

Presentation to the Independent Planning Commission

Bowdens Silver: 15th –17th February 2023

Application number: SSD-5765 EPBC ID number: 2018/8372

My name is Rosemary Hadaway and I am Chair of Mudgee District Environment Group. Today I am speaking on behalf of the Group.

Mudgee District Environment Group (MDEG) strongly opposes this project.

Today I will use an Agency case study to illustrate that DPE assessment process is flawed, and the Conditions of Consent are inadequate

Commissioners you met with Council, on 2nd February 2023. It is unfortunate that the Mayor and General Manager did not discuss the full range of Council concerns. In Council submissions the issues are clearly detailed, and the lack of response from the proponent is also clearly described.

In the Assessment Report DPE states (Para 62, Table 5) **Council 'recommended Bowdens Silver prepare a range of management plans, including for rehabilitation, the management of cyanide, a disaster management plan and an accommodation and workforce strategy.'**

Council also stated:

- 'Details of a guaranteed water supply'
- 'multiple lines of defence for a potential incident occurring, there is insufficient detail, risk assessments should be undertaken'
- 'our response to SEARs in December 2016 pointed out that the project will require upgrades to local roads'

With regard to that last point - the Assessment Report focusses on Maloney's Road. There is no assessment of road and traffic impacts for the B-double routes along Lue Road, Ulan Road and through Mudgee town. This is a major omission.

Back to Council's concerns:

- 'ongoing maintenance schedule of the mine site for the entire period, including a scenario where the company is dissolved.'
- 'real time monitoring of health issues'
- 'ensure that the water supply and dust mitigation measures are sufficient'.

DPE was advised of Council requirements in its initial advice years ago:

Why are these matters still unresolved?

This Agency Advice to the Department has not been fulfilled.

This is not due process. We reject the DPE assessment process and the Department's conclusions.

To confirm that Agency case study, we submit that...

DPE's stance on agency advice is inadequate.

At Para 62, most Agencies were not satisfied with the EIS - repeatedly asking for more detail, data and monitoring. DPE indicates the requirements have been included in the Conditions of Consent - requesting management plans. Why were these plans not requested, received, peer reviewed and critiqued prior to the Recommendation for Approval?

DPE appears to be relying on these unwritten plans to answer the concerns and criticisms of Agencies.

DPE's stance on the advice of experts is inconsistent

DPE has claimed to accept and consider the advice of all experts. These authors have been heavily critical of the proponent's analysis of issues. Lack of detail and evidence, outdated and insufficient data - all give a picture of a chaotic project. DPE has accepted the proponent's analysis.

With regard to water

DPE Para 198 'With the implementation of these and other measures, the Department considers the project would result in acceptable impacts on water resources.'

In other words, the project as it stands, would not meet acceptable levels of impact on water resources.

Conditions of Consent

The Conditions of Consent are not robust or sufficiently detailed. They are weak and despite the complexity of the project surprisingly generic. Conditions must set explicit standards on all parameters - measuring and monitoring to be published in real time.

The highly technical and specialised design of this project warrants more than mitigation and monitoring. There are no consequences for the proponent. How can that omission stand?

If this project is approved, the Conditions of Consent must be strengthened greatly and hold the proponent to account.

Thank you for the opportunity to comment.

Additional words: Commissioners, I believe your task seems to me rather like an examining officer for a potential driver on our roads. You know the driver isn't experienced and regrettably, they will be in charge of an unroadworthy vehicle.