



TRANSCRIPT OF MEETING

RE: BOWDENS SILVER MINE (SSD-5765)

DEPARTMENT MEETING

PANEL: TERRY BAILEY (Chair)
RICHARD PEARSON
DR BRONWYN EVANS AM

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON

DEPARTMENT OF
PLANNING, HOUSING
& INFRASTRUCTURE: JESSIE EVANS
STEVE O'DONOGHUE

LOCATION: ZOOM VIDEOCONFERENCE

DATE & TIME: 2:00PM – 3:02PM
TUESDAY, 24 SEPTEMBER 2026

<THE MEETING COMMENCED

MR TERRY BAILEY: Good afternoon, Jessie and Steve.

5 **MS JESSIE EVANS:** Afternoon.

10 **MR BAILEY:** Thank you for your time, and welcome. Before we begin, I would like to acknowledge that I'm speaking to you today from Huan land, and I acknowledge the traditional owners of all the lands we're meeting from virtually today, and I pay my respects to Elders past and present.

15 Welcome to the meeting today to discuss the Bowdens Silver Mine which is state significant development SSD-5765 which is currently before the Commission for determination. I'll just note the consent granted to this application by the Commission in April 2023 was declared void by the court and a new public hearing and public submission period are being held by the Commission, and additional information from the application and supplementary advice from the Department of Planning, Housing and Infrastructure are also being considered.

20 The Applicant, Bowdens Silver Pty Ltd, is seeking approval to develop an open cut silver, lead and zinc mine approximately 2 kilometres north of the village of Lue in the Mid-West Regional Council area. The mine would extract and process around 300 million tonnes of ore and up to 2 million tonnes per annum. It would also produce an estimated 66.3 million ounces of silver, 130,000 tonnes of zinc, and 95,000 tonnes of lead.

25 My name is Terry Bailey and I'm the Chair of the Commission Panel and I'm joined by my fellow commissioners, Dr Bronwyn Evans and Richard Pearson. We're also joined by Kendall Clydsdale and Tahlia Hutchinson from the office of the Independent Planning Commission.

30 And in the interests of openness and transparency and to ensure full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of the matter and will form one of several sources of information upon which the Commission will base its determination.

35 It is important for commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and not in a position to answer, you may take the question on notice. Following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers requires a formal response. Any subsequent response or information provided to the Commission will be published on our website.

40 I do request that all participants here today introduce themselves before speaking for the first time, and for all members to ensure they don't speak over the top of each other, to make sure that we have an accurate transcript.

We'll now begin. So, again, thank you, Jessie and Steve, for joining us. I'm happy to hand across for your presentation, but I do note that the Panel does have a series of questions that it wants to pick up, and so don't want to spend the whole period, it all, in the presentation, and ideally we keep the presentation to about 20 minutes and allow the opportunity for questions and answers through the balance of the hour.

So, at this stage, we might just hand across to you, Jessie, to step through your presentation before we come back to questions.

MS EVANS: Yes, of course. And also, we're very happy to take questions throughout as well. So, thank you, Chair and commissioners, for the opportunity to speak today. Can you see the presentation on screen?

MR BAILEY: Yes.

MR RICHARD PEARSON: Yes.

MS EVANS: Yes, okay, perfect. So, my name is Jessie Evans. I am filling in for Chris Ritchie. I'm the Acting Executive Director, Energy Resource and Industry Assessments within the Department of Planning, Housing and Infrastructure. And I'm here today with Steve O'Donoghue who's the Director of Resource Assessments within the Department.

Today's briefing does focus on the additional information provided since the last Commission's original determination, and the Department's review of that information, and also our Supplementary Advice to the Commission.

So, this supplements the Department's previous Assessment Report and recommended conditions that were referred to the Commission in December 2022. And that was following a comprehensive all-of-government assessment that included an extensive independent expert review focusing on the key assessment issues of human health assessment, water resources, and also managing acid and metalliferous drainage from the proposed development, as well as social impacts and the economic evaluation of the project. That assessment was also informed by advice from NSW government agencies, including the EPA, NSW Health, the Department of Climate Change, Biodiversity, Heritage and Water agencies of the NSW Government.

So, that 2022 assessment was the basis of the Commission's previous determination, as you've outlined, and also the approval of the project following a public hearing. And it was also subject to strict conditions issued by the-then Commission in what is now the now-voided development consent.

I would also refer to the Department's previous briefing with the Commission on the 30th of January 2023 and that transcript and slides which were provided as a detailed overview of our original assessment. And that also provides further context, background and information. We are not planning to go into that level of detail today regarding the original Assessment Report, but rather focus on the Supplementary Advice provided.

I'm going to hand over to Steve to go through the agenda items provided by the Commission. I'm going to try and steer the slides at the same time, so let me know if there's any issues.

5 **MR STEVE O'DONOGHUE:** Yes, thanks, Jessie. So, yes, Steve O'Donoghue here, Director of Resource Assessments for the Department. I'm just going to follow the agenda items but I'm happy to stop at any point and ask questions because probably I understand you've got questions prepared, and it might be opportune to ask them while we're stepping through a particular point.

10 I think the first agenda item was just more broadly about the additional documentation provided since the prior determination. This slide just provides an overview of the supplementary material provided to the Department. I'd just flag that following the Court of Appeal decision, the Department asked the Applicant whether it intended to
15 proceed with the application in its current form or propose amendments to the project.

Importantly, the Applicant elected to proceed with the project in its previously approved form, and no other amendments to the project are proposed. So, essentially the assessment of the project components and the impacts are consistent with what was
20 considered later, but subjected to updated policies, legislations and guidelines.

In this matter, the Department also requested updated information to address these legislative, policy and environmental changes that have occurred since the original assessment was completed that informed the previous determination in April 2023.
25 This included updated biodiversity, greenhouse gas, social, economic and traffic assessments as well as reviews of heritage, human health, water, amenity and agricultural assessments.

Just duck to the next slide. This table provides a summary of the work undertaken since the original determination. The Applicant, Bowdens Silver, commissioned reviews of other key expert studies and reports that were undertaken during the EIS to ascertain whether there were any changes to the background context that might affect the assumptions or findings in those assessments, and to update the assessments where necessary. So, an outcome of that review, a number of assessment areas were updated
30 or reviewed to reflect these changes.
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While new information was prepared, the Department's assessment overall is that none of the updated reviews materially alter the conclusions reached in the original assessment. The key area involving substantive re-assessment was biodiversity impacts through the preparation of a Biodiversity Development Assessment Report (or BDAR) under the Biodiversity Assessment Method. And also, an updated Greenhouse Gas Assessment through applying the EPA's Large Emitters Guide.
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Bowdens Silver also commissioned reviews of other expert studies and reports forming part of the original EIS that might affect the assumptions or findings of those assessments. These included a supplementary social impact report that considered changes in community perspectives, demographics, and cumulative social impacts, given that there's a number of renewable energy projects in the area as well. An economics impact assessment update that re-evaluated changes to the economic
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impacts associated with the project cost, commodity prices and revised environmental and social impacts. And also a supplementary traffic and transport assessment that considered updates to the impacts on the road network capacity based on changed traffic conditions since the last assessment was done.

Bowdens also provided expert updated reviews of the Aboriginal cultural heritage assessment, human health risk assessment, and noise and vibration, amongst others, which concluded that there were no changes of significance that would alter the findings the conclusions of the EIS.

I'll go through in more detail in some of them in some more key points in this presentation ...

MR BAILEY: Thanks, Steve. Can I just –

MR O'DONOGHUE: ... as we step through the agenda items. Yes.

MR BAILEY: Thanks, Steve. Could I just – we'll do that through the agenda items, but just overall with this list of the summary of the assessment updates, can I ask, we'd like to clarify on which ones were then sent for additional agency advice. For example, did you seek EPA or Health advice in relation to the human health supplementary updated review material? So, I'd like to make sure we understand that where agency was sought on all of the additional updated material.

MR O'DONOGHUE: Look, the only one we sought updated advice on was the biodiversity assessment, because it was a brand new, I think it was a brand new assessment. Human health risk assessment, for example, was just like a review, it wasn't an updated human health risk assessment, it was a review of the ones that had been completed before, and really just looked at some changes to some requirements, but also looked at an expert review report put in by one of the community groups as well, and just looked at the issues which were raised in that.

So, really, the biodiversity assessment, we got advice from the Development Corporation Authority, Coordination Authority, which the biodiversity function had moved into the DCA when the assessment was undertaken.

MR BAILEY: Yes, and just to be clear, you haven't sought advice on any of the other materials?

MR O'DONOGHUE: Correct, yes.

MR BAILEY: So, what we would question on how do you draw the conclusions around their influence on the project.

MR O'DONOGHUE: It was really looking at the data, it was the information before us as presented in the context of the comprehensive assessments and advice that had been received earlier, and really as to whether any of the changes were material.

MR BAILEY: All right. Thanks, Steve. We'll keep going through the presentation.

MR O'DONOGHUE: Okay. Thanks, Chair. Okay. Just on the, just move onto the transmission line as the next agenda item. The transmission line was proposed to connect the mine site to the electricity grid operated by Endeavour Energy, was the key issue arising from the NSW Court of Appeal proceedings.

Since the original determination, the EP&A Act was amended to allow the Planning Secretary to determine whether specific ancillary infrastructure to a development forms part of a single proposed development. In May 2025, the Planning Secretary subsequently determined that the proposed 66-kilovolt transmission line does not form part of the development.

The Applicant completed a high-level environmental review of the likely transmission line locality and potential impacts associated with the transmission line. Bowdens Silver is still finalising route options for the transmission line but has indicated that its proposed option is to connect to an existing transmission line in the Camboon/Breakfast Creek area, with the sort of locality shown on the figure on the slide. Although the transmission line may be constructed by Bowdens Silver, it would ultimately be owned and managed by Endeavour Energy. And the final alignment and design would be developed in consultation with any impacted landholders.

Community members have expressed concern that the transmission line would not be assessed because it's not part of the project, and this was the key aspect to the legal challenge to the project. It is likely that the relevant planning pathway for the transmission line would be under Part 5 of the EP&A Act, and the associated provisions of the SEPP Transport and Infrastructure 2021. Any Part 5 assessment would be required to comply with the guidelines for Division 5.1 assessments, which were developed to ensure that they're conducted appropriately in a manner that supports proper environmental assessment, including community consultation. It provides a framework for decision-making process and includes the procedures for carrying out assessments and consultation processes as part of that process.

The Department's conclusion is that there are no significant impediments identified at this stage, and the transmission line may be assessed under a separate planning pathway once a final alignment is selected.

MR PEARSON: I've got a question.

MR O'DONOGHUE: Yes.

MR PEARSON: I have a question, if I can, on that.

MR O'DONOGHUE: Yes.

MR PEARSON: Have they completed acquisitions for that line or is there negotiations still going on in relation to that?

MR O'DONOGHUE: Look, I'm not aware of any acquisitions there, Commissioner. You're probably best asking the company for an update on that. I know that they're

certainly in consultation but where they're at in terms of that process, yes, I can't give you an answer on that one.

MR PEARSON: Okay, thank you.

MR BAILEY: Thanks, Steve, we might move on through the agenda.

MR O'DONOGHUE: Yes, okay. So, I think that the – the next agenda items were just touching on some of the biodiversity impacts in particular. As I sort of flagged earlier, the impacts on biodiversity values were comprehensively re-assessed using the Biodiversity Assessment Method under the provisions of the Biodiversity Conservation Act 2015.

Importantly, as discussed earlier, there's been no change to the project development footprint in itself that would increase impacts on biodiversity values compared to the original biodiversity assessment which was accepted by the NSW Government when prepared under the previous framework for biodiversity assessment under the provisions of the Threatened Species Conservation Act at that time.

Importantly, as the application was substantially progressed when the BC Act commenced, the project qualified as a pending or interim planning application under savings and transitional arrangements, and did not necessarily have to be assessed under the BAM. However, to ensure a contemporary assessment was undertaken to support the redetermination process, Bowdens Silver sought the Commission's approval to complete the biodiversity assessment in accordance with the BC Act by applying the BAM.

Subsequently, in December 2025, the Commission approved the application of the BAM for the project. The new BDAR that was provided provides a contemporary assessment of biodiversity impacts. As a result, some vegetation communities, threatened species, habitat and biodiversity credit obligations have been reclassified or recalculated compared with the original biodiversity assessment. The assessment also applied the avoidance mitigation offsetting hierarchy as required under the BAM, and to note was also – that was also required under the original FBA assessment as well.

Now, the BDAR was reviewed by the Development Coordination Authority, Biodiversity Technical Advisory, which requested several refinements that were subsequently addressed by the Applicant. The updated assessment results in revised vegetation and classifications and biodiversity credit obligations as well as several additional management measures that were applied.

In particular, the DCA recommended some additional measures to manage and mitigate impacts to biodiversity, including adaptive management related to cyanide management, additional fauna deterrence around the tailings storage facility, and measures for managing koala, greater glider and the pink-tail legless lizards that were associated with the project. So, Bowdens Silver has agreed to implement these measures and the Department has recommended incorporation of these into a revised condition for the Biodiversity Management Plan for the development.

Based on the contemporary surveys, and the implementation of avoidance and minimisation, the project would directly impact approximately 436 hectares of native vegetation incorporating eight plant community types that also provide habitat for threatened species and includes one threatened ecological community which is the Box Gum Woodland, which is listed as Critically Endangered ecological community under the BC Act. Box Gum Woodland was also identified in the original biodiversity assessment and incorporated into the original assessment.

One key issue, I guess looking at it, is that the original assessment used different mapping which is biometric vegetation types which identified 180 hectares of Box Gum Woodland compared to the updated BDAR which identified 217 hectares, with the difference in the map extent reflecting the updated classification, contemporary survey effort and revised condition assessments under the BAM, rather than the identification of a new ecological community or any change to the development footprint.

The updated assessment also looked at impacts on threatened flora and fauna, and assumed presence for a number of species. In total, eight Threatened flora species listed under the Act have been assumed present as contemporary surveys that would satisfy the BAM, survey requirements could not be completed due to seasonal constraints. This approach is allowed under the BAM but also provides the opportunity for undertaking future surveys to confirm the presence or not of these species. In assuming presence, this is a conservative approach for the impact assessment, as the maximum potential impact is being considered and offset.

In conclusion, an updated biodiversity assessment has been undertaken in accordance with contemporary methods, which has led to changes to the type and quantum of vegetation that would be disturbed, along with the ecosystem and species credits associated with that.

There was also updated assessments on impacts on threatened flora and fauna, also analysis of serious and irreversible impacts on six species that was provided in the BDAR, and with advice provided by the DCA in relation to these.

In relation to biodiversity offsets, Bowdens Silver would be required to offset the residual impacts with the BC Act, and the offset strategy previously proposed by Bowdens would not be applicable, while the company may still choose to retire some or all of their credits by establishing their own biodiversity stewardship sites.

Bowdens Silver has also proposed to offset impacts in two stages, which is an approach allowed under the BC Act, as long as the credits are retired before the impact occurs. The Department has recommended revised conditions to this effect.

Overall, the updated biodiversity assessment does not materially change the Department's overall conclusions in its 2022 Assessment Report, and we consider that the conditions imposed by the Commission in the now-voided development consent remain suitable subject to amendments to reflect the changes as a result of moving to the BAM as opposed to the FBA with the credit changes. And also updates to the

Biodiversity Management Plan to incorporate additional recommendations of the DCA in managing biodiversity impacts.

That's probably, that's sort of the overview of biodiversity. So, if there's not any questions on that, I can move to greenhouse gas.

MR BAILEY: No, no, I think that's – I appreciate that level of detail, Steve, and acknowledging that DCA reviewed and refined through that process that additional information since 2023. Thank you. So, we'll move on.

MR O'DONOGHUE: Okay. Just on greenhouse gas emissions, Bowdens Silver provided an updated greenhouse gas assessment that was prepared by EMM Consulting, prepared broadly in accordance with the NSW Guide for Large Emitters. Just noting that there is no, for this project, there was no strict statutory requirement to apply the Large Emitters Guide, given when the application was originally lodged.

The assessment was further updated on a number of occasions to incorporate updated NSW emissions modelling that came out this year, and to consider climate change impacts on the locality of the project, along with updates to Scope 2 emissions because of progressive decarbonisation of the electricity grid.

Based on the most recent assessment, the estimated total Scope 1 and Scope 2 emissions of the life of the project to be around 568,000 tonnes of CO₂ equivalent. This compares to around 1.25 million tonnes that informed the Department's previous Assessment Report, with the reduction largely driven by reduced Scope 2 emission estimates from the decarbonisation over time of the electricity grid over the life of the project. Of this, around 80% would be Scope 1 emissions primarily associated with diesel consumption, and around 20% would be Scope 2 emissions associated with electricity consumption, with other contributions from vegetation clearing over the first five years of the project.

Overall, the updated assessment concludes that emissions remain a relatively small contribution to projected NSW emissions. Bowdens Silver would be required to prepare and implement a Climate Change and Mitigation Adaptation Plan under requirements now that are being imposed by the Environment Protection Authority under the Protection of the Environment Operations Act, which would come into effect for any licensed premises from March of next year.

Until these plans come into effect, the Department has recommended that a standalone Greenhouse Gas Mitigation Plan be prepared and implemented to reflect current EPA climate policy requirements. The plan would outline how the company would reduce emissions over time and to set emission reduction goals for the development.

The Department's overall conclusions regarding greenhouse gas impacts remain unchanged. However, the Department recommends a standalone Greenhouse Gas Mitigation Plan to reflect current EPA climate policy requirements on that one.

MR BAILEY: Thanks, thanks, Steve. I'll just check with commissioners. Bronwyn?

DR BRONWYN EVANS: Yes, and so Bronwyn Evans here, and my apologies, I've needed to join by phone for technical issues. So, I notice in the supplementary information provided, there's a note that the Scope 1 and Scope 2 emissions represent 0.004% and 0.077% of projected NSW emissions in the period '26 to '46. I'd like to ask a different question.

MR O'DONOGHUE: Yes.

DR EVANS: Of the remaining budget for NSW in greenhouse gas emissions, what percentage of those emissions if you like in that headroom, does this project represent?

MR O'DONOGHUE: I couldn't pull that figure out for you just now, Commissioner. I'd need to look at the 2035, the statutory targets 2035/2030, to get a comparison, but can certainly provide that.

MR BAILEY: Thank you.

DR EVANS: Thank you.

MR BAILEY: We'll add that into the question on notice. Thanks. Anything else, Bronwyn and Richard?

MR PEARSON: Can I just – yes, just, did I hear you say, Steve, that the greenhouse gas emissions had reduced on the project from 1.2 million to 560,000 tonnes. Is that what you said?

MR O'DONOGHUE: Yes, yes. The largest component of emissions in the original assessment was Scope 2 associated with the processing of the minerals.

MR PEARSON: Yes.

MR O'DONOGHUE: Can be quite high power required.

MR PEARSON: Yes.

MR O'DONOGHUE: And that's not uncommon for mineral mines, compared to coal mines. Now, and this has come up on a few assessments where in doing the assessment, there is – the NSW Government has put up, has provided information on their predicted decarbonisation of the grid, and that's come in, in the last few years and in greenhouse gas assessments that's been incorporated now into future estimates.

MR PEARSON: Oh, right.

MR O'DONOGHUE: Like, that wasn't available at the time they did the original assessment in terms of how much renewable energy was taking, was going to be taking up, yes, yes.

MR PEARSON: It's related to the decarbonisation of the electricity network, the reduction in greenhouse gas emissions.

MR O'DONOGHUE: Yes, as that increases out to, you know, over the life of the mine, then that component reduces substantially.

5 **MR PEARSON:** Thank you, thank you.

MR BAILEY: Thanks, Steve, let's move on.

10 **MR O'DONOGHUE:** Okay. Thanks, Chair. I'm just going to move onto human health and lead. The Department notes that the 2022 Assessment Report was informed by a detailed independent review of the human health risk assessment by Dr Roger Drew through his commission by the Department. Dr Drew confirmed that the health risk assessment was undertaken in accordance with standard practice for such assessments in Australia, and that the assessment indicates that the health risks of the mine would be very low.

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20 At that time, the Department recommended conditions to limit deposited dust and particulate concentrations generated from the project at sensitive receivers. And also, conditions requiring Bowdens to monitor metal concentrations in the dust and in water tanks at representative locations around the mine, including the Lue School. And to develop a Trigger Action Response Plan if concentrations are higher than expected. This was considered by the Commissioner during the previous public hearing and with the conditions incorporated into the now-voided consent.

25 The Department has received additional representations and expert commentary regarding lead exposure and human health. The Applicant commissioned an updated review of the human health risk assessment and provided detailed responses to these concerns. Noting it wasn't a new assessment, it was a review of the, I guess, commentary around the, from Dr Barlow who provided advice to one of the community groups, that was part of the package that was provided to the Commission.

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35 Bowdens Silver engaged their original consultant, EnRisks, to review the human health risk assessment, who confirmed that the methodology applied in the assessment remains current and the conclusions of low and acceptable risk, including for lead exposure, remain relevant.

40 EnRisks also responded to the review of the lead risk assessment by Dr Barlow commissioned by one of the local community groups. In this regard, the key comments made by Dr Barlow in other representations relate to blood lead level used to the benchmark health impacts from lead, uncertainties in lead deposition rates and in the dust emissions modelling that underpin the human health risk assessment, lead impacts on agriculture and perceived failure of authorities in other areas, including lead in Broken Hill, Port Pirie and Mount Isa, and also references to the Cadia Mine.

45 The Department notes that these issues were largely raised previously in submissions and were addressed in previous responses provided by Bowdens Silver and considered during the previous assessments and public hearing processes. The review concluded that predicted exposures remain well below the conservative health-based criteria and that there is no evidence the original assessment was materially deficient.

As such, the Department considers that the conditions imposed by the Commission in the now-voided development consent remain suitable for managing the human health impacts of the project.

So, that's just an overall summary there, Chair, of that aspect, but there's a lot more detail in our report, that I'm not stepping through.

MR BAILEY: Thanks, Steve. Can I just run with a question to start here, and I'm at the bottom of page 31 of your Supplementary Advice, and I'll just read for you, there is a sentence in there: "However, the Department notes that there is no criteria or guideline for acceptable blood levels in NSW." So, the question that we would like to know is, what guidance are you relying on in this assessment, and again, has the EPA or Health given you a view on that?

MR O'DONOGHUE: Not on that. I guess the – it hasn't changed from the previous advice from the EPA and NSW Health on the prior assessment. Now, there is certainly, and if you read through the information and it's also documented in the last public hearing and that, there's reference to 5 micrograms per decilitre or 3 or 1.6 etc. as appropriate levels, or depending on what aspect you're looking at and what jurisdiction. So, there is guidance out there in terms of what's suitable that inform the health risk assessments in that which –

MR BAILEY: What would be valuable, Steve, is if you could advise us, given the statement that there's no criteria for acceptable blood levels in NSW and that there's not guidance in that sense, what are you relying on to give you that guidance in a guideline/policy sense that you're working with.

MR O'DONOGHUE: Yes. So, look, we can draw that out from the information there, Chair, and provide a response to that.

MR BAILEY: I think it's just, my reading of it, it would be good to be clear what guidelines and where you're drawing those from, to apply in this assessment.

MR O'DONOGHUE: Yes. Can do. And it's sort of, it's embedded in the risk assessments done by EnRisks and how they step through that. So, we can certainly draw out some more information around that, Chair.

MR BAILEY: Sorry, and I just want to check in with other commissioners, including Bronwyn who I can't see, but just to check.

DR EVANS: Yes. Thank you, Chair. No, that I think is something that we would like to understand, getting real clarity on what the Department relied on as the guidance for their comments in their assessment. Thank you.

MR O'DONOGHUE: That's fine, Commissioner, yes.

MR PEARSON: The other question is, you fall back on the Trigger Response option, and I guess your report is saying it's unlikely that blood lead levels will lead to a level

of concern. But in the event, you know, if there is blood monitoring going on and it is found to be exceeding, what is the response that the mine could make in order to manage that issue?

5 **MR O'DONOGHUE:** It would be partly looking at that source to receptor aspect of it there, Commissioner, in terms of if there's evidence there. Like, whether it's through dust monitoring or information about blood and lead, or in water, it's basically you're looking at the evidence around is there a problem, is there an issue from lead as a source getting into the environment and to receivers in the environment. So, it would be a bit more evidence to support some, you know, either investigation or some action at that point. So, there'd be a number of lines of evidence to look at there.

10 **MR BAILEY:** In the event that – I think the question being asked is, in the event of the evidence being clear and there are exceedances, what might be the response to exceedances?

15 **MR O'DONOGHUE:** Well, you'd need to look at the – again, you'd have to come back to the source and what's the cause, you know, getting that causal relationship and what you can do about it. And now whether that's leading to changes in mine operations or of that sort, you'd need to step through that and see.

20 **MR BAILEY:** There's –

25 **MR PEARSON:** Is the intention of the protocol for that would be part of the Air Quality Management Plan? I mean, we did ask a similar question of the Applicant today and I guess we'll await their response. But there does seem to be some consideration of if there is an exceedance linked to the mine, what they would actually do about it, rather than just a theoretical 'maybe something'.

30 **MR O'DONOGHUE:** I mean, that's the purpose of the sort of TARP approach there, which would have investigation and action levels. It's not uncommon in a lot of mines, in mines where, take coal mining where you've got monitoring of PM10, PM2.5 and if there's exceedances there's operational response to that, along with auditing and seeing how you're tracking against both the TARPs but also investigation levels and emission levels.

35 **MR BAILEY:** Thanks, Steve. We note that and welcome any additional views that you might have subsequent to today's meeting that you could take on notice regarding response to exceedance.

40 **MS EVANS:** Can I clarify, we're talking response to exceedances in air quality or response to exceedances in blood level?

45 **MR BAILEY:** Well, there are four different sources that are actually talked through.

MS EVANS: So, all four?

MR BAILEY: So, it would be to understand in the event that there are exceedances, how would that be responded to. And if there's monitoring, what's the monitoring

program and there's exceedance in those programs from a human health perspective, what would be the response. Jessie.

MS EVANS: Thank you.

MR BAILEY: Thank you.

MR O'DONOGHUE: Thanks, Chair.

MR BAILEY: Let's move to the next slide, Steve.

MR O'DONOGHUE: Yes. Social and economic impacts. So, updated social and economic assessments were undertaken to consider changes in demographics, housing pressures, and cumulative development occurring in the region. There's been no real change to legislation or policy that would require an update to the economics assessment, however, Bowdens Silver engaged Gillespie Economics to review and update the economics assessment to account for changes to forecast commodity prices, international exchange rates, capital expenditure and operating costs, along with revised estimates associated with the impacts.

The updated assessment indicates increased benefits to NSW and the regional economy. This is largely due to changes and increases in the key commodity prices associated with the development, in this respect, so essentially the silver and zinc prices in particular.

In regards to social impacts, Bowdens Silver engaged Square Peg to provide a Supplementary Social Impact Assessment Report that considered the current Departmental Social Impact Assessment Guideline and the social and economic changes that have occurred since the original SIA was completed.

The supplementary report identified that the key changes since the original SIA was undertaken included increased pressure on housing markets and social infrastructure and services due to population growth in the area, partly related to the COVID and multiple renewable energy projects for the region. Concerns over perceived negative impacts on other industries as a result of the project, and continued concern over perceived lead contamination and ongoing impact to community cohesion in the surrounding area.

Square Peg concluded that most of the findings of the original SIA remain relevant and proposed mitigation and enhancement measures, and proposed additional mitigation and enhancement measures to be added, including looking as part of the Social Impact Management Plan that was recommended for the project, of cumulative impacts on accommodation and health services, and also having part of any ongoing dialogue with dedicated and ongoing engagement with Aboriginal community and tourism, agricultural enterprises in the region.

The Department has recommended in its Supplementary Advice that the additional mitigation measures identified by Square Peg be implemented, and has provided

revisions to the voided conditions of consent as part of the Social Impact Management Plan to be prepared and implemented for the development.

MR PEARSON: Just a question, if I can, Steve.

MR O'DONOGHUE: Yes.

MR PEARSON: The substantial increase in economic benefits. I think it's gone from less than 100 million to 800 million, so very significant. Do you think there's any review of the Voluntary Planning Agreement that might be warranted as a result of that?

MR O'DONOGHUE: Look, the planning agreements are usually associated with the estimated cost of development rather than the net benefits of a project. So, probably on that basis, not necessarily linked to the net benefits of the project, so it's not usually calculated on that basis.

MR BAILEY: We did hear from the Applicant earlier today that they see the net costs of the development have also risen significantly. Just to be aware, Steve.

MR O'DONOGHUE: Yes. So, probably not. I mean, we've got the VPA as an agenda item but, like, it has been executed, one thing – I think it was prior to the last determination. Now, one thing in the executed VPA that there is provision there for CPI increases. So, even with delays in the project, it does get adjusted for CPI at the time that any sort of monetary benefits continue or start with the project.

MR PEARSON: Thanks, Steve.

MR O'DONOGHUE: Any questions on the SIA or economics? The next item is the Aboriginal cultural heritage.

MR BAILEY: Let's keep going. Thanks, Steve.

MR O'DONOGHUE: The Department undertook a comprehensive assessment of the Aboriginal cultural heritage impacts in consultation – this is on the original assessment, including advice from Heritage NSW and registered Aboriginal parties, in accordance with the NSW Government's Consultation Guidelines for Aboriginal Heritage which informed the 2022 Assessment Report.

It's noted that there were no changes to the project footprint and therefore impacts on Aboriginal heritage remains the same as the previous assessment. However, we acknowledge that Access Archaeology was engaged by the Mudgee Region Action Group to review the Aboriginal Cultural Heritage Assessment Report that was prepared for the project, so it informed the EIS.

The Department notes that many of the matters raised relate to administrative detail, reporting preferences or general archaeological propositions rather than demonstrated project deficiencies of material relevance to the assessment of the project itself. Access

Archaeology made a range of criticisms that relate to the methodology, reporting and interpretation of Aboriginal cultural heritage assessment.

5 A key issue that was raised was in relation to subservice archaeology and testing through test excavation. The Department notes that test excavations are invasive and generally the need for test excavation prior to determination depends on whether project-specific evidence indicates there was a reasonable likelihood that intact potentially high significant deposits occur. In this case, Landskape identifies that the – and Landskape is the heritage consultant for the proponent – identifies that the
10 Landskape context, shallow soils, disturbance history and archaeological evidence indicates significant intact deposits are unlikely, and surface investigations were sufficient to inform the significance of the archaeological values on the site.

15 Following review of the issues raised and the response from Landskape, the Department has concluded there is no evidence that the original assessment was materially deficient or that the findings and conclusions of that assessment are invalid, and that the conditions of the now-voided development consent remain suitable for managing Aboriginal heritage impacts on the project.

20 **MR BAILEY:** I think I just, just a quick clarification on this, Steve. That there is the Landskape Aboriginal cultural heritage management's view and the Access Archaeology view.

25 **MR O'DONOGHUE:** Yes.

MR BAILEY: Did Heritage NSW give a view on any of the issues raised by Access Archaeology?

30 **MR O'DONOGHUE:** No, no, but in the – the Department has a, we have an internal Aboriginal Archaeologist who assists the Department on major projects who reviewed both advices, and provided advice to the Resource Assessments Team.

MR BAILEY: And I just want to check, do we have access to that advice or could that be made available?

35 **MR O'DONOGHUE:** Look, it could be made available, yes, it was sort of internal advice within the Department but we can put it in a form that we can provide to you, Chair.

40 **MR BAILEY:** Thank you. I think we can keep moving, Steve.

MR O'DONOGHUE: Okay. The next one was on amenity, air, noise, visual and lighting. Again, there was, rather than doing an updated assessment, there were reviews of the air quality and noise impacts to inform the Department's Supplementary
45 Advice.

Bowdens commissioned Ramboll Environment and Health to undertake a high-level review of the air quality assessment. They looked at the 2022 approved methods for the modelling assessment of air pollutants. There was also had been a recent release of

a draft approved methods by the EPA in March '26 for consultation, which is not yet final. Ramboll did look at, did consider that draft approved methods in its review. The review found that the predicted emissions at sensitive receivers would continue to meet the relevant criteria based on the revised standards.

The Department again considers that the conditions remain appropriate in the now-voided development consent for the project. I guess the key here is that while there has been updates to approved methods and new criteria, the comparison against them still demonstrates that the predictions would achieve that at the sensitive receptors, and that's sort of consistent with predictions from the original assessment that the criteria would be met and continue to be met on that.

Just on noise. Bowdens Silver commission SLR Consulting again to take a high-level review. Again, there's been no changes to legislation, policy or guidance that would require like considering an update to the assessment. There has also been no new developments in that area that would significantly contribute to cumulative noise impacts or other noise sources, that would affect the noise trigger levels. Overall, the review found that the noise impact assessment undertaken for the development remains applicable.

I guess the one thing here is that the company has bought out, has acquired a couple of properties, and one of them being the close receivers to the project as well. So, in terms of impacts to the closest receiver, there's a reduction in noise levels at that.

In relation to visual and lighting impacts. Again, there's no amendments to the project that would change the visual or lighting impacts. And again, the conclusion was that there's no material changes to those impacts at receivers and the conditions that are currently in there that remain suitable for the project, which includes undertaking reasonable steps to minimise visual and off-site lighting impacts as an operating condition, restrictions on lighting operations to minimise upward light spill, compliance with the relevant Australian Standards and progressive rehab and landscaping strategies at the mine site consistent with the current voided consent.

So, Chair, that's just on those amenity issues.

MR BAILEY: I think, thanks for that, Steve, I don't think there's any questions from the Panel but appreciate that. Let's move on, yes.

MR O'DONOGHUE: Okay. So, on water. It was one of the key assessment issues for the project and were comprehensively assessed in the Department's 2022 Assessment Report. This included detailed consideration of groundwater and surface water impacts, flooding, water supply, final void, and the proposed tailing storage facility. And they were also the subject of significant agency consultation and community interest.

Because of the concerns about that, the Department did engage a groundwater impact assessment expert plus also experts in acid and mine metalliferous drainage to inform the original assessment and determination. Updated reviews were completed to

determine if there's been any material change to justify the re-assessment of the project's water related impacts.

5 For groundwater, reviews considered additional monitoring data and revised GDE mapping. While some GDEs are now identified within the broader drawdown area, the review concluded that the groundwater levels remain below the likely rooting depth of the vegetation communities, and the long-term viability is unlikely to be impacted.

10 For surface water and flooding, updated reviews considered new climate change guidance and revised flood modelling from the region. While the updated climate change scenarios and flood modelling indicates there would be an increase in flooding across the broader catchment, the review concluded that the relative impacts of the project remain consistent with the findings of the original 2022 assessment.

15 The Department has also considered the concerns related to tailings storage facility, seepage, liner performance, and faults in the area. These matters were all previously raised and considered as part of the Department's 2022 Assessment Report and also during the previous public hearing process, and considered by the Department's experts.

20 The tailings storage facility would be regulated as a declared dam under the Dams Safety Act and designed to meet the Dam Safety NSW and ANCOLD and EPA requirements which are also specified in the voided conditions of consent in terms of managing it.

25 The Department remains satisfied that the water balance modelling and assumptions are reasonable following the review, and that sufficient safeguards exist within the conditions of the now-voided consent and regulatory framework.

30 That probably covers that for the water, just an overview there, Chair.

MR BAILEY: Thanks, Steve. I'll just check with the commissioners on questions regarding the water resources.

35 **MR PEARSON:** Yes, just a question, Terry. There is a condition that was imposed on the voided consent relating to compensatory water supply for groundwater bores where they're affected potentially by the mine. Is that a standard condition that the Department recommends or is that particular to this project?

40 **MR BAILEY:** It's fairly standard there, Commissioner. Unless it's a really remote area where there's clearly no receivers around the mine site, it wouldn't be included. But if it's, for most mineral mines and coal mines, it is a standard condition that we put in there. It's just so that there's a process there for assessing and reviewing potential impacts on receivers, even though the likelihood may be small.

45 **MR PEARSON:** Thank you.

MS EVANS: It's also very standard for quarries across the state as well.

MR BAILEY: Thank you.

MR PEARSON: Thank you.

5 **MR BAILEY:** Let's move on in the agenda, and I see we've got the VPA, so be quick here, Steve, because I think we had the conversation that we needed to, before.

10 **MR O'DONOGHUE:** We did, yes, so there's probably not much more to add. Just, like mentioned earlier, it's been executed prior to the previous determination. The consent conditions require Bowdens to make monetary contributions in accordance with the executed agreement. And they're summarised in Appendix 6 of the voided consent conditions and includes community benefits contributions to infrastructure, road maintenance, housing related commitments, and support for local health services.

15 As I mentioned earlier, there's a CPI indexation component to that that maintains the values of those contributions over time; that would still apply. And there's been no proposed changes to the VPA from the Applicant or certainly from the Council, unless there's further input from the public hearing process.

20 **MR BAILEY:** Thanks. Thanks, Steve, I'm not, I don't – Richard, just checking, but I think we've covered?

DR EVANS: Yes, that's fine.

25 **MR BAILEY:** Thanks.

MR PEARSON: Thank you.

30 **MR O'DONOGHUE:** Yes.

MR BAILEY: Thanks, Steve. For traffic and transport.

35 **MR O'DONOGHUE:** Okay. Just quickly on this, so again the traffic and transport impacts were reviewed to determine whether there were any significant changes in background traffic conditions that would alter, I guess, the previous conclusions. Noting that there's been several major developments in the region that have been approved or are currently under assessment since the IPC's determination in 2023, particularly related to renewable energy projects which can generate higher traffic volumes during the construction stages.

40 Importantly, most of the projects are located to the northwest of Mudgee and are not expected to use the same key access routes as the project. The updated traffic assessment considered new traffic surveys completed in 2025, revised background traffic forecasts and cumulative traffic associated with other nearby developments. The
45 updated assessment concluded that although the changes have occurred, they don't materially affect the original assessment outcomes in terms of key road links and intersections and acceptable levels of service at intersections, and that the road network contains sufficient capacity to accommodate the construction and operational traffic associated with the project.

The Department remains satisfied that the traffic and transport impacts can be appropriately managed again through the conditions of the voided consent, which includes Traffic Management Plan requirements and road upgrades.

5

MR BAILEY: Thanks, Steve.

10 **MR PEARSON:** And I notice, Steve, that the Council originally requested that no construction take place until the Maloneys Road diversion was in place. And in speaking with the Applicant today, they say that's a six-month process to do that. The Department did not support Council's request, I guess they're trying to take the load off Lue during that six-month construction period when trucks will be going through town in order to construct the new accessway. Any comments on that?

15 **MR O'DONOGHUE:** Look, I'd have to look back on our prior consideration of that there, Commissioner, on that, in the information around that. I don't have it to hand at the moment.

20 **MR PEARSON:** Yes, we'd appreciate that. I don't know if that's still a request of the Council, but I think it would be good to know whether there is any feasibility of that occurring in order to further mitigate impacts on Lue. So, if you could take that on notice, that would be appreciated.

25 **MR O'DONOGHUE:** Yes, definitely, Commissioner, yes.

MR BAILEY: Thanks, Steve.

30 **MR O'DONOGHUE:** So, probably the next slides are really just about the recommended conditions which we've sort of stepped through as we've gone through. But I guess the key ones are, and this is in the context of the voided consent rather than the recommended conditions that we made to the IPC, the previous Commission, because there have been changes to our recommended conditions, so I refer to that. So, it's in the context of that.

35 So, the changes are really administrative updates to the conditions since the last determination. The key one being biodiversity conditions as a result of moving to the BAM and different credit obligations and staging, but also incorporating of additional measures into the Biodiversity Management Plan that were identified by DCA.

40 A new Greenhouse Gas Mitigation Plan that sort of, that's one that we're putting in certainly for mines at the moment, as modifications are done, because of the focus on greenhouse gas now with the new CCMA requirements and focus on that. So, we're moving them specifically out of the air quality management plans and having a standalone plan for greenhouse gas mitigation. Additional social impact management
45 measures also coming out of the SIA review. And updates to noise receiver schedules because of acquisitions and agreements.

So, that's the main focus of the change in conditions. And really, just that's probably, that we've tabled the Supplementary Advice and recommendations to you for your consideration.

5 **MR BAILEY:** Thanks, Steve. Thanks, Jessie. Appreciate the time, and apologies, we're running over time. But on behalf of the Commission, I just wanted to thank you for your time. We'll also, as you know, be publishing the transcript. We'll also be writing to clarify the questions that were taken on notice.

10 **MR O'DONOGHUE:** Yes.

MR BAILEY: And we'd just ask that any that you might have that you ideally start looking towards the answers on those while we take a day or two to pull together the letter for the questions on notice.

15 **MR O'DONOGHUE:** Yes.

MR BAILEY: Thank you for your time and I think the commissioners and I look forward to receiving those responses. So, thank you.

20 **MR O'DONOGHUE:** Thanks, Chair, we'll get to them promptly. And yes, look, thanks for the opportunity to come here today and present our supplementary assessment, in particular.

25 **MR BAILEY:** Thank you.

MR PEARSON: Thanks, Department. Thanks, guys.

MS EVANS: Thanks, everyone.

30 **DR EVANS:** Thank you.

MR O'DONOGHUE: See you.

35 **>THE MEETING CONCLUDED**