

**File No: 08.010**

15 December 2015

Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

**RE: Submission in Response to the EA on Proposed Modification No 3 to Tomingley Gold Mine (Application Number 09\_0155 MOD 3)**

Dear Sir/Madam,

Thank you for the opportunity to table this Submission on proposed Modification 3 to the Tomingley Gold Mine.

Narromine Shire Council ('Council'), as the host council, believes the proposal has merit however our ultimate support for the Modification is contingent upon prior agreement being reached between the Proponent, the NSW State Government and Council on two key issues, namely:

1. That more robust and demanding noise, dust and blasting conditions are added to the existing consent so that the residents and ratepayers of Tomingley and adjacent environs do not have their lives adversely impacted by noise, dust and blasting operations, as has been evidenced since the project commenced.

Furthermore, that if the Government is of a mind to approve the Modification then the Proponent be required to be more transparent with the local community about how complaints are addressed and the outcome of such deliberations; and

2. That the Planning Agreement (PA), struck at the commencement of the original project is reviewed for adequacy and amended as required before any planning consent is issued.

The Modification seeks approval for extraction of an additional 845,000 t of ore via open cut operations plus an unspecified amount potentially via underground operations.

The current PA runs for eight years (to 24 July 2020) and it appears from the EA that the mining operations are likely to run at least until mid 2021. Further, Clause 19 of the VPA allows for review and amendment of the PA if a Modification to the project is required.

The Submission now elaborates on these matters.

## 1. Prevention of Adverse Impacts on the Residents of Tomingley Village

Council, in its Submission on the original EA flagged that it was likely the residents of Tomingley would be exposed to potential noise, dust and blasting impacts that could compromise their wellbeing. We sought an assurance that safeguards would be robust enough to protect the community. Clearly, more needs to be done in this regard and the Modification provides the opportunity for the Government to deliver improvements.

Council notes that in the 24 months to end November 2015 the complaints register shows 91 complaints, namely:

- 54 regarding noise
- 19 regarding dust
- 5 regarding blasting
- 13 other

### a) Noise Impacts

In its 2012 Submission Council stated **'noise compliance will be difficult because the proposed measures rely in part on daily management of the use of plant and equipment, with adjustments required especially for night-time operations. Such a measure is considered likely to pose major logistical challenges and we seek demanding consent conditions applied to protect our citizens and ratepayers from noise and blasting impacts.**'

Council notes from the minutes of the CCC meeting held on 14<sup>th</sup> May 2015 that the Proponent has provided acoustic treatment to four houses on the perimeter of the village. We note however noise still appears to remain an unresolved issue as 7 of the 9 complaints logged on the public complaints register since that date have related to noise.

The findings of the Independent Environmental Audit ('Audit') dated June 2015 (based on site work done in March 2015) confirm that noise management is an issue. The Audit reports:

*'A review of the complaints register up until February 2015 and the exceedances of the noise criteria reveals that noise is an issue for the local community of Tomingley.*

*TGO have a real time noise monitoring system in place however this is a reactive system as it requires a specialist consultant to filter through the data to determine mine site noise contribution to the overall noise level.*



TGO are aware that certain mining operations and weather conditions will cause noise levels at the receptors in Tomingley that may exceed the criteria, however these have only triggered limited management response and implementation of the Noise Management Plan.' (page 6, Council underlining)

The Audit goes on to state, inter alia:

'The key compliance issues relating to noise were:

- 'TGO were not meeting the noise criteria set out in the Project Approval however they were in the process of entering into agreements with affected residents/landowners.
- Noise exceedances due to mine activity were identified at residence R3 and exceedances were also likely elsewhere within the town. In many cases the noise on the north western area of town was audible even though the noise levels complied at the noise monitoring station.
- As noise levels below the criteria could also be cause for annoyance, TGO adopted a proactive approach and were working towards applying acoustic treatments to all houses in the village where exceedances of the noise criteria is identified.
- An MOU was in place with two residents. TGO planned to acoustically treat up to 14 houses in total. TGO advised that they would delay notification to the DP&E until they had an understanding with all impacted landowners in town.

TGO had a real time noise management system operating at the site however the systems needed further refinement in order to provide more responsive noise management on site. In particular:

- TGO had experienced issues obtaining meaningful data from the real-time noise logger as they also captured noise from trucks and ambient noise from birds and insects. TGO used a noise consultant which analysed the data using filters and statistical noise intervals to exclude non mining related noises. This approach delayed response times to noise data and reduced the opportunity for proactive responses.
- TGO had recently signed up with Weatherzone for better forecasting that would be incorporated with the site weather station.
- Temperature inversion was not monitored however noise complaints had triggered changes in fleet operation.

TGO focused on providing building treatments to impacted residences, however effort is still needed to manage noise from the site in accordance with the NMP.' (page 8)

Aside from the Audit, a Noise Compliance Report dated October 2015 by Noise and Sound Services (fieldwork done in September 2014) found, of the sites monitored, four locations were affected by mine noise and for all or some occasions the EPA noise limit during the evening and night time was exceeded. These were:

- "Ellerslie" Thornycroft Road, Tomingley;
- 40 Myall Street, Tomingley (500m from mine);
- "Budgerie" Genangie Street (800m from mine); and
- 7 Burrill Street Tomingley 750m away from mine).

We seek confirmation that the four said homes have been or are to be applied with sound insulation and we would like to be informed of any other homes to be safeguarded and if any audit or monitoring post-insulation retro fitting to determine effectiveness of work completed.

#### *b) Dust Impacts*

Just as Council had concerns about noise with the original proposal, so too it had concerns about dust. Council stated in its 2012 submission:

*'Whilst the EA states there will be minimal increase in dust levels (p 4-181) with exceedances at up to six houses one day every 3-4 years (p 6-28), **Council is concerned however that, given the close proximity of the mine to the village, there is likely to be some increase in dust on occasions, and that the amount will vary depending on the seasons/weather conditions and the stage of operations of the mine.***

**Council requires consent conditions to be applied that are rigorous enough to protect citizens and ratepayers from dust nuisance and amenity impacts.'**

The Audit confirms dust is an issue with non-compliance documented (page 8 and 9) inter alia:

*Up until 22 October 2014 there were no exceedances of the PM10 24 hour criteria however there had been multiple instances since then where the levels had exceeded the criteria.*

- *During the audit the 24 hr PM10 dust levels were exceeding the criteria and no response to reduce dust was occurring. TGO had the technology in place to alert when limits were approaching but had not incorporated these into everyday site management.'*

On this specific matter the relevant Audit finding stated that *'mining vehicles continued to operate on the waste rock dump and elsewhere onsite even though the recorded dust levels that day were already exceeding the PM 10 criteria'* (page 141).



The Audit also reveals *'The real time air quality monitoring program enables instant checking of the current dust levels at the nearest receptor however there is no alert system on the TEOM meaning that management of dust impacts is reactive and operations are not being matched to weather conditions.'* (page 11)

The Audit also says that whilst TGO was in regular contact with the members of the community in particular those most exposed to mine dust and noise the Audit states that *'TGO did not have processes in place that ensured notification of affected landowners and/or tenants in writing of the exceedances as is required by the Project Approval.'*

c) Blasting Impacts

Given the proximity of the mine to Tomingley village there will be ground and air vibration from blasting and there have been some complaints relating to this issue. Council recommends the inclusion of more robust consent conditions that protect residents and landowners in the event of structural damage to buildings and other infrastructure, together with landholder- favourable 'make good' provisions.

d) Water Impacts

As regards the tailings Residue Storage Facility, the Audit reports that *'TGO personnel advised that the RSF construction report was lodged with the Dam Safety Committee in accordance with the approval. Macquarie Geotech was engaged to verify that the RSF was constructed in accordance with the Environmental Guidelines – Management of Tailing Storage Facilities (Vic DPI, 2004). It was reported that compaction did not achieve the permeability standard required by the Project Approval. There was no evidence to indicate that the achieved permeability standard was approved by the Director General.'* (page 9).

Council requests that it be clarified by an independent expert whether the tailings storage area and associated collection pond do or do not comply with the required permeability standard and that appropriate action is taken if it is found to be non-compliant.

Council is concerned that current and future mining may have impacts on water supply for stock and domestic bores or other bores in the vicinity of Tomingley Gold Operations, if any.

e) General Environmental Performance

Council also recommends:

- That all matters of non-compliance found in the Audit be fully remedied with both corrective and preventative actions by 30 June 2016; and

- That there be a follow up audit in July 2016 to review environmental compliance and to examine all matters of non-compliance flagged in the 2015 audit.

## **2. Planning Agreement**

As the sphere of government responsible for the daily governance of Narromine Local Government Area, Council seeks to balance the benefits of resource industry activity with community wellbeing and long term sustainability.

Council established a VPA with Alkane Resources in 2012 and the conditions therein have worked well to date.

It is understood that in the event that this Modification is approved:

- An extra 845,000 t of ore from open cut operations will be extracted and processed;
- The operations will continue for a further 12 months to mid 2021 (see Alkane Resource 2015 AGM powerpoint presentation, slide 11); and
- A significant quantity of ore has been identified for extraction via underground means, however it is uneconomic to pursue at this time.

In the light of this upscaling, Council plans to meet with the Proponent to review the adequacy of the VPA and to modify as deemed necessary. Council would like this intention incorporated in any consent conditions.

## **3. Dialogue between the Department of Planning & Environment and Other Regulatory Agencies**

Council seeks close co-operation and dialogue with the DP&E and the EPA as they deliberate on the proposed mine modification. To this end, Council requests:

- a) A discussion with DP&E during its evaluation of the EA and other submissions;
- b) A discussion with the EPA and DP&E about more protective noise, dust and blasting consent conditions; and
- c) An opportunity to comment on any proposed draft consent conditions.

These steps are important to Council as we wish to be kept fully informed and engaged in the decision making process.

#### 4. Conclusion

As stated above, Council is of the view that the proposal has merit however our ultimate support is contingent upon satisfactory agreement being reached on:

- Adoption of more stringent environmental safeguards than those stipulated to date so as to better protect the residents and local community of Tomingley from adverse environmental and social impacts arising from noise, dust, blasting and visual impacts; and
- A review of the adequacy of the existing VPA.

We thank you for your willingness to consider these matters.

If you have any queries regarding the abovementioned matters please do not hesitate to contact Mr Greg Lamont, General Manager on telephone 0428 412 683.

Yours faithfully



Greg Lamont  
**General Manager**