

Submission
No 140

**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**

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Margot White Submission to NSW Legislative Council Portfolio Committee No. 2 Health

Thank you for conducting this much needed inquiry and your time in considering carefully the information you will obtain.

Unfortunately, this inquiry has become essential because for a considerable number of years now the Department of Planning has completely failed the people of NSW when it comes to impartially reviewing and approving mining proposals.

The Department of Planning and the "Independent" Planning Commission appear to use a green light approach for approving large, environmentally devastating, open cut thermal coal mining proposals. In more recent years it has moved to "critical minerals" and gold, silver, lead, and zinc mining. However, the DPIE and the ensuring IPCs have not done their duty to the people of NSW when weighing up the good versus the harm done by approval of these mining proposals. The modus operandi is "how to get to yes," ignoring their own independent experts and community contracted experts time and time again. Not taking proper consideration of their own experts' opinions about technical problems, pushing the problem to post approval conditions was the solution to the many technical problems of the Bowdens mine at Lue. This is completely unacceptable and does not protect the local population, future generations, or the environment.

The playing field is tilted in favour of the proponent of these mining proposals. The timelines allowed for such proposals is an example of this bias. The proponent has unlimited time from the granting of SEARS until they complete their EIS (work done by paid employees). The department can take an unlimited amount of time doing their assessment (work done by paid employees), which almost without fail recommends approval, before sending it to the IPC for final approval. The IPC appear to have had their authority reduced in recent times and now have only 12 weeks to review all submissions, conduct a hearing and make their determination (this work is conducted by paid employees). The public have only 6 weeks after the EIS is made public to gather their information, and consult with experts and lodge a submission in support or objection to the DPIE (unpaid work). The public have less than 6 weeks to get their submissions ready for the IPC Hearing.

The NSW Planning Department again made the playing field less even when they went from holding Public Meetings into SSD mining proposals to holding only Public Hearings, thereby taking merit review of the IPC's decision away from the affected population of any given project. This is another example of how the planning system is biased to the proponents of mining projects.

The public do not know or understand the process and I suspect not many politicians do either. It is only the unfortunate communities whom are about to have their, health, livelihoods and environments changed irreparably, forever, that get to understand the bias in the NSW Governments Planning system when it comes to mining proposals.

If the NSW Government want to approve gold, silver, lead, and zinc mining in NSW the current processes of approval need to be much more transparent, fairer, and mindful of the risk to human health, communities, and the environment. There must be an understanding that not all sites are appropriate for such projects. Proponents of mining proposals need to understand the outcome might be **refusal** of their projects.

Bowden's Silver Mine approval process is a good example of how devastating this change in the Departments operations has been. There are many technical problems with this mine proposal. The

NSW DPIE's own expert consultants told the DPIE this on at least 3 occasions. All part of the public documentation of the approval process. The local community's expert consultants agreed with the DPIE's experts, that the technical issues are unsolved. There are no examples anywhere in the world, at scale, of the risks being mitigated successfully. The IPC questioned the DPIE about some of these technical problems. The DPIE said they could be dealt with by conditions imposed on the proponent post approval and the IPC agreed. Why would a group of three knowledgeable people like the IPC Commissioners for the Bowdens Project think that this was a safe or sensible way to overcome potentially devastating negative outcomes?

It is time for

to push all the risks to post approval. No longer should individuals hide behind government strategies and policies about what resource is going to be mined and in what location. Not all locations are suitable for mining of any mineral, however this is especially so when it is lead, gold, silver, and zinc as the impact on human health from day one is detrimental and the environmental risks in perpetuity are enormous. How did

think it was ok to approve and solve the problems post approval? Bowdens is not an experienced mining company and yet gave approval to a junior mining company to develop a technically difficult mine, at the top of a waterway, near a village and primary school mine. Incredibly the somehow concluded that this mine in this location was worth the risk. The reputation nor the expertise of Bowdens Silver was considered when making their determination. Who made this rule? The public cannot have any faith in the process when such ridiculous parameters are put in place. All to help get to Yes? Surely the experience and proven track record of a company seeking to mine such hazardous minerals in a technically difficult location, is the most important criteria to be considered?

During the IPC Hearing into Bowdens lead, zinc & silver mine asked the proponent about future resource development and scope. The IPC are only meant to reach their decision on the proposal in front of them not future endeavours the company may undertake. The fact that the was more than happy to elaborate on future expansion & potential indicates believed it would enhance their proposals' chances of approval. The IPC in their reasons for approval say although the question was asked it played no part in their decision making. Why ask if that is so? How can it be unheard once it is heard? The community are being treated as idiots by this explanation, given in order to stop a legal challenge for the error in asking about further growth and potential.

This is an example of how ridiculous the system has become. It is a complete travesty and if there were able to be a merit appeal the local community might have some chance of saving their waterways, livelihoods and most importantly protecting their health and that of their children. I am sure you will be given technical explanations for why the decision for approval is so dangerous. I am also sure that Bowdens is only one example of how the DPIE and IPC are not reviewing and reaching their decision based on the best technical advice. Rather on a desire to appear to be doing so while doing everything to get to Yes.

The NSW Government's Department and its IPC processes have become the tool of the mining industry. Where they have created/watered down the framework to get to yes. It is not good government nor is it government acting to protect and enhance the lives and livelihoods of the population. Nor is it acting to protect the environment for future generations.

Parts (a), (b) and (c) of the terms of reference can be better addressed by more expert people than I. However, I do think a lay person can recognise that any mining that puts at risk our waterways, air

quality and most importantly health of the local populations should **not** be approved. This is especially so when there is, in the proposed location, other already profitable, viable, and most importantly substantiable businesses.

Part (d) of the terms of reference.

The response and any compliance action taken by regulatory authorities in response to complaints and concerns in NSW is a complete confection. The process of just lodging a complaint is an enormous stress point. 1800 number goes to a call centre who does not even know where the mine you are complaining about is. In the Hunter Valley each mine has its own unique community response line 1800 number; however, all numbers reach the same call centre and often your complaint is lodged incorrectly to a different mine operation.

The oversight of these mining operations should not fall to the affected communities. It appears that once the DPIE and the IPC issue approval and the conditions of that approval and the EPA issues its operating licence the job is done and it is up to the public to know, understand (often extremely technical) the conditions and report when there are breaches. Anyone whom has ever rang the EPA to report a breach at a mine site will know that you are often asked to take photographic footage of such breach and once you have done that and sent it to them that is it. Unless you call them back, a time consuming and frustrating exercise you will never hear from them again.

It appears the only way to get any action from the regulatory bodies is to have an environmental disaster or some dangerous impact on human health. It is usually up to the affected individuals to prove they have been impacted, not always easy. Once again, the Government and its structures are always on the side of the mining companies. I think it is worth pointing to an example here of how it operates between the Department, IPC, and the EPA as I am sure not many in the general public are aware and possibly not all of you on this committee either. While this example is not around gold, silver, lead or zinc mining, the processes are the same when approving and regulating them.

The Salim group, who own MACH Energy, when seeking approval to increase their life of mine and their tonnes, on the outskirts of Muswellbrook sought to have an existing condition on their operations removed. This condition required them to cease operations if the wind was above a certain speed and from a certain direction as their operation is less than 3kms from Muswellbrook township. None of the historically older mines had this condition. MACH energy as a more recent mine had it imposed as the air quality in Muswellbrook was recognised as being dangerous to human health by the time they were seeking approval. However, when they came back for the usual second bite of the cherry, they were given approval and the requirement to cease operations under certain poor weather conditions was watered down from 'cease operations' to 'do all feasible and reasonable' to mitigate dust generation. Again, the DPIE and IPC found human health less important than appeasing the mining company. This was only in the last 2 years, not some time in the deep dark past. We know from conversations with the EPA that MACH Energy had been wanting that condition removed from their licence to operate since they began operations. The EPA can keep that condition in their licence if it does not go against the legal requirements of the approval issued by the DPIE and IPC. The point being this is a ridiculous way to regulate a large, dangerous to human health, the environment and global warming, mine.

NSW Government agencies need to do much better when approving, regulating, and monitoring these mining proposals and operations. Monitoring is good but only effective if the gathered results are acted on.

In the Hunter Valley the planning process has approved numerous large open cut thermal coal mines that have created devastating problems for human health and air quality. The appalling air quality and its resultant poor health outcomes come in part from the 2.5 particle size molecules in the airshed. A largest source of these pm 2.5's come from emissions from the non-road diesel equipment. Yet the DPIE in its conditions only require the mining companies to "take all reasonable and feasible measures" to limit these dangerous emissions. Lagging most of the western world. Why? Because bringing current machinery up to tier 4 emissions standards would affect the bottom line for the mining companies. What about human health and the air quality? Not as important according to our government or the mining companies that want to operate in our communities. If we are really concerned about jobs, there are some jobs installing readily available, since around 2004 (when first adopted by the US and Canada and most of Europe), technology to reduce emissions.

The regulatory framework for heavy metals and critical minerals must be extraordinarily better than the existing regulations for mining in NSW.

As a grandmother, with grandchildren living within an area which is potentially going to be impacted by lead dust, I have no faith that the NSW Department of Planning nor IPC have any desire or ability to mitigate the dangerous consequences of mining these materials on sites not suited for such activity.

Taking regular blood samples is not a mitigation of potential harm, it is measuring harm once inflicted. This should never have been accepted or put in as a condition of approval. Apart from being an invasive and traumatic procedure, what is the DPIE going to do once elevated levels are found? The harm is already done.

We have example after example of permanently ruined villages across NSW from mining commencing. There is no example of a village or town that has had better health, socio-economic outcomes from having large open cut mining nearby.

We seldom, if ever, see a refusal. Any mine that has not gone ahead as been halted by the efforts of unpaid local community members. Why is this? How is it possible that every proposal on balance the good outweighs the bad? In a meeting with _____ then Director of Resource Development, with the Department of Planning & Environment, I was told, that he saw every mining proposal as possible and he just tinkered at the edges to "knock the horns off it." In the intervening years I have seen nothing to persuade me that that philosophy has changed in the NSW Government's approval, regulation, or mitigation processes.

The DPIE have lost all credibility with the public who become impacted by mine approvals in unsuitable locations. The public have through necessity become educated in the processes of government procedures for approving mining applications.

Mine approval must only be granted when able to be undertaken without causing **any** harm. This does mean that some proposals will need to be **refused**.

Some mining proposals, as in all arenas of enterprise, are lemons, the DPIE and IPCs approve them all regardless of the suitability and try to tell us they are peaches.

Bowden's lead, zinc and silver mine approval is a stark example of how the DPIE and IPC completely ignored their own and community contracted experts in their haste to approve a dangerous mine to fit with an NSW strategy around creating a critical minerals hub in Central NSW. This is madness when we risk a community to fit a concocted thought bubble strategy of a government, no longer in power.

The entire process of gaining mining approval needs to be completely overhauled. Starting with the issuing of exploration licences. These should only be issued where there is good science around the possibility of mining being able to be conducted in a safe to human health, socially advantageous and environmentally sound way.

Community Consultative Committees (CCC's) and Voluntary Planning Agreements (VPA's) need to stop in their current form. We have arrived at this ridiculous point where, through VPA's councils are paid for a social licence. CCC's are a complete confection of local engagement and input.

Permission from a community needs to be gained before SEARS are issued, not the current show proof of consultation box ticking exercise it is. Consultation should be community driven and managed. Not driven by the DPIE or the proponent. This would avoid the one size fits all outcomes we currently end up with. The community are best placed to assess a proposal as it affects their local area, to see the whole picture and the cumulative impacts of multiple mining proposals in the one region.

I have used examples from the thermal coal mining industry in the Hunter Valley and Bowdens lead, zinc silver mine proposal at Lue as they are the ones of which I have a more complete knowledge. I am certain that other communities have the same experiences as is evident from the Cadia contamination issues.

We see the results of the current planning process in the Hunter Valley. Over 9,000 cars per day driving into Muswellbrook from the Lower Valley. The workers do not live in the community. Muswellbrook has one of the largest short term rental markets in NSW. It is hardly due to tourism. Many closed shops, you can no longer give birth to a baby in Muswellbrook. If the positives outweighed the negatives this would not be the case. Small communities and villages are decimated by mining activity in their area. Socio economic outcomes worsened not enhanced. We hear over and over it is for the greater good, the positives outweigh the negatives. This cannot be true of every approved mine. It has not been true for the Hunter region. The economic benefits are inflated by counting the employees' salaries as if that money flowed to the government to spend on roads, schools, and hospitals. When this gets pointed out at commission hearings the IPC acknowledge the economic benefits are overstated and still grant approval. Why?

I thank this committee for looking into the impacts from gold, silver, lead and zinc mining on human health, land, air, and water quality. My hope is that you can understand from those of us who live with the consequences of harmful planning approvals that is not always the right decision to approve mining proposals. Not all negative outcomes can be mitigated and as such **the proposals should be refused.**

The answers are at the community level however the power is in the governments hands and they are not exercising that power well nor in the best interest of the community, its health and wellbeing, future generations, or the environment.

Hopefully with this committee's inquiry and deeper understanding of the processes and outcomes of such we will at last make some real change. We need to do so much better. Short term economic gain for a few should never trump harm and pain for future generations, sustainable communities, and the environment.

