Dear Commissioners

Thank you for the opportunity to write a submission opposing the Bowdens Project at Lue.

We make this submission assuming the Commission has access to all DPE and Lue Action Group expert reports and reviews and the Mid -Western Regional LEP and appropriate SEPPs. We ask that the Commission refer to those documents when considering this submission.

Lue Station Pty Limited is opposed to the Bowdens Project.

Lue Station

Lue Station is a rural property 26 kilometres from Mudgee, 20 kilometres from Rylstone and at Lue.

It is neighbouring Havilah and Havilah East to the west, both family properties, and was originally part of Monivae, also a family owned property to the east. The original Monivae woolshed is still in operation at Lue Station.

The Lue Homestead was built in 1914 and the Combes family came to Lue in 1923.

Lue Station was originally a sheep grazing property, breeding and growing sheep for wool.

Lue Station is now a vibrant, profitable sheep and cattle property, growing crops when the weather permits and engaging in tourism enterprises. We first welcomed guests to Lue Station during the Mudgee Small Farm Field Days when many people came to Mudgee, both to exhibit and to attend the field days, and accommodation was in short supply with just a few motels in Mudgee available. Since then, thousands of people have stayed at Lue Station over the years enjoying the "beautiful" county side and relaxing in the peace and quiet.

At present on Lue Station we have 1450 cattle, 4230 sheep including rams and bulls. We breed and fatten cattle to be sold, to supermarkets and butchers to be consumed or eaten by people. We also plant crops to feed the cattle which are sold as food. We occasionally grow crops for food, weather permitting. We would engage in more intensive agriculture activities such as grape growing or cherry growing but are limited by the availability of water. We grow our own vegetables, we have fruit trees and we have chickens laying eggs for our own consumption.

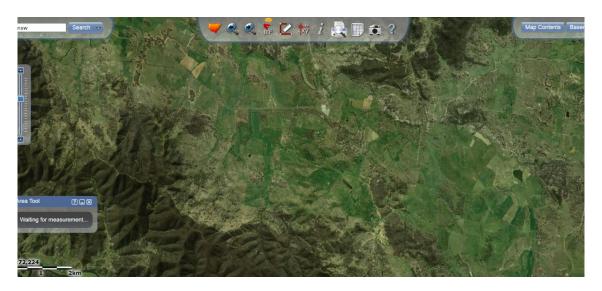
We have 6 equipped bores, 2 being for domestic and stock water and 4 for stock water. We supplement the domestic bore water with rainwater for household use. Our bores provide enough water for our current needs, although our rainwater ran dry during the 2019 prolonged drought forcing us to supplement drinking water with bottled water.

Location

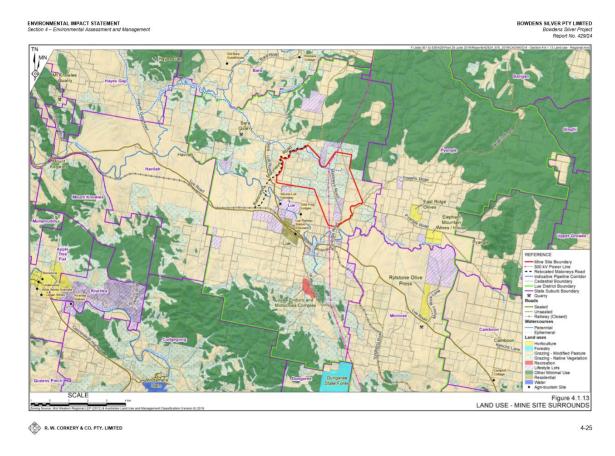
Lue Station bounds Lue village to the south of the village, it bounds the Large Lot residential blocks to the west of Lue and in the east is on the southern side of the Lue Road up to Dungeree. Lue Station's northern boundary is Lawsons Creek. On the Land Ownership and Residences – Lue Surrounds Map (page 1-169) it is property 91, 92 and 48.

The map below is taken from Six Maps. The map shows a village in a valley, surrounded by farmland with a backdrop of steep timbered hills.

Lue Station can be seen surrounding the village, our home, workplace and the place where our family and friends come for holidays. If you were to go outside you could hear the birds, dogs and farm animals, feel the breeze, see the hills to the north and generally enjoy living in the bush. In the evening we are fortunate to see many stars.



Six Maps view of Lue NSW



Land Use - Mine Site Surrounds

Land use

The land use map above shows Lue Station bounded by the bright green line to the south and west, partly by the purple line to the east and the creek and the village to the north, in yellow, being modified pasture grazing country, with some native vegetation grazing country and some "other minimal use" land which is in fact grazing country and also home to many native animals and beautiful woodland and bushland. The dark green areas are quite steep in places and contain many rare plant species such as orchids. Some parts of the bushland are on the top of the hill and run down to the south west into the Cudgegong Catchment and flow immediately into Windamere Dam which can be seen at the bottom of the map.

Lue Station is zoned RU1 Primary Production, a zone which permits both agriculture and tourism. Open Cut mining is also permitted with consent. Industry is prohibited.

A closer inspection of this map shows various farms and farm stays, Bara Quarry, Olive Groves, vineyards and other businesses and properties that comply with the zoning in this area. There are 3 zones in this area, RU1 Primary Production, R5 Large Lot Residential and RU5 Village. None of these zones permit Industry.

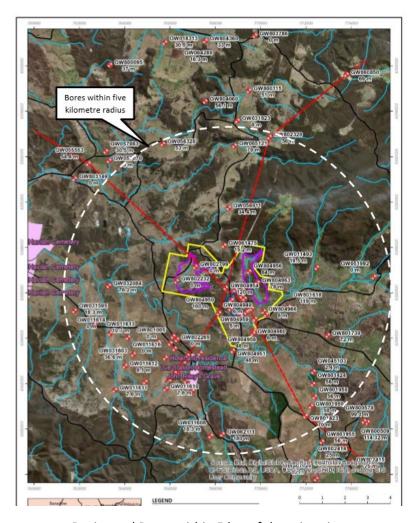
Direct impacts on Lue Station

Due to the close proximity of Lue Station to the mine site it will be impacted by constant noise both high and low frequency noise, light, light at night, dust including heavy metal and lead dust, increased road traffic and contaminated water, including surface water, creek water and ground water, with a road carrying with heavy vehicles containing hazardous materials, poisons and explosives constructed (possibly affecting creek flows) on our boundary and the ongoing problem of having a bad neighbour. This mine will have serious, significant and severe impacts on our work place, our livestock and our land.

Bores and Water Supply Impacts



Lue domestic and stock bore in centre of photo



Registered Bores within 5 km of the mine site

Lue Station has 6 working bores but it is evident from the map of registered bores that we have a great deal more than that. We don't use them. Craig Flavel, a groundwater expert, believes that the mine will potentially harm bores within 5 kms from the mine site.

Lue Station also has a 12 megalitre Water Licence (WAL) in the Lawsons Creek Water Source under the Macquarie Bogan Unregulated and Alluvial Water Sources 2012. We have not used this water for many years as it is not available on a regular basis. The Plan Conditions for the take of water are that Water must only be taken if there is visible flow in the water source at the location where the water is to be taken.

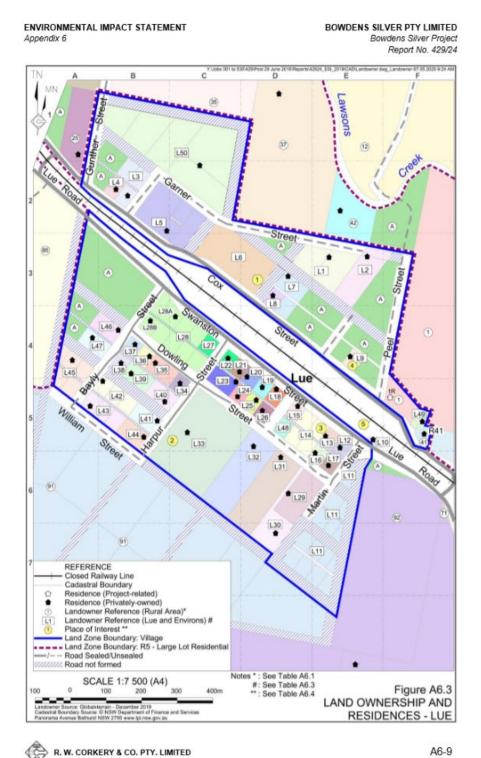
Bowdens say the impacts to our water with not be significant, in other words, those impacts will not be insignificant.

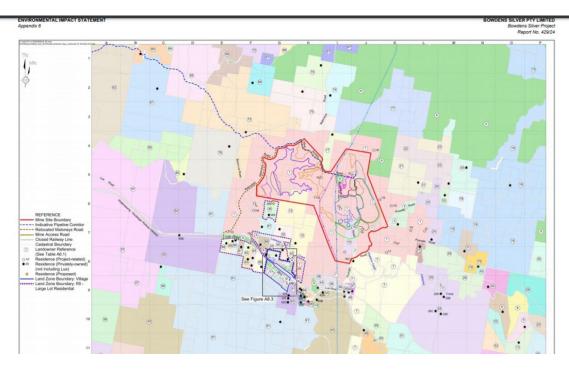
Lue Village

Below is a map of Lue village showing the homes in the village. This map is rarely found in any report in the EIS. It shows the 45 homes in Lue, largely ignored by Bowdens and RW Corkery. All these homes will suffer loss of amenity. The impacts of noise, dust, traffic and excess light will be unbearable. All these properties will lose at least 20-30% of their value.

There is no report on the impacts of low frequency noise on people or livestock. Low frequency noise is known to have significant health impacts on humans and the impacts on livestock are unknown.

The environmental, social and economic impacts to the residents and landowners at Lue are unacceptable.





Properties surrounding the mine site.

There are according to RW Corkery 95 Landowners surrounding the mine site. Most of these properties will experience increased noise, some more than others. Given the topography every property will see one part of the mine site or another.

RW Corkery & Co tells me my "Privately Owned Residence" is 4380 m to the TSF Embankment, 4550 m to the WRE (Waste Rock Embankment), 4970 m to the Jaw Crusher and 3990 m to the nearest Open Cut Pit. What they don't tell me is how far it is to the 3 RU5 blocks in the village. If land is vacant it is not counted in the RW Corkery material. Lue is a village, with blocks of land that can be built upon.

RW Corkery & Co also neglected to advise me or the DPE that it is less than 1 kilometre from the TSF Embankment (or Tailings Dam Wall) to my property or that it is only 1.5 kms from my front gate to the mine site.

Lue Station will have views of the mine site or its components from almost every location on the property. Our land is elevated and appears in Bowdens publicity material as it can be easily seen from the Bowdens site. Being elevated it is most likely that we will experience higher noise volumes, both high and low frequency noise volumes than Bowdens predict.

Objection to the Bowdens Project

Lue Station objects to the Bowdens Project.

Like other people in the village we are disappointed that the NSW Government, and the Minister have not stepped in and ensured this process has been followed to the letter. In our business we are subjected to many different government rules and regulations and we do our best to comply. We pay substantial rates to the Mid-Western Regional Council for which we get very little. Our business has survived a prolonged drought and bush fires, followed by flooding and extensive damage to our property and we have not received any assistance from the government other than a reduction in LLC rates and car registration fees. On the other hand, Bowdens have received \$150,000 towards a project which, quite frankly, my 7 year old granddaughter could have done a better job of.

The NSW Department of Planning and Environment has produced a document, the SSD Assessment, that is cut and pasted from the Bowdens EIS and other Bowdens supplied material, has not been checked or verified, and contains substantial errors and omissions. The DPE have not heeded any of their experts' advice or any of the advice presented to them by the Lue Action Group or the experts retained by the Lue Action Group or knowledgeable and experienced private individuals. They have taken comments made to them by Bowdens at face value when those comments are obviously incorrect or missing information. It should not be up to residents and business owners to prevent these "desktop" projects that will not only have immediate adverse impacts but the consequences will be experienced both physically and economically by the State and individuals for generations.

It is unacceptable that the DPE, having presented to the IPC and the Public, a largely unsubstantiated SSD Assessment, would then try to convince the IPC that they could manage and implement the 10 or 20 "plans" that the Applicant is going to produce on their "desktop" along with the conditions that they propose will ensure the project operates safely and quietly. A quick run through of the conditions, mentioning only a couple of properties, is not fit for presentation. For example how does the DPE propose that when our water is unfit for stock to drink and unable to be pumped from our bores that the Applicant will supply us with "compensatory" water. If our ground water is contaminated how does the DPE intend the Applicant to replace our ground water.

We at Lue Station would like to operate and grow our business and ensure we are sustainable for many more generations. We have spent a great deal of our time and funds ensuring this project is held up for scrutiny as it should be. It is not acceptable that the DPE can overrule long existing planning laws and LEPs to provide a windfall to a speculative mining company who will most likely sell the mine off as soon as they can. I would. It would be good business practice.

This mine in its current form with inadequate water, no infrastructure, no road access, no rail, no power, having to reconstruct the 500 kV transmission line that traverses their site, building a tailings storage facility that will cause years of confrontation with the EPA and MWRC and water users, with a leaking WRE and mine pit, and a doubtful water supply that will result in regular shut downs this project is a "hot potato". I would want to get rid of it as fast as I could.

Commissioners, you heard from Bowdens employees last week, all saying how much they enjoyed working at Lue. The fact is, we all enjoy working at Lue. People enjoy visiting Lue, people enjoy working at Lue and people enjoy living at Lue. It's just a 30 minute drive to Mudgee, sometimes you might be run off the road by the young ones in a hurry, sometimes you have to move over for the gravel trucks or the cattle trucks or an earthmover off to build someone a new dam or even (rarely) council trucks on their way to repair the road. Its only 20 minutes to the lovely towns of Rylstone and Kandos. You have been told how those towns are dead or dying, they are far from it. You can barely get a parking spot in Rylstone and Kandos has a thriving artist community and busy tourism and aged care industry.

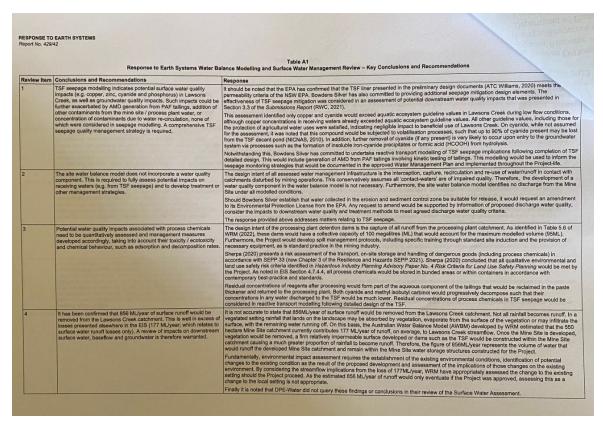
We at Lue Station are privileged to be able to live and work at Lue. We and others appreciate our beautiful unspoilt land, the incredible views, our creek and our waterways, our little village and we like to share our good fortune with others. There are many visitors to Lue, it's a tourism hot spot, unspoilt and conveniently located on the #2 tourism drive between Mudgee and Rylstone.

Bowdens and the DPE will cause all that to end. Lue will become a noisy, dusty, dry, polluted and dangerous place to live and work. I recall Mr McLure droning on about "the poor people of Kandos". What about the poor people of Lue.

Bowdens and the NSW DPE

Bowdens and the DPE seem to be colluding to facilitate the approval of this mine. The DPE has had access to numerous reports from its own experts refuting Bowdens expert reports. Why have these been ignored? There are hundreds of examples and particularly in the material released on 22 December 2022, just before the Christmas break, giving little time for scrutiny.

Here are a couple of examples



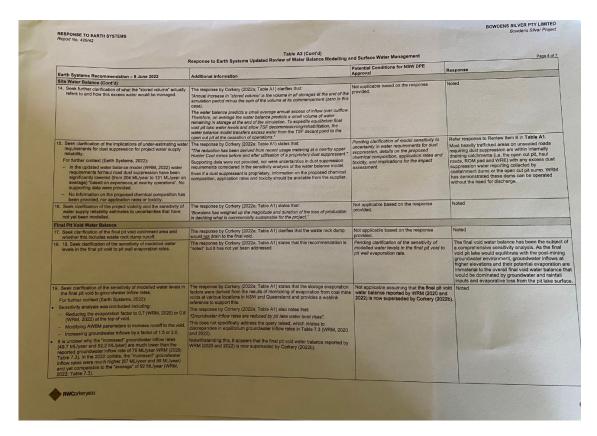
Page 1 from letter from RW Corkery to DPE dated 15 December 2022

Please refer to Paragraph 4, in response to the DPE's own expert Earth Systems, "Confirming if 856ML/year of surface water runoff would be removed from the Lawsons Creek catchment". Keeping in mind that the Water Use Table includes rainfall and runoff in the project's total water requirement. The RW Corkery response is that "the figure of 856 ML/year represents the volume of water that would runoff the developed Mine Site catchment and remain within the Mine Site water storage structures constructed for the Project."

RW Corkery then goes on to say "As the estimated 856 ML/year runoff would only eventuate if the Project was approved, assessing this as a change to the local setting is not appropriate."

Gobbledegook at its best! So do we then assume that 856 ML / year will be prevented from being caught in Lawsons Creek. I think we safely can. All unaccounted for and unlicenced.

See below for another example of collusion by Bowdens, RW Corkery and the DPE.



Response to Earth Systems Updated Review

Please refer to Paragraph 16 and Earth Systems Recommendation – 8 June 2022. Earth Systems "Seek clarification of the project viability and the sensitivity of water supply reliability estimates to uncertainties that have not yet been modelled".

The RW Corkery response states that "Bowdens has weighed up the magnitude and duration of the loss of production in deciding what is commercially sustainable for the project".

The DPE response to that comment and the Potential Conditions for NSW DPE Approval is "Not applicable based on response provided".

Commissioners, it really does say that. Apologies that the photo is so small but you will find the original PDF attached to the Additional Information in the DPE website.

Bowdens have been allowed to make this statement with no documentation, no costings, no cash flow budget, no worst case scenario, and no evidence whatsoever.

Hawkins Rumker and the Bylong Coal Mine

The Hawkins Rumker area is immediately adjacent to the Bowdens site and was refused coal exploration due to unsurmountable infrastructure problems and little chance that any benefits would be realised.

The IPC determined that a Coal Mine at Bylong would not benefit future generations amongst other reasons.

I urge you to refer those determinations and decisions as the same impacts and lack of benefits also apply to Bowdens.

Conclusion

There is a great deal of evidence that this mine should not go ahead, even the most basic anecdotal evidence from water users in the district and downstream that the water required for this project is not available is proof enough. One only has to go down to the creek and have a look, not an easy task from your "desktop".

The Lue Action Group has engaged intelligent, thoughtful, methodical and well-respected experts who refuse to be pressured into any point of view without evidence. They have all concluded, in their various fields of groundwater, surface water, noise, visual, property values, lead dust and health impacts, that this project should not be approved.

It is extremely disappointing that a group of residents and business owners and people who came to Lue to enjoy the lifestyle have had to spend six years and more trying to convince the DPE not to recommend this project. The DPE had more than enough evidence from its own experts to justify a refusal. I understand that the NSW Government is concerned that jobs in coal mining will diminish over the next 30 years but the DPE should be encouraged to only investigate the "good" projects in suitable areas. If the EPBC controlled action had been assessed before the SEARs or the SEARs reissue then this project would not have progressed. This region is already establishing profitable, environmentally, and socially acceptable businesses that will replace the mining industry and they are not compatible with mining. This area is not suitable for mining. This area is not suitable for industry.

With no mitigation measures and no offer of compensation the direct impacts to our property and the future of our property will be felt for generations.

The environmental, social or economic benefits of proceeding with this project will not exceed the environmental, social or economic benefits of not proceeding with this project.



Lue Station with district views to the east taken from the western boundary

Lue Station Lue NSW 2850