

**Submission
No 99**

**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**

Name: Mr Rob Wannan
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Dear Committee Members

I am a frequent visitor to Lue and Mudgee where my family lives and, with my family, I own agricultural holdings in the Mudgee District.

Terms of Reference

The terms of reference of your Inquiry into current and potential impacts of gold, silver, lead and zinc mining on human health generally as well as on land, air and water quality in NSW are divided into four sections.

1. The **impacts** on health, surface and groundwater and land and soils and related agricultural production of gold, silver, lead and zinc mining.
2. The **adequacy or effectiveness** of regulatory authorities and the New South Wales Government in properly overseeing compliance, regulation, decommissioning and rehabilitation and regulating and improving outcomes for in each case safeguarding and improving human health.
3. Whether the regulatory framework for critical minerals and heavy metals mining is **fit for purpose**.
4. Any other **related matters**.

My submission

My submission relates principally to the terms of reference referred to in numbered paragraph 3 above, some related matters and specifically to how Bowdens lead, zinc and silver mine at Lue ("**Bowdens Mine**") is an example of how the regulatory framework for the assessment of heavy metals and critical minerals mining in New South Wales fails to ensure that the positive and negative impacts of that mining on local communities, economies (including job creation) and the environment are properly assessed and appropriately balanced. Those local communities include Lue, Rylstone, Kandos and Mudgee.

We all believe that human health and the health of our land, air and water are vitally important. Whilst the NSW Government wishes to take financial advantage of the benefits of mining of our minerals, its aim and its practice must always be to balance, for current and future generations, the benefit of mining these minerals with the adverse impacts in doing so.

Sometimes the potential adverse impacts of mining will outweigh the benefits. Bowdens Mine, which is yet to gain all approvals and commence mining, is one such example. Where mining has commenced, the related benefits and adverse impacts need to be properly assessed and regulated. Hence your Inquiry for which I and many others thank you.

Fit for Purpose or Predetermined Outcomes – True or False?

Like many, I was surprised to read on page 74, paragraph 467, of the NSW DPE's Assessment Report into the Bowdens Mine, where the Department was discussing the financial benefits of that Mine, that its view was:

*"While these direct financial benefits are not as large as many other mining projects and are significantly lower than a typical coal mine would generate, the department notes the strategic importance of the mine to the New South Wales economy. In this regard, **the New South Wales government is committed to building on the state's potential to become a major global supplier and processor of critical minerals and high-tech metals, including silver and zinc, and to reducing its***

reliance on the column fossil fuels mining sector. The Bowden silver deposit is the largest undeveloped silver deposit in Australia and one of the largest globally, and development of the project would be consistent with the New South Wales government vision and commitment."

This Statement by NSW DPE is an extraordinary comment from a Government Agency charged with the responsibility of ensuring that the positive and negative impacts of heavy metals and critical minerals mining on local communities, economies and the environment are appropriately balanced. It shows a clear bias towards approval of Bowdens Mine and totally unrelated to the merits of Bowdens' Mining Application. It is also misleading and inaccurate for several reasons, including:

- This statement by NSW DPE about the Government's commitment was relied upon by it in ignoring the weight of evidence before the IPC and in recommending approval of Bowdens Mine. As was pointed out by several presenters at the IPC Hearing, NSW DPE overlooked the advice of its own experts including the Centre for International Economics, Earth Systems and others who questioned the benefits of Bowdens Mine and even so recommended approval.
- The statement by NSW DPE that the *"Bowdens silver deposit is the largest undeveloped silver deposit in Australia and one of the largest globally"* is meaningless hyperbole, however it undoubtedly influenced the decision-making of the New South Wales Government Agencies with the result that they ignored the weight of evidence relating to the adverse impacts of Bowdens Mine. There are of course many undeveloped silver deposits in Australia and globally which no doubt are of a significant size and not a small mine like Bowdens Mine. As NSW DPE itself stated Bowdens Mine is *"not as large as many other mining projects"*.
- The statement that NSW DPE *"notes the strategic importance of the [Bowdens] mine to the New South Wales economy"* is again a grossly misleading comment. The strategic importance and potential benefit of Bowdens Mine to the New South Wales economy, or even the local economy, is small beer in real terms, and even when compared to the economic benefits contributed by many local businesses to those economies which have not have the benefit of a rails run bestowed on them by the New South Wales Government of supposedly being a *"State Significant Development"*.
- The statement by NSW DPE that *"the New South Wales government is committed to building on the state's potential to become a major global supplier and processor of critical minerals and high-tech metals, including silver and zinc"* is an admirable commitment by the Government and hopefully will in most instances result in a benefit to the local and New South Wales economies. That commitment and its potential benefits however need to be critically analysed and balanced by the New South Wales Government Agencies in the context of the adverse impacts. This Government commitment was not properly balanced by those Agencies in the case of Bowdens Mine against the social, economic and environmental costs of extraction in areas of high tourism or agricultural value and the Lue Village within two kilometres from the Mine. Instead, those Agencies were transparently wedded to the Government's commitment without proper regard to the weight of evidence before them.

The performance of the New South Wales Government Agencies and the Independent Planning Commission in relation to the Bowdens Mine application for a licence to mine silver, lead and zinc (which is now also morphing into an application for a gold mine), is a classic case which evidences that the regulatory framework is not fit for purpose and is determined by considerations which are not in the overall local or public interest and certainly not independent of Government wishes.

Instead, these Agencies have demonstrated a bias towards the Government's stated commitment and their own interpretation of the Government's imperatives in that regard and have put those interpreted imperatives ahead of the public's interest and certainly before those of the local community.

The Independent Planning Commission

The role of the Independent Planning Commission is to determine State Significant Development Applications where there is significant opposition from the community and to recommend development conditions to ensure that the positive and negative impacts of the development on local communities, economies and the environment are appropriately balanced. There should be more than an appropriate balance, however.

There is no doubt that it is far easier to assess the potential benefits of a proposed development. What is difficult however, and often impossible, is to assess the potential negative impacts of that same development. That is particularly the case with the Bowdens Mine where the Applicants have no mining experience and to be truthful are making their Application and proposing a mining development on the cheap. For example, and there are many others, when Bowdens decided correctly that they needed a reliable supply of water, like every mine, to properly operate their mining extractions, they planned to purchase and pipe to the mining site a reliable water supply from Ulan Mine. When that proved not possible, or too expensive, they miraculously determined that they could harvest enough water on site to run the mine properly.

The IPC requested at the hearing of the Bowdens Mine Application that the local community provide it with suggested amendments to those recommended by NSW DPE to ensure that the positive and negative impacts of the development on local communities, economies and the environment were properly balanced, and the local community protected against any negative impacts. Many of those suggested amendments related to the fact that Bowdens and its consultants admitted that there were times that there would be insufficient water to run the mine and that it would need to restrict its mining operations or close those operations down. A mine which does not have a reliable source of water and may, by the proponents and its own consultant's admission, need to be closed down, would in normal circumstances be unthinkable. Not however for Bowdens, the IPC and NSW DPE however.

As requested, the IPC received numerous such suggested amendments to those recommended by NSW DPE to ensure that the positive and negative impacts of the development on local communities, economies and the environment were properly balanced, and the local community protected against any negative impacts. To my knowledge none of those suggested amendments was adopted by the IPC and no explanation was given as to why they were not adopted.

I attach a copy of my submission to the IPC in that regard pointing out that many of the conditions recommended by NSW DPE were unworkable and particularly those in relation to a lack of a reliable water supply. I respectfully request that you review those recommended changes as I believe that the fact they were ignored by the IPC, along with many other suggestions for amendments to the proposed conditions, is relevant in relation to your consideration as to whether the regulatory framework is fit for purpose. Certainly, the Conditions of Consent recommended by NSW DPE and determined by the IPC are not.

Summary

This submission, like many others, demonstrates that the planning and regulatory framework for assessment and approval of heavy metals and critical minerals mining in New South Wales is not currently fit for purpose, by detailing key failures in the assessment and approval of the Bowdens lead, zinc and silver project (SSD-5765) at Lue, near Mudgee in Central West NSW.

Rob Wannan OAM