

Submission
No 65

**INQUIRY INTO CURRENT AND POTENTIAL IMPACTS OF
GOLD, SILVER, LEAD AND ZINC MINING ON HUMAN
HEALTH, LAND, AIR AND WATER QUALITY IN NEW
SOUTH WALES**

Organisation: Summer Hill Creekgate Inc

Date Received: 4 September 2023

NSW Legislative Council Inquiry into “Current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales”

Submission to Select Portfolio Committee No. 2 – Health

5th September 2023

**Submission made by: Summer Hill Creekcure Inc
870 Ophir Rd, Summer Hill Creek NSW 2800**

Dear Committee Members,

This submission is made by Summer Hill Creekcure Inc (SHCI), a Landcare group which aims to improve the health of the Summer Hill Creek catchment and provide social activities, relating to landcare, for residents and other interested people. Summer Hill Creekcure Inc has been responsible for significant riparian restoration projects in the upper reaches of Summer Hill Creek on the outskirts of Orange, NSW including removal of invasive willows and revegetation with endemic native species.

SHCI has been involved in discussions and meetings regarding the extensive and ongoing harvesting of surface water from the Summer Hill Creek water source by Orange City Council for domestic supply and for onward supply to Cadia mine. Summer Hill Creek is the primary water source for Orange City. Offtake is currently provided by Spring Creek Dam and Suma Park Dam as well as a stormwater harvesting scheme, with other decommissioned storage structures still extant in the catchment and also removing natural flows from the creek. Please refer to [attachment 1](#). *“Infrastructure and Diversion History of Summer Hill Creek”* (Denis Marsh 2021) for full details. This document was produced as part of SHCI efforts to prevent the construction of additional storm water harvesting infrastructure on Blackmans Swamp Creek which is the primary source of natural flows in Summer Hill Creek.

The critical piece of this document (underlined in the attachment) and the reason for our submission to the Select Committee is the 1996 decision made by Orange City Council to sell a minimum of 10 megalitres up to 13 megalitres per day of treated waste water to Newcrest’s Cadia gold mine. The physical supply of water commenced in 1998.

Prior to 1998 the water that is now supplied under contract to Cadia mine was returned to Summer Hill Creek. The ‘process flow’ saw the water extracted / stored in municipal storages, treated and supplied to the population, then treated again after use and discharged back to the catchment from where it had been drawn. The impacts of this process were to smooth many of the natural highs and lows in the water source and to ‘underwrite’ the flows in Summer Hill Creek downstream of Orange City. However, the decision to supply Cadia resulted in that 10 to 13 ML per day supply being removed from the Summer Hill Creek (and Macquarie Bogan) catchment altogether and instead being transferred to the Belubula (Lachlan) Catchment. We believe this is an unprecedented water loss from one catchment to another in all NSW Water Sharing Plans and the effect has been ignored for the 25 years that it has been happening.

The effect of this loss of water from the catchment has never been studied or documented. There have been desktop studies done by consultants to Orange City Council which unsurprisingly support Council’s requirements to extract water from the system. However, no thorough independent study of the aquatic ecology has been performed and the true impact on the catchment and its waterways and on the aquatic biodiversity of Summer Hill Creek is therefore unknown.

The contract between OCC and Cadia for the supply of water has not been published and remains, according to the Council, Commercial In Confidence. However, a document published by Council here: <https://www.orange.nsw.gov.au/wp-content/uploads/2019/10/4-Technical-Note-2-Orange-Water-Resources.pdf> and included as attachment 2. indicates that the supply of water was initially offered to Cadia only to avoid the need for OCC to pay to discharge the treated effluent to the environment – from Page 98 *“The water supply agreement benefits Council by saving an average of around \$50,000 per year in load based licence fees that would be incurred if the effluent was discharged to Blackmans Swamp Creek”*. It also notes on Page 97 that in 2019 a new contract was under negotiation *“including possibly placing a financial value on the recycled water.”* This implies that the current contract allows Cadia to take at least 3650 ML per annum of water at no cost to the company, an extraordinary situation if it is indeed the case.

The impact on the Summer Hill Creek waterway and the aquatic biodiversity observed by residents and users of this natural resource is clearly adverse in terms of the aquatic ecology and biodiversity. During extensive dry periods such as those experienced during the Summers of 2018 and 2019 natural flows ceased in multiple locations. Refer attachment 3. *“Cessation of flow in SHC 2019-2020”*. Until 1998 locations such as “The Fourth Crossing” documented in the attachment were supported by either the attenuated flows from the OCC treated discharge or by unimpeded natural flows fed by multiple natural springs in the upper reaches of the catchment. SHCI believes this impact on the waterways its’ aquatic biodiversity has been completely overlooked as Cadia and Orange City Council work together to secure water from the catchment in their own interests. SHCI is also aware of significant adverse impacts on irrigation license holders on Summer Hill Creek who have seen significant impairment of their entitlements due to the activities of Cadia and OCC upstream.

Further, SHCI believes that the processes which OCC and Cadia have used to gain approvals for their actions have been opaque and have deliberately tried to exclude any other parties who may have an interest in the processes and their outcomes. In one typical example this has been demonstrated through recent changes to the Water Sharing Plan that governs this waterway. The changes clearly benefit Orange City Council’s submission to build additional stormwater harvesting infrastructure were made despite not clearly meeting the DPE published Water Sharing Amendment protocol (attachment 4).

Summer Hill Creekcure would like to thank the Committee for the opportunity to submit and we look forward to greater scrutiny of the effects of the mining industry on the aquatic environments in NSW.

Yours faithfully,

Summer Hill Creekcure Inc.