



Nature Conservation Council
The voice for nature in NSW

12 July 2023

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Proposed Cowal Gold Operations Open Pit Continuation (SSD-42917792)

The National Parks Association of NSW (NPA) and Nature Conservation Council of NSW (NCC) appreciate the opportunity to comment on the above proposal.

NPA's mission is to protect nature through community action. Our strengths include State-wide reach, deep local knowledge, evidence-based input to policy and planning, and over 65 years' commitment to advancing the NSW protected area network and its professional management. We also provide outstanding opportunities to experience and learn about nature through our unrivalled program of bushwalking, field surveys, bush regeneration and other outdoor activities.

NCC is the state's peak environment organisation. We represent over 180 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

General Comments

NPA and NCC did not support the original proposal. NPA and NCC continue to believe that an open pit mine is an inappropriate development located on a wetland of recognised national and international significance. It follows then that NPA and NCC do not support the new proposal to expand the mine. A mine development is fundamentally incompatible with the long-term maintenance of ecological health and protection of the significant biodiversity of the Lake Cowal ecosystem.

Even with the best intentions of the proponents to minimise risk and ameliorate foreseeable impacts, no mine can indefinitely operate in a failsafe manner. The consequences of substantial contamination of the local and downstream environment from a project of this scale, and potential for irreversible adverse impacts, are considerable. The Precautionary Principle must always be paramount.

It should be noted that Lake Cowal is the largest inland lake in NSW and is part of the Wilbertroy-Cowal Wetlands within a large flood plain, the Jemalong Plain. It is on Australia's Register of the National Estate and its Directory of Important Wetlands, and the Australian Heritage Commission has suggested that the NSW government consider the Lake Cowal region for Ramsar listing. Therefore, Lake Cowal is of international significance.

Environmental performance questions

In relation to the current mine operations, and a proposed mine expansion, concerning environmental items include whether the practices applied at the current mine have improved its performance. Has there been a reduction in the use of cyanide, originally a major reason for refusal. Can the community have complete confidence in the ongoing security of the tailings dams and the bund wall? Has the increasing volatility of climate change been factored in for the longer term?

Lake Cowal Conservation Centre

NPA and NCC, while in principle opposed to open cut mining in the Lake Cowal area, agreed to participate in the environmental trust mandated as a condition of approval for the then North's proposed gold mine in the hope that it would provide some protection for the important biodiversity values of the region.

In accordance with that mandate, the initial active support from North's in drawing up the Lake Cowal Foundation deed of agreement and subsequent Constitution and establishment of the Lake Cowal Conservation Centre (LCCC) is noted. The establishment of the LCCC has resulted in outreach to schools and community in the region. This has importantly facilitated increased awareness of the Lake Cowal environmental values which needs to be sustained into the indefinite future. The carry through of the environmental trust mandate through successive changes of mine ownership has been honoured, though active support for effective operation of the Lake Cowal Foundation (LCF) Board, which manages the LCCC, has flagged in recent years.

Without in any way diminishing our concern over the presence of the Lake Cowal mine and its current impacts and potential risks to the significant Lake Cowal Region environmental values, the full attainment of the principal object of the LCF and its activities are still far from being achieved.

Particularly important is to safeguard the Lake Cowal Region wetland values for the long term, including the bird-breeding northern lignum sites; and the woodland and grassland sites that contain remnant natural habitat with rare and endangered species.

Given the site-specific elements that make up the Lake Cowal Region as a whole, NPA and NCC do not consider that off-setting can in any way deliver compensation or replacement of these values.

Impacts on Biodiversity

This project relates to a significant expansion [in spatial extent, cumulative volume of production, and total duration] of the existing Cowal Gold Operations. In particular, the expansion project, if approved, would extend the surface open pit mining operations further into the bed of the significant ephemeral wetland system, and will impose even greater risk than present operations of contamination of these and nearby wetlands, and thus of all the receiving streams and wetlands downstream of the Lake within the Lachlan River system.

Lake Cowal has been recognised as being worthy of listing as a wetland of international significance under the Ramsar Convention. Its importance for migratory birds becomes more critical with time. Approximately 277 species have been either recorded or are considered likely to be relying on this ecosystem to remain healthy and viable. One important aspect is that Australia has obligations under the JAMBA and CAMBA international conventions to ensure the safety of migratory birds.

As well as being concerned with biodiversity conservation and protection of key breeding habitats such as wetlands, the NPA has direct interests in the integrity of the national parks and other protected areas within the Lachlan River system downstream of the project, including those on its tributaries. Examples include Lachlan, Kalyarr and Willandra national parks. In the event of an uncontained contamination incident, the environment of such reserves is at risk, as well as wetlands and riparian

ecosystems along the river downstream of the mine. The risk of occurrence might well be "low", but the consequences and severity of impact(s) might be highly significant.

NPA and NCC remain opposed in principle to mining close to sensitive wetlands, and do not support the expansion, even with the proposed safeguards.

Risk assessment

The belatedly acknowledged 2023 dust contamination incident at the Cadia mine near Orange is a stark demonstration that the current NSW assessment and regulatory system is not effective in eliminating significant risk of substantial damage to human health and to the environment.

NPA and NCC are not persuaded that the mitigation measures outlined in the EIS are sufficient to reduce the risk of damaging incidents impacting the wetland and riparian ecosystems of Lake Cowal, or downstream. The environment, human health, cultural values, and economic activity downstream would bear the consequences if there was any failure of mitigation measures at the mine. For terrestrial biodiversity conservation, the project is far too reliant on discredited biodiversity offsets mechanisms.

Contingency measures need to be expanded to outline not just on-the-fly modifications to the project, but a commitment to credible measures for remediation of the environmental and/or cultural values impacted by unforeseen or poorly predicted impacts, wherever these impacts may have occurred. The EIS also does not outline in any clarity a credible plan for long-term ownership and management responsibility [including ongoing erosion, weed & pest animal control] after the conclusion of operations.

Consultation and engagement

The assessment process to date demonstrates completely inadequate community consultation [and social impact assessment] about the proposal. There is no evidence that any parties downstream of Condobolin were contacted, even though many communities and wetlands along the Lachlan are potentially affected if there were to be a failure of the various mitigation measures proposed. Likewise peak NSW conservation organisations were not engaged, and even local groups affiliated with them were not consulted. The so-called engagement appears to have assumed from the outset that "the community" was comprised solely of Condobolin, Forbes and West Wyalong [none of whom would be downstream of a water pollution incident, even if they might indeed be affected socially and economically]. Communities such as Lake Cargelligo and Hillston, and the many others downstream of the project, should have been front and centre in the community engagement from the earliest stages. Even peak organisations like NSW Farmers appear not to have been engaged in the process prior to release of the environmental impact statement. Broader "state interest groups" are mentioned in table 6.2 but are pre-emptively classified as having low impact and significance. Consultation while occurring, was very late in the planning process (6 April 2023) and attracted only a limited number of participants.

The planning processes

The sheer volume of material [5000 pages] has the effect of burying and disempowering many people. There is sometimes inconsistent editing and cross-referencing. The list of acronyms [which is not consistently sorted] is missing items used in the text. For example, "DNG" is used without explanation in section 7 and does not appear in the "glossary & abbreviations"; and it only gets explained as "derived native grassland" if a reader goes to the text of the separate appendix document. This and other examples make the documentation harder to engage with for people other than professionals already familiar with the jargon.

Further expansion options

NPA and NCC believe that, given the current proposal to expand existing operations to 2042, it is likely that further expansions will be sought in the later decades. NPA and NCC believe such outcomes will exacerbate the potential dust and contamination potential to the Bland Creek, Lachlan River and surrounds. NPA and NCC contend that the most appropriate way to achieve protections of the significant local environmental values is for formal and in-perpetuity protections be provided for Lake Cowal and Nerang Cowal and surrounding grasslands. Formal protection should be achieved via the transfer of land title to an appropriate local aboriginal entity (e.g., Corporation) after the appropriate consultations, and that the land be managed under lease to the NSW National Parks and Wildlife Service.

Recommendations

If the current expansion proposal is granted, NPA and NCC strongly recommend that;

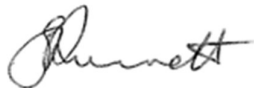
1. The current arrangements related to the operations and funding for LCCC and LCF be continued,
2. The remaining land titles on Lake Cowal, Nerang Cowal and surrounding grasslands be transferred to a body committed to holding and managing for conservation and cultural values in perpetuity. The preferred model would be a local aboriginal land management entity and co-managed by the NPWS.

Summary

NPA and NCC did not support the original open pit proposal and do not support the current expansion proposal. However, NPA and NCC believe that the current arrangements with the LCCC and LCF should be continued and strengthened. NPA and NCC also believe that wetland and grassland areas outside of mining operations should have their land titles transferred in perpetuity to a body committed to conservation and cultural heritage management such as an aboriginal land management entity and co-managed by the NPWS.

For questions relating to this submission, please contact Gary Dunnett, NPA CEO, at garyd@npansw.org.au or on 0432 757 059.

Yours sincerely,



Gary Dunnett
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National Parks Association of NSW
protecting nature through community action