

Submission
No 228

**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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Date Received: 5 September 2023

I refer to 1.(I) any related matters, of the Terms of Reference, for my submission.

This submission relates to the unfair process of the McPhillamy's Gold Mine approval process undertaken by the Department of Planning and Environment (DPE), and the Independent Planning Commission (IPC).

Below is my submission, as well as my written submission presented to the IPC Hearing panel.

ISSUE: Current IPC (Independent Planning Commission) setup

The community was informed that the IPC was going to run a hearing and not a meeting for the McPhillamy's project. This changed how we saw and prepared for the hearing given that we now knew that we were not going to be able to appeal this project on its merits if it was approved. We are still surprised and confused as to why this was made a hearing and not a meeting which would have allowed us to appeal this project in the Land and Environment Court. Knowing this and experiencing the IPC hearing for three days in January it became very obvious to the community that this project had already been approved and that the hearing run by the IPC was merely lip service. We were told that we would be heard and that our stories would be listened to during this process, however the three panellists merely sat there, put no questions forward to us around the project, and to add insult to injury, not one of our conditions that we were encouraged to put forward we are added to the departments existing generic conditions. The community worked for years on these conditions and were told that if we did it properly then it would be easy for the IPC to implement these into the existing conditions. Please note that not one condition put forward by the community or community groups or people representing the community were implemented into the existing conditions. This again is evidence in our eyes that the decision had been made prior to the IPC hearing and we never had a chance.

CONSIDERATION: 1) The McPhillamy's decision should be overturned and we as the community should be able to take this appeal to the Land and Environment Court.

2) Every State Significant Development (SSD) in New South Wales should be referred to an IPC meeting to enable the community to have a truly independent body judge these projects, if they are approved, in the future. We have the right to take our issues to the Land and Environment Court to have it heard by the people who are truly independent.

3) There should be an inquiry into the independence of the IPC.

ISSUE: Timeframe for the Development Application Process

The current process for determining mining development applications in NSW is heavily skewed towards the proponent, leaving the affected community unprepared, uneducated and unsupported through what can only be described as a tortuous drawn out timeframe.

The McPhillamy's application process was continuously lengthened whilst the Department gave them unlimited opportunities to redo their application through amendment after amendment. The Preliminary EIS was exhibited in 2018, however the IPC was not conducted until January 2023. The toll this took on the community who's lives will be affected by this project was severe.

CONSIDERATION

That the process for these applications be given stricter timeframes to work in (currently, as told by the DPE, as long as the proponent is working on the application, there are no deadlines or timeframes), so that the proponent has to do the ground work first, before considering going through this application process (and dragging the community along too) at all.

ISSUE: Changing of regulatory framework until the project fits into the parameters for approval.

The McPhillamy's project has had consistent issues with water take for the duration of this proposal. This is one of the major reasons why this project was not approved for so long. During this time Ministers notes were added to the water sharing plan, tendering of long surrendered water licences, and special-purpose access license (SPAL) granted at the 11th hour were the only way that the department was able to approve this project. This project was never going to be approvable under the framework that exists at the moment, due to the fact that as gold mines are notoriously water hungry there was not enough licensing or actual water to provide this Project as the current regulations stand.

This is a typical example of moving the goal posts until Regis was able to kick a goal. The fact that the Belubula River which will be dammed by the tailings storage facility sits in the Murray Darling basin is a major concern going forward with water security. Time and time again we are cutting off the supplies that feed this important system. At what point do we say no more and try to preserve the health of this already stressed river system? This tailing storage facility (TSF) will sit over the top of over 26 springs which feed the Belubula river which provide a constant and very important water supply which then feeds into the Lachlan River and down into the Murray Darling system.

CONSIDERATION: That this inquiry looks further into the impacts the McPhillamy's Gold Project mining proposal will have and investigate the changes made to the regulatory frameworks which enabled this projects to be approved.

This shortsightedness needs to stop, and if these projects cannot get to the finish line without having to change these important regulations then they should not be allowed to proceed.

ISSUE: Community Consultation by the Department of Planning and Environment compared to the Proponent

The Department of Planning and Environment (DPE) let the community down. The community had very limited contact with the DPE throughout this whole process. The community was never listened to, respected or supported at all during this process. The DPE visited this community once, and this was only due to our constant requests. We were repeatedly told that we would have our time to be heard at the IPC hearing. Alternatively the department spent the majority of its time working with Regis Resources to continuously change the project to fit within the regulatory framework. We were never updated as to what was going on and when information was provided, our only correspondence was through the website when an amendment was uploaded onto the portal and even then we had to be checking the portal every day to see if these had indeed been uploaded.

CONSIDERATION: That further investigation be made into the DPE and their lack of involvement with the community throughout this process.

As forced stakeholders in this process, the community is entitled to be updated and educated on the process, considering the majority of the community have never been through anything even similar to this, leaving them unsure how to get involved, have a say, and be heard.

ISSUE: Timeframe for responses

The community was presented with an over 6000 page (heavily model based) EIS Document in 2019. We were then given an extremely short timeframe to read, understand and research the document and then submit a response to the Department. Another example of the uneven playing field that the community experienced throughout this process.

There is also the issue that all the expert documents in the EIS, which are the key source of validation for the Department and IPC, are sourced by companies paid by the proponent. How can we trust that the modelling and advice is of a truly unbiased nature when these companies are paid by the proponent?

CONSIDERATION: 1) The structure of the EIS should be made to be an understandable document, which addresses the key concerns of the community.

These documents, such as the Regis Resources EIS, is a deterrent to the majority of the community who are unable to read the jargon. The proponent should be required to submit one document to the Department, which can contain all the modelling etc, and another, more succinct document for the community to read.

2) That all modelling and expert advice is sourced from truly independent companies, and not those employed by the proponent.

ISSUE: the lack of consideration around existing mines in the central west and the current destructive behaviour we are experiencing as a community already.

In the central west we already have Cadia Valley Operations which has consistently broken rules and been over limits of dust and pollution and up until now has only been fined minimal amounts which have had no impact on their operation.

At no point did the DPE or the IPC openly discuss these issues with the community and how this will be avoided with this new proposal with Regis Resources. No added conditions were put in place to help minimise this from ever happening with any new greenfield mine, there was no mention of tighter controls and regulations, there was nothing at all.

Mining companies should not be able to self monitor through their own, very vague management plans which are developed post approval. These plans allow an immense amount of interpretation through language such as, “mitigate, monitor, where possible” just to name a few.

CONSIDERATION: There needs to be far more stricter rules imposed on these mines before they are approved, instead of allowing them the option to manage, mitigate, and monitor through their management plans thus giving them a free reign to conduct their mining business in a way they see fit without any regulatory boundaries beyond the bare minimum being placed on them.

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