

**Submission
No 116**

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

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Introduction

For centuries, economic development has largely ignored the inescapable primacy of the environment. Ultimately, this has damaged both the environment and development. A nature positive approach recognises nature as essential for human well-being and economic development.¹

Background

There were many submissions to a previous Parliamentary Inquiry into Lead, Zinc, Silver and Gold mining in NSW and the panel heard the debate between the extraction industry and the community who will carry the impacts on water, air, social amenity, agriculture, tourism, biodiversity, and Aboriginal Heritage.

The submission from the NSW Minerals Council identified 16 new mines for approval in the Central West, including 9 greenfield mines. Under the current planning system these proposals will be assessed according to the NSW Planning Legislation, in isolation and individually. This is not a good way to allocate and plan water resources in the already degraded Murray Darling Basin. There is already pressure building for “buy backs” so that water can be returned to the river system to sustain the environment upon which humans and other animals depend for our very life.

Submissions from affected communities contained analyses from landholders, parents, health professionals (both animal and human), food producers and other experts. It painted a grim picture of the risks faced by the Central West community when seen through the lense of climate change and its increasingly extreme weather conditions, bushfires and drought. The threat to our biosphere through diminishing water resources, subsequent food security, soil degradation and species extinction both imminent and well into the future are not assessed in the planning of mines. There is no overarching plan for how we measure, plan, and evaluate natural capital within the planning system.

The other aspect is that pertaining to clinical effects on human health. It is perhaps this aspect that has both shocked and galvanised community opposition and its continued its exponential growth in the months post IPC approval. This condition is a clear admission of a direct risk to Human Health. A risk that will be born by communities close to the mine site. One deemed “acceptable” to the IPC Commissioners and the NSW Department of Planning, NSW Health, and NSW Environment. There is no intervention, no recovery, no antidote to lead contamination - the monitoring will let you know you have it. That’s it. It is also worth noting that this “condition” was described as being “not necessary” but to “reassure” the community. So....all good then. The juxtaposition between what the community is sensing

and the nonchalant attitude of the NSW Government to this “condition” - can only be described as “gaslighting”. Moreover, despite hundreds of attempts by hundreds of community members to illicit a response from the Health, Environment, and Planning Minister there has been no adequate response. Nothing more than “thank you for your contacting us it has been passed on to the DPE”, “unfortunately, the Minister has a prior engagement and is unavailable to attend your public meeting”.

This Inquiry is partly due to that groundswell of community opposition in Mudgee and partly due to the Cadia Mine’s surrounding community persistence in reporting air quality breaches at Newcrest Mine and resultant criminal charges brought by the EPA in the Land and Environment Court against Newcrest. It is alleged that the Cadia Mine has been the source of heavy metals contamination of local Cadia residents.

<https://www.abc.net.au/news/2023-08-21/epa-launches-criminal-proceedings-cadia-gold-mine-air-pollution/102755286>

Henry K. Independent Report of the Biodiversity Conservation Act 2023

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2022/12/bowdens-silver/determination/230403-bowdens-silver-project-ssd-5765-development-consent.pdf> p. 28 (g)

These examples are a symptom of an industry - spearheaded by the self entitled Minerals Council who are out of control in their disregard for the welfare of the biosphere and consequently the citizens of NSW.

The current planning system is a symptom of successive weak, if not collusive, governments to call foul on outrageous destruction of the economic, environmental and human health of its citizens.

Policies to destroy the Health, Livelihoods, Amenity and Environment

In it’s “Reasons for Determination” the IPC cited three strategic Policies governing the decision to approve Bowden’s mine, two being:

NSW Critical Minerals and High-Tech Metals Strategy (2021)

Australia’s Global Resources Statement (2020)

Both policies carry the clear message that it is through extraction that we will save the planet from the ravages of Global Warming brought about by the extraction industries. Both policies imply that to save our habitat we must presumably destroy it. Both identify that employment and economic advantage is derived from extraction of the minerals and metals that the world is wanting to buy. So Australia, particularly NSW Central West is being offered as a quarry to the world.

Leaving aside the fact that metals such as silver, lead and zinc are not identified as one of the 26 minerals in the Critical Mineral's Strategy 2023-2030 the fact remains that there is a price to communities, to the environment, to food production, to water resources exacted by wide spread extraction of heavy metals. This is what is not identified in either of the policy documents, apart from a cursory nod to "mine sustainably" - within the Biodiversity Conservation Act 2016.

How is it that there are so many Acts of parliament within which metals mines must comply to keeping the biosphere and communities safe and healthy and yet there be so many ecological disasters, including acid mine drainage into river systems, heavy metal air contaminants found in people's blood and drinking water, loss of endangered flora and fauna, and desecration of Indigenous Heritage sites?

A prime example that doesn't seem to make the National News in Australia is Glencore Macarthur River Mine.

Is this what we can expect in Mudgee?

Macarthur River Mine

For those who are unaware of the unfolding disaster over 10 years at the Glencore Lead, Zinc and Silver Mine 60km from the Aboriginal village of Borroloola in the Northern Territory's gulf country, this is a warning bell for us all.

2014: The mine's leaking tailings dam was found to be at risk of collapse and in 2014 high levels of lead were found in local fish stocks and 400 cattle had to be destroyed after the Department of Mines and Energy found cattle contaminated with lead after accessing a contaminated creek on the McArthur River Mine site.

2015: the mine's waste rock dump caught fire due to reactive chemistry. The mine's Independent Monitor warned, if not fixed, major acid metalliferous drainage problems would leach sulphuric acid into surrounding waterways. Since then there have been numerous attempts to smother the 2kmx100m smoldering dump without success.

<https://www.youtube.com/watch?v=nWqn2SgaMcg>

Freedom of Information requests by the McArthur River's Aboriginal Traditional Owners revealed internal NT Government memos contained warnings that Glencore's actions would have 'catastrophic consequences' for downstream environment and communities.

2023: Glencore received approval to extend its mining operation until 2048, resulting in an estimated 1000 years of rehabilitation and monitoring. No clear plan of mine rehabilitation was ascertained during the environment impact assessment stage and the bond increased by only \$33 million, despite far less complex projects of similar scale requiring around \$1bn for rehabilitation

These real costs will be born by the community and are not considered when estimating the economic benefits to the community, and certainly refute claims of intergenerational equity.

The Economics of Metals Mining - Cost Benefit or Net Loss

It is beyond my scope of expertise to outline the definitive cost benefit analysis on Metals mining to NSW. But I would urge the committee to read the analysis of one of Australia's chief Economists Dr Ken Henry and his panel's recent Parliamentary Review of the Biodiversity Conservation Act 2016.

<https://www.parliament.nsw.gov.au/lc/tables/papers/Pages/tables-paper-details.aspx?pk=186428&houseCode=lc>

Ken Henry's Forward:

The Review Panel appreciates that this (adopting a Nature Positive approach to Planning) implies a major reset in public policy thinking, which many will find challenging. Even though sustainability concepts have been central to policy development for more than a generation, many in the community, and even within government circles, still struggle with the notion that policies to promote human progress should recognise any constraints, social or environmental. Yet the fact of humanity's dependence upon the quality of the biosphere, in both social and economic dimensions, is as immutable as the laws of physics. The case for giving primacy to environmental repair is inescapable. Our future depends upon it.³

Conclusion

The three key points I wish to make in submitting these ideas:

The IPC decision on the Bowden's (5765) project is rejected by the community. The stated reasons justifying the approval lack academic rigour on human health, environmental impact, economic and sustainable development grounds. The IPC has made a decision with 14 management plans outstanding, all of which are the very substance of the proposal. The fact that this incorrect decision has been made needs to be corrected and therefore warrants interrogation in the Land and Environment Court under a merits appeal process at a cost to the NSW Department of Planning and Environment (DPE). All projects should be subject to merit rights appeal. Communities must have access to the law.

Communities affected by metals mining need to be involved at every stage of the development, beginning with the scoping. By this I mean actively involved, compensated financially for their time and energy as are the lobbyists, government officials, proponents. The community and Indigenous communities submit, vote on, approve or disapprove of each stage of projects. Independent experts acting for the community must be fully funded by NSW DPE.

3. Implementation of all recommendations of the Ken Henry Independent Review of the Biodiversity Conservation Act 2016 (2023) should be implemented factoring in the economic value of Natural capital and its emphasis on intergenerational equity.

Henry, K., 2023 (p iii)