

Submission
No 91

**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: Cadia District Protection Group Inc (CDPG)
Date Received: 11 September 2023

Partially
Confidential

SUBMISSION to NSW PARLIAMENTARY PORTFOLIO COMMITTEE NO 2 - HEALTH

September 2023

Dear Members of the Legislative Council Inquiry Committee

I make this submission on behalf of the Cadia District Protection Group inc (CDPG) , my wife Hilde , my four employees and myself as the owner of Errowanbang

Errowanbang was settled by the explorer William Lawson in the early 1820s and has been in my family since 1975. Errowanbang adjoins the Cadia Mine and is located SE of the Mine's tailings dams,vents and industrial operations and in the prevailing NW wind patterns is regularly inundated with the Mine's dust.

I have had a series of correspondence, with Newcrest Mine, former Ministers Stokes and Kean, the Regulators of DPE, EPA and NSW Health, dating from the 400m long total collapse (not a mere slip as the Mine claims) of the Mine's Northern Tailings Storage Facility (NTSF) embankment on 9 March 2018 concerning vast quantities of dust emanating from the Mine's Tailings Storage Facilities (NTSF & STSF) and upgraded crusher Vents' exhaust fans as well as continual massive site earthworks.

I note the Legislative Council's advice on making a submission accordingly I have not attached all of this correspondence , **except those few noted in RED** , but can produce the correspondence if called upon by the Committee.

This submission was prepared specifically in relation to Newcrest's Cadia mine and the total lack of regulation of this Mine by Newcrest , Ministers Stokes and Kean and the EPA , DPE and NSW Health and therefore although not dealing directly with the specifically numbered **Terms of Reference (ToR)** addresses most of them in the context of my experience with this mine. However,ToRs (a) (c) & (f) will undoubtedly be addressed by others such as CCSN.

1. **The Mine following the NTSF 9 March 2018 embankment collapse failed to take any action to stop dust lifting off both tailings dams, for over nine (9) months until (December 2018) and then only ineffective periodic aerial spraying and for over another four (4) months before more effective but not really satisfactory hydro mulching.**

None of the Ministers nor Regulators DPE, EPA and NSW Health have to date taken any action against the Mine in relation to dust lifting off both tailings dams .

Newcrest, a most profitable low operating cost mine, has still not committed enough resources to control dust lift-off from both tailings dams for the past 5.5 years . The Mine has recently admitted that both Tailings Dams embankments were poorly constructed and that they haven't been able to be repaired for over the 5.5 years despite these dams dusting the whole Cadia environment including

houses , waterways, dams ,pastures and the humans within the community on a regular basis, especially after rain and/or wind.

Most people assimilate rain with mud , however , rain on the massive tailings dams surfaces (approx 1800 acres) creates extensive **creek sized drainage crevices with their whole surface composed of jagged tailings** exposing large surface areas of silica based tailings to prevailing winds and then DUST. These crevices cannot be neutralised for a considerable time so rain means dust to Cadia residents. What an unfortunate anomaly for the Cadia environment and community when rain brings misery not joy !

MINE'S MITIGATION WORKS TOO DELAYED AND STILL NOT ENOUGH RESOURCES COMMITTED BY NEWCREST TO STOP DUST LIFTING FROM ITS TAILINGS DAMS

RECOMMENDATION 1

-That both the EPA and DPE be directed to take action under License 5590 and SSDA 06_0295 to require the Mine to stop dust lifting off the Tailings Dams in contravention of its approvals. Refer ToR (b) (d) (e) (e) (g) & (h)

2. The Mine and the Regulators have failed for 5.5 years, despite numerous community complaints with graphic photographs, to take any action to manage dust emanating 24/7/365 from the Mine's underground crusher vents, especially Vent 8. The mine installed much higher velocity vent exhaust fans in February 2021, not to eliminate the dust being emitted from the vents, but to stop the crusher dust clogging up the vents and crushers at considerable and repetitive clean out cost to the Mine.

The upgraded exhaust fans spewed many tonnes of dust each day high up into the atmosphere to be dispersed over the wider community (as far as 20 km) according to prevailing winds. It was not UNTIL April 2023 that the Mine, following the damning Zephyr Report dated 11 August 2022 (copy provided to Committee by CCSN) finding silica emissions from the vents 18 times over prescribed limits, started to instal dust scrubbers to catch the vent dust.

Each of the five currently installed scrubbers can collect 12 tonnes of dust per day , if five (5) scrubbers are operating then sixty (60) tonnes of dust per day and by assumption meaning the Vents were previously spewing up to 22,000 tonnes of contaminated dust per annum over the environment including the community.

TOO LATE ! MUCH DAMAGE DONE TO COMMUNITY ! MORE SCRUBBERS NEEDED !

RECOMMENDATION 2

-Dust scrubbers or similar dust capture techniques should have been Regulated , conditioned and monitored by the Regulators from the outset for Cadia’s panel cave mining and for any future mine approvals for panel cave mining of critical or other minerals.

Refer TOR (b) (d) (e) (g) & (h)

3. Neither the EPA nor DPE took any action as Regulators to enforce the EPA License 5590 Conditions nor the DPE SSDA 06-0295 Consent Conditions, especially Conditions 19 (a) & (b), notwithstanding numerous community written dust complaints/requests with graphic photographic evidence to both Regulators and their respective Ministers.

On 21 June 2023 the EPA ,under new Secretary Tony Chappel , issued a Prevention Notice to the Mine fully ten (10) months after the 11 August 2022 Zephyr Report and on 21 August 2023 EPA commenced Criminal Proceedings against the Mine twelve months after an alleged September 2022 breach. **The Committee should ask why did EPA take so much time to perform its duties?**

Tony Chappel EPA’s new CEO is on record as stating that the Government **needs to reassess its attitude towards Sustainable Development contrary to the environment and communities.**

EPA TOO LATE BY YEARS FOR ANY RESPONSE and DPE has taken no action against the Mine nor has NSW Health in this 5.5 years.

RECOMMENDATION 3

-That the State Government re-enforce to all mining Regulators the imperative duty that the principal Object of each Regulators’ enabling legislation , “the protection of the environment including humans should be attained as set out in Section 5.5 (1) EP&A Act 1979

Refer ToR As in Recommendations 1 & 2

“ Section 5.5 Duty to consider environmental impact

(1) For the purposes of attaining the objects of this Act (*and other Acts*) relating to the protection and enhancement of the environment , a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.”

4. Neither Ministers Stokes nor Kean took any action against the Mine or the Regulators as would be expected of Ministers of the Crown to take in the circumstances of the Mines and Regulators patent breaches notwithstanding the correspondence to and from these Ministers.

The community formed the opinion that both Ministers were not prepared to rein in the Mine’s activities in deference to State revenue and perhaps employment from an UNSUSTAINABLE

MINE/DEVELOPMENT, giving precedence to State revenue and perhaps employment, over the environment including the community (humans).

partiality to mining over the environment and community was considered by CDPG and a referral has not necessarily been abandoned.

RECOMMENDATION 4

- **That the Committee recommend that the Premier and Attorney General issue an edict to all Ministers and their Regulators, involved in mining activities, that Sec 5.5 (1) EP&A Act 1979 must be strictly adhered to in preference to alleged sustainable development for revenue or employment.**
Refer ToR (e) (g) & (h)

5. The IPC decisions in respect of the recent McPhillamy's Gold Mine and the Lue Lead Mine are based on very biased assessments/reports from DPE peddling the same and wrong preference for unsustainable mine development over the Environment /humans in both proposals .

RECOMMENDATION 5 -The McPhillamy Gold Mine and Lue Lead Mine IPC approvals should be set aside as DPE's assessments/reports did not give the Independent Planning Commission the opportunity to judge each application on the merits.

Refer ToR (h)

6. Dust is dust whatever its composition . EPA and smoke !!!!

All dust can potentially be highly carcinogenic and the source of many respiratory ,skin and other health issues. For most of the highly toxic elements there is no toxicological safe limit for exposure. Medical statistics show the incidence of cancer diseases is much higher in the Orange district than the national average. **Refer to Dr Ian Wright's report (attached)** on contamination of water, sludge and dust at Errowanbang and other properties around the Mine. EPA has been requested since 2019 to undertake water and dust sampling at Errowanbang.

The EPA advised that I needed to provide evidence beyond reasonable doubt (criminal burden of proof) when I and our community really wanted EPA to perform its regulatory function and investigate and take appropriate action under its License to protect the environment and community of voluminous dust the contents and associated risks of which,we mainly as farmers didn't and couldn't know. **THE MINE DID ! THE MINE DID NOTHING TO PROECT THE COMMUNITY FOR YEARS! NOR DID THE GOVERNMENT OR ITS REGULATORS !**

On five (5) occasions between 3 June 2023 I wrote to Tony Chappel EPA , Steve O'Donoghue DPE and Tim Brokenshire, NSW Health seeking these Regulators test the dust, water, sludge, bore and creek water at Errowanbang without any response to my requests. **By email of the (18) but in**

Australia 19 July 2023 attached I required these regulators to carry out these tests . Again I have not received any positive response. However, attached is an email from EPA (Tony Chappel) dated 8 September 2023 with my response of 10 September 2023.

RECOMMENDATION 6

- **The Committee recommend to each of the three relevant Ministers that they direct their respective Departments to carry out these tests on Errowanbang a neighbouring property to the Mine to help resolve the outstanding dust and water disputes, of which there remains many.**

Refer ToR (b) (d) (e) (g) & (h)

7. The State does require sustainable development, however, the Government and its Regulators must ensure that every proponent and its proposal can meet whatever is required to protect the environment and community - see Sections 1.3 (a) & (b) and 5.5 EP&A Act 1979 and Sections 6(1) & (2) of the POE Act 1991. Refer also to the Definition of Environment in Section 1.4 EP&A Act 1979 which provides :- “ environment includes all aspects of the surroundings of humans , whether affecting any human as an individual or his or her social groupings. “

Newcrest has the financial capacity to continue mining but at the same time to protect the environment and community but for too long has chosen, and been allowed by its Regulators including relevant Ministers , not to do so. Again revenue before the environment or the community.

RECOMMENDATION 7

i. Departmental Internal Management Plans (the basis of many Departmental decisions) should be put on public exhibition for the community to make submission.

ii. The Committee recommend to each of the three relevant Ministers that all conditions of consent be strictly adhered to and the DPE serve notice to Newcrest under SSSA 06-0295 Condition 19 to stop work until the dust issues are resolved to the reasonable satisfaction of the community.

iii. The Inquiry should come to the conclusion and recommend that the New South Wales State Government and its EPA, DPE and NSW Health Departments should readdress the manner in which mining development is approved and then regulated such that the primary Object of all relevant legislation , the environment including humans in the community, is given precedence over the pursuit of revenue and or employment from what is quite often proven not to be sustainable development.

iv. Tony Chappel EPA is on record as agreeing with this recommendation.

Refer all Terms of Reference.

I am more than happy to appear before the Inquiry to answer any questions arising from this Submission and/or to provide copies of all relevant correspondence.

John Gerathy

‘Errowanbang’

Chair Cadia District Protection Group inc (CDPG)

Landowner Representative on Cadia Community Consultative Committee