



4 April 2022

**ATTENTION: Rose-Anne Hawkeswood**

Team Leader  
Resource Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

E [REDACTED]

**SUBMISSION VIA NSW PLANNING PORTAL**

**Re: BOWDENS SILVER PROJECT (WATER SUPPLY AMENDMENT REPORT) - APPLICATION NUMBER SSD-5765**

Dear Rose-Anne,

Attached is the Objection by Lue Action Group (**LAG**) to the Amendment as lodged by Bowden's Silver Project (Bowdens) to *State Significant Development [SSD] – 5765* detailed within the Amendment Report for the Bowdens Silver Project (R.W. Corkery & Co. Pty.Limited, March 2022).

Lue Action Group (LAG) is a community-based group comprising of residents of Lue Village and surrounding farms. The LAG undertakes coordinated activities and commissions well-qualified experts to undertake balanced and science-based reviews of Bowdens Silver proposals including the initial EIS and recent amendments proposed to the EIS.

The Water Supply Amendment (**WSA**) proposes to remove an approximately 60 kilometre long pipeline from the development application. The pipeline was intended to be used to transfer water to the mine site from the Ulan coalfields. Bowdens is proposing instead to change its water management approach and increase its use of onsite water.

We continue to be surprised by Bowdens Silver's lack of professionalism in failing to adequately plan essential resources such as water and power for the proposed mine. Failure to proceed with the pipeline appears to be due to overlooking the logical step of gaining the approval for this water supply from Ulan Coalfields and the relevant authorities.

Bowden's current amendment to utilise on-site water reflects the same lack of planning and forethought according to the reports being prepared by LAG's surface water and ground water experts. These reports take time to complete as they require detailed review and analysis of the proponent's submission, so they are not yet final. Accordingly, **LAG requests an extension in time from DPIE to finalise and submit these two expert reports.**

Without prejudicing the findings in these reports, relevant points are expected to include:

- Lawson Creek is identified in the NSW Stressed Rivers Assessment to be in the most seriously stressed category (S1) – with the highest level of environmental stress as well as a high extraction rate.
- Many assumptions in Bowden’s amendment appear to overestimate the quantity of rainfall, harvestable surface water and ground water at the mine site.
- Decades of carefully recorded rainfall records of local farms near the mine support the argument that annual rainfall has indeed been overestimated in the Amendment.
- Initial assessment suggests that the quantity of water used by the mine will result in a 10.9% loss of flow in the Lawsons Creek catchment. This would be an enormous and unsustainable impact on the water resources in this catchment, having a significant impact on all land downstream of the proposed mine site.
- The frequency of dry years appears to have been underestimated and consequently the impacts of the mine withdrawing the water needed for its operations on local people, farms and the environment have also been underestimated.
- Bowdens groundwater licenses have been purchased in the Sydney Water Basin catchment as well as further downstream in the Murray Darling catchment. The Sydney Water catchment is not relevant to western waters and the NSW government has historically indicated a preference not to move licenses upstream within the same catchment, as the water is less likely to be available high up in the catchment and will consequently disadvantage local people and farmers reliant on that water.
- Bowdens attempt to ‘get by’ by recovering and recycling more water from the tailings dam and leachate dam are likely to increase the health impacts on the local community and environment. Recovery of this water will reduce water levels in each dam, exposing more toxic elements in the soil (i.e. lead, cadmium, cyanide, etc.) to wind events, which will spread these compounds further afield.

The amendment also includes changes to the mine site layout and to the proposed alignment of the existing No. 5A3 Bayswater to Mt Piper and 5A5 Wollar – Mt Piper 500kV transmission line. The realignment seeks to establish 10 to 14 new steel towers, each approximately 45m to 60m high within a cleared 70m corridor.

LAG respectfully requests that the Department of Planning and Environment immediately assesses the Project and the amended proposals and refer this Project to the Independent Planning Commission. It is clear to LAG that Bowdens and RW Corkery are manipulating the assessment process in order to avoid the IPC and the outcomes of IPC meetings or hearings.

While the DPE and LAG have no responsibility to Bowdens or Silver Mines Limited shareholders, their shareholders should be made aware of these activities.

LAG also requests that Bowdens cease all minerals exploration until the IPC has made its determination. Bowdens continue drilling and exploring in environmentally sensitive areas with little or no consideration of their ability to mine sustainably in these areas.

LAG also notes that Bowdens have reached an agreement with Mid-Western Regional Council for around \$4.7 million over the duration of mining operations. Considering the increased number of heavy vehicles using the MWRC road network \$100,000 per year for the Road Maintenance Contribution seems an insignificant amount. Bowdens have

consistently underestimated their vehicle requirements and the result is that MWRC will be inadequately compensated. It is also noted that no additional traffic is expected from Kandos.

LAG has engaged a number of technical experts to undertake an Independent Technical Review of the Project as detailed within SSD 5765, including Bowdens Silver *Environmental Impact Statement* (R.W. Corkery & Co. Pty. Limited, May 2020) and its applicable supporting documentation and the 500Kv Transmission Line Amendment and the Water Supply Amendment and supporting documentation.

These experts are listed below in **Table 1: Lue Action Group Technical Review Consultants**.

**Table 1: Lue Action Group Technical Review Consultants**

Biodiversity	Absolution Ecology
Groundwater	Water Technology
Health Impacts	Sustainable Minerals Institute, University of Queensland
Lead Dust	Earth and Environmental Sciences, Macquarie University, Sydney
Mining Operations	Michael White
Noise	Wilkinson-Murray
Social Impact	Allison Ziller
Surface Water	Engeny Water Management
Visual Impact	Engeny
Surface Water	Shireen Baguley
Groundwater	Field Development Planning

**Table 2: Lue Action Group Reviews, Reports and Comments List**

1. Technical Review – Visual Assessment (SSD-5765) (Engeny, August 2021)
2. High-Level Mining Review of the Bowdens Lead, Zinc, Silver Project (Michael White, July 2020)
3. Comments and assessment of potential lead exposure risks reported in the Bowdens Silver EIS (May 2020) (Taylor, Dept of Earth and Environmental Sciences, 15 July 2020)
4. Key issues and weaknesses of the Bowdens Silver Project Environmental Impact Statement (Noller, Sustainable Minerals Institute, University of Queensland, 24 July 2020)
5. Bowdens Silver Project – Environmental Impact Statement Groundwater



Assessment Review (*Flavel, Water Technologies, July 2020*)

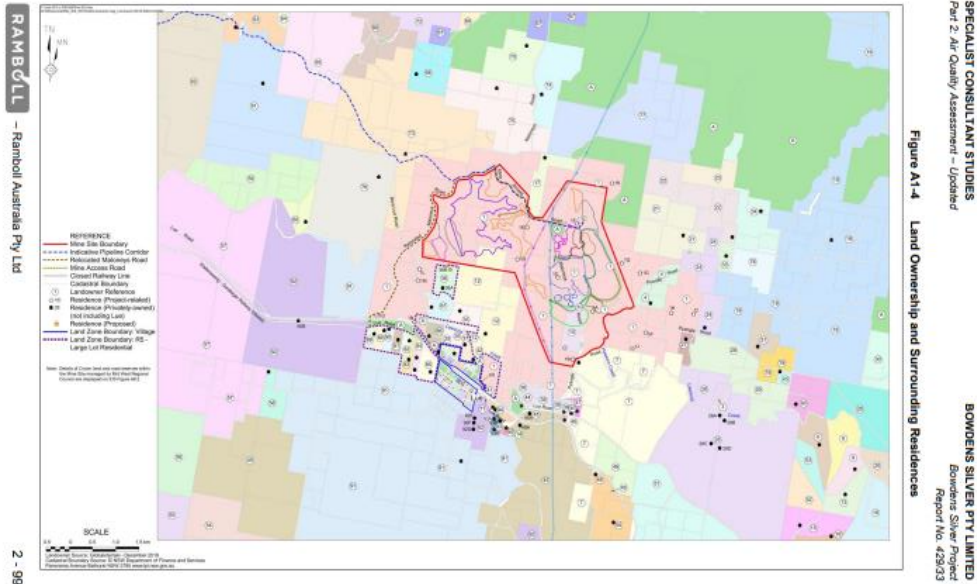
6. TECHNICAL REVIEW - SURFACE WATER ASSESSMENT (SSD-5765) (*Shields, Engeny, July 2020*)
7. Bowdens Silver Pty Ltd Lead, Zinc, Silver Project - Review of Noise and Vibration Assessment (*Wassermann, Wilkinson-Murray, 17 July 2020*)
8. Technical Review of selected EIS reports in response to the Proposed Bowden's Silver Mine Development, State Significant Development No. 5765, Lue NSW (*Aberton & Serov, ABSolution, July 2020*)
9. SIA review report re. proposed Bowdens Silver, Zinc and Lead mine (*Ziller and Walton, Social Planning Consultant, July 2020*)
10. MSW Comments on Bowden's Response to Submissions Report and the Proposed Amendment (*Michael White, March 2022*)
11. Independent Review of the Bowdens Silver Pty Limited Surface Water Assessment – Updated (*Shirleen Baguley, March 2022*)
12. 40 queries relevant to water use (*Field Development Planning*)
13. Aquifer Connectivity Study (*AWE, 5 June 2018*)
14. Review of Bowden's response to multi-agency feedback regarding groundwater in Bowden's July 2021 Amendment Report (*FDP 13 August 2021*)

LAG has reviewed the application and formally objects to the Second Amendment (WSA) as presented by Bowdens in accordance with the following aspects.

**500kV Transmission Line, Water Use and other amended components**

**(i) Visual Impacts**

LAG engaged Engeny to verify concerns and quantify Visual Impacts from the realignment of the 500kV transmission line as presented in the first amendment (RTS). As a result of Engeny's report and numerous submissions expressing concerns about the relocation of the Transmission Line Bowdens has relocated the Transmission Line 200m to the east and closer to the existing Transmission Line. LAG has not engaged Engeny to verify concerns and quantify Visual Impacts from the amended relocation of the Transmission Line because such minor changes to the proposal to relocate this major component do not require an additional report. Richard Lamb and Associates (Mr Lamb) was engaged by Bowdens to carry out an updated visual impact assessment and as he has only indicated that 3 homes will have a reduced impact this is not a significant reduction in the visual impacts experienced by Lue. LAG invites Mr Lamb to conduct a Visual Impact Assessment from every house in Lue rather than a select few that he has predetermined will have little or no view of the mine site. LAG believes that it is not unreasonable to request that Bowdens instruct Mr Lamb to specifically assess the impacts from all properties from the Havilah Gap to Monivae Hill including Property 94 and Property 83, both of which will have their views substantially diminished. Mr Lamb clearly has a very limited scope but he should not exclude properties that will obviously have their views substantially changed. Bowdens stated that it was not reasonable to expect them to conduct an assessment from properties to the east of the proposed development. LAG is of the opinion that it is not unreasonable to require Mr Lamb to assess the visual impact to homes and properties in Lue that are located to the east of the village and closer to the mine site than the village. LAG believes that it is reasonable for Bowdens to engage Mr Lamb to assess the Visual Impacts to all neighbouring properties as well as those properties that clearly will have a view of the mine site and its components including the Waste Rock Embankment, the Tailings Storage Facility and the Transmission Line. In particular Properties 76, 57, 59, 61 and 91 and all properties with a view of any Bowdens component. Most recently changes to the new Maloneys Road creek and railway crossings may require visual assessment from properties 81 to 93. There has been no visual assessment from any point on property 92 or Property 91 or Property 94. The visual assessment from property 83 carefully ignored the eastern view over the mine site while at the same time stated that the resident would only be visually impacted for 9 years. Clearly an oversight. The property map LAG refers to can be found at Part 2: Air Quality Assessment – Updated Report No. 429/33 2 - 100 – Ramboll Australia Pty Ltd Figure A1-5 Land Ownership (Lue) page 2-102. Unfortunately the property numbers are unreadable in its copied form below.



**(i) Social Impacts**

The EIS was presented to the public and the government with **a major component** being an external water source. Without an external water source the water available in Lue and within 5 kms of Lue and most likely much further afield will be diminished in quality and quantity.

Bowdens is aware that many bores in Lue are very old, not deep and also not registered. There is no legal requirement to register an old bore. What this means is that many bores will not be considered in the DPE – Water assessment and therefore should be considered in either the Social Impact Assessment or the Agricultural Impact Assessment.

LAG requests that the Social Impact Assessment be updated with interviews with those individuals and landowners who have unregistered groundwater bores and or take water for domestic and stock use from Lawsons Creek, as is their riparian right, and who have properties that will be impacted by reduced and or contaminated water supply.

**(ii) Agricultural Impacts**

The Agricultural impact Statement was not carried out by a recognized expert but rather by RW Corkery. It should be noted that no adjacent property owners have been interviewed or investigated by RW Corkery regarding annual rainfall, flows in Lawsons Creek, water availability in wet or dry times or any other matter regarding water use for agricultural purposes. Some local residents have rainfall data for 37 years and

A mining operation with no reliable water source is not sustainable. There is no evidence that Bowdens hold the required water licenses and they do not hold works approvals to extract this water. All water used by Bowdens will be at the expense of all other users including people, farm animals and native flora and fauna.

LAG requests that the DPE Water require that Bowdens provide a Water Management Plan prior to assessment.



**(iii) Surface Water and Groundwater Use**

LAG maintains concerns relating to on site water use.

A mining operation with no reliable water source is not sustainable. One of the requirements of the SEARs is that there will be a reliable water source. There is no evidence that Bowdens hold the required water licenses and they do not hold works approvals to extract this water.

LAG requests that the DPE Water require Bowdens to provide a Water Management Plan prior to assessment.

LAG believes that a project such as this should not be reliant on Groundwater and will in dry years take more from the Aquifers than they are entitled to. Fines for this behavior are not a deterrent and the EPA and DPE-Water will be required to police and regulate this mine to ensure they do not take more than they are entitled to. There are many examples of mines that have been approved and that have taken more than they should from the Aquifer. Too much groundwater flowing into the pit is usually the case in mining but is rarely predicted or assessed by DPE-Water and certainly not included in any report by RW Corkery.

Please refer to the attached Review prepared by Shirleen Baguley confirming adverse the Surface Water Impacts and the poor quality of WRM Water Assessment.

This submission also contains all previous reports and reviews relating to water and trusts that the department will ensure they are reviewed again given the increased take of water from the site and the lack of external water input.

**(iv) Consultation**

LAG maintains ongoing concerns regarding the transparency and accuracy of information disseminated by Bowdens.

*"No specific engagement with the general public has been undertaken during preparation of this document"* (Amendment Report, RW Corkery - July 2021).

Further to the absence of consultation undertaken during the preparation and submission of the Amendment, in correspondence of the 14<sup>th</sup> May 2021 Bowdens provided an update to the community regarding the project's status and future works, yet made no reference to or indication regarding the intention to lodge an Amendment to the EIS (provided as **Attachment 2**).

Indeed, it is only through notification by the Department and subsequent consultation undertaken by LAG, that numerous members of the Lue Community are aware of the Amendment and the potential for visual and amenity impacts to their properties from the application.

There was no announcement to the community by Bowdens regarding the removal of the pipeline, the new relocation of the 500kV Transmission Line, the building of a bridge over Lawsons Creek and changes to the Tailings Storage Facility and major changes to the mine site layout (the **Water Pipeline Amendment**) and again it is only through notification by the Department and communications by LAG that the community have learned of the Second Amendment (WSA) and its potential for visual, amenity and water impacts to their properties.

**(v) Incomplete or Failure to Lodge a Complete Application**

Within its Submission dated 27 July 2020 to SSD 5765, LAG identified numerous technical deficiencies within the Bowdens application as detailed below:

**Table 1: Significant Project Failings**

No.	Issue
1.	<p><b>Acceptability of the application for SSD under the Environmental Planning &amp; Assessment Act 1979</b></p> <ul style="list-style-type: none"> <li>• <b><u>Failure to demonstrate a legally permissible methodology for supplying water to support its operations.</u></b></li> <li>• Failure to address water pollution to surface and groundwaters from the Tailing Storage Facility.</li> <li>• Failure to assess surface water impacts of the proposed water supply pipeline.</li> <li>• <b><u>Failure to assess the impacts of both the powerline re-alignment and powerline supply for the Project.</u></b></li> <li>• Failure to assess the impacts to the Koala population from the Project in accordance with the <i>Koala Recovery Plan</i>.</li> </ul>
2.	<p><b>Unacceptable Health Impacts</b></p> <ul style="list-style-type: none"> <li>• The assessment of Health-Related Impacts from lead and other sources does not reflect the high in situ levels of lead in the ore body and inherently high bio-accessibility rates for the lead.</li> <li>• The proximity of the proposed operations to residential areas (including but not limited to the Lue village which is located 1.9km from the proposed mining operations).</li> </ul>

Whilst this Amendment (RTS) and the Second Amendment (WSA) does in part address LAG's concerns relating to the presentation of a complete and transparent application for the assessment of the 500kV Transmission line relocation, the continued omission by Bowden's to the provision of an **adequate Power Supply or an adequate Water Supply** highlights the significant deficiencies and ill-considered nature of this application.

In what should be considered fundamental component of the development of the Project, LAG is concerned the ongoing failure by Bowdens to complete a comprehensive application is reflective of the company's inability to operate a mine with the complexities presented within SSD 5765 and the sensitive environment within which the project is proposed.

Considering the recent refusal to allow mining exploration in the Hawkins-Rumker area which is immediately adjacent to Bowdens and noting the 66 kV Powerline must be constructed through this sensitive area, the Department must look at this proposal in the same way that it assessed that proposal. Particularly as this project is not a more profitable coal mine and unlikely to realise any benefits to NSW or the 95 landowners in Lue.

In the Hawkins – Rumker case the “The Department concludes that there is considerable uncertainty as to whether a future mine in the Hawkins and Rumker 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 economic 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 there to be sufficient constraints that the Hawkins and Rumker areas should not be released for coal exploration.”

**(vi) Amenity of Adjoining Residents (including Noise & Dust impacts)**

The Amendment by Bowdens assumes that the realignment of the 500Kv Transmission Line works will be undertaken under the provisions of ‘Construction Works’ in accordance with the EPA’s *Interim Construction Noise Guideline*.

*“The mitigation and management measures that would be adopted during the re-alignment of the transmission line are largely an extension of those proposed for the mining operations. In particular, management measures relevant to the re-alignment of the transmission line would be included as part of an approved Construction Noise Management Plan (CNMP). These measures would be supported by the use of continuous real-time noise monitors to enable real-time management.”* (Amendment Report, RW Corkery - July 2021).

The Amendment identifies that the realignment works would take place over a 6 to 10 month campaign interval during Year 3 of operations within the operating hours:

- 7:00am to 8:00pm (Daylight Hours only) Monday to Friday; and
- 8:00am to 6:00pm on Saturdays.

*“The proposed re-alignment of the 500kV transmission line would not be a “scheduled activity” or “scheduled development work” (as described in in Schedule 1 of the POEO Act). However, the Project would require an environment protection licence, but it is not expected that it would contain conditions specifically relating to the proposed decommissioning and construction works”* (Amendment Report, RW Corkery - July 2021).

LAG maintain significant reservations relating to the extended impacts on the village of Lue and its surrounding residential areas as a result of the proposed construction works. It would appear that Bowdens are seeking concessions permitted as under the Construction Noise at Year 3 of the Project Operations for a duration of 6 to 10 months which would appear inconsistent with the Construction Works provided for within the *Interim Construction Noise Guideline*.

**(vii) Aboriginal Heritage**

LAG maintains concerns relating to the integrity and thoroughness of the Aboriginal Heritage



Assessment supporting the Amendment as proposed by Bowdens.

Primarily, LAG would expect that all procedural and consultation activity is undertaken in accordance with the requirements provided under the *Heritage Act 1977* (and its supporting instruments) to achieve the objectives of the Act to “*work with the community to preserve, manage and protect NSW heritage.*”

Following consultation by LAG with relevant Aboriginal Groups involved within the survey of the site, significant concerns have been raised relating to the thoroughness of investigations undertaken, and the collaboration and consultation undertaken in developing satisfactory conclusions and recommendations supporting the Amendment.

Within the Amendment, Bowdens stated that it is “committed to involving the local Aboriginal community as an integral participant in the management of Aboriginal cultural heritage values in the Mine Site.” This statement is directly at odds with the manner in which consultation, recommendation and conclusions have been reached by Bowdens within their Amendment application.

**(viii) General Comments on the Water Pipeline Amendment and a LAG Response to the Response to Amendment Submissions**

Further to the objection, LAG will be completing a review of the:

- Bowdens Response to the Amendment (RTS) Submissions

MSW has provided comments on Bowdens response to the submissions which can be found in the second attachment.

Thank you for your consideration of the above-mentioned concerns to the Amendment. Should you wish to discuss this submission further, please do not hesitate to contact myself (0428) 736 416.

Yours sincerely

**TOM COMBES**  
PRESIDENT  
LUE ACTION GROUP



cc Mr Brad Cam  
General  
Manager  
Mid-Western Regional Council

## ATTACHMENTS

1. MSW Comments on Bowden's Response to Submissions Report and the Proposed Amendment (*Michael White, March 2022*)
2. Independent Review of the Bowdens Silver Pty Limited Surface Water Assessment – Updated (*Shireen Baguley, March 2022*)
3. 40 queries relevant to water use (*Field Development Planning*)
4. Aquifer Connectivity Study (*AWE, 5 June 2018*)
5. Review of Bowden's response to multi-agency feedback regarding groundwater in Bowden's July 2021 Amendment Report (*FDP 13 August 2021*)
6. Technical Review – Surface Water Assessment (SSD-5765) (*Shields, Engeny, July 2020*)
7. Comments on Bowdens Response to Submissions Report (RTS) (*LAG April 2022*)