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Chair Portfolio Committee 2 – Health
Parliament House
Macquarie St
Sydney NSW 2000

Wednesday 30 August 2023

Submission

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.

Introduction:

Thank you for the opportunity to contribute to the above inquiry. I do so on behalf of the Central West Environment Council (CWEC). Our organisation consists of representatives from fourteen environmental groups from centres such as Orange, Dubbo, Bathurst, Mudgee, Rylstone, Lithgow, Blayney and Oberon. Our member groups have for a long time practised environmental advocacy. Most have been involved in environmental issues relating to mining. We welcome this inquiry, as CWEC's experience with proposed and operating mining activity in the Central West has confirmed that mining policies and procedures need to be improved if the health and environmental impacts of mining are to be properly addressed.

We are particularly concerned about the poor performance and regulation of the Cadia goldmine near Orange and the poor assessment and approvals process for the Bowden's lead and silver mine near Mudgee and the McPhillamy's goldmine at Kings Plains.

Heavy metal contamination from poorly regulated mining projects in the past has left ongoing pollution problems in the region that are very expensive to remediate and have left major legacy issues that are still not resolved. The Sunny Corner silver mine near Bathurst with 100 years of toxic contamination in the region is a case in point.

CWEC held a public meeting on mining impacts in Orange on Saturday 17 June, attended by over 100 people who supported the following actions:

- Reinstate merit appeal rights through NSW Land and Environment Court – for a truly independent analysis of the quality of environmental assessment

Policy change to direct decision-makers:

- Full health impact assessment requirements in large project Environment Impact Assessment
- A more balanced approach to cost benefits analysis so that true value of social and environmental costs are accounted for
- Independent expert advice, not sole reliance on reports paid for by mining companies as the key source of information for Government agencies and the Independent Planning Commission

Improvements in the regulation of large mining projects:

- Stronger, enforceable conditions – not reliance on post approval management plans
- Larger fines and meaningful penalties with financial or operational deterrence
- More oversight from Government agencies with powers to enforce tangible actions

Revoke the Independent Planning Commission approval of both the McPhillamy's and Bowden's mines on the grounds of administrative failure to provide procedural fairness. Conduct an inquiry into the function and practice of the Independent Planning Commission.

We trust the Inquiry will note these issues in its recommendations.

Key Issues:

1. Human and Environmental Health

If this inquiry is to have beneficial outcomes, the priority for all related policies and processes concerning mining should be human and environmental health. This can only be achieved through truly independent assessment that is fully considered in the approval process and is subject to appeal should subsequent research reveal additional information detrimental to health outcomes. We submit that to allow this to happen, there should be a reinstatement of the merit appeal rights through the New South Wales Land and Environment Court.

No mining proposal should be contemplated without the inclusion of a prior full health impact assessment, to be conducted by an independent authority. In addition, all operating mining activities should be subject to periodic health assessment, again carried out by an independent authority, with the results being available for public scrutiny. Independent expert environmental and health assessment should be the key source of information for consenting authorities. Expert independent reports should provide the basis for management plans to be submitted by proponents and evaluated prior to any approval considerations. The practice of relying on post approval plans to manage health and environmental concerns should be discontinued.

2. Improved regulation

Consideration needs to be given by this inquiry into current regulation of large mining projects. Conditions of consent for mining projects need to be stronger and more enforceable. Such conditions need to involve fines which are more appropriate and large enough to act as a deterrent. Appropriate deterrence for non-compliance needs to include temporary closure until problems are addressed should there be a question of health threats caused by mining activity.

Mining companies cannot be relied upon to self-monitor. Government agencies with the responsibility to monitor compliance must be required to provide appropriate scrutiny and enforcement. It is essential that adequate Government funding is available to provide the resources for compliance monitoring.

3. Imbalance in assessment process

Approval for mining proposals is often granted based on their being “in the public interest.” This frequently translates as the economic benefits that flow from a productive mining enterprise. Little consideration is often given to information provided by those who have concerns about the social, health and environmental impacts of mining approvals.

CWEC would like to see this inquiry recommend that each mining proposal include an independent analysis of the costs and benefits of the project, so that the true value of the environmental, social and health impacts is accounted for. Currently it would appear that policies and processes are weighted disproportionately in favour of the commercial interests of mining, to the detriment of those whose health is directly or potentially impacted.

4. Expansion of mineral mining in Central West NSW

The Central West has been identified as a key expansion area for mineral mining. The assessment of cumulative impact of mining activity has been very poor in the region. This is particularly in relation to impacts on water quality, water availability, environmental flows and air quality.

Climate change will reduce water availability in the Central West with longer, more severe droughts. We note that both the Bowden’s and McPhillamy’s mines have been approved with insufficient water to maintain operations, including dust suppression during and extended drought.

If mining and the social, health and environmental aspects are to coexist for the health of those impacted, we trust that your recommendations will include action on the issues raised above.

5. Toxic emissions from coal industry

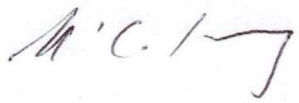
Central West NSW hosts the western coalfields based in Lithgow and Mudgee Region and Mt Piper coal-fired power station at Lithgow. There are significant heavy metal emissions from extracting and burning coal in our region. These include discharge of waste mine water into neighbouring water sources, contamination of groundwater sources, dust emissions from opencut

operations, coal handling and trains. The Mt Piper Power Station has significant toxic emissions into the surrounding environment from the stacks and fly ash dumps.

6. Recommendations:

- The Department of Planning and the Independent Planning Commission must be resourced to employ independent experts to review information provided by proponents.
- The Environment Protection Agency and Department of Health must play a major role in the approvals process and be better resourced to improve regulation.
- Greater penalties and stronger conditions for mining operations must be in place to prevent heavy metal contamination of the environment and community
- Coal mining also emits heavy metals into the air and waterways. This Inquiry should be extended to include consideration of coal mining pollution.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. King', written over a faint, circular official stamp.

Nick King
President
Central West Environment Council