

Written submission objecting to the Bowden's Mine at Lue

My verbal submission at the IPC Hearing covered my involvement representing the community on the Bowden's Community Consultative Committee (CCC) for over 6 years, I was also on the CCC for the previous owners, Kingsgate prior to this. I have had a long association with the development of this proposed mine from a community perspective.

My focus in this written submission is in the detail of the NSW Department of Planning and Environment (DPE) State Significant Development Assessment SSD 5765 December 2022. Assessment report in italics, of which I reply to in bold.

My major concern throughout this process and my perceived feeling was that DPE's role and agenda was to facilitate the approval of the mine with little or no concern for the future or wellbeing of either the environment nor the residents, nor the overwhelming technical difficulties of having a mineral mine on such a difficult greenfield site. DPE's recommendations feel like a '**done deal**' so the details have been overlooked assuming basic boxes are ticked. DPE then also assuming the community will sit back and let this happen with no protest whilst IPC make this difficult decision. DPE have either been very out of touch with the community or believed the proponents glossy brochures.

This was only reinforced when the NSW government, in 2021, released its Critical Minerals and High-Tech Metals Strategy with a statement, "The NSW Government will: reduce red and green tape by providing direct project facilitation support for critical minerals projects to navigate planning and regulatory approvals." [Critical minerals and high-tech metals strategy \(nsw.gov.au\)](https://www.nsw.gov.au/critical-minerals-and-high-tech-metals-strategy)

Many residents have worked long and hard to try to ensure this is a fair and due process and some sadly have naively sat back in the belief that the NSW state government have their best interests at heart.

I live on a grazing property 8kms from the mine site and have a background in health so understandably my concerns lie in the health and welfare of the Lue community and greater area. I have come to understand over the years that technically this mine proposes to extract predominantly lead and zinc so that the toxic legacy that this area will face after a relative short mine life and small profit margin to the state government will in no way compensate for the long term clean up costs to the environment, human health and social impact for our small community after only 16.5 years.

In my attachment I have worked consecutively through the detail of the NSW Department of Planning and Environment (DPE) State Significant Development Assessment SSD 5765 December 2022. Assessment report in italics, of which I reply in bold.



*The area around the proposed mine site is predominantly rural agricultural and the mine site itself is currently used for livestock grazing. However, mining is a key industry in the Central West and Orana region and contributes around 23 per cent to the regional economy.*

**As a local resident I can correct the proponent and DPE assessment above and report that the area around the proposed mine does have productive mixed agricultural enterprises, along with multiple popular tourist accommodation, small businesses, alongside lifestyle residences which include young families through to retirees.**

*Although silver is the metal with the highest economic value in the ore body, it occurs in association with other minerals, including lead and zinc, which are also valuable metals.*

**This mine is predominantly a zinc/lead mine with less than 1% silver. This is extremely misleading for the community and even at Community Consultative Committee meetings the proponent insisted it be called a silver mine and discouraged discussion around lead production. Why do you think this would be?**

*The mine site component of the project was declared as a 'controlled action' under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) due to its potential impacts on threatened species and communities and is assessed in accordance with the Bilateral Agreement between the Commonwealth and NSW Governments.*

**There is no 'potential impact'. It is a definite and certain impact. The proponent proposes to clear at least 180 hectares of critically endangered GBW. Once this is cleared along with all the biodiversity it cannot be re-established to a functioning ecosystem within our lifetime if at all. Biodiversity Stewardship is a broken system and always results in a net loss for the environment. It is legal but it is not moral.**

*Bowdens Silver has amended the application two times: the first to include the realignment of the 500 kV transmission line; and the second to change the water supply and water management strategy, including removing a proposed water supply pipeline from the application.*

**I am unsure if it is a common strategy by proponents to firstly omit important and often controversial elements from the EIS, only to reintroduce them to later amendments when the community's attention is diverted. I am of course referring here to water. After a very long drought I am sure the proponent was aware how sensitive this issue was to the community, not just locally and that the pipeline, mostly a desktop survey in the EIS, suggests it was purely a distraction.**

*During the exhibition period, the Department received 1,905 public submissions and advice from 14 government authorities and Mid-Western Regional Council. Of the 1,905 public submissions 1,835 came from individuals and 70 from special interest groups, including 1,503 submissions supporting, 384 objecting and 18 providing comments. Upon exhibition of the first amendment, an additional 130 submissions were received, of which 119 were objections. The second amendment then received an additional 302 submissions, of which 268 were objections. Following the EIS exhibition period, the*



*Department received additional representations on the project, mainly from the local landholders and their representative, the majority of which objected to the project.*

**To this day, SVL continue to quote the EIS submission numbers in their brochures as majority community support for Bowden's at 79%. We had been advised by DPE prior to the EIS release that they will consider 'unique' submissions only. The objection submissions from the EIS largely consisted of long thoughtful documents with information prepared using reports from high profile experts commissioned by the Lue Action Group (LAG). The bulk of the submissions of support were single word pro formas often in the same handwriting with the same single word, 'jobs' or similar three word sentences.**

*The project is designed to maximise the reuse of water and minimise clean water take on site, and Bowdens Silver has sufficient entitlement under its harvestable rights and water access licences to account for the mine's water take.*

**LAG water experts modelling calculates insufficient water availability for dust suppression and mining activities. This is supported somewhat by DPEs independent expert report, Earth Systems also as a concern. Discussing catchment models at the CCC and looking at SVL modelling I have no confidence that the water is actually going to be available. When water is in short supply and they actually state that this will be the case, they will wind back production, which would mean staff layoffs and concern re water availability for, most importantly, dust suppression.**

*There are no listed high priority groundwater dependent ecosystems (GDEs) that would be impacted.*

**Expert reports indicate that there are a high number of springs, peatlands, bogs and montane mires adjacent and within the Bowdens site. Drawdown would have a significant impact on the streams and pools along the watercourse and streams. It is highly likely that the springs, seeps, wetlands, stream, and terrestrial vegetation GDE communities will all be impacted by the predicted conservative drawdown.**

*One privately owned bore could potentially experience drawdown of greater than 2m, although this is considered unlikely because the bore is in a shallow aquifer that is not hydraulically connected. Nevertheless, the Department has recommended a condition requiring Bowdens Silver to compensate the landowner if updated modelling indicates the bore will be impacted.*

**Seriously, realistically you can't compensation for loss of a bore especially if as LAG experts predict the affects will be wider. Where will the water come from? What will be the quality of that water? How often will it be delivered? What happens at the end of the mine life when the mine goes into receivership, bankruptcy or mothballed, who will be responsible to continue to deliver water.**

*Key infrastructure has been designed to limit the risk of failure, overflow or seepage, and ongoing monitoring and adaptive design is proposed to minimise the risk of water pollution.*

**The words used here such as 'limit' and 'minimise' do not instill any confidence in the design of this mine in protecting the community and environment from the effects of this mine.**

*The extraction of mineral resources is often associated with sulphide ores, which means waste rock and tailings may contain potentially acid forming (PAF) material, and any potential acid mine drainage (AMD) must be effectively managed. In line with best practice AMD management, Bowdens Silver would separate the PAF material extracted during mining and encapsulate it within the waste rock emplacement, which has been designed to limit the ingress of water and oxygen and consequent*



*formation of acid. The Department engaged independent experts Earth Systems to provide advice about AMD management for this project. Based on this advice, the Department has recommended a range of strict conditions, including a further verification process to confirm the volumes of PAF material, and the preparation of a detailed AMD management plan.*

**The McArthur River Mine in the Northern Territory owned by Glencore was considered 'best practise' management of PAF, NAF and AMD. A large, experienced mining company and they got it wrong. A giant toxic waste dump spontaneously ignited at one of the world's largest zinc lead mines. Glencore had misclassified its waste rock during the EIS as 12 per cent reactive potentially acid forming rock and the rest non-acid forming. New geotechnical studies realised it actually had 90% reactive rock despite the Northern Territory Environment Centre warning otherwise and being dismissed. The Territory Mines Department complained to the chief minister that the information was buried in a mine management plan lodged in November 2013, 3 months after the discovery. Is this starting to sound familiar. NSW DPE at the recent IPC Hearing noted having difficulty keeping up with the workload of ongoing management plans????**

*Metals are ubiquitous in the environment and people are commonly exposed to metals including lead in dust, soil, water and food. A human health risk assessment included in the environmental impact statement showed that the intake of any metal as a result of the project would be almost negligible.*

**I am surprised that DPE would quote the proponents EIS material on lead and not their own expert. LAG experts, NSW Health, World Health Organisation all say, the only acceptable levels of exposure to lead is zero.**

*The Department acknowledges that there would be both negative and positive social impacts of the project, with negative impacts focused on Lue and surrounding residents (mainly through amenity impacts, loss of sense of place and rural way of life), while positive impacts would be experienced by the wider community (particularly by increased employment and economic opportunities). The Department considers that the impacts to the sense of place and rural way of life would be inevitable with the introduction of a mining development in the locality and notes that the mitigation measures proposed by Bowdens Silver are consistent with industry best practice to reduce the impacts as far as practicable. The Department has recommended conditions requiring Bowdens Silver to prepare and implement a social impact management plan in consultation with Council and key stakeholders (including Lue Bowdens Silver Project (SSD 5765) | Assessment Report vii residents) to include a Stakeholder Engagement Framework, measures to enhance positive impacts and mitigate negative and cumulative impacts of the project, as well as a program to monitor, review and report on the effectiveness of these measures.*

**An insulting, dismissive statement by DPE showing little or no regard for the existing successful, long term, sustainable, economically viable businesses in and around Lue today. DPE recommend the solution is in Bowden's developing a social impact management plan. How well has this gone for the proponent so far. Bowden's plan so far in mitigating social impact has been to purchase the Lue Hotel effectively shutting down the communities' main line of communication. Sponsoring organisations and clubs further afield, then request submissions be written in lieu of this financial support. Also support for a CCC declined rapidly when they were no longer in control of the proceedings. Employing a community liaison who also has a position as a councillor on Mid Western Regional Council. Forcing out a successful business, Philip Tot's Bonsai workshops and sales, from the shop next to Lue Hotel the CEO now owns. The list goes on. This all sounds like**



putting the fox in charge of the hen house. It may all be cool and normal for proponents to adopt these strategies for all I know, '101 of winding down resistance in a small village'.

This is not the first experience communities have had watching a village in a long painful slow decay. Wollar, Bylong and Ulan have as DPE put it been 'negatively impacted.' If DPE were concerned about 'best practise' it would insist it's conditions of consent should require that the proponent offer voluntary acquisition contracts (VLAMP) to everyone in the village and surrounds at current pre-approval market prices, so those that decide at any stage they cannot cope with either the noise, dust, light, poor health, vibration, bad roads and traffic can enact these contracts. A get out of jail free card you might call them, rather than face the appalling slow painful decline that we have seen in other similar villages dealing with mining have had to endure.

*Biodiversity The project has been designed to avoid and minimise the disturbance of native vegetation as much as practicable. Nevertheless, approximately 381.17 ha of native vegetation comprising seven plant community types would have to be cleared. 180.17 ha of this vegetation meets the definition under the BC Act for the critically endangered ecological community White Box, Yellow Box, Blakely's Red Gum Woodland (Box Gum Woodland). Approximately 48% of the 180 ha of Box Gum woodland that would be cleared is derived grassland, having had the trees and shrubs cleared by past agricultural activities. The vegetation on and around the site also provides habitat for a variety of fauna species. 14 species that are listed as threatened under the BC Act and/or the EPBC Act were identified in field surveys for the project and a number of other threatened species are presumed to occur due to the presence of suitable habitat.*

**A dismissive statement by DPE which overlooks the fact that the clearing of these critically endangered ecological communities results in an environmental net loss no matter how they try to wordsmith it. The proponent has ticked boxes in paying for these credits but this stewardship transaction although legal remains an accumulative loss for continued extinctions under this NSW government. The NSW Government giving funding and handouts to secure biodiversity with one hand then taking away with the other. Definitely a broken system.**

*The Department has recommended conditions requiring the residual impacts to be offset. Bowdens Silver is proposing to satisfy the majority of the offset requirements through the establishment of offset sites secured by Biodiversity Stewardship Agreements and has identified some candidate offset sites already owned or secured by the company within or adjacent to the mine site.*

**DPE need to explain which of the critically endangered species, or any fauna for that matter would chose to reside or even pass through a offset site adjacent to a mine site. Continuous noise, light pollution, dust, vibration, blasting and vehicle traffic would be a certain deterrent. As I said it's legal but certainly a broken system that needs an overhaul before we add to the rising list of extinctions. I can understand the cost benefits to the proponent but certainly not the cost to the environment.**

*Department considers the site to be generally well-suited for a greenfield mine aimed at accessing Australia's largest undeveloped silver deposit. The Department has carefully considered all the issues raised throughout its assessment process, Bowdens Silver's responses to community concerns, and*



*feedback from the government agencies. Based on this assessment, the Department considers that Bowdens Silver has designed the project in a way that would achieve a practicable balance between maximising resource recovery and minimising associated impacts on the surrounding landholders and the environment through best practice contemporary practices and mitigation measures.*

**I am really quite shocked by DPEs recommendations. Can they really think a lead mine can coexist with an existing vibrant, economically sustainable, healthy community? They must know that Lue will exist only as an industrial hub, a dirty, dusty scar on an otherwise productive, ecologically sound, fertile green valley. For the sake of honesty and transparency DPE must insist that Bowden's offers VPAs for everyone in the village and surrounds. Is this how DPE and the NSW Government wish to roll out their Critical Minerals and High Tec Metals Strategy by being dishonest with the people of NSW? If this mine was to get approval with all these unanswered questions and enormous risks it would open the door to so many other poorly thought out mining proposals that would risk polluting our landscape, our rivers and the air we breathe. It may not be only in the technicalities but in the community perception.**

*There are around 40 privately-owned residences within the village and another 30 dwellings on the outskirts of the village. 11. The residents in and around Lue have a strong connection to the agricultural industry, with the majority of people employed in agriculture, fishing or forestry.*

**It is very hard to take this report seriously when desk top surveys misunderstand the Lue community. There is NO fishing or forestry industry in Lue. Employment is predominantly agriculture with the tourism industry holding a big percentage. Food service industry would come very low down the list for Lue.**

**In considering this project, please look to the projected long-term viability of our communities. The proponent makes lengthy talks about the poor socio-economic situation in Kandos for his own gains. Let's not talk down our towns but embrace and support them. We can find longer term more sustainable alternatives that will not affect the health of our children and their environment. Let's move forward in a positive less divisive way and bring everyone along for the ride, not just those who stand to have large monetary gains at our expense.**

**Thank you, Commissioners, for your time.**

**Sonia Christie**