

Independent Planning Commission of NSW

21 February 2023

Submission on the Bowdens Silver Project State Significant Development No. 5765

BirdLife Australia is Australia's largest bird watching, research and conservation organisation. For more than a century we have been a leading advocate for native birds and for those who value them. We are independent, not-for-profit and have over 200,000 supporters nationally, including 72,400 active supporters in New South Wales. This submission is made by the Southern NSW Branch of BirdLife Australia.

Our primary concern is the conservation of threatened bird species, their habitats and ultimate viability. We object to the Bowdens mine proposal in its entirety because we believe it will have a significant, immediate and unacceptable impact on matters protected under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

Project proposal

The proposal is for an open cut lead, zinc and silver mine in the Lawson Creek Valley just two kilometres from Lue, a village 30 km east of Mudgee. 34 million tonnes of ore and 47 million tonnes of acid bearing waste rock will be extracted and processed on site at a rate of 2 million tonnes a year over 17 years. It will require a cyanide processing plant on site and consumption annually of 2,050 megalitres to be drawn principally from groundwater with a tailings dam covering at least 122 hectares. The mine site requires clearing of almost 500 hectares including 380 hectares of native vegetation, nearly half of which is critically endangered Box-Gum Woodlands - White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland. Birdlife Australia is absolutely opposed to the clearing of any of this native woodland for any purpose and calls for its conservation in perpetuity as crucial to curtailing the extinction crisis in NSW.

The project is at the centre of a region of high biodiversity value

There are fewer than 50 Key Biodiversity Areas (KBAs) in NSW, with the proposed mine standing at the crossroads of three of them. A KBA is a global concept established by the International Union for the Conservation of Nature which defines and identifies "sites contributing significantly to the global persistence of biodiversity". To be classified as having KBA status, a site must meet one or more of 11 criteria assessed after an independent and academically thorough scientific review. About two thirds of all endangered fauna and flora species in Australia are found in areas that have attained KBA status. The Bowdens mine site is located approximately 20 km from the Greater Blue Mountains KBA (Wollemi National Park) to the east, 30 km from the Capertee Valley KBA to the south, and 20 km from the Mudgee-Wollar KBA to the north. The region of the proposed mine is effectively a corridor connecting localities of major biodiversity significance and value, the preservation of which is essential for reversing immediate extinction risks affecting a range of flora and fauna.

The project is detrimental to the Regent Honeyeater and Box-Gum Woodland

We are particularly concerned about the future of the Regent Honeyeater, a locally indigenous species in Lue which is listed as Critically Endangered under the EPBC Act. Before the summer bushfires of 2019/20 there were only 350 to 400 adult birds left in the wild. Scientists believe that this number has decreased even further because of those fires. The main habitat for the Regent Honeyeater is Box-Gum Woodland (BGW), itself listed as a Critically Endangered Ecological Community under the EPBC Act and an Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016. BGW is one of the most threatened ecosystems in Australia. Since colonisation 95% of these woodlands have already been lost due mainly to sustained land clearing. Every loss of breeding habitat reduces the ability of the Regent Honeyeater to survive. According to the Australian Government Department of the Environment's 2016 National Recovery Plan for the Regent Honeyeater, this species is known to now breed only in a handful of sites throughout its entire foraging range. Two of these are the Mudgee-Wollar KBA and the Capertee Valley KBA and the Bowdens site sits almost midpoint between them. We believe that extensive BGW in the region of the proposed mine, constituting almost half of the native bushland the proponent intends clearing, is part of an effective bridge of bushland connecting breeding habitat crucial to the recovery of Regent Honeyeater populations in its current range. This point is validated most succinctly by the proponent's own environmental assessment which had this to say about the significance of the proposal for that species:



Plentiful in Sydney and across NSW in colonial times, the Regent Honeyeater is now reduced to fewer than 350 birds in the wild

“(The) Regent Honeyeater is a species-credit species that, although not recorded during the comprehensive field surveys, is likely to occur within the BAR footprint given the presence of both potential foraging and breeding habitat. Breeding has been recorded in the Mudgee-Wollar areas which is now considered one of the key areas for this species (DoE, 2016). Birds are known to breed in the Capertee Valley and then at Mudgee-Wollar and vice versa. As the location of the Study Area is in between the Mudgee-Wollar key area and the Capertee Valley breeding area, it is reasonable to expect that the Study Area (and any native vegetation in the Lue district) could contain important habitat for Regent Honeyeater. As a species, Regent Honeyeater is considered a single population with some genetic exchange of individuals between regularly used areas (DoE, 2016). Given the rarity of the species (critically endangered), suitable habitat being present, previous records in the locality, and the landscape position of the Mine Site in the context of breeding, it is

reasonable to expect that the Study Area (and any native vegetation in the Lue district) could contain important habitat for Regent Honeyeater.”

Over many years now there has been considerable and continuous effort through BirdLife Australia’s Regent Honeyeater Recovery Program to increase the species’ population. BirdLife Southern NSW has coordinated the Regent Honeyeater Planting Project in the Capertee Valley since 1993 by replanting woodland species favoured by the bird on suitable private land throughout the valley. This effort is supported by the Central Tablelands Local Land Services with funding from the Australian Government. The possible loss of 182 ha of prime condition BGW for the proposed mine so close to the Capertee Valley KBA is very disheartening for the many hundreds of people who give their time to replant these woodlands. The proposed large scale clearing of rare woodland for the mine would significantly reduce the chance of the species’ survival in the wild because that land serves to provide a habitable corridor between the Mudgee and Capertee KBAs. Although Bowden’s ecologists did not observe them during their surveys (not surprising for a rare species), BirdLife’s Regent Honeyeater Project Manager is aware that in 2015 a Lue bird enthusiast, while guiding a local school group investigating birds in Lue, positively identified a Regent Honeyeater. Given their low numbers anywhere in Australia, this makes the Lue area important for the preservation of this species.

The project will reduce habitat for other vulnerable and critically endangered bird species

As well as the Regent Honeyeater, there are other significant, rare or endangered birds recorded in the three KBAs near the Bowdens mine site. These include the Painted Honeyeater, Diamond Firetail, Rockwarbler (the only bird endemic exclusively to NSW), Swift Parrot and Flame Robin. There were fewer than 1,000 breeding pairs of Swift Parrots still in existence prior to the 2019/20 catastrophic bushfire season and their numbers are also continuing to fall. They too are listed as Critically Endangered under the EPBC Act. Both the Regent Honeyeater and the Swift Parrot are highly mobile nectar feeders which preferentially use fertile woodlands. Habitat loss is the greatest danger to their survival both in terms of bird numbers and genetic diversity. The eBird database shows that these bird species have been sighted in woodland surrounding Lue in the last three years. In addition, eBird shows that more than 100 other species have been recorded in the woodlands around Lue, many of which are also declining in number as a consequence of sustained land clearing across NSW. The inexorable and dramatic decline in woodland bird numbers and diversity in NSW is sharply highlighted in BirdLife Australia’s State of Australia’s Birds Report in 2015.

The project will degrade woodland habitat

The Bowden mine project will cause further fragmentation of woodland biodiversity in the broader region around Lue in ways other than by the clearing of trees for the mine across its 500 ha footprint. For example, some birds such as the Noisy Miner survive and thrive better in woodland that is fragmented by roads and industrial structures rather than contiguous forest with healthy understorey growth. Noisy Miners and some other local bird species move into partially cleared areas and aggressively protect their territory by driving out other

bird species such as Regent Honeyeaters and Swift Parrots, rendering later attempts to reintroduce displaced species extremely difficult. Furthermore, fragmentation of habitat can isolate some populations of birds and animals from one another, stopping genetic flow and weakening the genetic diversity of a species. This can lead to reduced fitness of a population (known by environmental scientists as inbreeding depression) and can make the population more susceptible to the effects of disease and other external factors. The mining operation itself, if approved, is likely to cause major degradation of surrounding woodland along proposed new roadworks and across the entirety of the mine site. This impact of the proposed mine works on the Regent Honeyeater would be immediate and irreversible.

Adequacy of proposed offsets

The proponent for the mine implicitly argues that the indisputable threat to the critically endangered Regent Honeyeater can be answered by offering offsets, i.e. by agreeing to fund the establishment or improvement of habitat suitable for the bird elsewhere away from the mine. But our position, which no ecologist could credibly dispute, is that the creation of new habitat for a critically endangered species cannot abate the direct effects of clearing existing habitats of that species. It will all be too late and ultimately futile. Net losses of BGW in localities between recorded breeding sites for the species is guaranteed to accelerate their decline. The Regent Honeyeater will be extinct long before any alternative sites can be realised as breeding locations and no new site or sites are likely to provide a life raft for a species whose tiny range continues to shrink rapidly in the face of multiple threats. Official acceptance of offsets in approving the Bowdens proposal would be tantamount to acquiescing to the Regent Honeyeater's extinction.

Reconciling this proposal with the extinction crisis and loss of biodiversity in NSW

We also believe that discretionary approval of the proposed mine should not be exercised without considering the contemporary social / political reality of the current "extinction crisis", a term which the environment ministers of both the Australian and New South Wales governments now publicly accept as a clear and present threat, requiring urgent and unequivocal solutions. This acceptance reflects a shift in public expectations about how decisionmakers should evaluate proposals that are likely to accelerate rather than reverse environmental degradation. The people of NSW want effective, not tokenistic action in stopping extinctions. The Regent Honeyeater is emblematic of the extinction crisis in NSW. No other bird species is closer to extinction and the scale of land clearing proposed for the Bowdens mine will push the species further to the brink. The only way to realistically reverse the extinction threat for the Regent Honeyeater and many other species in the region is to stop the clearing of their habitat in that region. It is no longer acceptable or excusable for government appointed officers and evaluators to assert that a new mine is justified by the jobs and royalties they generate without having regard to the accelerating and compounding environmental costs, specifically the impacts on local species already legally declared to be in critical danger. In this instance the relevant environment ministers and their advisors have a showcase example of a decision they can make right now to help reverse the extinction crisis for the critically endangered Regent Honeyeater. Refusing any mining operations on

land containing their breeding habitat would be a powerful and emblematic declaration that the people of Australia are serious about pulling the Regent Honeyeater back from the brink.

All the other environmental, social and economic costs

In addition, we support the many other objections that have been raised representing a very broad range of stakeholders and voters in NSW: the community in Lue; neighbouring farmers; institutions with an interest in improved tourism in the greater Mudgee region; those who are sceptical of the financial viability of the Bowdens project; those who reasonably fear water, land and air contamination by lead, cyanide, sulphuric acid and excavation dust from the proposed mining operations and tailings dam; those who fear the mine company will fail to ever satisfactorily remediate the 500 hectares they will scarify; and those who argue that the mine will not have access to enough ground or river water to run the mine and thereby threaten water supplies of nearby towns and agriculture. It is consequentially our submission also that even if the relevant decision makers cannot bring themselves to refuse the mine solely on the ground of the threat to the critically endangered local Regent Honeyeater, the plethora of these other substantive objections make refusal a compelling conclusion.

Yours sincerely



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