

Submission
No 127

**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: Barry Hadaway
Date Received: 4 September 2023

Partially
Confidential

Committee Chair

I write to you as a concerned resident of the Mudgee Region.

In recent times I have witnessed:

1. the approval of the Bowden's Mine at Lue, firstly by the Department of Planning and then by the Independent Planning Commission.
2. the abject failure of the Cadia Gold Mine at Orange to contain toxic pollution

There are three aspects of the Inquiry's terms of reference, on which I will focus. Firstly, (a) the impact on the health of local residents and mine workers, etc , (b) the impact on catchments and waterways, etc and (e) the effectiveness of the current regulatory framework, etc.

In respect of the Bowden's mine at Lue there are several issues with regard to the approval process.

Department of Planning

While the Department of Planning is charged with implementing Government Policy with regard to planning and development and land use, the execution of this task is not supposed to happen in a vacuum. The department should comply with the requirements of the Environmental Planning and Assessment Act and the NSW Protection of the Environment Administration Act. The EPA Act requires the department facilitate ecologically sustainable development (ESD). The Protection of the Environment Administration Act defines ESD and requires the precautionary principle be applied, irreversible damage to the environment be avoided, that the health, diversity and productivity of the environment must be maintained for the benefit of future generations and those who generate pollution and waste should bear the cost of containment, avoidance or abatement.

In the case of the Bowden's Mine there is little evidence the Department of Planning had regard for the above requirements in its approval of the Bowden's proposal. I say this because of two facts. Firstly, there was scant time for the Department to consider reports from its own experts before granting approval and secondly the department's approval almost completely ignores the submissions prepared by relevant experts on behalf of the Lue Action Group. It appears the department has ignored the legislative framework within which it is required to operate.

Independent Planning Commission

The IPC hearing into the approval of the Bowden's Mine was a farce. IPC Members listened to a mountain of evidence over two days as to why the proposal should not proceed and were alerted to the fact the Department's approval process was fatally flawed. Somehow a decision was arrived at to allow the approval of the project to stand

Pollution – Bowden's

The Bowden's mine will be immediately adjacent to the village of Lue. The pollution from toxic dust will require that all residents abandon the use of tank water. The implications for the local primary school are horrific with young children being at risk of ongoing exposure to lead dust. I live less than 20 kilometres from the proposed mine and rely on rainwater for drinking. In times of drought our home is covered at times in red dust from the western plains. Dust from the Bowden's mine will very easily travel 20 kilometres.

The Bowden's mine tailings dam will sit immediately above Lawson Creek, which feeds into the Cudgegong River and then into Burrendong Dam. Any overflow from the tailings dam will pollute the water supply of residents along Lawson Creek and the Cudgegong and potentially the Dubbo

town water supply. The Inquiry should note plans of the tailings dam show it has been designed with a spillway! In other words, in the event of a large rainfall event, Bowden's are planning to discharge toxic mine waste into Lawson Creek. There is no way the Department of Planning should have sanctioned a proposal to deliberately trash the environment.

Pollution - Cadia

Television images of dust blowing off the dried remains of the collapsed Cadia tailings dam illustrate how little regard some mine operators have for pollution of the environment and public safety. The Cadia disaster also illustrates what lies ahead for the residents of Lue and the Mudgee Region if the Bowden's mine proceeds.

Monitoring

It appears that monitoring is essentially non-existent. The only way breaches of conditions, or pollution are detected is if an adjacent landholder complains.

All mines should be monitored for:

1. compliance with conditions of approval
2. pollution
3. impacts on ground water

Such monitoring should be funded by the operator of the mine in question but carried out by an independent expert, reporting results publicly and back to the EPA. Mines cannot be allowed to self monitor.

Summary

- The current approval process for mining projects through the Department of Planning is broken and needs a complete overhaul. The process must have regard for the principles of ecologically sustainable development. I would like to see a focus on preserving the environment for future generations rather than reliance on the 'triple bottom line' approach. The triple bottom line approach is a dangerous concept under which a so called balance is almost always achieved by sacrificing the environment – accepting pollution or accepting a loss of critically endangered habitat - in exchange for the promise of a few jobs and for higher company profits. The EPA Act and the NSW Protection of the Environment Administration Act need to be overhauled to get back to ESD basics and to get rid of the corrosive triple bottom line concept.
- The public have no faith in the Independent Planning Commission. It clearly is not independent and the use of this sham process to negate appeal rights is an abuse of power by government.
- Monitoring needs to be done by experts who are independent of the companies being monitored and results need to be publicly available within a reasonable time.

Thank you for considering the issues raised in this submission.

Yours sincerely

Barry Hadaway