**Independent Planning Commission**

**Commissioners Peter Duncan AM, Clare Sykes, Peter Cochrane**

**Via IPC Website**

Dear Commissioners

**Reference Number SSD-5765**

I object to the proposal, by Bowden’s Silver, to develop a lead, zinc and silver mine adjacent to the township of Lue.

The reasons for my objection are:

1. The proposed development is not in accord with the Objects of the Environmental Planning and Assessment Act
2. The proposed development does not constitute ecologically sustainable development,
3. The Department of Planning has exhibited a clear bias, in favour of mine development, throughout the assessment report, which invalidates the decision to approve the project,
4. I live approximately 20 kilometres from the site of the proposed mine, and I am concerned my own property and drinking water will be contaminated by wind blown dust from the mine site.

Appendix C, Page A10 of the Assessment Report presents a table that shows the Objects of the EPA Act and, within this table under the heading of Consideration, the Department presents its conclusions as to how the proposed project aligns with the Objects.

As a summary of project alignment with the Objects, this table demonstrates appalling bias. It omits all reasonable conclusions as to impacts that do not accord with the Objects.

For example, *Object (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources*. The table omits to note the project **will not** *promote a better environment* and **will not** *conserve the State’s natural resources*. The project will, through the destruction of 146.72 ha of critically endangered ecological community (CEEC), threaten the survival of 13 threatened species, including Koala, Silky Swainson-pea, Small Purple-pea, Large-eared Pied Bat, Squirrel Glider and Regent Honeyeater. None of these ‘considerations’ are mentioned under the heading Consideration. Why?

The destruction of 146.72 ha of critically endangered ecological community (CEEC), and the consequent impact on threatened specifies flies in the face of Object (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. The Department concludes these impact are okay by using qualifiers such as “where practicable”, “to the greatest extent possible” and “wherever possible”. These aren’t real safeguards they are **get out of jail free** cards.

Further regarding Object (a) the table contains a glib statement that, “*The project will provide considerable socio-economic benefits”*. The table exhibits bias by omitting mention of considerable negative socio-economic impacts. Agricultural businesses in the area, particularly olive growers and wineries will be negatively impacted, possibly destroyed, if this project proceeds. Other agricultural enterprises affected by lead pollution will be negatively impacted. B&B’s in the area will be negatively impacted. Surely, long term jobs in agriculture and tourism are more valuable than short term jobs in mining that will be gone in a few years.

As regards Object (b), “*to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision making about environmental planning and assessment”,* Appendix C2 provides the definition of ESD found in the *Protection of the Environment Administration Act 1991*, and the department’s rational for concluding the project meets ESD criteria. This Appendix also displays clear bias in having little regard for any of the negative aspects of the project that are at odds with the principles of ESD. This is very clear in the conclusions regarding Intergenerational Equity and Conservation of Biological Diversity. The Department has no legitimate basis for concluding these aspects of ESD are satisfied.

With regard to the Precautionary Principle, the Department manages to find in favour of the project by considering only “***reasonable worst case scenarios”***. Surely, a worst-case scenario is just what it says, not some contrived worst case that isn’t really too-bad. The use of such an approach is another example of bias, in this case extreme bias. Further the Precautionary Principle should be applied with regard to the devasting consequences for the environment if material from the tailings dam were to find its way into Lawson Creek and, downstream, into the Cudgegong River and Burrendong Dam. The Commissioners should note the tailings dam has been designed with a spillway! In other words, in the event of a large rainfall event, the proponent is planning to discharge toxic mine waste into Lawson Creek. There is no way the Department of Planning should be allowed to sanction deliberate trashing of the environment.

Another example of bias in the Department’s process is the way in which information concerning submissions is reported. There are numerous submissions in favour of the project. However, if one looks at these most are very insubstantial, consisting of one or two lines, and many are from people who will not in any way be impacted by the project. A quick scan reveals submissions from people in Victoria, Queensland and even Western Australia who have no skin in the game. Using this weight of raw numbers, to give the impression the project has community support, again demonstrates bias.

My own home is approximately 20 kilometres, as the crow flies, from the proposed mine site. I graze sheep, grow fruit and vegetables and rely on rainwater for drinking. I am very concerned at the very real risk of lead contamination of my property, my food and my drinking water. The distance from the mine site is minimal when one considers our home and shedding is, in dry times, blanketed by red dust from the western plains.

In conclusion I submit the Department of Planning’s assessment process is seriously flawed. It appears the Department has had little regard for the risks highlighted in expert reports – even those from their own experts. The project is seriously at odds with the Objects of the Environmental Planning and Assessment Act and with the Principles of Ecologically Sustainable Development. The Department only manages to find in favour of this project by applying considerable bias in their decision-making processes and conclusions.

The IPC should recognise the flaws and bias in the Assessment Report and reject the proposed Bowden’s lead, silver and zinc mine.

Yours sincerely

Barry Hadaway

23 February 2023