



1 March 2023

Mr Clay Preshaw  
Executive Director Resource Assessments  
Department of Planning and Environment

via email: [REDACTED]

Dear Mr Preshaw,

**Bowdens Silver Project (SSD-5765)  
Request for Information**

I refer to the State significant development application for the Bowdens Silver Project (SSD-5765) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is seeking clarification from the Department of Planning and Environment (**Department**) on matters that have been identified by the Commission Panel in Attachment A to assist their ongoing deliberations.

The Commission will consider any written response provided on or before 8 March 2023 unless an extension to this timeframe is requested and agreed to by the Commission.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Phoebe Jarvis via [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]  
Stephen Barry  
Planning Director

## ATTACHMENT A – Questions for the Department of Planning and Environment

### Harvestable Water Rights

1. Given the requirement for the retention of contaminated water on-site, can the Department confirm the following:
  - (a) whether this water would be subject to the “harvestable rights” provisions under the *Water Management Act 2000*, and if so, to what extent (in ML/yr over the life of the Project)?
  - (b) if, as per (a) above, this water is subject to the “harvestable rights” provisions, will take of this water be exempted from requiring a Water Access Licence (**WAL**)?
  - (c) if, as per (b) above, take of this water is exempted from requiring a WAL, how will any WAL exemptions be dealt with under the relevant Water Sharing Plan?
  - (d) If, as per (a) above, this water is subject to the “harvestable rights” provisions, will those harvestable rights result in a reduction to the Long Term Annual Average Extraction Limit, and therefore Available Water Determinations / WAL allocations under the relevant Water Sharing Plan? If so, to what extent (in ML/yr over the life of the Project)?

Finally, and in the context of the above, can the Department clarify whether, and if so, how, the requirement for the retention of contaminated water on-site has been factored into the assessment of water impacts in relation to downstream users?

### Aboriginal Cultural Heritage

2. The Commission notes that the Aboriginal and Historical Cultural Heritage Assessment (**AHCHA**) undertaken by Landskape Natural and Cultural Heritage Management identifies a rock shelter on the subject site, with potential archaeological deposits (page 80). The AHCHA considers the rock shelter to have moderate archaeological significance (page 86), with the proposal having potential direct impacts on the rock shelter.

Can the Department clarify how significant archaeological deposits in relation to the rock shelter on site, should any be discovered, are proposed to be appropriately managed?

3. Is there any reason why a condition should not be imposed to require the archaeological investigations as described in recommended condition B57(c) to be carried out prior to the commencement of works on site?
4. Noting that the AHCHA at page 87 recommends that:

*Those parts of the relocated Maloneys Road and water supply pipeline corridor not previously assessed should be subject to detailed cultural heritage assessment and any Aboriginal or historical cultural heritage sites appropriately documented and managed in accordance with the Heritage Management Plan (HMP).*

Is there any reason why a detailed cultural heritage assessment of land subject to the relocated Maloneys Road (and not previously assessed) should not be required prior to the commencement of work on the site?

5. Concerns have been raised by Wellington Valley Wiradjuri Aboriginal Corporation that consultation with Aboriginal groups has not been completed in accordance with the

*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This was raised in [WVWAC's submission to the Commission](#) and at the Public Hearing.

The Commission notes that the Department's AR (page 76) states that:

*Bowdens Silver undertook consultation in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, including distributing a draft Aboriginal cultural heritage management plan to the RAPs for feedback, and Heritage NSW has indicated it is satisfied with the adequacy of the process.*

In light of Wellington Valley Wiradjuri Aboriginal Corporation's concerns, can the Department clarify the process by which the Applicant has consulted with Aboriginal groups and elaborate on how the Commission and other stakeholders can be satisfied that the consultation process has been completed in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*?

#### Relocation of Maloneys Road

6. The Commission notes the Department's recommended conditions related to the Maloneys Road relocation (B61 and B62). Is there any reason why the relocation of Maloneys Road should not be required to be completed prior to the commencement of any works on the site?