

Dear Commissioners

Thank you for allowing me to make a presentation at the hearing in Mudgee on Thursday 16 February 2023.

You most likely did not notice that my presentation slides did not correlate with my speech. Due to the shortness of time I was unable to discuss the zoning and land use at Lue but would very much like to present my discussion here.

1. Maps, land use and zoning

Since the first EIS was submitted I have found the maps provided in the EIS lack any detail and I find it unprofessional of the DPE that in their Assessment they have not produced their own maps in order to confirm the statements made by the Applicant.

A map showing the village, the homes in the village and their proximity to the mine site is not evident in the EIS. While it does exist it cannot be found until page 407 the Appendices. You will find slide 8 shows the area surrounding the village and slide 9 shows the homes in the village. Why it is not included in the assessment is a major oversight and allows the Applicant and the DPE to avoid providing any evidence of the existence of those homes and properties. In another major oversight the Social Impact Statement prepared by Umwelt (Australia) Pty Ltd does not contain a map showing the homes in and surrounding Lue.

Figure 1, the regional context map still shows the deleted Water Supply Pipeline Corridor, and what is most disturbing about this map is that it does not show the close proximity to the World Heritage Area that contains the Wollomoi Pine to the east or Windamere Dam to the South or the parish boundaries or even the location of any of the items discussed in the Assessment Section 3 Strategic Context.

It is extremely difficult to make a proper analysis of this project when given such a sub- standard document to work with. It seems this SSD project has not had its site surveyed and does not know its exact size. The DPE should have obtained the exact size of the mine site and included it in their documentation.

I also note the statement made in paragraph 28 of the Assessment *“mining of the Bowdens deposit would not only be economically significant in its own right but could lead to further development of such deposits in NSW in the future”* is the kind of unsubstantiated statement made regularly by the applicant. There is no evidence that this project will be economically significant but rather, if you take note of the CIE report in the DPE Additional Information tab on the DPE website, the opposite is more likely, and why would it lead to further development of such deposits in NSW in the future. Where are these “such deposits” and when are they going to be discovered?

Paragraph 28 singles out Objective 3 in the Central West and Orana Regional Plan 2041 which states to “Sustainably manage extractive resource land and grow the minerals sector”.

The DPE has selected Objective 3 and ignored all other objectives of the Plan. The DPE assessment then directs the reader to Section 6 and 7 of the assessment. These sections of the assessment do not address the 23 Objectives of the Regional Plan 2041 but rather present information provided by Bowdens to justify their decision. For example Objective 8 to “secure resilient regional water resources” and Objective 9 to “ensure site selection and design embraces and respects the regions landscapes, character and cultural heritage” amongst others are ignored.

In his presentation the Bowdens CEO mentioned the “Critical Minerals and High-Tech Metals Strategy”. This supposed strategy, which no one has ever heard of, is completely at odds with the Regional Plan 2041 and it would be an aberration in this part of the Central West. This area is already Australia’s favourite tourist destination and according to Lucy White, the General Manager of Destination NSW of the Mudgee region attracted 826,000 visitors in 2020-2021.

Why would the DPE recommend a lead mine in this region that could jeopardise those jobs and the visitor economy and the jobs in agriculture for a few short term jobs which according to the CIE report will have little benefit.



2. Mid-Western Regional LGA Zoning

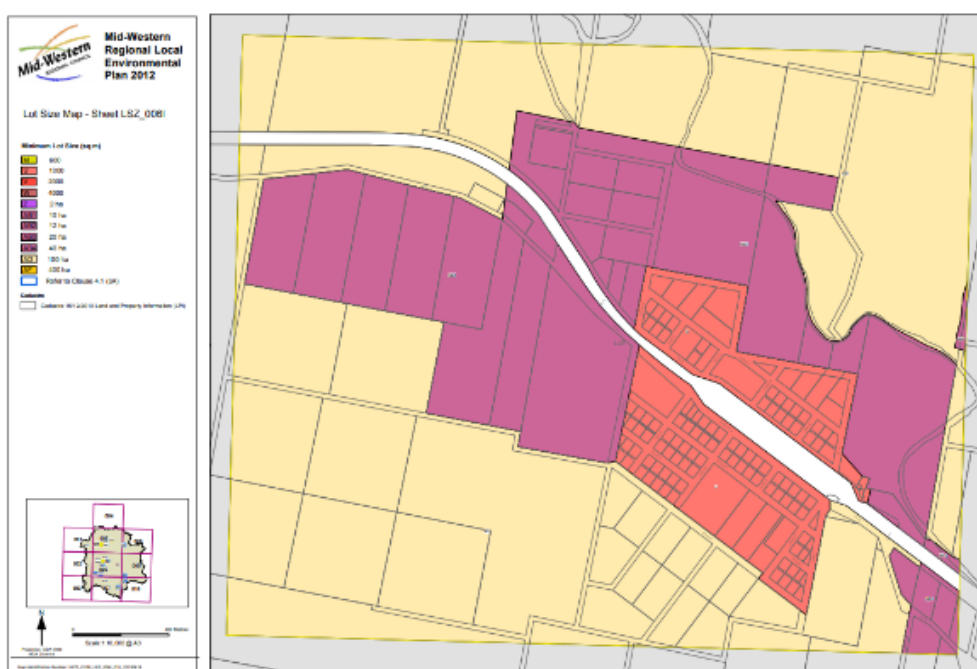
All project components are located wholly within the Mid-Western Regional LGA. Paragraph 37 states “the mine site is on land zoned RU1 Primary Production.” Open cut mining is permitted in this zone with consent. What the DPE fails to state is that while open cut mining is permitted with consent industries are prohibited. The Applicant plans to extract and process, including the crushing and grinding of up to 2Mtpa (2 million tonnes per annum) producing mineral concentrates of only 310,000 tonnes over the life of the project. This is known as a process industry. *Companies that extract, transport and process raw materials to manufacture semi-finished or high-quality end products by means of physical, mechanical and/or chemical processes are classified as process industries.*

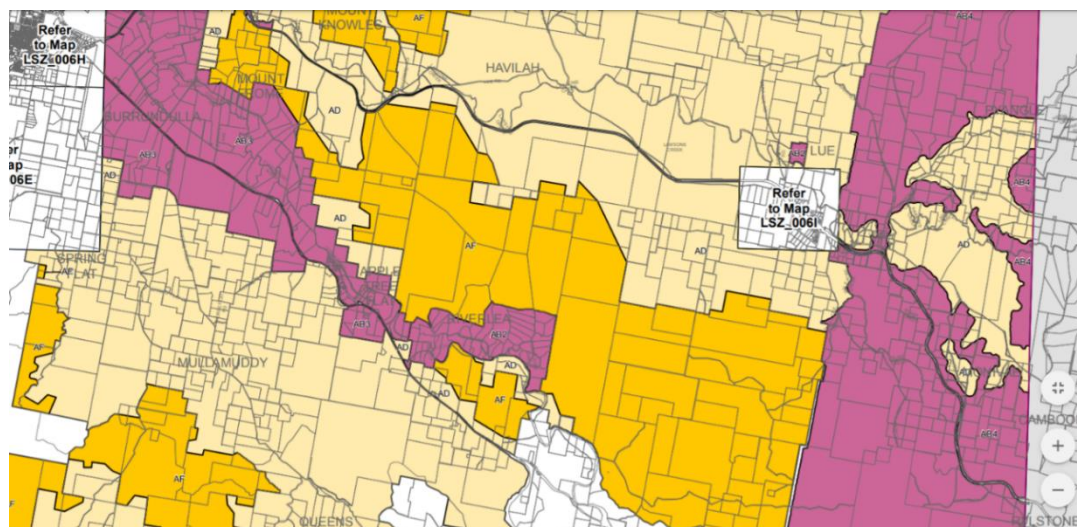
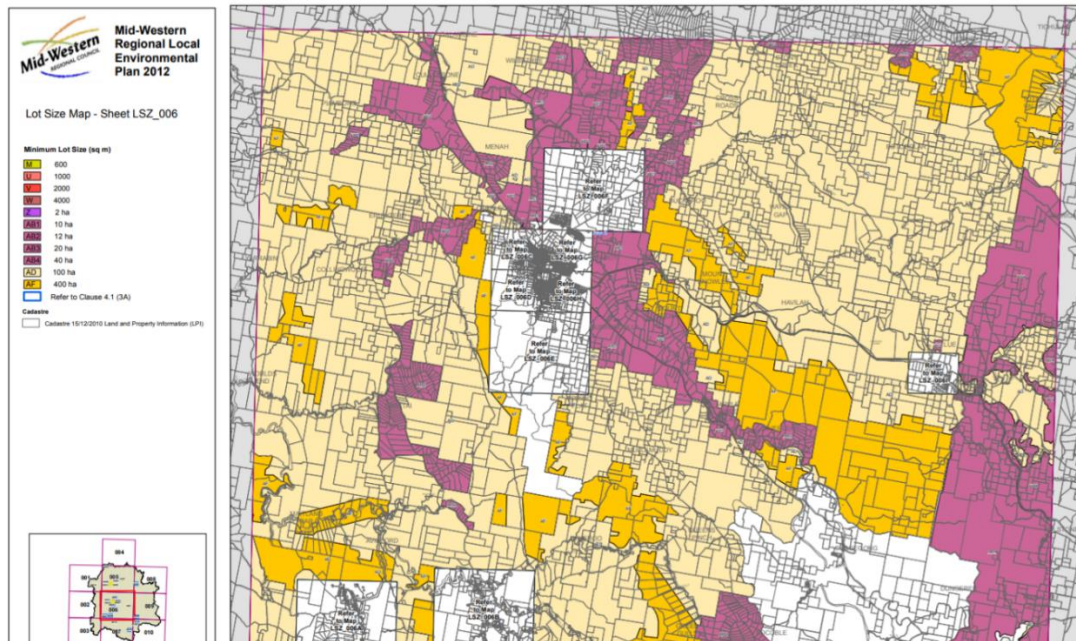
The objectives of Zone RU1 Primary Production are -

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the visual amenity and landscape quality of the Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values
- To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses

The development of this project does not meet any of these objectives.

The Lue village is shown on the map below. While difficult to read, the purple areas to the north and west are AB2 with an allowed 12 ha Lot size, the red area in the village itself is U with an allowed 1000 sq m lot size, the purple areas to the east are AB1 and are allowed 10 ha lot size. The yellow areas are AD and are allowed 100 ha lot size. The following maps show the larger area with similar lot sizes.





MWRC LEP 2012 – Lot size maps for the area including Lue and Havilah and Monivae.

The purple areas are AD and are either 10, 12, 20 or 40 hectares. The purple area to the east of Lue was previously the Rylstone Shire before its amalgamation into the Mid-Western Regional LGA.

Some properties near the mine site are in Zone R5 Large Lot Residential.

The objectives of this zone are -

- To provide residential housing in a rural setting while preserving and minimizing impacts on environmentally sensitive locations and scenic quality
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities
- To minimise conflict between land uses within this zone and land uses within adjoining zones

Industries are also prohibited in this zone.



Lue is zoned RU5 Village.

The objectives of this zone are -

- To provide for a range of land uses, services and facilities that are associated with a rural village
- To promote development that is sustainable in terms of the capacity of infrastructure within villages

Extractive industries, hazardous storage establishments, heavy industries and open cut mining are prohibited in Zone RU5.

Zones RU1, RU5 and R5 are in the Noise Amenity Area known as Rural.

While the mine site is located in Zone RU1 Primary Production and open cut mining is permitted with consent in that zone, industries are prohibited in Zone RU1 and Zone R5 and extractive industries are prohibited in RU5 the zones which adjoin the mine site.

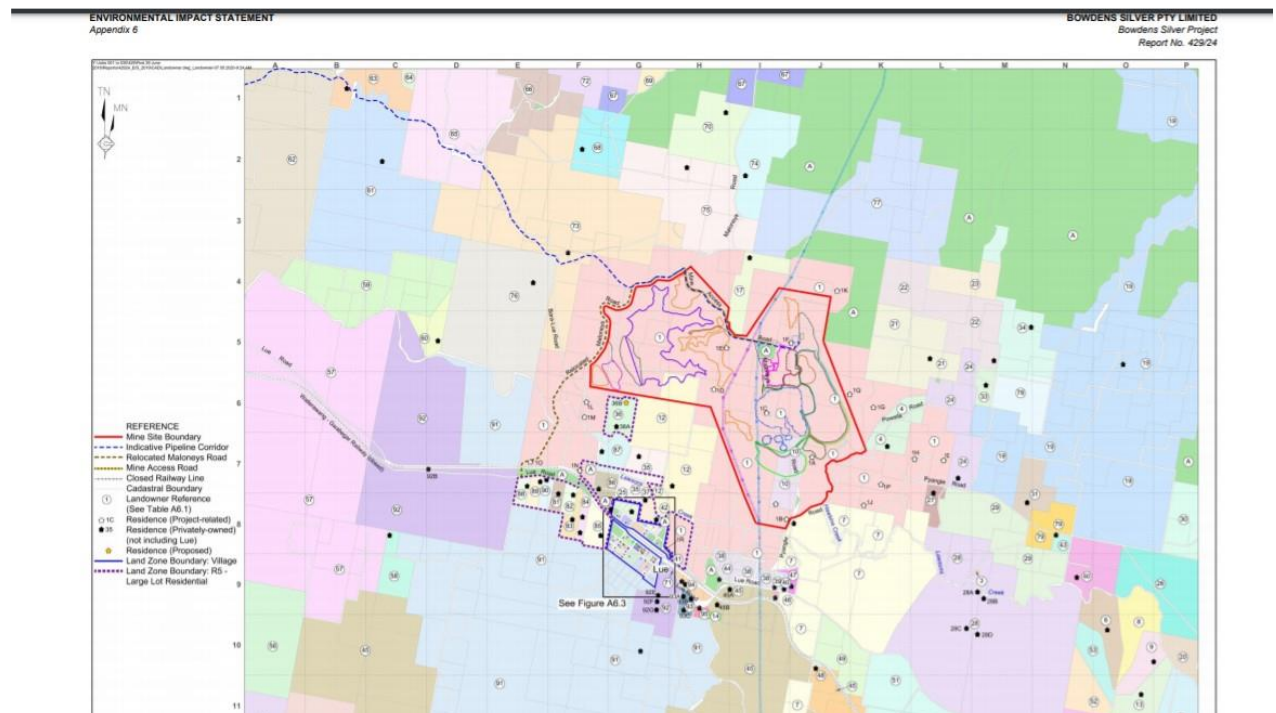
This project does not meet any objectives of the Zone RU1 Primary Production.

- **Suggested condition**

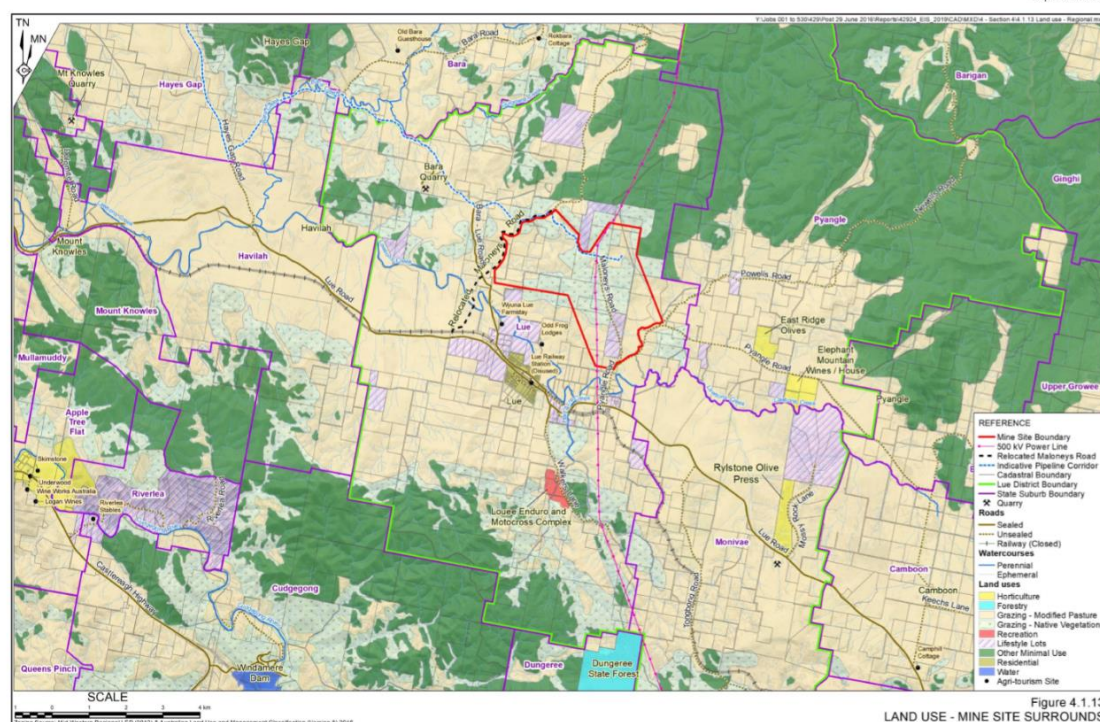
There are industrial zones within the Mid-Western Regional LGA and I respectfully request the Commissioners consider one of the conditions of consent be that the extraction and processing industry of this project be carried out in the nearest industrial zone, or Kandos, which the CEO of Bowdens expressed an interest in assisting in providing job opportunities.

Lue is a place where people have purchased properties, built homes and businesses, and expected to live in peaceful enjoyment of their property in a rural landscape surrounded by natural hills and landforms.

Is this project worthy of the extraordinary measure of overruling NSW Zoning Legislation and allowing the disturbance and removal of landowners, displacing residents and families who have rightfully come to live in this area.



Properties in the Lue Area surrounding the proposed mine site



R. W. CORKERY & CO. PTY. LIMITED

4-25

The Land use – Mine Site Surrounds map above confirms the mine site is surrounded and in close proximity to Lifestyle Lots, Horticulture, a Residential area being Lue and large areas of grazing, both modified pastures and native vegetation. It should be noted that the large areas coloured dark green are listed as “other minimal use”. These areas are in fact heavily wooded and steep hills that are a feature of this landscape and the habitat for many species of native animals, including koalas, echidnas and eastern grey kangaroos amongst others.

Lawsons Creek can be seen on this map flowing from east to west and the wall of Windamere Dam can be observed in the bottom of the map. This map does not show the large number of homes and residences in this area.

- Suggested condition**

Should any resident or landowner wish to leave Lue and the close proximity to the mine site for any reason whatsoever then a condition of consent should be that the landowner be offered Voluntary Acquisition of their property. Once the mine is rehabilitated these properties will regain their value and the Applicant will have no difficulty in selling any property in Lue.

3. Mid-Western Regional LEP 2012

The objectives of the MWR LEP 2012 are not met in particular (a) to promote growth and provide for a range of living opportunities throughout the Mid-Western Regional (b) regarding the proper management, development and conservation of resources, (c) providing a secure future for agriculture, (d) to provide a secure and vibrant economy that supports and celebrates the MWRC rural, natural and heritage attributes.

4. SEPP 33, SEPP 44, Mining SEPP, Part 3 Mining SEPP and Clause 14 of the Mining SEPP

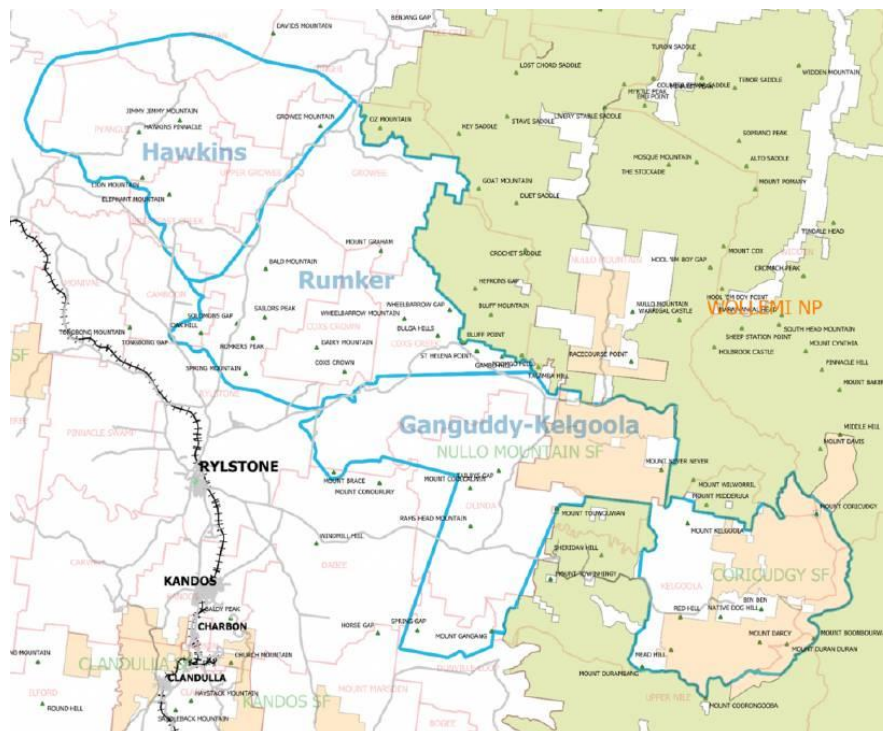
I ask the Commission to consider the SEPPs listed and ensure that that this project meets the definitions. Does for example SEPP 33 apply to this project given that the mining of lead would pose a significant risk to human health and the biophysical environment.

5. Hawkins Rumker area refused release for coal exploration.

Please refer to the PRIA – HawkinsRumker Potential Release Areas.pdf attached and the link

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/Assess-and-regulate/Development-assessment/PRIA-Hawkins-Rumker-Potential-Release-Areas.pdf?la=en>

The Hawkins Rumker area is immediately adjacent to the Bowdens mine site.



In the Hawkins Rumker case the Recommendations by the DPE stated

“The Department concludes that there is considerable uncertainty as to whether a future mine in these areas would be viable, noting the marginal economics of potential mine plans for the area, key transport constraints to mining, significant community opposition to any new coal mine development and the rapidly changing coal market. While any future mining would result in significant benefits to NSW there appears to be little certainty that these benefits could be realised. This uncertainty is likely to prolong and exacerbate negative social impacts on the community, particularly to the 170 landowners in the two areas. On this basis, the Department considers that there are sufficient constraints such that the Hawkins and Rumker areas should not be released for coal exploration.”

Like the Hawkins Rumker area and being immediately adjacent and with many similarities to that area the Bowdens project has considerable transport constraints and no existing infrastructure,

- no adequate road access to the site,
- no power supply to the site,
- no rail network to the site,

- no external water supply to the site
- limited telecommunications

In addition to the lack of existing infrastructure the Bayswater to Mt Piper 500kV Transmission Line which traverses the site must be realigned which involves the construction of 10 to 14 60 metre towers, the installation and connection of the new transmission line cables, live, then the demolition and disposal of the decommissioned transmission line towers, cables and concrete platforms. (As far as I can determine this has not been costed.)

Like the Hawkins Rumker area any mining at the Bowdens site appears to have little certainty that any benefits will be realised.

6. Kepco Bylong Project

In September 2019 the IPC refused consent for the Kepco Project at Bylong.

Please find attached the IPC Bylong Coal Project, Determination and Statement of reasons for decision and the link below

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2018/10/bylong-coal-project/determination/bylong-coal-project-ssd-6367--statement-of-reasons-for-decision.pdf>

The Kepco Bylong Coal Project and the Bowdens Project have many similarities.

- Both projects are incompatible with land use objectives
- Both projects have unacceptable groundwater impacts
- While there is no BSAL land on the Bowdens site there are BSAL lands surrounding the site which have not been assessed in the Agricultural Impact Statement
- There will be no rehabilitation of the Bowdens project
- There is a dispute over whether the Aboriginal Cultural concerns have been addressed.
- The GHG emissions have not been assessed correctly, Ramboll has neglected to include the Scope 3 emissions from the smelter in Port Pirie in South Australia and therefore has not made any attempt to minimise Scope 3 GHG emissions to the greatest extent possible as required under Clause 14(1)(c) of the Mining SEPP.
- The project may result in a net economic benefit to NSW during the operation of the mine. But the distribution of costs and benefits over and beyond the life of the mine accrue negatively to future generations.
- The project is not in the Public Interest because it is contrary to the principles of ESD, intergenerational equity, because the predicted economic benefits would accrue to the present generation but the long term environmental, heritage, and agricultural costs will be borne by future generations.
- Please see attached a cross section of the regional hydrology indicating the potential of the mine to alter regional hydrology from the Bylong Catchment to the Cudgegong catchment. (Attached to FDP Presentation to the IPC)

Like the Bylong Coal Project the anticipated benefits of the Bowdens project do not outweigh the adverse impacts of the project.

- **Suggested condition**

Would the DPE agree that in the instance of contamination of local agricultural produce occurring the losses could far exceed the applicants Market Capitalisation and that in this

instance would the Department agree that the State is then liable for the losses incurred by local producers.

Expert Reports

The DPE, the Lue Action Group and others have obtained expert reports relating to the environmental, social and economic impacts of the project. These reports cover impacts to groundwater use, surface water, social impacts, economics of the project, Acid Mine Drainage, Aquatic Ecology, Noise, Geology, Visual Impacts and Human Health. In addition to those reports NSW Government agencies such as the EPA, Heritage, DPE – Water and others have given advice.

Which, if any, of these expert reports recommended the project?

The Lue Action Group has made 3 submissions to the DPE, had numerous experts analyse and report on various subjects, who have concluded that this project is risky, will not be rehabilitated, and will have far reaching and long term adverse impacts. Please see the Lue Action Group submissions on the DPE website with the expert reports attached. Additional reports and information will be submitted in the Lue Action Group submission to the IPC. In another example of poor community engagement by the Applicant and the DPE, the DPE has refused to make these reports easily available to the public and the community and has instead provided a website that is difficult to navigate, must be constantly reloaded and re- searched in order to locate information. There is no “search” facility on the website. A Bowdens representative advised that there are over 10,000 pages of EIS, Amendments and Reports on the DPE website and that number most likely does not include submissions. This behaviour could not be described as positive community engagement. In order to inform the community the Lue Action Group has constructed a website where most of the expert reports can be found. www.lueactiongroup.org

Mitigation Measures

Some mitigation measures have been proposed for the project including for visual impacts and noise impacts in the form of monitoring and reactive management practices but no suitable and proven mitigation measures have been proposed to prevent the contamination and pollution to groundwater or surface water, to prevent contaminated dust from leaving the site, to prevent acid mine drainage travelling to Lawsons Creek or other waterways or the aquifers. No mitigation measures have been provided to mitigate the significant short term and long term social impacts this project will have on residents and visitors to Lue. No mitigation measures have been proposed for the short and long term damage to the agricultural and horticultural industries in the area, nor has any compensation be proposed to those businesses or properties. No mitigation measures have been proposed to the tourism businesses in the region for loss of amenity and the resulting loss of patrons.

Conclusion

The Bowdens Project will after consideration be shown to have little merit with the environmental, social and economic impacts of this project having a lesser benefit than the environmental, social and economic benefits of not proceeding with the project.



NSW legislation

Mid-Western Regional Local Environmental Plan 2012

Current version for 1 December 2022 to date (accessed 30 January 2023 at 14:25)

Part > pt-cg1.Zone_RU1

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.
- To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Home industries; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Restaurants or cafes; Roadside stalls; Any other development not specified in item 2 or 4

4 Prohibited

Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Educational establishments; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Health services facilities; Heavy industrial storage establishments; Hostels; Industrial retail outlets; Industries; Local distribution premises; Marinas; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Storage premises;

Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies



Mid-Western Regional Local Environmental Plan 2012

Current version for 1 December 2022 to date (accessed 30 January 2023 at 14:25)

[Part](#) > pt-cg1.Zone_R5

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; Serviced apartments; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair

workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities



NSW legislation

Mid-Western Regional Local Environmental Plan 2012

Current version for 1 December 2022 to date (accessed 30 January 2023 at 14:25)

Part > pt-cg1.Zone_RU5

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development that is sustainable in terms of the capacity of infrastructure within villages.

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bee keeping; Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Cellar door premises; Correctional centres; Crematoria; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Heavy industries; Jetties; Livestock processing industries; Local distribution premises; Offensive storage establishments; Open cut mining; Rural workers' dwellings; Sawmill or log processing works; Sex services premises; Stock and sale yards; Waste disposal facilities; Waste or resource transfer stations; Water recreation structures

40 m in Context: potential to alter regional hydrology

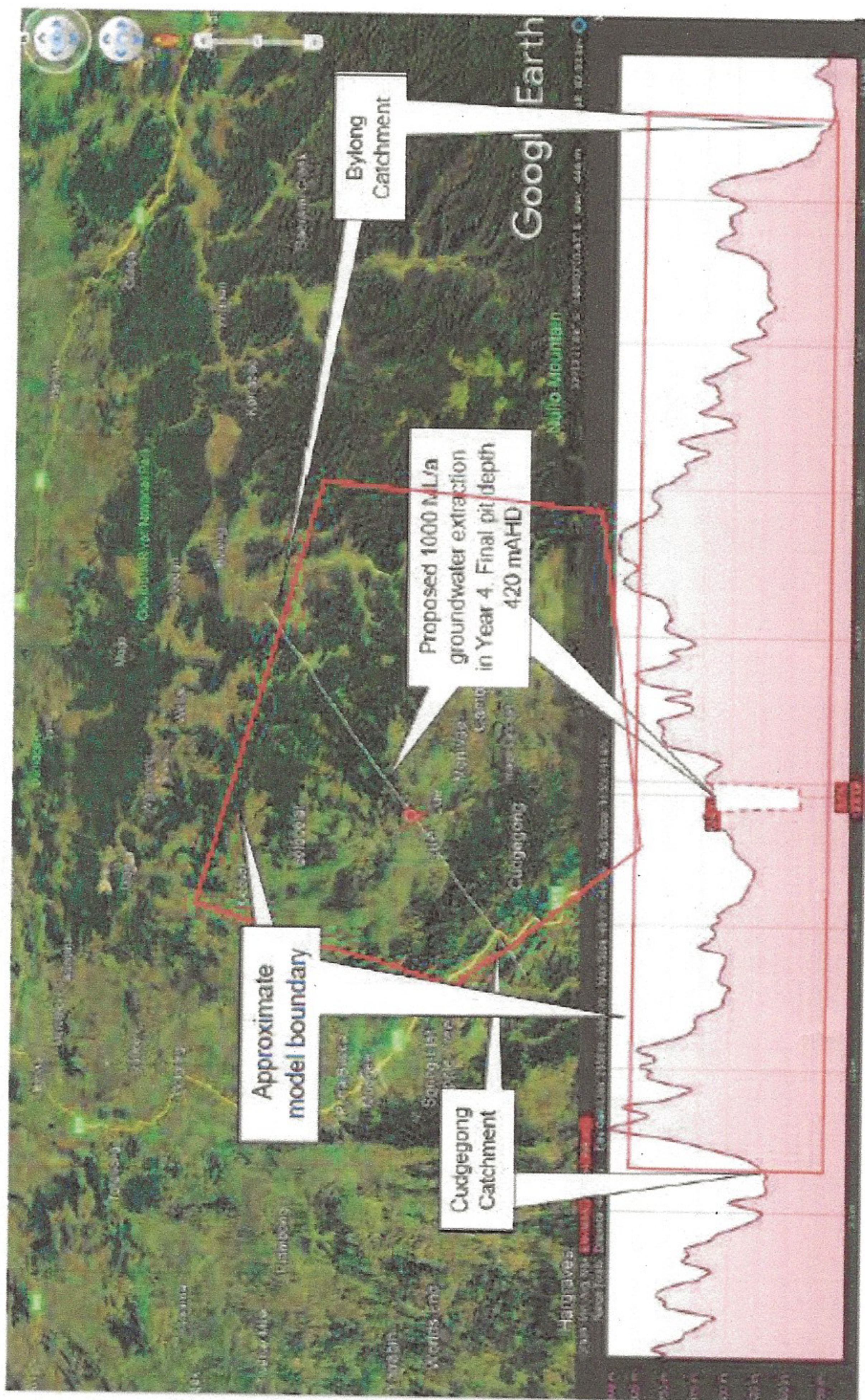


Figure 3: SW-NE Cross Section Source: GoogleEarth 2022