

Summary of compliance actions – Broula King Gold Mine

As at 11 July 2023

NSW Resources Regulator Compliance Actions

Date of Notice	Notice No.	Description of Notice	Actions Required	Date of Compliance	Actions taken by BKJV
9 July 2019	s.240 Direction notice NTCE0002870	Directions requiring the preparation of a MOP to extend Care and Maintenance while also outlining final rehabilitations plans and an updated Rehabilitation Cost Estimate (RCE)	- Prepare MOP	31 October 2019	On 21 December 2020, BKJV submitted a revised MOP for ML 1617 (after extensions)
9 July 2019	s.240 Direction notice NTCE0002871	Directions requiring an independent expert report on chemical and geotechnical issues associated with the TSF wall	<ul style="list-style-type: none"> - Appoint expert to complete site-based performance and risk assessment of TSF - Prepare and submit a report of the findings by the expert 	29 November 2019	R.W Corkery & Co Provided report to NSW Resources Regulator in relation to NTCE0002871 on 23 December 2019
9 July 2019	s.240 Direction notice NTCE0002873	Directions requiring an independent expert report on drainage and erosion control measures on site	Not provided	31 October 2019	Unknown
9 March 2020	Notice of Investigation (0592-2018, NCG0001738, NCG0002462 and NCG0002463);	<p>Investigation into following allegations:</p> <p>Failure to submit a Mining Operations Plan (MOP) as required by condition 3 of ML 1617 and</p> <p>Erosion and acid drainage issues identified in the vicinity of the tailings dam wall on ML 1617</p> <p>Failure to comply with a direction in relation to the submission of a MOP (NTCE0002870).</p> <p>Failure to provide a performance and risk assessment into the tailings dam wall to the satisfaction of the Department</p>	Nil	N/A	Nil

Date of Notice	Notice No.	Description of Notice	Actions Required	Date of Compliance	Actions taken by BKJV
29 July 2020	Penalty Notice (3148489448)	Penalty Notice for failure to comply with a s.240 direction in relation to the submission of a MOP (our reference NTCE0002870). This constitutes a contravention of s.240C of the Act.	- Submit MOP to Resources Regulator by 30 September 2020	30 September 2020 (MOP)	On 21 December 2020, BKJV submitted a revised MOP for ML 1617 (2020 MOP)
29 July 2020	Penalty Notice (3148489457)	Penalty Notice for failure to comply with a s.240 direction to provide a site-based performance and risk assessment into the tailings dam wall, prepared to the satisfaction of the Department (our reference NTCE0002871). This constitutes a contravention of s.240C of the Act.	- Prepare report in relation to NTCE0002871	N/A	R.W Corkery & Co Provided report to NSW Resources Regulator in relation to NTCE0002871 on 23 December 2019
4 May 2021	NTCE0008212 Notice of Concerns	Notice of Concerns in relation to TSF being used to store surface run off water & there is a "hole" at the top of the TSF which has "increased the risk of piping failure".	Nil	N/A	Unknown
30 June 2021	NTCE0008216 Improvement Notice	Directions: <i>1. Review and implement a system for inspecting free board (markers) and a process for inspecting and recording the Broula King Inspections.</i> <i>2. Review and implement a system for inspecting the decant pond stand off (markers) from the embankment wall and a process for inspecting and recording the Broula King Inspections.</i>	- Implement system for inspecting free board (markers) - Implement system for inspecting decant pond stand off (markers) from the embankment wall	30 June 2021	Unknown

Date of Notice	Notice No.	Description of Notice	Actions Required	Date of Compliance	Actions taken by BKJV
1 November 2021	NTCE0009088	<p>s.240 Directions Notice</p> <p>Direction 1:</p> <p>Complete the works nominated in the RGS TECHNICAL REPORT Broula King Gold Mine: Stage 2 Geochemistry Assessment (RGS 2020) and the Broula King Mine Site TSF Embankment Acid Drainage Containments Report, Trevor Clark & Associates (TCA 2020) to achieve the following:</p> <p>Direction 2: Prepare and submit Progress Report on works outlined in Direction 1</p> <p>We enclose a copy of the RGS TECHNICAL REPORT Broula King Gold Mine: Stage 2 Geochemistry Assessment (RGS 2020) which relates to work required under NTCE0009088.</p>	<p>Reprofiling of the TSF wall to the nominated "2020 Encapsulated Profile" nominated in Drawing no. M/BK/TSF_CE-1120 (TCA 2020).</p> <p>install the nominated cover system to effectively encapsulate PAF on the existing TSF wall.</p> <p>Construction of a long-term stable landform over the TSF wall that supports the final landuse approved for this domain. The final landform design must take into account design criteria for closure of tailings facilities provided in ANCOLD Guidelines on Tailings Dams, July 2019, and the ICMM Global Tailings Standard, August 2020....</p>	<p>Direction 1: 29 April 2022</p> <p>Direction 2: 17 December 2021</p> <p><u>Direction 1</u></p> <p>Extension granted to 28 December 2022.</p> <p>By letter dated 14 Sept 2022 Daryl Young requested further extension of time to 30 June 2023.</p> <p>Extended until 31 December 2023 (As per NTCE0011470)</p> <p><u>Direction 2</u></p> <p>RR assess as 'Failed to Comply'. Official Caution letter issued 12</p>	<p>It is our understanding these works to the TSF wall have not been completed.</p> <p><u>Direction 2</u></p> <p>Progress Report was submitted 20 January 2022 (RR Ref: AREQ0024951).</p>

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				July 2022 (LETT0007394) for non-compliance.	
12 July 2022	NTCE010010434 Variation to NTCE0009088				
17 October 2022	Improvement Notice under s.191 of <i>Work Health and Safety Act 2011</i> NTCE0011060	During an inspection at the Broula King Gold Mine on the 14 October 2022 it was identified that a large amount of water is stored on top of TSF1. Recent heavy rainfall of over 100mm in the first two weeks of October 2022 has contributed to the water accumulated on the TSF1. Heavy rainfall is forecast to continue in the area over coming months. The design report of the Broula King Mine TSF 1 (Broula King Gold Project - Tailings Storage Facilities - Design April 2003) requires operational control measures for water management on TSF1 to protect the TFS1 from catastrophic failure from overtopping. The design report requires that TSF1 have a 1.0 metre freeboard with diversion drains established to contain a 1 in 100 year rainfall event of 72 hours duration with a factor of safety of > 1.5. The design report also assigns a hazard rating for TSF 1 as "Low" and a contingency plan matrix is included.	The Mine operator must ensure the following: 1. That the water currently stored on TSF1 is reduced to ensure that the 1.0 metre freeboard requirements is maintained and the hazard rating for TSF1 is maintained as "Low". 2. That a trigger action response plan (TARP) is prepared and implemented for TSF1 to replace the design report contingency plan matrix. 3. That drained and undrained stability assessments are undertaken by an competent person for the TSF1 that include a factor of safety calculation.	20 January 2023	

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21 December 2022	NTCE0011470 Variation to NTCE0010434	<p>Direction 1- due 31 December 2023</p> <p>Submit a report prepared by a suitably qualified geotechnical engineer that validates that the works nominated in the 'TECHNICAL REPORT, Broula King Gold Mine: Stage 2 Geochemistry Assessment', dated 17 December 2020 and prepared by RGS Environmental Pty Ltd (RGS 2020) and the 'Broula King Mine Site, Tailings Storage Facility Embankment, Acid Mine Drainage Containment, November 2020' report prepared by Trevor Clark & Associates (TCA 2020) have been completed.</p> <p>The report must validate that the works have achieved the following:</p> <ul style="list-style-type: none"> i. Reprofilling of the TSF wall to the nominated "2020 Encapsulated Profile" nominated in Drawing no. M/BK/TSF_CE-1120 (TCA 2020). ii. Install the nominated cover system to effectively encapsulate PAF on the existing TSF wall. iii. Construction of a long-term stable landform over the TSF wall that supports the final landuse approved for this domain. The final landform design must take into account design criteria for closure of tailings facilities provided in ANCOLD Guidelines on Tailings Dams, July 2019, and the ICMM Global Tailings Standard, August 2020. <p>Direction 2- due <u>31 March 2023</u></p> <p>Prepare and submit a progress report on the measures/actions undertaken to address Direction 1 of this Notice to the Regulator.</p>	<p>Reprofilling of the TSF wall to the nominated "2020 Encapsulated Profile" nominated in Drawing no. M/BK/TSF_CE-1120 (TCA 2020).</p> <p>Install the nominated cover system to effectively encapsulate PAF on the existing TSF wall</p> <p>Construction of a long-term stable landform over the TSF wall that supports the final landuse approved for this domain.</p>	Direction 1: 31 December 2023	

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		<p>As a minimum the report must include the following:</p> <ol style="list-style-type: none"> 1. A summary of all works undertaken to commence the remediation of the TSF 2. Information detailing the progress of seeking any approvals required under other relevant legislation in order to complete the TSF remediation works 3. Progress with sourcing construction material (e.g. clay) required to complete the remediation works on the TSF 4. A Forward plan for completion of works required by Direction 1 detailing key milestones and due dates. <p>Submit the report, identifying NTCE0011470 in the email subject line, to nswresourcesregulator@service-now.com</p> <p>Direction 3- Due <u>30 June 2023</u></p> <p>(Same as Direction 2 above)</p> <p>Direction 4- Due <u>30 September 2023</u></p> <p>(Same as Direction 2 above)</p>			

EPA Compliance Actions

Date of Notice	Notice No.	Description of Notice
17 September 2013	Official Caution	<p>Several non-compliances with the requirements of the licence during the 2012/2013 Annual Return reporting period which included:</p> <ul style="list-style-type: none"> • an exceedance of the cyanide (weak acid dissociable) discharge quality limit at licence point 1; • a failure to undertake all of the water quality monitoring required by the licence at licence point 1;and • a failure to undertake all of the required standing water level, conductivity and pH monitoring at points 2, 4, 5, 6, 7, 8, 9 and 10
3 October 2014	Show Cause Letter (Notice 1525583)	<p>Several non-compliances with the requirements of the licence during the 2013/2014 Annual Return Reporting period which included:</p> <ul style="list-style-type: none"> • an exceedance of the cyanide (weak acid dissociable) discharge quality limit at licence point 1; • a failure to undertake all of the water quality monitoring required by the licence at licence point 1; • a failure to undertake any monitoring at licence point 3; and • a failure to undertake all of the required standing water level, conductivity and pH monitoring 2, 4, 5,6, 7, 8, 9 and 10
8 November 2016	Official Caution	<p>Non-compliances with conditions L2.4 and L3.1 of EPL12845</p> <ul style="list-style-type: none"> • Exceed water quality limits; • Provide false/misleading statement in annual return (as to whether licence was complied with in AR) • Fail to make monitoring data available on website • Not test pollution incident response management plan
30 January 2017	Penalty Infringement Notice \$15,000.00	<p>Non-compliances with 2015/2016 reporting period which relate to a failure to undertake all of the monitoring required by the licence.</p> <p>BKJV also did not provide any details as to why the required monitoring was not undertaken in the 2015/16 Annual Return</p> <p>Breach of s 64(1) POEO Act</p>

