applicant. The consequence is major and the likelihood is possible. Overall unmitigated social risk rating is **extreme**. The consequence is moderate and the likelihood is unlikely. The mitigated social risk rating is **moderate**.

There was no change in the mitigated social risk ratings for any of these impacts between the SIA and the Amended SIA.

2.1.3 Cumulative - Blayney LGA and beyond

In Table 40 p.217 of the SIA and Table 19 (p.93) of the Amended SIA the applicant rates **high significance** and **high stakeholder concern** for the following cumulative impacts:

- u. Reduced accessibility to short-term accommodation due to cumulative impacts of other projects in the Blayney LGA. This impact has been assessed by the applicant. This consequence is major. The likelihood is possible. Overall unmitigated social risk rating is **extreme**. The mitigated social risk rating is **high**.
- v. Temporary shortage of short-term accommodation impacts accessibility to accommodation for non-mining sector. This impact has been assessed by the applicant. This consequence is major. The likelihood is almost certain. Overall unmitigated social risk rating is **extreme**. The mitigated social risk rating is **extreme**.
- w. Short term cumulative shortage of private rental accommodation for the non-mining sector. This impact has been assessed by the applicant. This consequence is major. The likelihood is almost certain. Overall unmitigated social risk rating is **extreme**. The mitigated social risk rating is **extreme**.
- x. Short term labour draw from the non-mining sector impacts the operation of non-mining sector businesses. This impact has been assessed by the applicant. This consequence is moderate. The likelihood is likely. Overall unmitigated social risk rating is **high**. The mitigated social risk rating is **high**.

In Table 40 p.217 of the SIA and Table 19 (p.93) of the Amended SIA the applicant rates **high significance** and **medium stakeholder concern** for the following cumulative impacts:

- y. Sustained reliance on a single industry for economic growth and infrastructure provision. This impact is of medium stakeholder concern and high significance. This impact has been assessed by the applicant. This consequence is major. The likelihood is almost certain. Overall unmitigated social risk rating is **extreme**. The mitigated social risk rating is **extreme**.
- z. Temporary increase in demand for health and emergency services increases demands for service providers and reduces access to services for existing residents. This impact has been assessed by the applicant. This consequence is major. The likelihood is likely. Overall unmitigated social risk rating is **extreme**. The mitigated social risk rating is **moderate**.

In Table 40 p.217 of the SIA and Table 19 (p.93) of the Amended SIA the applicant rates **high significance** and **low stakeholder concern** for the following cumulative impacts:

- aa. Cumulative increase in temporary workforce in Blayney leads to temporary changes in community cohesion. This impact has been assessed by the applicant. This consequence is moderate. The likelihood is likely. Overall unmitigated social risk rating is **high**. The mitigated social risk rating is **high**.

There was no change in the mitigated social risk ratings for any of these cumulative impacts between the SIA and the Amended SIA.

In Table 47 (p.244) of the SIA which pertains to the social impacts of the water pipeline, there was one medium significance impact which was "Aboriginal cultural and social values", when mitigated it was assessed to be **moderate** social risk. All the other identified social impacts deriving from the pipeline were assessed as low significance and when mitigated were assessed as either moderate or low social risk. These were all assessed by the applicant.

3 Key social impacts

Drawing on the impacts assessed by the applicant and considering them through the lens of the SIA Guideline (DPIE 2017), the significant social impacts identified by the Department's SIA team relate to:

- a) Kings Plains loss of community wellbeing and cohesion due to out-migration
- b) Loss of amenity in Kings Plains
- c) Loss of culture, rural way of life, and sense of place in Kings Plains
- d) Impacts to health, reasonable community fears, community wellbeing, uncertainty and trust
- e) Impacts to decision-making systems
- f) Cumulative impacts in Kings Plains
- g) Distributive and intergenerational equity
- h) Pressure upon housing availability and affordability; as well as existing local services, facilities and infrastructure
- i) Community resilience, aspiration and livelihoods in the non-mining sector
- j) Community cohesion, safety and wellbeing

These will be discussed in the following sections.

3.1.1 Kings Plains loss of community wellbeing and cohesion due to out-migration

The proposed mine, if approved, would be developed in the Kings Plains area. Currently, within a two-kilometre radius of the proposed development, there are 88 (exclusive of Regis owned residences) inhabited dwellings with an estimated population of 230 people (p.10 of the Amended SIA). The two-kilometre radius identified as the Primary Assessment Area or PAA "can be divided into two discrete geographic catchments:

- The Kings Plains locality – broadly defined as the geographic area that extends from Lynfern homestead on the Mid Western Highway near Dungeon Road, east to Kellys Road and which includes the settlement of Kings Plains on Walkom Road; and
- Guyong Road and surrounds – consisting of "residents and communities located to the west and north of the mine project area along Guyong Road, Vittoria Road and the Mitchell Highway, and within a two-kilometre radius of the mine project area." (p.10 of the Amended SIA).

The residents of Kings Plains or the Kings Plains Community are the people who live / own land in the PAA.

The mine would be in close proximity to many residences who may decide to relocate from Kings Plains as a result of the social and environmental impacts of the mine development. It is understood that the applicant has acquired 3 of the 44 residences; and 18 of the 44 residences in the Kings Plains locality have been offered a Landholder Mitigation and Compensation Agreement (Agreement) with the applicant facilitating voluntary acquisition of their property, should landholders wish to relocate. This Agreement facilitates ease for landholders should they wish to relocate. There is no prediction in the SIA as to how many people may move from Kings Plains as a result of the development.

On p.3 of the RFI Response dated 30/11/2021, the applicant wrote “As a result of ongoing negotiation with landholders, 18 of the agreements now include this acquisition clause. Further, Regis has increased the timeframe for acquisition from that originally offered (5 years) to 10 years, following discussions with landholders. This increase in the time period for which acquisition can be requested of Regis was requested by two landholders. To ensure transparency and equity for all landholders involved in negotiating agreements, the increased time period was added to all agreements by Regis.”

It is unknown from the SIA whether the two discrete geographic catchments self-identify from a social perspective as two separate communities or a single community. If 18 of the 44 dwellings in the Kings Plains locality are acquired and the families relocate from the area, this would represent a loss of 41% of the households in the Kings Plains locality. If 18 of the 88 residences in the PAA (i.e., the area within a two-kilometre radius of the mine development) relocate this would represent a loss of 21%.

A 20% reduction in the number of community members, deriving from an adverse mutual experience is generally considered to have a catastrophic consequence on the community. (Table 5, DPIE SIA Guideline 2021).

The number of property acquisitions largely depends on how good a neighbour the McPhillamys mine is to the neighbouring residents.

Given that 18 landholders have been offered the Agreement, and some landholders in the Kings Plains locality have been offered and not signed the Agreement having communicated that they do not support the project, the likelihood of 20%+ of households relocating is possible. This means that the overall social risk to the Kings Plains Community of loss of community wellbeing and cohesion due to out-migration be assessed as **extreme**.

This impact was not identified in the SIA by the applicant and therefore there is no applicant proposed mitigation measure in the SIA or Amended SIA. However, being a genuinely good neighbour to the community would help to minimise the outmigration. This could be achieved by the applicant through:

- demonstrating that it operates in accordance with regulatory limits
- effectively managing development (adverse) impacts on the community
- delivering commensurately significant social benefits (positive impacts) to the community
- engaging community and stakeholders in a timely, inclusive, meaningful and respectful way; being responsive to inquiries, complaints and grievances
- co-designing bespoke mitigation packages for residents
- providing for voluntary acquisition in a fair, reasonable and transparent manner
- developing a sustainable social licence based on mutual trust and respect

In the event that there is out-migration, additional adaptive measures should include:

- Minimise vacant properties and rent available properties to local residents who would actively and positively engage in activities that enhance community wellbeing and cohesion.
- Understand and support the community cohesion and wellbeing needs of remaining Kings Plains residents negatively impacted by outmigration.

Based on RFI responses and content in the applicant's Template Draft Landholder Mitigation and Compensation Agreement (Agreement) there is evidence that the applicant would provide bespoke

mitigation packages to address amenity impacts (dust, noise, air quality, light pollution, etc) to Kings Plains residents.

While outside of scope of the Department as it is a private matter between the applicant and neighbouring landholders, it is evident based on the content of the Agreement that the Agreement does not adhere to the SIA Guideline Principle of “Transparency” (S1.3 SIA Guideline DPE 2017) as there is confidentiality requirement of signing landholders. S5.2 of the Agreement details Impacts of the Project. The Agreement restricts landowners from making “any complaints or cause any other person to make a complaint in respect of noise or air quality impacts of the Project to any Government Agency or the media (including any social media posts)” without first notifying the applicant and providing “further reasonable opportunity to investigate, assess and/or monitor” the noise or air quality impacts. There is no definition of “reasonable opportunity” or timeframe limit on this clause of the Agreement. It is reasonable to suggest that those who agree to the terms of the Agreement contractually lose some procedural fairness, as they are restricted, but not prevented from “speaking out”, unlike other neighbours of the mine who do not sign the Agreement. This distinction could additionally trigger community divisions that did not exist previously, i.e., loss of social cohesion wellbeing.

In addition, landowners who sign the Agreement “accept that the Project may cause noise levels at the Residence to exceed the Project Noise Trigger Levels by up to 5dB.” (S5.2 of the Draft Landholder Mitigation and Compensation Agreement, 2021). By accepting and agreeing that the Project may exceed the regulator specified noise levels is likely to adversely impact community cohesion and wellbeing, as those who don’t sign would restrict the Project noise levels for the benefit of the community but they would not realise the personal benefits being offered by signing the Agreement. The likely consequence is resentment and division attributing to a loss of community cohesion and wellbeing.

While the intent of the applicant offering a Landholder Mitigation and Compensation Agreement to enable neighbouring impacted landowners to relocate with ease is positive for individual households in the Kings Plains community; the approach undertaken would create unintended adverse social consequences i.e., individual households are better off, but the community as a whole lose. Again, this is a private matter between the applicant and landowners, but is important as the approach is exacerbating the Project’s social impacts.

The residual social impact significance remains extreme and would need to be adaptively managed through a SIMP including a Community Benefits Program (CBP). . There is potential that the applicant may be able to reduce the extent or severity of the impact on the residents of Kings Plains or the sensitivity of the Kings Plains residents to the impact if the SIMP were to be prepared with inclusive involvement of the PAA landowners, in a manner that builds trust; and:

- enhances community wellbeing and cohesion in Kings Plains and Blayney
- responds substantively to complaints and queries from the community and businesses as soon as possible and within 24 hours of receiving the complaint
- minimises vacancy rates in properties owned by the Applicant over the life of the development, with vacancy rates no greater than the Blayney LGA average
- reduces fears and concerns about the development that affect the health and wellbeing of the community, especially of vulnerable or marginalised people
- over the life of the mine strives to more equitably distribute the social benefits and costs of the project spatially, socio-demographically and intergenerationally
- enhances cultural values, rural way of life and sense of place in Kings Plains

- adopts industry best practice and principles as identified by the International Council of Mines and Metals²; particularly in relation to stakeholder engagement and social performance.

The CBP should strive to mitigate impacts and further develop opportunities to secure and enhance positive social impacts from the development, including:

- opportunities to assist in maintaining and enhancing community services and facilities;
- working with the community to support community focused projects
- economic participation and capacity building of local, youth and Aboriginal people through training, employment, and business participation; in particular the people of Kings Plains;
- encouraging diversity and equity in the workforce; and
- tangible and identifiable legacy benefits to affected communities, particularly of those most vulnerable and marginalised.

Being a genuinely good neighbour to the community would help to minimise the outmigration. By defining social impact and risk management responsibilities and accountabilities, including details on all aspects of social performance (impact and grievances management, and community engagement) and how the applicant will interface on community issues management would reduce the likelihood and severity of this impact. It is recommended that this form a condition.

3.1.2 Loss of amenity in Kings Plains

Over the life of the mine, the development would have significant negative impacts on the Kings Plains residents deriving from loss of amenity through noise, air quality, light pollution and visual impacts. Current levels of amenity deriving from the surroundings are highly valued by the community. Likely social impacts include:

- loss of enjoyment of open windows in the home
- loss of enjoyment of outdoor spaces, during the day and at night, due to intrusive lighting and the impact on dark skies.
- loss of enjoyment of rural vistas
- loss of enjoyment of rural airshed
- loss of enjoyment of natural sounds

Following consultation and response to submissions, the applicant has made amendments to the design of the mine to minimise these impacts. These were detailed on p.2 of the Amended SIA. The key amendments include:

- Site access - a new location for the site access intersection off the Mid Western Highway is proposed, approximately 1km east of the original location assessed in the EIS. A new alignment is subsequently proposed for the site access road to the mine administration and infrastructure area.
- Mine and waste rock emplacement schedule - revision of the mine schedule and the subsequent construction sequence of the waste rock emplacement to reduce predicted noise levels in Kings Plains, resulting in reduced early activity in the southern end of the mine development project area while extending the construction time frame for the southern amenity bund..

² ICMM - Social performance

- Pit amenity bund – the size of the pit amenity bund has been reduced as a result of optimisation of the open cut pit design and the improved location of exit ramps for haul trucks..
- Tailings Storage Facility (TSF) - Improved location of the primary exit ramps for haul trucks (which would reduce noise emissions for neighbouring properties).
- Revision of the mine administration and infrastructure area layout to integrate into the surrounding natural topographical shielding in the area reducing its visibility.

It is recognised that the applicant in response to submissions has re-designed the facility / infrastructure to reduce the amenity impacts, in particular noise, on neighbouring residences; however, when mitigated the residual social risk rating of the impact has remained unchanged by the applicant: “rural amenity of near neighbours reduced due to the impact of cumulative biophysical changes” i.e. it remains high. The applicant has assessed this impact (Table 37 on p.209 of the SIA and Table 17 on p.86 of the Amended SIA) to be high (moderate consequence and likely) for the residents. Based on the feedback during the SIA Community Engagement, and the objections in the EIS Consultation Submissions, the impact would affect many people in the Kings Plains area (PAA).

The applicant’s proposed mitigation measures of offering “at receiver” “upon request” bespoke solutions such as installing air conditioning, double glazing of windows, landscaping and screening (p.40 of the Amended SIA) so windows can be closed to block out noise (6.3.2 p.153 of the SIA) is not proportionate to the level of impact. This is further validated by the Kings Plains residents during consultation round 3, “many residents were not supportive of these measures”.

The amenity impacts remain and would largely derive from the close proximity of the mine to the neighbouring residents.

The DPE SIA Guideline 2017 (p.44) requires applicants to consider when “developing mitigation measures, whether the mitigation measures are acceptable to those who are expected to be affected by the potential negative social impacts”. It also requires the applicant to “explain and justify the expected effectiveness of any proposed measures.” The SIA and the Amended SIA does not include such discussion in relation to any mitigation measures; and therefore, the likely effectiveness of any proposed measure can only be assessed by the reviewer; and it is unknown to what extent the proposed mitigation measures are acceptable to the people affected by the impacts.

There is potential that the applicant may be able to reduce the extent or severity of the impact on the residents of Kings Plains or the sensitivity of the residents of Kings Plains to the impact if the SIMP were to be prepared with inclusive involvement of the PAA landowners, in a manner that built trust. In preparing and implementing the SIMP it is recommended that the applicant focus on the following:

- Minimise amenity impacts in Kings Plains
- Reduce fears and concerns about the development that affect the health and wellbeing of the community, especially of vulnerable or marginalised people
- Reduce cumulative social impacts on the community in terms of geographical extent (number of people affected; duration, severity/scale and sensitivity)

3.1.3 Loss of culture, sense of place and rural way of life in Kings Plains

Over the life of the mine, the development would have significant negative impacts on the Kings Plains residents deriving from loss of culture, sense of place and rural way of life through the very existence of a mine, the changing landscape, the changing land use from rural to industrial, potential changes to surface water, groundwater and natural spring flows including impacts on the Belubula River and the natural environment. The social impacts of this change would include:

- loss of Aboriginal cultural values
- a reduction in aesthetic, cultural, spiritual and recreational value deriving from ecosystem loss
- loss of water supply and food provisioning ecosystem services accessed by residents. This includes water supply; domestic and agricultural; apiarian and agricultural operations.
- loss of sense of place
- loss of the rural way of life.

Aboriginal culture

While assessed to be of moderate social risk when mitigated, (Table 19 p.91 of the Amended SIA) “The mine development results in further loss of cultural heritage and connection to country for Aboriginal people and further impacts to the beliefs and values of the Wiradjuri People” (Table 38 p.213 of the SIA). This loss is intergenerational and irrevocable. As reported in Section 7.1.2 of the Aboriginal Cultural Heritage Assessment (Landskape 2019), the RAPs did not identify any high spiritual, traditional, historical, or contemporary associations with the archaeological sites identified in the project area.

The applicant has committed to a range of measures to mitigate impacts to Aboriginal cultural heritage as a result of the project. “All sites identified within the disturbance footprint of the project will be salvaged prior to land disturbance, in collaboration with the Registered Aboriginal Parties (RAPs). A keeping place for salvaged artefacts will be determined as part of the development of the Cultural Heritage Management Plan (CHMP)” and in consultation with RAPs and Heritage NSW” (p.4 of the RFI Response dated 30/11/2021).

As described in Section 3.3.4 of the Amended SIA the applicant has committed to involving the local Aboriginal community in the management of Aboriginal cultural heritage values “Regis will continue to involve the RAPs and other relevant Aboriginal community groups or members in matters pertaining to the mine development. Further to the management of specific sites, the following mitigation and management measures will therefore be implemented to ensure the appropriate management of Aboriginal cultural heritage within the project area:

- invitation for the continued participation of RAPs; in particular for the recording, collection, curation, storage and replacement of artefacts;
- provision of cultural awareness training for site personnel, likely through the site induction process;
- the preparation of a CHMP, which will guide the mitigation and management of sites in the project area and help to avoid inadvertent impacts. The CHMP will also outline the protocol for unanticipated finds such as artefacts and skeletal remains; and
- Regis will consult with the Orange Aboriginal Land Council (OALC) regarding the commission of a social and cultural mapping study with relevant traditional owners for the project area.

Consultation has been ongoing with the RAPs and OALC regarding proposed mitigation and future management options relating to cultural heritage” (p.4 of the RFI Response dated 30/11/2021).

Aesthetic, Cultural, Spiritual and Recreational Value

“A number of residents in Kings Plains strongly believe that the surrounding natural ecosystem adds value to their health and wellbeing and contributes significantly to the aesthetic value of the surrounds, their recreational experiences and their own sense of place. Some residents of Kings Plains expect that project induced changes to the natural environment within the mine project area will degrade the cultural services they derive from the surrounding ecosystem.” (p.186 of the SIA) These near neighbours indicated any adverse change to the “open space and agricultural land would impact resident recreational enjoyment of the outdoors; and the cultural significance of the landscape for residents which in turn contributes to the identity of the Kings Plains locality.” (p.186 of the SIA)

“The potential of the mine development to impact sense of place due to adverse changes in values attributed of the local area, the landscape and the natural environment and community was assessed as a mitigated high risk and of high significance” (p.51 of the Amended SIA). Table 9 (p.50 of the Amended SIA) provides examples of cultural-spiritual loss intertwined with the loss of sense-of-place.

The Amended SIA (p.51) states “The potential of the mine development to impact the cultural ecosystem-services accessed by residents was assessed as a mitigated high risk of high significance”

The EIS SIA found that the potential impacts of the project on cultural ecosystem services were more significant than the potential impacts on provisioning ecosystem services. (Amended SIA p.26).

The mitigation measures in the EIS focus on the environmental dimension of the ecosystem service impact and do not address the social dimension of cultural, spiritual or aesthetic loss of the ecosystem services. Also, the proposed mitigation measures are disproportionate to the impacts relating to the loss of culture, rural way of life or sense of place for the community (Amended SIA p.26).

Provisioning

“Near neighbours do not have access to town water and are therefore reliance on a combination of groundwater, surface water and rainfall for amenity use and livelihood (cattle grazing). The Belubula River, associated tributaries, naturally occurring springs and groundwater provide both residential and stock water for the majority of near neighbours.” (p.51 of the Amended SIA). The applicant has assessed the mitigated social risk of the “mine development impacts on the provisioning ecosystem services accessed by residents” of Kings Plains to be moderate throughout the life of mine (Table 17 p.86 of the Amended SIA).

Groundwater

Given the majority of households / farms in the PAA do not have access to town water, they are reliant on groundwater remaining of high quality, accessible and in adequate quantities and therefore would be very sensitive to change. The fears and concerns associated with this issue would be significant. Landowners in the Kings Plains area remain concerned and fearful about groundwater quality and accessible quantities and are likely to do so throughout the life of the project including care and maintenance.

The Amended SIA (p.51) states “the potential of the mine development to result in changes in groundwater accessibility with resulting impacts on agricultural livelihood was assessed as a mitigated low risk of moderate significance, reflecting stakeholder concerns. The potential of the mine development to reduce surface water or groundwater resources at private properties

proximate to the mine development was assessed as a mitigated moderate risk of moderate significance.” It also states (p.25 of the Amended SIA) “that the amended project is not considered significant given that no third-party bores are predicted to experience a drawdown in excess of 1m.” This is assessed in detail in the groundwater impact assessment for the project. Under the NSW Aquifer Interference Policy, 2013 (AIP), a drawdown of less than 2m at privately owned bores is considered minimal impact. The “AIP requires that landholder bores affected by greater than 2m drawdown as a result of the mine development are subject to “make good” provisions.” “There are no third-party bores with a predicted drawdown in excess of 2m” (p.109 of the SIA).

The AIP was established in 2013 and precedes the SIA Guideline and therefore focuses on the environmental dimension of the impact and does not explicitly address the social dimension. Landowners in the Kings Plains area remain concerned and fearful about adverse changes to groundwater quality and groundwater continuing to be accessible in sufficient quantity. They are likely to do so until their lived experience is to the contrary. Neither the SIA nor Amended SIA provides information as to the sensitivity of neighbours’ groundwater bores and whether a 1m drawdown would adversely impact them.

Surface water

The flow reductions in the Belubula River caused by the project are assessed in the surface water assessment, which found that the reductions in flows during project operations would be approximately 9% just downstream of the project (and 4.1% at Lake Carcoar). After operations cease the reduction in flows would be much less (NSW DPIE Water and the Natural Resources Access Regulator (NRAR) letter dated 10/2/2021 Ref: OUT20/10904).

Given the majority of households / farms in the PAA do not have access to town water, they are reliant on surface water remaining of high quality and quantity and therefore would be very sensitive to change. The fears and concerns associated with this issue would be significant. Landowners in the Kings Plains area remain concerned and fearful about surface water quality and accessible quantities and are likely to do so throughout the life of the project including care and maintenance.

The applicant’s proposed social mitigations (s6.3.3 on p.167 of the SIA): “manage impacts to amenity; undertake progressive rehabilitation; minimising impacts to the Belubula River, groundwater and naturally occurring springs; support the participation of near neighbours in aspects of rehabilitation and mine closure planning,” do not address the social dimension of the impact which relates to the concerns and fear that farmers would be unable to provision their homes and farms due to adverse changes in water quality or quantity. The proposed mitigations therefore are not likely to be effective.

To support the community, it is recommended by way of a condition that the applicant effectively utilise risk communication techniques in the engagement of the community to assist the community to understand the likelihood and potential consequence of the risk; the impact of critical controls and applicant’s planned adaptive measures to address the impacts.

Food

Concerns were raised by bee industry representatives in relation to loss of pollination habitat located on the mine development project area due to vegetation clearance activities; and contamination of bee habitat by site dust. (p.52 of the Amended SIA). Following further studies, the concentration of metals was estimated to be below guidelines and the bee habitat removal to be minor. “The potential of the mine development to have an economic (livelihood) impact on existing commercial apiarian businesses proximate to the site was assessed as a mitigated moderate risk of moderate significance”. (p.51 of the Amended SIA)

Again, risk communication techniques should be utilised by the applicant when engaging with bee industry people; but also, when engaging with Kings Plains residents about domestic vegetable gardens and fruit trees; and the associated potential impacts of air-borne or water-borne pollutants.

Rural way of life and sense of place

The Amended SIA (p.51) states the “potential of the mine development to impact sense of place due to adverse changes in valued attributes of the local area i.e., the landscape and the natural environment and community assessed as a mitigated high risk of high significance.”

“The SIA acknowledged that the project has the potential to adversely impact rural values in the Kings Plains locality. The rural way of life in the area is characterised by the presence of rural vistas, livestock (cattle) grazing, outdoor activities including equine activities and close social connections between residents. The project has the potential to benefit rural landowners in the region through the provision of employment opportunities as a supplement to existing rural employment, and through service capacity improvements in the Kings Plains rural fire brigade and the Canobolas Zone rural fire service. Regis will also provide the opportunity for part-time employment at the mine. This will enable people who live on rural properties to combine employment off-farm with working on the land, facilitating a continuation of a rural way of life.” (p.4 of the RFI Response dated 30/11/2021)

There is potential that the applicant may be able to reduce the extent or severity of the impact on the residents of Kings Plains or the sensitivity of the residents of Kings Plains to the impact if the SIMP including the CBP were to be prepared with inclusive involvement of the PAA landowners, in a manner that built trust.

The proposed measures are disproportionate to the impacts and largely do not address the social dimension of the impacts: loss of culture, sense of place, provisioning – water, and rural way of life in Kings Plains. It is strongly recommended that the applicant involve the RAPs, OALC and the Kings Plains community in preparing a SIMP and CBP to identify mitigation measures that may be acceptable to them in addressing the cultural, spiritual or aesthetic loss of the ecosystem services; and the loss of culture, rural way of life or sense of place for the community. By involving them, there is the potential that the impacts could be reduced in terms of severity or extent; or the sensitivity of those who are impacted could be reduced. In preparing and implementing the SIMP and CBP it is recommended that the applicant focus on the following:

- Reduce fears and concerns about the development that affect the health and wellbeing of the community, especially of vulnerable or marginalised people
- Over the life of the mine strive to more equitably distribute the social benefits and costs of the project spatially, socio-demographically and intergenerationally
- Enhance cultural values, rural way of life and sense of place in Kings Plains
- Involve the local Aboriginal community where the development affects their cultural values;

3.1.4 Impacts to health, reasonable community fears, community wellbeing, uncertainty and trust

Through the consultation process, the community has raised concerns and articulated their reasonable fears, which are already impacting on community health and wellbeing, community cohesion and community trust. The people most affected are the Kings Plains residents. Some people in the Blayney LGA (Secondary Assessment Area or SAA) would also be impacted, as

would others regionally. For some the impact would be temporary i.e., until their lived experience ameliorates or assuages their fears. For others the impact may be over the life of the mine. The sensitivity of the impact also varies, depending on the impacted person's circumstances.

Reasonable fears and concerns include:

- Loss of community wellbeing and cohesion due to out-migration in Kings Plains
- Loss of amenity in Kings Plains
- Loss of culture, rural way of life, and sense of place in Kings Plains
- Loss of provisioning of water-related ecosystem services accessed by residents
- Health and safety fears deriving from the transport, storage and handling of dangerous goods, in particular cyanide in Kings Plains
- Health fears deriving from air emissions in Kings Plains
- A potential loss of the tailings storage facility or cyanide containment and subsequent impacts to human health, livestock, ecosystems, soil, surface water and groundwater
- Cumulative impacts on Kings Plains
- Distributive inequity
- Loss of access to services and facilities in Blayney LGA and the broader region
- Livelihood impacts and loss of community aspiration deriving from labour draw from the non-mining sector
- Loss of community safety and security, disproportionately experienced by women.

The applicant assessed in the SIA (Table 37 p.210) and in the Amended SIA (Table 17 p.87) that stress and anxiety impacts associated with uncertainty, has an unmitigated major consequence and when mitigated the applicant has assessed the consequence to be moderate; and almost certain to occur.

Additionally, on p.60 of the Response to Submissions *Appendix E: Health Impact Assessment* the applicant states: "Increased levels of stress and anxiety, both short-term acute events and chronic events/impacts are well recognised to affect health and wellbeing. Individuals experience a wide range of complex factors and issues [which] influence health and wellbeing, specifically mental health. In addition, individuals respond to changes in stress and anxiety in different ways and hence it is not possible to quantify how the development would affect stress and anxiety in the community."

Health and safety fears deriving from the transport, storage and handling of dangerous goods

The Preliminary Hazard Analysis (PHA) (EIS Appendix R) has assessed the community safety impacts deriving from transport, storage and handling of dangerous goods in accordance with the requirements of SEPP 33, a specific policy established to address these types of activities. The conclusion of this analysis states:

"The PHA has found that the project does not represent an offensive or hazardous development. There are no potential loss scenarios with offsite consequences. Transport of hazardous goods to the mine site, while posing a conceivable issue for off-site members of the public, is expected to be adequately addressed through strict conformance with the Australian Code for the transport of Dangerous Goods. Regis will commit to the preparation of hazardous materials management plan which will describe the measures that will be implemented to ensure the safe handling, storage and transportation of hazardous materials used onsite. This plan will also documenting appropriate emergency procedures."

This fear within the community can be reduced by the applicant through appropriate use of risk communication techniques, in helping the community to understand the likelihood and potential consequence of the risk; and the impact of critical controls; and by respecting and proportionately responding to their reasonable concerns.

Community concerns would be further reduced if the applicant engaged an independent third party to undertake an annual audit of the (community-focused) health and safety critical control factors including those associated the Australian Code for the transport of Dangerous Goods This would provide community and company assurance of the “strict conformance”. This should include that which the applicant would operate and the higher risk first tier supply chain i.e., are the critical control factors effective in the transportation and off-loading of dangerous goods to the mine? The critical control factors are likely to include, but not be limited to, supplier use and management of driver fatigue technology, supplier’s drug and alcohol testing program of drivers is in accordance with industry best practice, etc. The hazardous materials management plan should focus both “inside” and “outside” the fence. These recommendations should inform the conditions.

Fears relating to a loss of the tailings storage facility or cyanide containment and subsequent impacts to human health, livestock, ecosystems, soil, surface water and groundwater

“The majority of participants in SIA consultation expressed concern in relation the potential environmental, economic and social implications of a Tailings Storage Facility (TSF) wall breach. The frequency with which this issue was raised and the strong concern expressed by stakeholders can be attributed in part recent local and international incidents relating to TSF” (p.104 of SIA). In 2018, a tailings dam wall partially collapsed at Newcrest’s Cadia Valley Operations (CVO), a gold mine in Blayney LGA. In “January 2019 a tailings dam wall collapsed at the Corrego do Feijao, iron ore mine in Brazil with catastrophic consequence” (p.104 of SIA).

“The qualitative assessment of the risks to the public, property and environment associated with the TSF found the risk level with controls applied was low.” “To ensure a conservative TSF design the highest consequence category of “Extreme” was assigned, and the design of the TSF developed accordingly.” (p.104 of SIA).

“Following submission of the EIS to DPIE an independent expert technical review was completed of the TSF design, operation and closure. It was concluded that “the community can be reassured that the proposed TSF embankment will be a very effective and stable containment for the tailings, and is designed constructed for the more demanding closure return intervals for flooding and earthquake loadings, at the outset. The TSF embankment is designed to have a margin of stability up to twice as high as typical embankments under Australian condition.” p.22 Addendum SIA

The community is likely to continue to be fearful of these issues until the applicant effectively utilises risk communication techniques in the engagement of the community to assist the community to understand the likelihood and potential consequence of the risk; and the impact of critical controls and applicant’s planned adaptive measures to address the impacts.

Fears relating to noise emissions

For the health and wellbeing impact derived by sleep disturbance associated with noise and vibration the applicant has assessed (Table 37 p.210 of the SIA) the unmitigated risk to be of major consequence and when mitigated (Table 17 p.88 of the Amended SIA) the applicant has assessed the consequence to be low; and likely to occur. While the development if approved would operate under noise conditions, including noise limits, the preparation of management plans, monitoring of weather conditions and noise at surrounding receivers, proactive and adaptive management and reporting the results of monitoring; noise from the development would be heard by neighbours in

Kings Plains. On p.ES1 of the Response to Submissions *Appendix E: Health Impact Assessment* the applicant states that the “potential for adverse health impacts within the off-site community associated with noise generated during construction and operations is considered to be negligible”. On p.359 of the Submissions Report it states: “the sleep disturbance assessment concluded that the predicted noise levels at sensitive receptors are below those likely to cause awakening.”

The people who are most likely to be impacted would be those Kings Plains residents who live in closer proximity to the mine and those who have greater sensitivity to noise.

The community is likely to continue to be fearful of this issue until the lived noise experience is less than their fears.

Fears relating to dust / air quality

“Potential air quality impacts as a result of dust emissions were one of a number of issues frequently raised by residents” of Kings Plains during interviews. “Several participants raised concerns in relation to potential health impacts from dust emissions. Residents expressed concern regarding the potential for contamination of rainwater.” There are also a number of residents living in Kings Plains who have significant health conditions that may be exacerbated by dust from the mine project area.” “Residents distrust both the air quality modelling data and the ability of Regis to successfully operate the mine development in compliance with development consent conditions. Subsequently near neighbours fear the physical health impacts of the project.” p.171 of the SIA.

“Based on the available data and information in relation to emissions to air of dust, naturally occurring asbestos (NOA), metals and metalloids that may be present on the dust, nitrogen dioxide and hydrogen cyanide from the project, potential impacts on the health of the community have been assessed. The impact assessment has concluded there are no health risk issues of concern relevant to the project.” Table ES-1 on p.ES1 of *Appendix E Health Impact Assessment*

As with noise, the project would operate under air quality conditions and include dust limits, weather and dust monitoring, management measures, reporting of results etc. The project specific limits would be established in accordance with NSW government policy.

Similar to the fears relating to noise emissions, the Kings Plains community is likely to continue to be fearful of this issue until the lived experience is to the contrary.

Current lived experience

During SIA consultation (p.viii of the SIA Executive Summary) the community communicated that they were currently experiencing:

- “Stress and anxiety due to uncertainty in relation to:
 - Whether the project would proceed
 - The mine life
 - The potential impacts and the extent to which they might be impacted.
 - The ability of Regis to suitably manage or control the impacts
 - The opportunity for property acquisition and / or compensation
 - The potential impact on property values and saleability of property in the locality in the event that residents seek to relocate during the approvals process or following determination
- Reduced community cohesion within the Kings Plains settlement. A number of residents of the Kings Plains settlement cited evidence of a growing divide in the Kings Plains

community due to differing attitudes towards the project and differences in opinion as the perceived benefits and impacts of the project

- Impacts to resident's current way of life. Some residents expressed frustration with the amount of time the project was taking up in their daily life at the expense of other more enjoyable or necessary activities."

In section 5.5.7 on p.97 of the SIA the applicant states "there is no statistical information available as to the health and wellbeing of the residents". However, in the absence of statistical information, the SIA consultations indicate:

- many residents particularly residents of the settlement of Kings Plains are experiencing significant stress and anxiety due to the uncertainty around the project, the extent they will be impacted and in particular impacts to property values;
- project related stress and anxiety is affecting everyday life for residents and also relationships within families and between residents of the Kings Plains community; and
- some residents of the settlement of Kings Plains have existing and significant health conditions. These residents expressed concern that the project may exacerbate pre-existing health conditions.

On p.172 of the SIA and then repeated again on p.294 of the Submissions Report, the applicant proposes to manage resident stress and anxiety in relation to the project by engaging and maintaining "transparent, evidence based and ongoing dialogue with concerned property owners and other community members based on the results of the EIS".

The SIA does not report the extent of the fears, stress or anxiety. It is therefore not possible to understand the breadth (i.e., how many people are affected by this impact), or the depth of the impact to determine the consequence. However, based on other projects it would be reasonable to expect the impact to be widespread; and that it would not diminish if / when a decision is made on the development progressing.

Given the community's lack of trust in the air quality modelling and the applicant's demonstrated capability to adhere, (or not) to future development conditions (p.171 of the SIA), the community is likely to continue to be fearful of this and many other technical issues throughout the life of the project, regardless of the modelling or monitoring data.

There are many issues identified of which the community is fearful of the impacts of the project. "50% (9) of organisations and 19% (45) of unique community submissions raised concerns about the potential for the project to adversely affect people's mental health and contributes to stress." (p.294 of the Submissions Report) As the impact is currently being experienced, it has a likelihood of almost certain. It is affecting many people in the Kings Plains area and the consequence of the combined impacts is major. The overall social risk is assessed as extreme.

A recommendation is that the applicant engage a risk communication specialist when preparing the SIMP / Stakeholder Engagement Framework and Near Neighbour Impact Management Framework to understand how and when to engage; how to allay community fears and concerns where appropriate; and, how to empower the community and build trust with near neighbours in relation to environmental monitoring and reporting. It is recommended that this form a condition. If done well, it could reduce the impact severity and sensitivity of the residents to the impact.

Secondary social impact deriving from mitigation measure

The applicant in the Submissions Report has voluntarily offered to acquire Kings Plains landholder's interest in their land at any time within ten years from when the company board decides to proceed with the project. The Agreement is voluntary between the applicant and

landowners. The NSW Planning's statutory Voluntary Land Acquisition and Mitigation Policy (VLAMP) (DPIE September 2018) does not apply in this situation given the criteria under the VLAMP is not triggered. However, the Department's expectations of a negotiated agreement under VLAMP is that it be "in good faith", that it be "fair and reasonable" and that the applicant bears "all reasonable costs including expert advice about relevant matters (including legal advice) to enable the landowners to make informed choices about whether to enter the agreement" (S8 of the VLAMP under "Negotiated Agreements" p.8) aligns with any good practice negotiation. While this negotiation is a private matter between the parties, it is reasonable to expect that the Agreement negotiations be in accordance with these good practice principles. This is important as there is a power imbalance between the parties.

There is not enough evidence to assess whether the Agreement between the applicant and landowners have or have not been consistently negotiated in a "fair and reasonable" manner and in line with the VLAMP expectations. The applicant has provided DPE with a copy of the template agreement titled: "Draft Landholder Mitigation and Compensation Agreement" dated 2021. It requires landholders to not disclose any of the Confidential Information unless it is to "an officer, employee, agent, contractor, or legal, financial or other professional advisor if the disclosure is necessary to enable the party's obligations or to exercise its rights under this agreement; and prior to disclosure informs the person of the party's obligations" and seeks compliance with the obligations. (s17 Draft Landholder Mitigation and Compensation Agreement, 2021). This contravenes the SIA principle of transparency, which is important because lack of transparency breeds community distrust and division.

It is perceived that the applicant has not actively considered the secondary social impacts of its approach. In preparing the SIMP it is recommended that the applicant establish a framework using the SIA Principles (S1.3 SIA Guideline DPE 2017) that guides the management of the mine.

3.1.5 Impacts to decision-making systems

A Voluntary Planning Agreement (VPA) is considered by the applicant to be a development mitigation measure (p. xi of the Executive Summary of the SIA). The applicant has negotiated a VPA for the development with the Blayney Shire Council³. "The VPA is the primary mechanism for managing socioeconomic impacts associated with the project and enhancing opportunities for the Local Area" (p.x of the SIA). However, there is a perception of a lack of procedural fairness within the community; and that a VPA may not benefit those most affected. This means that the development may adversely affect decision-making systems by reducing people's ability to have a say in matters that affect their lives, and have access to complaint, remedy and grievance mechanisms.

"With respect to informal governance and in particular the [Blayney Shire Council] BSC, some residents, primarily near neighbours, expressed a sense that BSC will not use the VPA funds to address the social impacts of the project, rather they will allocate the funds to alternative expenditure. Some residents also expressed a sense that BSC would not act in the best interests of the near neighbours because of the potential economic benefits of the project for the LGA" (SIA section 4s.3.6 on p.54).

This concern is further exacerbated through the wording of the VPA, which leaves decision making on the allocation of these funds entirely at Council's discretion, with no reference to managing the development-related social impacts. In section 6 of the VPA (p.6) it states "The Council must use or apply the Monetary Contributions for or towards a Public Purpose as determined by Council for local community infrastructure projects that benefit social, sporting/recreation, environmental,

³ <https://www.blayney.nsw.gov.au/ArticleDocuments/732/McPhillamy's%20Gold%20Project.pdf.aspx>

economic, and public amenity that are consistent with the Blayney Shire Community Strategic Plan. This may be via direct budget allocation in the Operational Plan for a specific development and/or providing additional funding towards Council's Financial Assistance Program.

In accordance with Blayney Shire Council Policy, it is understood that the draft VPA was available for inspection by the community for 28 days prior to the Agreement being signed. It is unknown how widely this was advertised. Nine unique submissions were received by Council in response to the draft VPA. All nine were objections and largely centred around perceived distributive inequity i.e., the company not paying enough, and recommendations on funding allocation. The perceived inequity issue according to the submissions derives from two sources: 1. Cadia mine 20 years ago had a similar value VPA and has since made orders of magnitude greater profits for shareholders; and 2. The VPA requires the applicant to fund approximately \$4,000,000 + CPI and there is a perception that the environmental and social impact of the development, which the local community would bear, would be significantly greater over the life of the mine. The process appears to have diminished the impacted communities' decision-making capacity as they have been unable to influence the VPA.

As referenced in the 2021 DPE SIA Guideline Technical Supplement mitigation measures should be "deliverable by the proponent". The applicant is unable to control, influence or mitigate this diminished decision-making impact deriving from Blayney Shire Council's adherence to the regulatory requirements but not appearing to incorporate community concerns into their decision making. As this is a project induced impact it is important that it be included in this review, despite it being out of the purview of the applicant.

It is understood via a resolution of Blayney Shire Council (2109/017) in September 2021, that the Council and Regis Resources have an in-principle agreement, if the project is approved, that the funds from the sale of part Dungeon Road, Kings Plains from Council to Regis Resources would be allocated to roads around the Walkom Road, Village Road (Kings Plains), Guyong Road and Vittoria Road areas i.e., the PAA. The approximate \$700,000 of sale value funding would benefit the Kings Plains residents in road improvements.

As the SIA identifies the VPA as the primary mechanism for managing socioeconomic impacts associated with the development and enhancing opportunities for the local area; and the VPA does not reference such a requirement, and the *Environmental Planning and Assessment Act 1979* has strict criteria of projects that may be funded or delivered through the VPA and Project social impacts are not a criteria; it is recommended that the SIMP and CBP be prepared with community involvement (including Kings Plains residents, OALC and representatives of vulnerable and marginalised groups in Blayney) and that it be explicitly linked to the identified social (and economic) impacts.

3.1.6 Cumulative impacts in Kings Plains

"Cumulative impacts are defined by Franks et al. (2010)⁴ as the successive, incremental, and combined impacts of one, or more, activities on society, the economy, and the environment." (p.175 of the SIA). In effect this means 'adding up' the individual significance ratings to arrive at an evaluation of overall cumulative significance.

The SIA proposes a series of mitigation measures for many of the individual social impacts (listed above in this report), including provision to voluntarily acquire properties from impacted neighbouring residents. However, for many Kings Plains residents there is dissatisfaction with the

⁴ Franks, D.M., Brereton, D. and Moran, C.J., 2010. Managing the cumulative impacts of coal mining on regional communities and environments in Australia. *Impact Assessment and Project Appraisal*, 28(4), pp.299-312.

mine development, particularly the impact it would have on their way of life, rural amenity, community, access to and use of ecosystem services, culture, health and wellbeing, surroundings, personal and property rights, fears and aspirations and decision-making systems. The mine is very close (within two kilometres) to 88 residences. The dissatisfaction is evident by some members of the Kings Plains community retaining Mr. Warwick Giblin, Managing Director of OzEnvironmental Pty Ltd; and Adjunct Professor, Faculty of Science, Agriculture, Business & Law, University of New England to advocate on their behalf.

Adding up the combined and linked individual significance ratings for each of the impacts that the Kings Plains residents are likely to experience results in a catastrophic consequence and is most likely or almost certain of occurring. The social risk rating is extreme. For the residents of Kings Plains the combined and linked cumulative impacts would be significant and the currently proposed mitigation measures would not be proportionate to the impacts.

To contribute to social development (community building, resilience and wellbeing) and to economic transition during and post-mining, it is recommended that the applicant facilitate and co-develop a shared vision with the community and stakeholders. Co-developing long term aspirational vision / goals and an agreed plan to achieve such goals, early in the life of the mine would enable the community and the mine to work together on achieving the vision. The long-term process of improving the economic, social, environmental and cultural well-being of the community through the development and implementation of a shared vision could potentially offset some (but not all) of the loss; noting that 'offset' is the lowest form of mitigation.

3.1.7 Distributive and intergenerational inequity

"For some near neighbours there is a sense that the local community is *disproportionally carrying the costs of mining and is disadvantaged simply because it is at the centre of the impact*" (4.3.3 p.52 of the SIA). "During Round 1 and Round 2 SIA Consultation several participants questioned the likely distribution of project economic benefits, suggesting that the local area i.e., Blayney LGA would likely carry the social and environmental burden of the project with the economic benefits accruing to localities outside of the LGA." (p.52 of the SIA). These community perceptions are validated as development impacts by the applicant on p.147 in Section 6.2.12 Distributional and Intergenerational Equity.

On available evidence, it appears that, over the life of the mine, the distribution of the social benefits and costs of the development would be inequitable both spatially and socio-demographically. The greatest beneficiaries would be the proponent (in the form of profit), and the State and Federal governments (in the form of royalties and taxes). The NSW government royalty rate for gold is "4% ex-mine value (value less allowable deductions)"⁵. The development would bring economic value to some in the community in the form of employment and a voluntary planning agreement (fund) which would be administered by Blayney Shire Council. Some business owners both in Blayney LGA and more broadly within the region would derive financial benefits, e.g., short term accommodation providers.

The costs or the adverse impacts of the development are largely environmental and social. The groups of people who would benefit from the development are different to those who would bear the cost. The cost would be borne by:

- the residents in closest proximity to the mine development area (88 dwellings have been defined as near neighbours, of which there are 44 considered most impacted in Kings Plains locality) would incur most of the cost. These neighbouring residents would

⁵ <https://www.regional.nsw.gov.au/meg/community/royalties>

experience a significant loss of amenity including enjoyment of their properties as a result of the development. These people are unlikely to experience any tangible benefits from the development. There are no mitigation measures proposed to address this impact.

- low-income households and vulnerable peoples in the Blayney LGA and surrounding LGAs, because:
 - accommodation would become less available and less affordable
 - services and facilities would become less accessible.

The applicant has assessed on p.214 of the SIA that “different sectors of the Blayney LGA experience a greater social and economic burden as a result of the project” to have a moderate consequence rating and almost certain likelihood. The applicant has not proposed any mitigation measures to address this impact. The mitigated social risk has been assessed by the applicant as high. The cumulative impacts to vulnerable people identified in Table 40 (p.217 of the SIA), the applicant has assessed to have a social risk when mitigated of extreme.

- non-mining business owners in Blayney LGA and surrounding LGAs who would experience labour draw, thus adversely affecting their own and their employees’ livelihoods. On p.218 of the SIA the applicant has assessed the consequence to be moderate the likelihood to be likely and the mitigated social risk to be high.
- Aboriginal peoples, present and future, would have further loss of cultural heritage and connection to Country, and consequent loss of ability to gain cultural and spiritual sustenance from the land (noting some may also benefit from the development from direct and indirect employment). The applicant has assessed this unmitigated risk to be moderate in consequence and likelihood possible (p.213 of the SIA). The proposed mitigations relate to archaeological recording salvage in accordance with the Cultural Heritage Assessment (p.112 of the SIA). The mitigated social risk rating is moderate.
- the neighbouring residents of the mine, Blayney LGA, the region and the State, (in that order) in the event of a cyanide contamination event at the mine. On p.214 of the SIA the applicant has assessed the “potential for significant economic and social costs to society due to a cyanide contamination event” to have major consequence and possible likelihood. The unmitigated social risk is extreme. The proposed mitigation on p.103 of the SIA is in accordance with industry standards and codes of practice. The applicant has assessed the mitigated risk to be moderate i.e., a moderate consequence and unlikely likelihood. The proposed mitigations would reduce the likelihood of such an event; but the social and economic consequence would remain major. The Departmental SIA specialists therefore assess this mitigated social risk to be major consequence and unlikely likelihood, thus high social risk.

While some of these impacts have mitigation measures to address the individual impacts the applicant has not proposed a mitigation measure to address distributive and intergenerational inequity. Given that the VPA leaves decision making on the allocation of the funds entirely at Council’s discretion with no reference to managing the development-related social impacts in particular on the near neighbours (i.e., it is not deliverable by the proponent), the VPA cannot be considered as a mitigation measure to address the spatial or distributive inequities.

The applicant through the CBP and potentially other initiatives could over the life of the mine more equitably distribute the social benefits and costs of the project spatially, socio-demographically and

intergenerationally. To enable enforcement, indicators and associated monitoring would be included in the applicants SIMP.

3.1.8 Pressure upon housing availability and affordability; as well as existing local services, facilities and infrastructure

Since the EIS was written, regional NSW has seen significant population growth as a result of Covid-19 and workers' increased ability to work remotely, and thus, move out of cities. Central West NSW has seen considerable population growth in this time; however, the population increase in Blayney LGA has been minor⁶ (Blayney Shire Council). Blayney is the largest town in the local government area (LGA) and just 8km west of the development.

Housing and accommodation

According to www.smartpropertyinvestment.com.au (2/6/2022) both Blayney and Orange have seen a median home price increase of 23.5% and 29.6% (respectively) in the past year. Average weekly rent in Blayney is \$375 and average weekly household income is \$1148. The Average weekly rent in Orange is \$470 and average weekly household income is \$1339. A household is considered in housing stress if housing costs are more than 30% of the household income. The median housing costs relative to income in Blayney is 32% and in Orange it is 35% meaning that those who pay median rent and earn median household income are currently already in housing distress, as are those households who earn less and/or pay more in rent. Housing affordability is an issue for low-income households both in Blayney and in Orange prior to development of the mine. The cumulative impact of the mine development and Covid-19 regional migration could exacerbate the housing affordability issue both in Blayney and regionally.

The SIA (p.118) states that there is an "insufficient supply of rooms in short term accommodation in the Blayney LGA to meet the accommodation demands of the construction phase without adversely impacting the local tourism industry".

"There is currently fewer than five rental properties available in the Blayney LGA." (p.118 of the SIA) "Given the current lack of available private rental accommodation the small supply of residential housing stock, and the likelihood that private rental accommodation supply will remain limited into the foreseeable future there is insufficient private rental accommodation in the Blayney LGA to meet the demands of the project" (p.118 of the SIA).

"Analysis of the housing market in Blayney highlights the relative affordability of the housing market and the attractiveness of the location to lower income households." (p.118 of the SIA)

"Anecdotally there have been reports of a recent influx of lower income households to Blayney seeking affordable rental accommodation, hence the current low rental vacancy rates." (p.118 and p.119 of the SIA)

The SIA and Amended SIA identify that over the life of the mine, the development would have significant negative impacts on the residents and business community within the LGA deriving from:

- increased demand for short term accommodation by the workforce, which presents challenges for competing local industry and businesses. On p.217 in table 40 of the Amended SIA this impact has been assessed by the applicant when mitigated to be extreme. This most adversely affects the aspirations of the community as it strives to

⁶ <https://app.remplan.com.au/blayney/community/summary?state=pgZPHQz95UQ2r81CaDM87zUJu9umA1> 2/6/2022

become a commuter town (given accessibility to Orange and Bathurst) and a weekend tourist destination (p.vii of the Executive Summary of the SIA).

- workforce accommodation demands reducing accessibility and affordability to private housing for existing and future residents. The people most adversely affected are the most vulnerable. On p.217 in table 40 of the Amended SIA this impact has been assessed by the applicant when mitigated to be extreme.
- increased pressure upon local services, facilities and infrastructure with particular reference to the capacity of general practitioners; police, and emergency services to respond to service standards and call-outs; refuges and other social support services; schools; sporting and recreational facilities. On p.217 in table 40 of the Amended SIA the impact: “Temporary increase in demand for health and emergency services increases demands for services providers and reduces access to services for existing residents” has been assessed by the applicant when mitigated to be high.
- displacing the most vulnerable households from private rental accommodation in Blayney LGA and surrounding LGAs, leading to social homogenisation (loss of social diversity). On p.217 in table 40 of the Amended SIA this impact has been assessed by the applicant when mitigated to be high.

The applicant has assessed all the impacts relating to population influx when mitigated to be high (Table 38 p.211 of the SIA).

As a mitigation measure, the applicant has proposed preparation of a workforce accommodation and management framework on p.77 of the Amended SIA, with the following objectives:

- demonstrate how the construction phase workforce will be accommodated across the local area
- demonstrate how accommodation demand will be managed during periods of high demand e.g., during key regional events
- document the approach to informing regional accommodation providers of development workforce accommodation demands including anticipated timing
- enables the coordinated placement of the workforce in tourism accommodation throughout the Blayney LGA and other communities of the local area
- keeps key stakeholders informed of predicted accommodation demands across the construction phase

The applicant should explain and justify the expected effectiveness of any proposed measures (including any limitations) and include a discussion of the acceptability of any residual negative social impacts, informed by evidence of that acceptability. (DPE SIA Guideline 2017 (p.44)

In assessing the impacts and mitigations associated with this impact the Department’s SIA team deems the proposed mitigations are not tangible, deliverable and likely to be durably effective. In addition, the applicant’s proposed mitigation measures are disproportionate to the significance of the impacts (as assessed by the applicant in the SIA), in particular how the development would protect the most vulnerable members of the community.

Local Services, Facilities and Infrastructure

“To reduce the impact of the construction and operational phase workforce on services provision in the Blayney LGA, and to ensure existing residents have ongoing access to these services:

- project on-boarding should ensure that construction phase personnel are:

- adequately informed of the range and capacity of health services available in Blayney LGA, service opening hours, and the correct action to take in an emergency and non-emergency situation; and
- aware of the need to take care of routine health requirements in their home communities and mitigate demands on local services;
- early discussions between Regis and local health and emergency services during the project start-up phase to help ensure that project demand is anticipated, and potential impacts are appropriately managed in agreement with service providers;
- development of ongoing consultative arrangements between Regis and Chifley Police Local Area Command to ensure relationships are in place to support emergency responses; and
- ongoing communication with Regis, Blayney Multipurpose Health Service (MPHS), the Blayney Health Council and Blayney emergency service providers to monitor demand and anticipate and respond to changes in the cumulative context (as necessary)”

This ongoing communication and engagement with local service providers committed to by Regis would assist in monitoring demand for a wide variety of community services, including the services raised by DPIE relating to domestic violence, gambling and women’s shelters.” (p.11 RFI Response 30/11/2021)

The applicant’s proposed approach to managing these impacts is through engagement with their workers and with local service providers; and through Blayney Council’s delivery of services via the VPA funding (which may or may not be directed to local services, facilities and infrastructure).

Similar to the mitigation measures proposed for accommodation the mitigation measures relating to the impact on local services, facilities and infrastructure deriving from a population influx are not deliverable by the applicant or likely to be durably effective, as the onus to address the provision of services, facilities and infrastructure would be with Council, Government Agencies, Sporting Clubs, etc. i.e., not the Applicant.

The SIA team has concerns for the vulnerable and marginalised groups within the community and how the project would impact on them.

In summary, the key social impacts of the project-related population influx would be: reduced availability and affordability of accommodation; decreased access to services, infrastructure and facilities and further reduced social cohesion. In turn, this would negatively affect tourism, thus the longer-term aspirations and livelihoods of the community; and potentially displace low-income households and vulnerable peoples.

It is strongly recommended that the applicant involve representatives of Blayney community, representatives of vulnerable and marginalised groups in Blayney and Orange, Blayney Shire Council and Orange City Council’s social services, local tourism industry representatives including Orange360, Government Agencies and Sporting Clubs in preparing the SIMP and CBP to identify mitigation measures that may be acceptable to them. By involving them, there is the potential that the impacts could be reduced in terms of severity or extent; or the sensitivity of those who are impacted could be reduced.

It is recommended that the SIMP and CBP focus on the following:

- Ensure sufficient housing is available for the project workforce without adversely impacting tourism growth or other industries in the region
- Minimise impacts of the project on housing availability and affordability in the Blayney LGA, especially for vulnerable or marginalised people

- Work with local service providers to ensure the services, facilities and infrastructure they provide continue to be as accessible or better to the existing community, with a focus on vulnerable or marginalised people

3.1.9 Community resilience, aspiration and livelihoods in the non-mining sector

As has been experienced in other communities, labour draw from the non-mining sector would significantly negatively affect the community. Social impacts would include: loss of livelihoods, reduced services and facilities, and reduced economic diversity leading to people being increasingly dependent on one industry for their livelihoods.

The shift in patterns of labour would also contribute to a change of community character.

With 60% (367 workers) of the total construction workforce for the mine development and 20% (24%) of the pipeline construction workforce anticipated to be local hires, there would be considerable labour draw from existing local employers (p.22 of the SIA).

The Regional Plan priorities for the Blayney LGA and surrounding LGAs are to have diversified local economies including tourism, agribusiness, transport and logistics.

As is identified in the SIA, communities wish to be actively involved in closure planning early in development so that they can shape their community to be more sustainable and resilient in the long term and leverage the shorter-term investment to achieve this.

In the SIA (Table 38 p.211), construction phase labour demands resulting in labour draw from the non-mining sector impacting economic output and business viability has been assessed by the applicant as major consequence and almost certain. The social risk rating is extreme both unmitigated and mitigated. In addition, the impact of labour demands during the construction phase significantly constraining the labour market of Blayney LGA (Table 38 p.211 of the SIA and Table 18 p.90 of the Amended SIA) has been assessed when unmitigated to be moderate and almost certain. When mitigated the social risk is high.

The proposed mitigation measure “monitor local labour supply and adjust local labour recruitment practices and rates accordingly” (p.139 of the SIA) is not likely to be durably effective as it is a monitoring response, without any defined targets. In addition, the applicant proposed mitigation measure is not proportionate to the social risk.

It is strongly recommended that the applicant involve representatives of Blayney community, representatives of vulnerable and marginalised groups in Blayney, Blayney Shire Council, Chamber of Commerce, representatives of local industries, local tourism industry representatives in preparing the SIMP and CBP to identify mitigation measures that may be acceptable to them in response to the impacts on community resilience, aspiration and livelihoods in the non-mining sector. By involving them, there is the potential that the impacts could be reduced in terms of severity or extent; or the sensitivity of those who are impacted could be reduced. It is recommended that the applicant in preparing and implementing the SIMP and CBP focus on the following:

- minimise impacts of labour draw from the non-mining sector
- enhance diversity in the Blayney LGA economy
- maximise procurement of local businesses

3.1.10 Community cohesion, safety and wellbeing

“The temporary increase in population resulting from the cumulative project context may have a temporary impact on population gender balance, community character and cohesion in Blayney LGA...The influx of temporary population to Blayney has the potential to influence local community perceptions of safety with an increase in occurrence of antisocial behaviour frequently perceived by residents as associated with an influx of mine worker.” (p.179 of the SIA) In Table 38 (p.211 of the SIA) this impact has been assessed by the applicant as moderate and likely when unmitigated; when mitigated the likelihood becomes possible. The mitigated social risk is high.

The anticipated impact includes:

- impact on population gender balance, community character and cohesion
- an increase or perceived increase in crime e.g., antisocial behaviour, drug possession, drink driving and traffic infringements
- an increase in violence including domestic violence
- an increase in sex workers.

The consequence of this is reduced community cohesion, and fears for personal and community safety and wellbeing.

Chifley Police District when consulted on the development provided the following information “Chifley Police District services Blayney. Blayney is serviced by one sergeant and one officer. The Blayney LGA villages has one staff member who operates on a call out basis. All areas are currently staffed by one vehicle. The current district staffing arrangement has not increased alongside population increase and therefore there is a noticeable gap in service provision” p.D-19 Table 10 of the SIA.

The Emergency Service Providers in the region communicated that “There is a risk of limited health service access and potential for poorer health outcomes in Blayney if there is a significant increase in permanent population and in the instance where the medical service is not able to increase capacity” p.D-19 Table 10 of the SIA. They also communicated that there is an “Existing shortage of aged care in Blayney. Services and elderly living at capacity.” p.D-19 Table 10 of the SIA.

The Non-Governmental Organisations when consulted communicated that a potential impact would be “increased demand and limited capacity for identified vulnerable groups within the social housing, medical and aged care sectors” p.D-21 Table 11 of the SIA.

There is a lack of information on the available local social support services relating to domestic violence, refugees, etc presented in the SIA.

The applicant (p.10/11 RFI Response dated 30/11/2021) has committed to “not tolerating anti-social behaviour by employees and contractors and this will be clearly communicated in the induction program that all employees and contractors will have to complete before commencing work on the project”.

The applicant is investigating the establishment of a liquor accord, which is a “partnership between licensed venues, community members, local businesses, local councils, police, and other community groups that work together to develop practical solutions to address alcohol-related issues, anti-social behaviour, and violence in local areas. A liquor accord is currently in place in both Bathurst and Orange. Regis will work with the parties to the accord to monitor any changes in anti-social behaviour during the construction and operational phase of the project, and to

effectively respond to any reported instances of anti-social behaviour identified". (p.10/11 RFI Response dated 30/11/2021).

The mitigation measures in their current form are disproportionate to the impact. A liquor accord may address worker anti-social behaviour, but without further research it is not possible to determine whether it would or would not be durably effective. As the applicant is "investigating the establishment" of a liquor accord, this is not a tangible mitigation measure.

The applicant does not provide a mitigation measure relating to the impact on population gender balance, community character and cohesion.

It is strongly recommended that the applicant involve representatives of Kings Plains and Blayney communities, representatives of vulnerable and marginalised groups in Blayney, Blayney Shire Council social services, Government Agencies including Police and Emergency Services in preparing the SIMP and CBP to identify mitigation measures that may be acceptable to them to address the impacts to community cohesion, safety and wellbeing in Kings Plains and Blayney. By involving them, there is the potential that the impacts could be reduced in terms of severity or extent; or the sensitivity of those who are impacted could be reduced. It is recommended that the SIMP and CBP enhance community cohesion, safety and wellbeing in Kings Plains and Blayney.

4 General Recommendations

Mitigation, monitoring and reporting

In the SIA / EIS the applicant has identified impacts, their significance and proposed mitigations. Many of the proposed mitigations are not proportionate to the impact; and are not deliverable, tangible or likely to be durably effective. The DPE SIA Guideline 2017 p.44 states that "The applicant should explain and justify the expected effectiveness of any proposed measures (including any limitations), and include a discussion of that acceptability." In the SIA there is no explanation or justification of the expected effectiveness and there is no discussion of the acceptability of any residual negative social impacts and no evidence of that acceptability. (DPE SIA Guideline 2017 p.44).

While community surveys that the applicant has undertaken demonstrate that the many residents of Blayney LGA are supportive of the development, there are many near neighbours in Kings Plains who oppose the development. In response it is recommended that the applicant **involve**⁷ the community and stakeholders in the preparation of a Social Impact Management Plan. The plan should include targeted mitigation measures / enhancement measures, commitments, and programs (informed by SMART principles), that are proportionate to the impacts and that directly address each impact. The measures must be tangible, deliverable by the applicant, and likely to be durably effective. For each impact (positive and negative), a desired community outcome must be identified, along with indicators and targets that focus on community outcomes. In developing the SIMP and associated Frameworks it is critical that vulnerable and marginalised groups within Blayney LGA are not made worse off. It is recognised that this is difficult to achieve as good intentioned actions can have unintended negative consequences; and difficult to enforce; however, such an objective to guide the applicant's management frameworks and decision making is recommended as a condition. For each impact, adaptive measures (if the target is not met) must

⁷ IAP2 Spectrum was designed to assist with the selection of the level of participations that defines the public's role in any public participation process. The Spectrum is used internationally. https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf

also be identified. The SIMP should identify: monitoring data to be collected, methodology for collection, monitoring frequency, monitoring responsibility and reporting media and frequency.

Closure and Major Change Planning

It is a DPE expectation that SIAs are life-cycle focused (Table 2 of the SIA Guideline DPE 2017). The applicant's SIA focused on construction and operation, but not closure or potentially other social impacting major change, such as change of operatorship, downturn in the market resulting in the mine suddenly being placed on care and maintenance, but not closed, etc.

Mining activities are temporary. Circumstances change, and often operatorship of mines change. Eventually other activities and land use will follow. To mitigate the impacts of closure and foreseeable-potential major change it is expected that the applicant would engage community and stakeholders early and transparently to co-design plans and address the potential impacts to workforce, business and services, housing, etc.

The plans would be regularly reviewed and would contribute to a shared vision for the future of the land; supporting the community to achieving their vision for their community; managing the process and the associated communities.

It is expected that the applicant would incorporate the following (but not limited to) into their planning:

- Company commitments to the community about how Company will engage
- supporting of regional economic development including a strong focus on economic diversification.
- fostering wider economic activities alongside state and local governments and community development plans
- providing career support and training opportunities to help the local indirect and direct workforce transition to new opportunities as operations wind down
- working with Council and other stakeholders to support the continued use and transition of assets such as housing
- working with local Indigenous groups to ensure areas are looked after for future generations, including plant selection to regenerate land.

It is recommended that this form a consent condition.

Community sentiment surveys

An independent community sentiment survey was commissioned by the applicant and conducted in April and May 2021. It is recommended that an independent community sentiment survey be undertaken every two years over the life of the mine including over the closure period and continue for four years afterwards. The survey should be undertaken by a suitably qualified specialist in social impact management. A baseline would be established prior to the commencement of construction. This may include the existing survey data. It is recommended that this form a consent condition.

The independently-conducted survey would analyse the survey data collected and provide the information back to the communities and to the company in a format that is accessible and useful. The provider would receive the summary of data collected in each local region so they can track how well the operation engages with communities neighbouring their operations. The survey should be complemented by a more in-depth study to provide qualitative insights on community sentiment.

The aggregated data may be used for the following:

- to identify and understand drivers of trust and acceptance of the organisation in community engagement activities, and in various company communication materials and reports
- to inform future decisions and activities of industry and policy makers
- to produce reports and scientific papers
- in a broader program of research that aims to understand the relationships between mining and communities at different levels over time.

Appendix A: Example SIMP

This example SIMP is for demonstration purposes only and is indicative of the specificity required for large, complex State Significant project SIMPs.

Impact / Opportunity	Mitigation / Enhancement	Desired Community Outcome	Indicators	Target	Adaptive measure if Target not met	Data to be collected	Methodology	Monitoring Frequency	Monitoring Responsibility	Reporting
(p.z SIA) Way of life; Livelihoods; Wellbeing – Enabling local Aboriginal participation	(p.x SIA) Local Aboriginal project participation	Improvements for local Aboriginal people's way of life, livelihoods and wellbeing through meaningful participation in the local economy	1. Workforce identifying as local ATSI participation on the project (Contractor and subcontractor) 2. Workforce participation post- training 3. Skill development program	1. As X% of the local population identify as ATSI, then workforce participation to achieve 1.5 times X (contractor and subcontractor) 2. 50% of people who complete the project sponsored training and skill development gain employment (4+ weeks of work, 8+ hours a week)	Justification and alternative legacy co- designed with local Aboriginal community	1. Number of people (local and otherwise) identifying as ATSI employed (contractor and subcontractor) 2. Number of people (and hours worked) who have gained employment post training and participating in skill development programs	Source data from: 1. Contractor and subcontractor monthly reporting 2. Training provider monthly reporting	3 monthly from construction through to operation	Skills Development team	Stakeholder reporting e.g. website update and newsletter to stakeholders (6 monthly)
(p.z SIA) Community cohesion; Safety concerns – deriving from sudden influx of workers	(p.x SIA) Worker (Contractor and subcontractor) Code of Conduct as part of Workforce Plan	No adverse impacts deriving from the project workforce in the community	1. Change in crime rates recorded by the police 2. Change in community experience and perceptions, especially among vulnerable people	1. No statistical increase in crime rates 2. No adverse change in community experience and perceptions, against a baseline	1. Review disciplinary measures in accordance with Code of Conduct (Workforce Plan) 2. Proactive community engagement activities	1. Local police crime statistics 2. Community self-rating of safety. e.g., If there is anywhere, they don't feel safe, why?	Source data from the local police. 1. Incorporate question(s) into the project Community Perception Survey. (Survey to be statistically valid and include vulnerable people.) 2. Consult with CCC members and police regarding community perceptions.	1. Ad-hoc – ongoing as per stakeholder engagement plan. 2. Baseline monitoring prior to works. Continuous through operation.	Community Engagement Team (6 monthly) and independent annual monitoring	Stakeholder reporting e.g., website update and newsletter to stakeholders (6 monthly)