

I refer to the NSW Government, Bowdens Silver Project, State Significant Development Assessment SSdD 5765 December 2022 written by NSW Department of Planning and Environment (the Assessment) and note several errors and omissions made by the assessors.

In the Executive Summary, **Strategic Context**, of the Assessment the DPIE stated *“The area surrounding the proposed mine site is predominantly rural agricultural.”* While it is true that the area surrounding the proposed mine site is predominantly rural agriculture the DPIE has failed to additionally note

- immediately adjacent to the mine site is very popular and successful tourism accommodation with other tourism businesses close by
- other agricultural enterprises and working farms are also adjoining land held by the proponent
- over 98 residences are in the close vicinity
- Lue village is 2 km from the mine site
- Lue Public School is 2 km from the mine site
- The area surrounding the site is untouched bushland and Koala habitat.
- The mine-site itself is a Koala habitat

While mining might be a key industry in the Central West it is not a key industry in this area with the adjoining Hawkins Rumker area recently refused for coal exploration. Nearby Kepco at Bylong was also refused.

This deposit may be the largest undeveloped silver deposit in Australia at December 2022 but this statement is unproven and once the mine is developed this deposit is no longer the largest undeveloped silver deposit and as there are currently silver mines in Australia not operating it is one of the more ridiculous statements made by the proponent and copied by the assessor. It would be rather like someone at Lue saying they have the largest undeveloped strawberry farm in the world, or the largest undeveloped cattle feedlot in Australia, both would be allowed in this area, unlike a lead processing plant. All food production at Lue and in this Region will be at risk if this lead mine is developed.

The paragraph the **Assessment Process** gives is an excellent example of a developer deceiving the DPIE. The original SEARs did not include an external water supply, then a second SEARs miraculously includes a pipeline from coal fields 60 kms away, then after submissions and expert assessments are completed (at the time and expense of the DPIE, opponents of the project and individuals) based on an external water source, all clearly identifying the need for an external water source and also clearly identifying major risks to groundwater and surface water. The first Amendment was the “realignment of the 500 kV Transmission Line”, called for by Transgrid as the proponent and had not included this major component of the project in the EIS. The second Amendment was the removal of the external pipeline. If the planners at the DPIE had taken even the slightest notice of any of the DPIE's own experts' advice or any Ulan mine employee or any person living near the proposed 60 km pipeline, or any submission in response to the EIS they would have discovered that this was pipeline was poorly planned and unlikely to eventuate. The proponent, once they were told that Ulan mine could not allow contaminated water to be pumped to Lue, invented a “paste thickener” and added it to the project which, in an extraordinary coincidence, would “save” almost the same amount of water that was planned to be pumped 60 kms from Ulan. Given that a new SEARs was issued for the addition of a pipeline to the project it seems that once this major component of the project was removed then a new SEARs should have been issued. The DPIE's assessment report and recommended conditions of consent are incomplete, are based on incorrect and outdated data and experts reports with many of those “genuinely” supporting the project writing their submissions based on an external water source for the project rather than all water being sourced from the site and supplemented by surface water collected from adjacent farmland as well as water brought in by tanker.

The **Engagement** process has not met the community participation requirements of the EP&A Act and the DPIE has been warned of this shortfall on many occasions. The majority of the community of Lue is opposed to the project. The proponent will try to convince you that “the community” includes Mudgee but that is not

the case, Mudgee and Rylstone are in the wider community. Mudgee is 26kms from the mine site. Many Mudgee residents are not aware of this project and apart from increased heavy vehicles and trucks on the road, AMD in their water supply, some lead blown onto the town in an easterly wind the impacts will not be felt by the individual immediately and perhaps not for many years. Mudgee residents certainly would not learn of any impacts of the project from the proponent.

The DPIE's Assessment has disregarded its own experts' advice and has certainly not properly considered all the received submissions and representations. Three representatives of the DPIE inspected the site and surrounds, visited adjacent farms and residents and have largely ignored most concerns of those they engaged with. Some of the conditions the DPIE have proposed on a predominantly lead mine near homes and a school do not reflect or address the actual impacts on those people or the environment being impacted or take into consideration their own experts' advice.

The DPIE states in its Assessment that during the exhibition period it received 1905 public submissions and advice from 14 government authorities and Mid-Western Regional Council. Of the 1905 public submissions 1835 came from individuals, 70 from special interest groups including 1503 submissions supporting, 384 objecting and 18 providing comments. The DPIE has been notified by email and in submissions that many of the submissions received supporting the project were neither unique nor submitted by individuals. In the letter to Professor O'Kane dated 22 December 2022 from Steve O'Donoghue, Steve states

"The Department received 1,905 public submissions during the original exhibition, with around 79% in support (1,835 submissions) and 20% opposed (384 submissions).

The Department received a further 130 submissions during the exhibition of the first amendment and 256 submissions during the exhibition of the second amendment. The majority of the submissions received on the amendments objected to the project (92% on the first amendment and 87% on the second amendment).

Objections to the project were primarily concerned with potential health impacts of the projects (primarily from lead) and from impacts on water resources, amenity, traffic, biodiversity, and social impacts. Submissions in support commented on the economic benefits of the project, including employment generation and the payment of royalties to the NSW Government."

Why Steve needed to make these comments is a mystery as the genuine concerns of those opposed to the project have a high probability of occurring and some are guaranteed to occur, cannot be mitigated, compensated, or overcome by conditions, while the economic benefits of the project are doubtful, not adequately budgeted, no jobs are guaranteed and the royalties paid to the NSW Government are not certain.

One can only hope that the Independent Planning Commission is independent and will have access to all experts reports and will see for themselves that only the Bowdens experts who have been paid for their opinions are in favour of the mine.

Please see below an analysis of some supporting submissions received by the DPIE and placed on their website in response to the EIS. This analysis is taken from the **Comments on Bowdens Response to Submissions Report (RTS) (LAG April 2022) Updated May 2022** and is also available on the DPIE website if you, unlike me, are able to navigate the site.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-39437454%2120220524T055251.529%20GMT>

It should be noted that Bowdens state that they have received 1504 submissions in support of the project but these include duplicates, even two from the Chairman of the board, many from people as far afield as Western Australia, who might or might not be stakeholders, many on forms written in the same handwriting and unsigned, with a one word comment such as "jobs", several from employees and over 900 submissions supporting the project with the comment "jobs" or similar as well as submissions from people from all over Australia and at least 12 submissions with no name,

no address and not signed.

All these submissions were counted by the DPE (formally DPIE) and these incorrect numbers have been used in amended submissions, on the Bowdens website, in material left in local letter boxes and in Media Releases. The DPE states they are not responsible for these submissions. Who then is responsible?

From Lue there are less than 40 supporters, many supporting submissions are unsigned, written in the same handwriting and with only a few words. See below five separate examples downloaded from the DPE (DPIE) Public Submissions with a Lue address with similar messages and handwriting. (Search conducted by searching Name Withheld and then checking for a Lue, NSW address. (In order to prevent access to submissions this feature is no longer available with the DPE claiming the IT department is at fault)

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

BRING WORK TO LUE

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

IT WILL BRING WORK & MONEY TO THE AREA

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

MINING BRINGS JOBS & MONEY TO
THE TOWN

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

Create Local Jobs

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

Create Local Jobs



The EIS was submitted during the COVID lockdown in June 2020 when many people lost their jobs and were suffering extreme hardship. In any event many submissions including those from Rylstone and Mudgee are not from "stakeholders". A submission from a person in Kandos whose comment is "jobs" cannot compare to the submission from a mother of young children living nearby, within sight and downwind of a lead mine site and having to share her narrow dusty gravel road with heavy vehicles and workers vehicles. No amount of sponsorship to Lue Public School is going to compensate for her loss of amenity or prevent her children from ingesting lead.

What is the consequence if Bowdens does not create the jobs it promises?

LAG would hope Bowdens supporters are unaware how close the project is to Lue, the population of Lue, or how environmentally dangerous this project is. Appendix 5 of the Submission Report, for example, does not mention Lue or its proximity to the mine site in its description of the project. It is doubtful that a person from MacMasters Beach, or Bellevue Hill, or someone living in an apartment in Darling Point has read the entire 2000 plus pages of the EIS and its attachments and has gained enough knowledge of the district to be able to state that this project is environmentally sound and will have no social impact on Lue.

The supporting submission below has been submitted by a resident of Rylstone, an Australia Post licensee, a MWRC councillor and an employee of Bowdens and supports the view that many in the community are misinformed about the disastrous environmental consequences of this project. There would not be many that would agree with this submissions assertion that this is a low impact environmental project. This supporter lives and runs his business in Rylstone, about 20 kms from Lue.

Rylstone, far from struggling, is booming, it is on the tourist drive from Mudgee to Ilford, with the Bylong Valley Way passing through Rylstone taking travellers from the Hunter Valley to Bathurst, the Central West and further South. It is a busy little town, with restaurants, cafes, pubs and boutiques. With its delightful avenues of Plane Trees shading historical stone buildings it is a pretty town. Understandably popular with tourists, travellers and other visitors

This Rylstone resident was also employed by Kepco, the Korean company involved in the failed coal mine proposal in the Bylong Valley and was also a strong supporter of Coal Exploration in the environmentally sensitive Hawkins Rumker areas which was also refused. Rylstone residents have been on the receiving end of this retailers "difference of opinion" which could also be characterised as intimidation or rudeness. As an Australia Post employee this individual is also subject to that organisations Code of Conduct which he has contravened on at least one occasion.

It should be noted that this submission failed to disclose that it has been submitted by a Bowdens employee.



Support

RYLSTONE , New South Wales

Message

This project is environmentally sound, it is essentially to the survival of our towns by providing employment opportunities and for increased business in our struggling local economy. The amendments to the project decreases risk to an already low impact environmental project. The support this company gives to our community is to be congratulated, due to the business already closed down in our community, Bowdens is one of the few that provides educational support and financial support to much need volunteer organisations and community projects.

What is the consequence if an individual or company or organisation knowingly makes a statement or comment that will endanger the health and wellbeing of another individual?

The Bowdens website <https://bowdenssilver.com.au/> does not show a map indicating the proximity of the project to the homes and properties in Lue. It is very likely many supporters of the project would be unaware that they are supporting a project that will result in an enormous negative social impact to those people who live and work in and near Lue. What is the consequence if Bowdens does not fulfil all its promises?

There were 84 submissions in response to the EIS which gave their address as Lue and of those, 44 are opposed to the mine. They are unique, thoughtful and concerned about the impact of the project on Lue and their properties, their friends and neighbours. Of the supporting submissions some had a one word comment, several were written in the same handwriting and unsigned, and the CEO of Bowdens who resides in Sydney's eastern suburbs listed his address as Lue. He is a very large shareholder (and recently received 10,000,000 shares as a bonus) and has an interest in the Lue Hotel. The Lue Hotel used to be a place of special interest in Lue prior to its purchase by people associated with the project. Now it is not included in the maps and is a place that caters for employees and other mine associates and according to the manager will soon be turned over to FIFO or mine workers. Bowdens shareholders are most likely the only individuals who might gain financial benefit from the project. While the CEOs annual remuneration and package of 10,000,000 shares and million dollar bonuses are not unrealistic for a mining CEO it is a significantly greater income than a small business or tourism operator or a farmer or a resident in Lue would expect to

receive. An amount of approximately \$108 million is allocated for employment in the Economic Assessment over the life of the mine (or 16.5 years) to the 200 – 320 predicted employees and contractors employed by Bowdens.

This analysis of submissions from the Lue area also includes the localities of Havilah, Bara, Hayes Gap, Monivae, Pyangle, Camboon, and Breakfast Creek as well as some residents and properties outside these areas that will be affected by the now defunct contaminated water pipeline from the coalfields, the new transmission line (not in EIS), the increased traffic on the Lue Rd, the AMD and the contamination of Lawsons Creek. 131 submissions from the wider affected area opposed the project while only 73 submissions supported the project. Many local supporters of this project stand to gain financially or have received some sort of sponsorship or are hopeful of a job or are already employed or contracted to the project.

Many individuals opposing this project are opposed to the project because their homes and properties, lifestyles, health, surroundings and businesses will be damaged and changed in a way that is out of proportion with the minor benefits of this project for a few.

The DPE (DPIE) has stated on more than one occasion that they are only interested in the first 50 opposing submissions that will trigger the IPC. Unfortunately Bowdens have used all the submissions, whether unique or not, duplicated or not, genuine or not, to promote the project in the Amendment Report, the Submission Report and in a Media Release, on their website, and in Newsletters to encourage investment in the company based on the assumption that this project has a majority of community support. Not only is this kind of reporting disheartening for Lue residents and those adversely affected by the project, but shareholders and others are being misled in a way that may lead to the loss of their investment when the project is refused or has conditions placed on it that will prevent the project from going ahead. Even the Lue Hotel manager is under the impression that he will be welcoming mine workers to his establishment in the immediate future.

The press release in the Mudgee Guardian states "...that a peer reviewed DPIE report shows the silver mine will 'present no health risk of concern to the local community'". Surely the DPE (DPIE) has not made this statement when it has access to numerous reports and documents showing evidence of the dangers of noise and lead and lead dust, amongst other things, to the health and wellbeing of Lue residents.

The Minister has a duty of care to the residents and landowners and others who live and work in Lue to protect them from the adverse consequences resulting from mining and associated activities at or near Lue.

See below examples of submissions downloaded from the DPIE website. (The submissions are cropped to save space and the originals can be found on the DPIE website)

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

Good for the community

Submission from a supporter in Lue whose partner works for Bowdens

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

<i>Take a Money</i>

Another submission from a supporter in Lue

In the areas that will be directly affected by the mine and the mine components, such as the increased traffic, and those living and relying on Lawsons Creek most submissions are opposed and against the project.

See the below submission comment from a supporter in the wider area who it seems is undecided as to the importance of the environment versus financial gain.

Bowdens Silver

Application Number: SSD-5765

☒ Support ☐ Object or ☐ Comment only

Reason / Comment:

<i>The impact on the environment far outweighs the economic benefit</i>
<i>I support the application for the</i>
<i>jobs and the business it will bring</i>
<i>to the community</i>

Supporting Submission example (Name was supplied but submission not signed)

The Transmission line Amendment received 115 public submissions. 105 are opposed to the rebuilding of the 500Kv Transmission. While this overwhelming response against this amendment has resulted in another amendment to the rebuilding of the transmission but the amendment states the Transmission Line is moved only 200ms to the east. There is not one site line or visibility assessment from any home or property to the east or south of the mine site. We are informed in the submission report that it is unreasonable to expect any home or property in this area to be assessed.

The following comment was made in the Amendment Submissions Report on page xv. This is a justification for the lack of support for the project and the proponent is reminded that many supporting submissions were duplicates and can therefore not be relied upon to give an accurate

picture of the support for the project. The reader is reminded that the Transmission Line is not listed as a major component of the project even though the project cannot go ahead without its removal.

“The proposed re-alignment may also be considered in light of the intended purpose, that is, to provide access to a strategically significant resource. This in turn would enable the efficient development of a mine that would provide substantial royalties to the NSW Government and would support and enhance local employment and business for the life of the Project and most likely beyond. The benefits of the Project are clearly demonstrated in the support that has been provided from many groups in the past. This in turn supports the re-alignment of the 500kV power transmission line as a component of the Project.”

I am not a handwriting expert but even blind Freddie can see that the submissions above are not genuine and while Bowdens will use these numbers to boost their popularity a government department which knows that these numbers are not reliable should not use them in their assessment or in other written material.

It is unclear whether Bowdens have encouraged fraudulent or corrupt behaviour but they do employ a MWRC and present untrue and incomplete messages and newsletters to the public. This does not allow the public to properly understand and form an informed view on this project. Many people in this region use Facebook to communicate and gain knowledge about local matters. Whenever this project is discussed on Facebook it has been shut down because members of the public who express an opinion are “trolled”.

There have been many submissions to the DPIE commenting on the fact that a Mid-Western Regional Councillor also works for Bowdens. While various excuses are given for his employment including one unsatisfactory excuse that “MWRC is not involved in the planning process”, the IPC should be aware of this situation and the way it prevents proper community consultation. This project has divided the Lue community and the wider community like no other. There are many examples of how this has caused disruption in the community with the most recent occurring on 2 February 2022. A Public Meeting was advertised and held at the Lue Hall with interested parties arriving between 5-6pm. All those attending the meeting drove past the Lue Hotel, now owned by the proponent or shareholders. There were about 8-10 men on the verandah of the hotel, some of whom made hand signals or rude comments to those driving past. Not only is this very poor behaviour from Bowdens employees and the CEO who were recognised, but it is extremely unpleasant for members of the public. Bowdens are the owners of the Lue Hotel and rarely open that once popular establishment. At 845 pm, that evening, the Lue Hotel was closed. How sad for this once friendly village.

This project is so incompatible with existing land use and current activities in this area that the majority of people in Lue are astonished that this project has reached the IPC.

This project will have a long lasting negative impact on this region, the state and Australia.