

Submission
No 85

**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: The Wilderness Society

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The Wilderness Society's submission to:

**Inquiry into current and potential
impacts of gold, silver, lead and
zinc mining on human health, land,
air and water quality in NSW**

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About us

The Wilderness Society is an independent, community-based, not-for-profit environmental advocacy organisation. Our vision is to transform Australia into a society that protects, respects and connects with the natural world that sustains us. We are committed to protecting, promoting and restoring wilderness across the continent for the survival and ongoing evolution of life on Earth. From community activism to national campaigns, we seek to give nature a voice to support the life that supports us all. We are powered by more than 150,000 supporters from all walks of life.

Submitted to:

Portfolio Committee No. 2

NSW Parliament Legislative Council

Sent via www.parliament.nsw.gov.au

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The Wilderness Society welcomes this opportunity to make a submission to the inquiry on current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in NSW.

In particular, this submission draws on the Wilderness Society's experience campaigning to protect areas in close proximity to the Bowdens silver, lead and zinc mine at Lue, which is on the doorstep of Wollemi National Park within the Blue Mountains World Heritage Area. This mine is directly adjacent to the Hawkins-Rumker area, which was a proposed area for coal exploration that was ruled out by the NSW government after a sustained campaign from the local community, with support from the Wilderness society and others. Additionally, the mine is on the doorstep of the Ganguddy-Kelgoola area, which was also proposed for coal exploration and subsequently ruled out, and parts of which are currently being considered for addition to the National Heritage List for the Blue Mountains World Heritage Area—as a step towards inclusion in the World Heritage listing.

The Wilderness Society submission focuses on raising several key points in relation to:

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- The importance of assessing how mining projects in areas of World Heritage value will compromise other land uses, such as nature-based tourism, that are critical to local livelihoods and better protecting the environment
- Concerns around misuse of the term 'critical minerals'
- The failure of planning processes to give the community a fair say in the assessment process for mining projects

These points relate to terms of reference:

- (b) the impact on catchments and waterways, affecting both surface and groundwater destined for, local and town water supplies, including rainwater tanks, and on aquatic biodiversity
- h) whether the regulatory framework for heavy metals and critical minerals mining is fit for purpose and able to ensure that the positive and negative impacts of heavy metals and critical minerals mining on local communities, economies (including job creation) and the environment are appropriately balanced
- (i) any other related matters

Point 1. Insufficient consideration of biodiversity/nature and the tourism economy in mining assessment process

The location of the Bowdens silver, lead and zinc mine at Lue is within a landscape that acts as a buffer zone to impacts of the Greater Blue Mountains World Heritage Area. The economy in the region is transitioning away from coal and cement to sustainable agriculture and nature-based tourism. The concerns of locals regarding the impacts of the mine on the region's flourishing tourism industry, which is based in large part on its proximity to national parks within the Greater Blue Mountains World Heritage Area, have been documented in submissions to the Independent Planning Commission and in [media reports](#). The development of this mine seems to reflect the absence of a long-term view about short-term mining projects that have lasting impacts and consequences. This

is typical of the NSW approach to planning in that the natural systems and enduring economic base are made subservient to the whims of mining speculators.

Likewise, the approach is designed to provide ‘certainty’ to mining proponents, while delivering long-term uncertainty to residents and the natural environment. For instance, the neighbouring crown land system, incorporating areas such as Growee Gulch, are worthy of reservation in the national parks system—yet they remain unconserved subject to endless speculative exploration licences. Despite being previously identified as having clear National Heritage values and regardless of ministerial support to incorporate these areas into the Blue Mountains National Heritage listing, the state forests of Nullo Mountain and Coricudgy were presented as future coal fields by the previous NSW Government.

Point 2. Misuse of critical minerals designation

A “critical mineral” designation or branding should not lower the planning and environmental bars for assessment of projects because this would invite serious corruption risks. It is worth noting that most international designations for critical minerals (including the official Australia list) do not include gold, silver, lead or zinc as critical minerals. The term is becoming increasingly misused. The NSW government designation of some of these minerals as “critical” is nonsensical and nothing more than a marketing exercise. It is plainly obvious that industries lobby to be included in such lists and the original purpose of identifying materials absolutely essential for climate transition or those extremely vulnerable to supply chain restrictions has been lost. For instance, zinc and lead are often subject to significant global surpluses of supply and the overwhelming end use of silver is still in discretionary items like jewellery and silverware.

No mining project should be subject to special treatment that overrules basic environmental and heritage protections or planning approaches, including for critical minerals. To do so would erode public confidence in environmental decision-making and open up the system to the point that lobbying for a “critical mineral” designation could potentially pave the way for an otherwise unlikely approval. Therefore, the designation of a mineral as being critical (currently determined with few checks and balances or oversight) would become a major new corruption risk in the environmental and planning system.

Point 3. Lack of environmental community rights in the planning process

The Wilderness Society notes the strong local opposition to mining proposals in the region adjacent to Wollemi National Park in the Blue Mountains World Heritage Area, informed by concerns about health impacts as well as conservation of World Heritage value areas and impacts on the growing tourism economy in the region.

The planning assessment of the Bowdens silver, lead and zinc mine at Lue demonstrates one of the most problematic examples of the denial of community rights in environmental decision-making within NSW environment and planning laws. That is that in NSW, communities are denied the right to a merits review (i.e. a reconsideration of a

decision based on its merits) in cases where approval was granted by the Independent Planning Commission following a public hearing.

This was one of the key failures of NSW environment and planning laws highlighted in the Wilderness Society's report, 'Who holds the power? Community rights in environmental decision-making', based on legal analysis from the Environmental Defenders Office. The report assesses the extent to which environment and planning laws enshrine community rights—the right to information, participation and justice—as established in Principle 10 of the United Nations Rio Declaration on Environment and Development.

Merits review, as a component of the right to justice, is critical for ensuring transparency in decision-making and accountability of decision-makers, which in turn deters corruption,¹ and that the best decisions are being made in line with the intent of the legislation.² However, most major projects in NSW have had objector appeals to the Land & Environment Court removed by way of an Independent Planning Commission hearing, which are requested by proponents in order to deny the community's right to merits review.

¹ Independent Commission Against Corruption, Anti-corruption safeguards in the NSW planning system (2012).

² Professor Graeme Samuel AC. Independent Review of the EPBC Act (2020, p. 11).