

Mr Peter Duncan AM
Bowdens Silver Panel Chair

Ms Clare Sykes
Panel Member

Mr Peter Cochrane
Panel Member

Independent Planning Commission of NSW
Level 15, 135 King Street
Sydney NSW 2000

22 February 2023

Dear Commissioners,

Bowdens Silver SSD-5765

Rylstone District Environment Society objects to the Bowdens proposal to develop an open-cut mine in the Lawson Creek valley, and we ask the IPC to reject this development.

The proposed project poses unacceptable long-term environmental, health and financial risks, and these have not been adequately addressed by the proponents nor in the DPE assessment report. Serious risks and shortcomings include:

- potential for **acid mine drainage** from the site (White M), risking long-term contamination of Lawson Creek and posing a permanent threat to the Mudgee region water supply; this risk has not been adequately assessed (Barlow C)
- **absence of evidence** about the effectiveness of the proposed mitigation measures for acid mine drainage (Flavel C) – the ‘capture and contain’ strategy is unproven at the proposed scale and not suited to the geology of the site; this is unacceptable as a long-term solution to a risk that will endure for many generations (White M)
- reliance on a **poorly sited dam** to contain toxic tailings and harmful chemicals that will remain on the site forever – sited on a geological fault line and using containment technology that is not proven for this scale and timeframe (White M), the tailings dam would pose an unacceptable permanent risk to waterways and water storage downstream of the mine site; risk of chemical contamination to groundwater has not been adequately assessed (Baguley S)
- inadequate information about **how these risks will be managed** after mining operations have finished, and who will pay to monitor the ongoing risks and deal with leakage in the long term – will the NSW Government be expected to pay for this?
- inaccurate information about where **sufficient water to operate the mine** will be sourced from – the figures used to estimate water availability do not take into account the frequency of dry periods, nor how the mine’s operations would affect water quality and availability for other water users during dry periods (Baguley 2022; Flavel 2023)

- inadequate consideration of **Indigenous cultural heritage** – further consultation and survey is needed with local knowledge-holders to determine long-term impacts on cultural landscapes, sites and artefacts; the area is known to contain rock shelters and artwork and this needs to be protected
- **biodiversity impacts have not been adequately assessed** – the proposal will impact a large area of box–gum woodland, a threatened ecological community that has been 95% cleared in the Central West; impacts on koala habitat in the local area have not been adequately assessed, nor have impacts on other species such as the swift parrot and regent honeyeater

Expert review of biodiversity impacts by Dr Michael Aberton (ABSolution Ecology) concludes: 'It is claimed the applicant has made all reasonable efforts to avoid impacts to threatened species habitat where possible, through a substantial planning and design phase. This avoidance is not clearly demonstrated within the biodiversity assessment report and in the context of biodiversity protection. **The mitigation measures proposed to minimise potential impacts are unclear and reliant on future work.** Given that suitable biodiversity offset strategies and offsetting is proposed, the direct impacts only have been considered, not indirect impacts of various species. The indirect impacts may be out of the control of the works and these will be only identified after the impact occurred.'

(Aberton and Serov 2020)

- inadequate assessment of the **impacts of lead dust on the surrounding region**, including failing to account for strong winds and for all potential sources of dust from the proposed mining operation (Noller B), and using out-of-date guidelines for compliance (Noller B); the long-term impacts of lead dust on community health have not been adequately considered, nor has the cost of the measures that would be required to manage wind-driven lead dust; managing lead dust would impact residents, schools, businesses, health facilities, and community facilities such as parks, playing fields and swimming pools
- **damage to our reputation and long-term prospect as a top tourism destination** – our visitor economy is a major employer and source of income for our region; tourism is expected to grow and sustain our region for the long term, and this contribution to the economy is projected to outstrip the short-term benefits derived from the mining activity
- impacts on **local agriculture and viticulture businesses** – these are major industries within our local economy; impacts on soil, water and air quality from a nearby open-cut lead and zinc mining operation would be devastating for this sector
- impacts from **increased transport**, including frequent B-double truck movements along Lue Road and through Mudgee; Lue Road is a major scenic route for visitors to the region and an important travel corridor between Mudgee and Rylstone for many residents and businesses.

In its assessment report, DPE notes it is relying on the proponent to develop adequate management plans to deal with these serious issues. Such management plans, displaying robust and proven solutions, should have been presented as part of the project's environmental impact statement so they could be subject to public exhibition and peer review. Granting approval for the development before the adequacy of these measures has been scrutinised casts uncertainty on the project's merit, and opens up the issue of

accountability. Who will verify the management plans will be effective in controlling the risks? What will happen if the management plans are not adequate?

Given the potentially devastating negative impacts, the gaps in the assessment of the long-term risks and the mitigation required, and given the mine's income and employment benefits would be short term in comparison to its other legacies, we urge the IPC to reject the Bowdens proposal.

Yours sincerely,

Jennifer More
on behalf of Rylstone District Environment Society Inc

Rylstone District Environment Society Inc.

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www.envirorystone.org.au

References

Aberton M and Serov P (2020) *Review of EIS*, report prepared for Lue Action Group, ABSolution Ecology and Stygoecologia.

Baguley S (2022) *Independent Review of the Bowdens Silver Pty Limited Surface Water Assessment – Updated*, report prepared for Lue Action Group.

Barlow C (2023) *Address to the IPC Hearing on Bowdens Mine Application*, report prepared for IPC hearings February 2023.

Flavel C (2023) *Bowdens Proposal: Hydrogeology*, report prepared for IPC hearings February 2023, Field Development Planning.

Noller B (2020) *Key issues and weaknesses of the Bowdens Silver Project Environmental Impact Statement*, report prepared for Lue Action Group, Centre for Mined Land Rehabilitation, Sustainable Minerals Institute, The University of Queensland.

White M (2020) *A High Level Mining Review of the Bowdens Lead, Zinc, Silver Project*, report prepared for Lue Action Group.