

**Submission  
No 96**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

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My name is Mick Boller and I have lived on Powells Road, Lue, NSW for almost 40 years since 1985. My family raise cattle, sheep and horses on 750 acres.

I have served on the Bowdens Community Liaison Group and the Bowdens Community Consultative Committee. I feel I have a very comprehensive understanding of the regulatory processes in NSW through my decade of experiences with the Bowdens project which carries many threats to human health, existing employment and the environment. These threats will be exacerbated by the expected extreme weather conditions which are linked to climate change.

My first focus is the regulatory process for mining projects. The NSW Planning process has become corrupted and heavily biased towards proponents over decades and successive governments in NSW and is in need of urgent reform. This is a body which has shown itself to be unable to properly process and consider the negative impacts of mining projects on communities under existing weather and climate patterns. Under the worsening impacts of extreme weather due to climate change, the inadequacies of the Department of Planning and its current practices will be further exposed.

Once a project is labelled SSD, the affected community is doomed. The process from there on is structured to guarantee approval, no matter the health, environmental and property value impacts and damage to existing jobs and businesses.

The EIS process for metals mining projects in NSW is a sham. The proponent chooses the consultants so they are immediately compromised. The Consultant then chooses the issues of focus in the EIS. Omitting some, minimising others. There is no regulatory structure compelling consultants to highlight all possible negative impacts.

The NSW DPE is unashamedly and openly partisan and does not properly consider and act upon potential damage to communities. It is a Government body working against the long term welfare of affected communities. Accepting terms such as “minimise”, “mitigate”, “as far as possible”, “no unreasonable risk” is simply not good enough.

The Independent Planning Commission. Bear in mind that submissions presented by community members and experts engaged by communities at considerable expense can often be basically ignored. The overwhelming

majority of submissions in the SVL Bowdens case were scathing, yet the IPC approved it. The Approval Document for Bowdens is a copy and paste replica of the McPhillamys approval document. The degree of overlap between these two approvals casts serious doubt that each was considered separately and that the risks in each case were fully considered.

The removal of Merit Appeal rights by the previous LNP Government leaves communities with no avenue to pursue highly contentious aspects of proposed projects. If a project is indeed “worlds best practice” as proponents have claimed, why are the affected communities precluded from legally challenging? Once Planning Ministers talk about “slashing red tape and green tape” the health and welfare of communities and the environment are no longer of much concern.

In recommending approval for the SVL Bowdens project, the Department of Planning and Environment and the Independent Planning Commissioners have shown reckless indifference to the evidence of harm to human health, produce, tourism and agriculture in the Lawson Creek valley. Serious threats posed by the disturbance of lead and the loss of ground and surface water have been ignored. Compelling evidence provided by community funded experts has been cursorily acknowledged and then ignored.

The extreme weather events which are the result of climate change makes projects like this an even greater risk. A project producing 90 times more Lead and Zinc than Silver will require very substantial amounts of water to provide dust suppression, which is critical in protecting surrounding communities from the health impacts of the inhalation of lead contaminated dust. The extended and extreme drought experienced in 2018 and 2019 in the Central West was a period when that required water would not be available. The resultant impacts on community health from uncontained dust clouds are clear.

Further evidence of the affects of climate change must include the very wet years which followed the 2019 drought. Extreme flooding occurred in the Hawkins Creek, Lawson Creek and Cudgegong river valleys. Road access to isolated properties was impossible for many days. In my own case, I had to be ferried back to my property to care for livestock by helicopter, while my partner was stranded in town for 6 days. The threats posed by possible overflows of a Tailings Storage Facility such as that planned for the now approved Bowdens project in such extreme weather events are undeniable.

There is no Department For Looking after the Best Interests of Families Displaced by Toxic Mines and no Minister to act on behalf of this community.

### **Preparation of an Environmental Impact Statement for Public Exhibition.**

Proponents of mining projects engage private consultants to prepare an EIS on their behalf.

\*The EIS is not required by legislation to cover all adverse aspects of the project. The scope is determined by the consulting company, with no regulatory oversight or insistence on coverage of critical elements affecting the community and the environment.

\*The EIS is prepared by a commercial entity with a very strong vested interest in project approval. A company producing Statements adverse to proponents would be quickly out of business.

\*Such an EIS is not independent; it is not at arm's length from the proponent, and it minimises and obscures risks and threats to communities living near to the project.

This EIS relies very heavily on modelling and averaging, particularly relating to water availability and the effects on rivers, streams and aquifers.

**A much fairer legislated framework would see EIS consultants completely removed from proponent influence by being paid from a central fund into which all proponents of projects paid a predetermined deposit.**

### **The Role of the Department of Planning and Environment.**

The DPE is a taxpayer funded arm of the State Government. While the role of the Department and its officers ought to be to treat both the proponent and the adversely impacted community fairly and equitably, the very strong perception in my community is that the DPE has openly supported and facilitated proponents while often ignoring or minimising submissions, reports, and health concerns from community members. A DPE employee stated 3 times in a public forum that his role “was to facilitate the approval of the project”. At a later date, then Planning Minister Rob Stokes expressed shock at hearing this and asserted that Department Officers would not behave in this way. A dozen witnesses heard otherwise.

There is no **Minister for Looking After the Interests of Displaced or Damaged Community**

This must be addressed from a legislative viewpoint. Communities feel powerless, unsupported, and left to fend for themselves, often incurring very considerable financial and health costs.

**The Role of the Independent Planning Commission.**

The IPC is legislated as the final arbiter of the merits and threats of a Project. Despite overwhelming community opposition and substantial expert evidence presented in the 3-day Bowdens IPC, the IPC approved the project. This decision not only raised serious doubts about the fairness of the process, it also extinguished the rights of the community to pursue Merit Appeals through legal channels. This outcome is the same for many, many projects throughout NSW and raises very serious questions about silencing and overriding very serious adverse issues raised by affected communities.

**Merit Appeal rights for communities must be reinstated and be applied to this and other projects rushed through the approvals process.**

## **THE PRESENCE OF KOALAS AND IMPORTANT KOALA HABITAT.**

KOALAS. An endangered species, predicted by some to be extinct by 2050.

I have gathered photographic evidence and GPS references for over 40 Koala sightings in the Mid Western Regional Council area. Each one has been reported to researcher Dr. Kellie Leigh (Science for Wildlife) at Sydney University. More than 20 have also been reported to MWRC on the Threatened Species Report proforma.

Several examples in the Lue area , together with dates, GPS references and photographs are listed below. This is an iconic Australian species at very severe risk of extinction.

The risks to Endangered species such as Koalas and Regent Honeyeaters and to Vulnerable bird species such as Diamond Firetails, Babblers and Brown Treecreepers will be heightened through loss of habitat and the clearing of priceless and diminishing areas of woodland.