

**Submission
No 80**

**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: Mudgee District Environment Group

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The Director
Portfolio Committee No. 2 - Health
Parliament House

Tuesday 5th September 2023

Submission - Parliamentary Inquiry

Current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales

Introduction

Mudgee District Environment Group (MDEG) has been working for the conservation and protection of our environment and community for more than 30 years. We have great concerns about the potential impacts of metals mining and we are pleased to have the opportunity to present these concerns to you.

The [Bowdens silver, lead and zinc mine](#) at Lue near Mudgee was approved by the Independent Planning Commission (IPC) in April 2023. It has major potential impacts that we believe have not been adequately assessed or recognised through the planning system. MDEG strongly objects to this mine and submits that the planning system has failed in its responsibility to the environment and people of New South Wales.

The MDEG submission to the Bowdens IPC is referred to in this submission and attached (Attach A). This document can also be accessed on-line at <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/project-submissions/2022/12/bowdens-silver/20230224t122349/mdeg-submission-to-ipc-bowdenspdf.pdf>

It contains an analysis of the [Department of Planning \(DPE\) Assessment Report](#) of this mine focussing on Assessment of Water Resources Section 6. Briefer comments are provided on other issues within the Assessment Report. Inconsistencies within the Assessment Report are identified and uncertainties within the project are highlighted. References are provided.

We believe this case study provides a clear example of potential impacts of metals mining as provided by expert reports, and the shortcomings of the planning system.

Human health

Particulates, exposure to heavy metals, silica and gaseous pollutants are all associated with lead mines. The associated health risk is greatest for neighbours; however it is known that dust (with the accompanying metals) travels around the globe. The Bowdens Mine project decreased the water

provision for dust suppression by 30% without any reason given. MDEG believes this change is unacceptable. DPE did not question this change. (Attach A p12)

Within the Bowdens documents there is no recognition of the effects of changes in weather patterns, and increased drought and wind predicted as a consequence of Climate Change.

'There are many aspects of the project which will increase noise levels. This will have negative impacts on residents, wildlife, farm and domestic animals. The Noise Policy for Industry actually favours the developer, to the detriment of the rural landholder. One example is the background noise level is assumed at 30dB, when in reality is often much lower in rural areas.' (Attach A p12)

Road noise, blast noise and vibration also have heavy impacts on local residents. The cumulative effects of dust and noise creates a major health risk for all residents.

Environmental health

Water

'Mr Middlemis and DPE Water were generally satisfied...Nonetheless...did raise some residual concerns'. The 'residual concerns' are significant: 'a tendency towards bias in some aspects of the reporting, in terms of its generally positive narrative and often dismissive treatment of negative implications.' 'This reviewer finds that the final void uncertainty analysis report (Corkery 2022b) also exhibits a tendency towards bias.' ([DPE Assessment Report para 86](#))

The water issue is of critical importance to the Bowdens project's viability and safety. Issues were raised in papers provided to DPE. DPE has been selective in its use, and biased in its interpretation of its own expert reports.

The important Groundwater Assessment Review was received by DPE 3 days before they announced their Recommendation of Approval. It is clear DPE has not considered all issues presented to them. (Attach A p7)

Groundwater Dependent Ecosystems

Mining has a severe detrimental impact on these fragile and significant areas. In this case, this impact could reasonably be expected to encompass both the springs within the Bowdens' site as well as those in the adjacent areas which will be affected by groundwater drawdown.

DPE has asked for 'protection' of these systems. How can 'protection' occur when the activity planned will remove the groundwater that is necessary for the protection? (Attach A p9)

Biodiversity

The Bowdens project proposes to clear 180ha of Critically Endangered Ecological Communities. DPE acknowledges that Box Gum Woodland and the Regent Honeyeater are considered likely to be significantly impacted.

It is disingenuous that DPE 'considers that biodiversity impacts could be effectively managed under a Biodiversity Management Plan - that, *subject to conditions*, the project *could* be undertaken in a manner that would result in acceptable short-term impacts on biodiversity values and the proposed offsets would result in improved biodiversity outcomes in the medium to long term.' How can destroying critically endangered ecological community habitat possibly improve biodiversity outcomes? (Attach A p13-14)

The regulatory framework

DPE Assessment: Agency Advice

Most Agencies were not satisfied with the Bowdens EIS. The planning and design of this mine in this location is not adequate. Agencies repeatedly asked for more detail, data and monitoring.

In most of these cases DPE indicate the requirements from the Agency have been included in the Conditions of Consent by way of requesting management plans. Plans should be presented for peer review and public commentary before any approval is recommended.

DPE appears to be relying on these unwritten plans to answer the concerns and criticisms of Agencies. (Attach A p5)

DPE Assessment: Expert Reports

DPE has claimed to accept the advice of its own independent experts and those provided by Lue Action Group (LAG), yet still recommends approval of the project. This is an inconsistent stance.

Most agencies and independent experts have been heavily critical of the proponent's analysis of issues. Yet, DPE has accepted the proponent's analysis and expects that unresolved technicalities and other management issues will be addressed after Approval. (Attach A p6)

The Department's claim that the expert advice provided by LAG was considered in its assessment must be questioned.

The authors listed are not referred to anywhere else in the document (with the exception of Professor Mark Taylor in regard to lead in 6.2) – this is verified by desktop word search. There is no discussion of their contribution or response to the critiques provided or issues raised. There is no evidence of their advice being considered.

All assessments must be utilised in decision-making, particularly those which give a contrary or negative view – thus employing the precautionary principle. It is important to note that the LAG reports relating to water give significant additional information and identify flaws in the available documents.

It appears that DPE is selective in the material it has presented in its Report. It does not give credence to contrary evidence, and under-reports the range and strength of risks identified in these papers. (Attach A p6)

DPE: Assessment Report

An examination of the documents published reveals an amount of disagreement between the proponent and DPE experts. In some instances the proponent has engaged counter experts to support their view. The DPE experts continue to provide recommendations to DPE regarding the need for revised methodology, increased rigour, addition data or evidence. However, DPE has only requested additional plans and monitoring (which indicates an impact is already occurring) from the proponent. (Attach A p16)

Within the [DPE Planning Portal](#), 32 Additional Information documents are published. Eight of the documents listed (25%) were received on or after 1st December 2022. Thus, DPE had less than 21 days to assess the issues, feedback and recommendations contained within these documents, before they announced their Recommendation. This suggests a highly rushed and limited assessment of them and perhaps implies that an Approval had already been decided.

IPC

The IPC approved the Bowdens mine and their Reasons for Determination can be read here.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-5765%2120230405T033951.313%20GMT>

The Commissioners 'acknowledge' impact, 'recognise' concerns and 'note' submissions. Regardless of the evidence presented, they agreed with DPE's Assessment. Some additional Conditions of Consent were imposed.

MDEG is concerned that the IPC may have questionable independence. One of the Commissioners who heard this case has long and extensive ties with the mining and mining equipment industries.

Recommendations

We submit the following matters for your consideration:

- Cumulative regional impacts need to be assessed and considered by DPE
- This inquiry should be extended to include coal mining which has similar impacts on human and environmental health, with similar shortcomings in the assessment procedures.
- The DPE and IPC assessment procedures should be reviewed to eliminate bias, increase transparency and ensure that full scientific rigour of any project is validated prior to any approval.
- An inquiry into the function and practice of the IPC should be held
- The EPA and Department of Health must have strong roles in the assessment procedure
- Conditions of Consent must be stronger and greater penalties in place for breaches
- Post-approval adherence to Conditions of Consent must be stringently monitored and enforced by independent government agencies. Monitoring must be in real time with published results and strong penalties in place to ensure that human and environmental health is protected.
- Merit appeal rights should be reinstated to ensure that transparent independent assessment of projects occurs

Thank you for the opportunity comment.

Yours sincerely,

Rosemary Hadaway

Chair: Mudgee District Environment Group