

Submission to the Independent Planning Commission

Bowdens Silver

Application number: SSD-5765 EPBC ID number: 2018/8372

Introduction

Mudgee District Environment Group (MDEG) strongly opposes this project.

We believe the Recommendation for Approval from DPE should not be endorsed. This project will have negative impacts on health, community life, water access, water quality and water security, and biodiversity; all combined with the toxic legacy of a tailings dam (TSF), a waste rock emplacement (WRE) and a large final void that will remain threats in perpetuity. Subject matter experts have presented their own analyses of these issues for your information.

This project has many inconsistencies and uncertainties. MDEG presents our concerns regarding the DPE Assessment Report.

We focus on the Assessment of Water Resources Section 6. Briefer comments are provided on other issues within the Assessment Report.

We present evidence that indicates the DPE assessment process has been flawed, and the Conditions of Consent are inadequate.

A summary of this paper was presented to the IPC panel during the Public Hearing (Day 2, 15.30). Those Speakers Notes have been forwarded separately.

The Assessment Report

DPE Assessment Report (Paragraphs within the DPE Report have been abbreviated for conciseness)		
Section 3 Strategic Context	MDEG comment	IMPACT / RISK / OBJECTION
Para 17 A listing is provided of 'creeks and gullies which traverse the mine site and flow into Lawsons Creek, a tributary of the Cudgegong River.'	<p>This water will be removed from the environment and captured by the mine operations either into the pit, or storage or containment facilities.</p> <p>Lawson Creek joins the Cudgegong River immediately downstream of Mudgee:</p> <ol style="list-style-type: none"> 1. In the vicinity of the confluence, the Putta Bucca bore field supplies irrigation for Glen Willow Regional Sports Stadium (on the edge of Mudgee) and other parks, gardens and community sporting facilities. This bore field likely accesses the gravels of Lawson Creek. 2. Downstream of the confluence, Gulgong town water supply and Council irrigation requirements are reliant on sufficient, minimally-polluted Cudgegong River flow and groundwater. <p>Note that town water supply is treated to potable level; irrigation water is chlorinated only.</p> <p>https://www.midwestern.nsw.gov.au/files/assets/public/services/water-and-sewer/asset-management-plan/water-asset-management-plan-adopted-rev-6-may-2016.pdf. See Executive Summary p6.</p>	<p>Degraded environment, loss of water supply and security, loss of agriculture, loss of accessible water to downstream environments, habitats and users, loss of surface water and groundwater are all major impacts of this proposal.</p> <p>There is potential for polluted water entering the Lawson Creek/Cudgegong River catchment, which would impact heavily on Gulgong residents.</p> <p>There is no restitution possible for the loss of access to reliable, unpolluted water.</p>

Section 3 Strategic Context (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 22</p> <p>'Mining Exploration and Geoscience (MEG) advise that the silver grade in the deposit is relatively low.'</p>	<p>It is the silver ore which makes the project attractive financially. If the price of silver, lead and zinc decrease by more than 10% from the assumed price, the Net Present Value becomes negative. If operating costs increase by more than 15% over the assumed price, the project becomes negative.</p> <p>Feasibility Study, Bowdens Silver Project, 14 June 2018, p.29 ASX release on company web site</p> <p>EIS S4.19.3, Cost benefit Analysis, p. 4-380</p>	<p>Mining being abandoned, with associated consequences of lack of completion and rehabilitation leading to unacceptable risk to the environment and community.</p> <p>No environmental bond will be sufficient to manage the TSF, WRE and final void for all time, yet this management will need to occur. Regardless of the company finances, someone will have to pay to manage these permanent elements – forever.</p> <p>Who will do this?</p>
<p>Para 29, 30</p> <p>'Central West and Orana Regional Plan 2041'. Objective 3: Sustainably manage extractive resource land and grow the critical minerals sector'. Central West and Orana Regional Plan</p>	<p>All components of the Regional Plan are significant:</p> <p>The Plan's Vision: A healthy, connected and resilient region, with a prosperous economy.</p> <p>Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage.</p>	<p>This project on a greenfield site is not an example of sustainable management.</p> <p>Health, connection and resilience will be compromised, due to inappropriate (unsustainable) site selection and design of this extractive resource.</p> <p>Cultural heritage has not been embraced and respected. 25 known Aboriginal sites will be directly impacted. The cumulative loss of these sites within the Region has not been considered. (Others have commented on landscape and character.)</p>

Section 4 Statutory Context	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 33</p> <p>'The Department has given detailed consideration to a number of statutory requirements. These include the objects of the EP&A Act as in section 1.3 of that Act.' EP&A Act section 1.3</p>	<p>Objects (a), (b) and (e) have not been adequately considered:</p> <p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</p> <p>(b) to facilitate ecologically sustainable development...</p> <p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>(a) The integration of relevant social, economic and environmental considerations in decision-making about environmental planning and assessment has not occurred as potential economic considerations of the proponent appear to have been given a priority. The advice of subject matter experts has not been considered adequately. This is not 'proper management, development and conservation...'. (b) There is much uncertainty regarding the proponent's containment and storage designs. The tailings dam, seepage, final void and associated risk of AMD is a real and inter-generational threat. This project does not represent ecologically sustainable development. (e) The removal of native vegetation including 180ha of critically endangered box gum woodland removes essential habitats for all identified species, and is counter to the NSW Koala Recovery Plan. Offsets are not a suitable alternative, as the result remains a net loss. This is not protection of the environment and conservation of species, habitats and communities.</p>

Section 5 Engagement	MDEG comment	IMPACT / RISK / OBJECTION
Para 62 Agency Advice	Most Agencies were not satisfied with the EIS. In most of these cases DPE indicate the requirements from the Agency have been included in the Conditions of Consent by way of requesting management plans. It is of grave concern that the plans were not requested and received prior to the Recommendation for Approval.	The planning and design of this mine in this location is not adequate. Agencies repeatedly asked for more detail, data and monitoring. Requesting plans to be done after an approval has been given should not be permitted. Plans should be presented for peer review and public commentary before any approval is recommended. DPE appears to be relying on these unwritten plans to answer the concerns and criticisms of Agencies.
Table 5. Mid-Western Regional Council (MWRC) 'Recommended Bowdens Silver prepare a range of management plans, including for rehabilitation, the management of cyanide, a disaster management plan and an accommodation and workforce strategy.'	We note that the Commissioners met with MWRC, on 2nd February 2023. It is unfortunate that Mayor Kennedy did not present the full range of Council concerns. We refer you to Council submissions available under Agency Advice on the project page. The issues to be addressed are clearly detailed, and the lack of response from the proponent is also clearly described with respect to each of the matters. It appears that Mayor Kennedy did not recall his many meetings with LAG during which he was presented with the expert reviews they had commissioned, and at the time was quite aware of the authority and legitimacy of the authors.	This Agency Advice to the Department has not been fulfilled or discussed within the Report. As Council is the regional governing body representing the whole community it is particularly concerning that their correspondence has not been addressed. This is not due process. Significant issues for our Region have not been addressed.
Para 63, 64 Submissions in Support	A large proportion of the Submissions of Support consisted of only 1 or 2 sentences. There was no recognition of, or accounting of this within the analysis. This presents a very skewed picture of the responses. There is no commentary on the detail (or lack of detail) presented within the Submissions.	The Submissions tab within the Planning Portal does not 'provide an open and accessible process for everyone so that we can be accountable to the community we serve' as the DPE website banner suggests it seeks to do. The Submissions cannot be searched: they are all together in one list, with no separation for Submissions to the EIS or to either of the 2 amendments. There is no transparency.

Section 6 Assessment	MDEG comment	IMPACT / RISK / OBJECTION
Para 78-82	<p>It is gravely concerning that DPE has claimed to accept the advice of its own independent experts (and those provided by Lue Action Group), yet still recommends approval of the project. This is an inconsistent stance.</p> <p>Most agencies and independent experts have been heavily critical of the proponent's analysis of issues.</p> <p>Yet, DPE has accepted the proponent's analysis and expects that unresolved technicalities and other management issues will be addressed after Approval.</p>	<p>Lack of detail, outdated data, outdated legislation and regulations, insufficient data - all give a picture of a chaotic project. The potential for this project to cause great environmental loss and disaster is an unacceptable risk.</p> <p>The risk identified in Economics Expert Review (10 Jan 2022) is an example. The author states variously that the proponent's document is not consistent with the guidelines, is not robust, and is based on a range of assumptions where limited evidence was presented to justify these assumptions.</p> <p>If the proponent's understanding of the economic context of the project is so flawed, how can DPE be confident that other aspects of the project will not be similarly flawed?</p>
6.1 Water Resources	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 83</p> <p>Introduction</p> <p>'Impact on water resources is a key concern. Lue Action Group (LAG) provided advice from various experts relating to water issues. The Department has considered their advice in its assessment.'</p>	<p>The Department's claim that the expert advice provided by LAG was considered in its assessment must be questioned.</p> <p>The authors listed are not referred to anywhere else in the document (with the exception of Professor Mark Taylor in regard to lead in 6.2) – this is verified by desktop word search. There is no discussion of their contribution or response to the critiques provided or issues raised. There is no evidence of their advice being considered.</p>	<p>All assessments must be utilised in decision-making, particularly those which give a contrary or negative view – thus employing the precautionary principle. It is important to note that the LAG reports relating to water give significant additional information and identify flaws in the available documents.</p> <p>The apparent lack of consideration of LAG reports is not acceptable.</p> <p>It appears that DPE is selective in the material it has presented in its Report. It does not give credence to contrary evidence, and under-reports the range and strength of risks identified in these papers.</p> <p>This is not acceptable and the analysis must be rejected.</p>

6.1 Water Resources (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 86</p> <p>Introduction</p> <p>'Mr Middlemiss and DPE Water were generally satisfied that the groundwater model used for the assessment is fit for purpose... Nonetheless, Mr Middlemiss did raise some residual concerns'</p>	<p>The 'residual concerns' are significant:</p> <p>EG, Middlemiss, p6 'This reviewer has identified a tendency towards bias in some aspects of the reporting, in terms of its generally positive narrative and often dismissive treatment of negative implications.'</p> <p>'This reviewer finds that the final void uncertainty analysis report (Corkery 2022b) also exhibits a tendency towards bias.'</p> <p>'The lack of clear and transparent reporting is problematic and is not consistent with best practice (Barnett et al. 2012; Middlemiss et al. 2018, 2019).'</p> <p>Middlemiss H (2022). Bowdens Silver Project Groundwater Assessment Review (version 5). Prepared by HydroGeoLogic for NSW Department of Planning and Environment. 19 December 2022.</p>	<p>The water issue is of critical importance to the project's viability and safety. Issues were raised in papers provided to DPE. DPE has been selective in its use, and biased in its interpretation of its own expert reports. See Middlemiss, p7, <i>Table 1 – Groundwater Model Compliance: 10-point essential summary: Bowdens Silver</i>. Ten points were answered 'yes', of which 6 were qualified.</p> <p>This important Groundwater Assessment Review was received by DPE 3 days before they announced their Recommendation of Approval.</p> <p>It is clear DPE has not considered all issues presented to them.</p> <p>This is a lack of due process and the Recommendation must be overturned.</p>
<p>Para 87 – 94</p> <p>Groundwater Context</p> <p>Para 87 'In the vicinity of the mine site, groundwater flow is also influenced by significant fracture systems'</p>	<p>The matter of geological faults highlights the difficulty of modelling. The lack of discussion about the fault underlying the TSF undermines any confidence in the assessment of groundwater impacts.</p>	<p>A significantly fractured geology is a major risk for mining operations.</p> <p>This is also a major uncertainty for groundwater flow and reporting assumptions. Nothing is certain.</p> <p>Fractured geology, earth tremor risks (the region experiences minor shakes regularly) and the uncertainty of AMD infiltrating groundwater has not been addressed.</p> <p>DPE has not considered these matters.</p>

6.1 Water Resources (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
Para 95 -100 Surface Water Context	<p>The Bowdens surface water assessment data appears to show a monthly average rainfall that is incorrect as evidenced by data from Mudgee, Rylstone and Lue Station. There is exclusion of relevant data for 1888 and 2019, which were both very dry years.</p> <p>Baguley (2022) Independent Review of Bowdens Surface Water Assessment Updated May 2022 – report provided to DPE by LAG</p>	<p>Independent reviews highlight inaccurate and incomplete water data and analysis presented by Bowdens. The conclusions drawn show a dire situation for the environment and all water users if this project is approved.</p> <p>DPE has not considered all issues presented to them.</p> <p>This is a lack of due process and the Recommendation must be overturned.</p>
Para 101-109 Water Demand and Supply	<p>The expectation of DPE that Bowdens will match the scale of the development to the available water supply is disingenuous. The mine cannot operate without sufficient water as the proponent has clearly indicated from the beginning.</p> <p>Is DPE expecting the mine to close periodically? What are the consequences if that should occur?</p>	<p>The risk of insufficient water for operations is likely to increase in frequency as the climate changes. The resulting potential shutdown of the mine before any rehabilitation is a major risk.</p> <p>The water balance analysis is questionable and therefore makes the whole project questionable.</p> <p>The Recommendation must be overturned.</p>
Para 110-115 Impacts on Groundwater Levels and Users	<p>Groundwater inflows into the pit will depressurise the regional water.</p> <p>As the geological fault line particularly under the TSF (other fault lines are below other project components) has not been discussed, the full extent of drawdown and depressurisation is unknown.</p>	<p>The DPE assessment is flawed as it lacks full discussion of the risks.</p> <p>This is not acceptable and the analysis must be rejected.</p>

6.1 Water Resources (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 116-121</p> <p>Impacts on Groundwater Dependent Ecosystems</p>	<p>Baguley has identified there is a high number of springs in the Bowden's study area. 'A preliminary examination of these springs has indicated these are likely to be part of a widespread system of upland swamps, bogs and montane mires in Upper Lawson Creek catchment.'</p> <p>Baguley (2022) Independent Review of Bowdens Surface Water Assessment Updated May 2022 – report provided to DPE by LAG</p> <p>Craig Flavel: Water Technology Pty Ltd – report provided to DPE by LAG</p> <p>Craig Flavel: IPC Presentation Hydrogeology v41</p>	<p>Mining has a severe detrimental impact on these areas. In this case, this impact could reasonably be expected to encompass both the springs within the Bowdens' site as well as those in the adjacent areas which will be affected by groundwater drawdown.</p> <p>DPE has asked for 'protection' of these systems, but the question is, how can this occur when the activity planned will remove the groundwater that is necessary for the protection?</p> <p>See also, comments above regarding geological fault line.</p> <p>It is unacceptable that DPE has not considered all the evidence provided to it.</p>
<p>Para 122-132</p> <p>Impacts on Surface Water Flows</p>	<p>There is Biophysical Strategic Agricultural Land present downstream of the mine site. The surface water assessment has not considered the impacts of using water from within Bowdens' holdings on this land.</p> <p>The stated loss of surface water flows is misleading as it does not include assessment of the contiguous landholdings which also report to the mine site. When this is taken into account, there is a loss of flow of 10.9% to the Lawsons Creek catchment.</p> <p>Baguley (2022) Independent Review of Bowdens Surface Water Assessment Updated May 2022 – report provided to DPE by LAG</p>	<p>'The Department has recommended conditions requiring Bowdens to include trigger levels for identifying and investigating any potentially adverse impacts (or trends) in downstream surface water flows and quality in the water management plan for the project.'</p> <p>This requirement is insufficient and lacks rigour. A complete and thorough water management plan must include the omissions identified in this paper.</p>

6.1 Water Resources (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 133-140 Licensing</p>	<p>There is lack of clarity regarding the surface water licences. Will the proponent's licences cover water interception?</p> <p>There should be no confusion about this matter prior to approval. The proponent and DPE should be entirely aware, open and public, about the water licence situation.</p> <p>The calculation of the harvestable right interception needs to be re-examined.</p> <p>Water captured in the sediment dams is not included in the DPE assessment report Table 6 outlining Water Access Licences held by Bowdens.</p>	<p>The unsustainable use of water is a major risk for all of Australia. This project taken as an example shows how the problem is exacerbated by incremental steps.</p> <p>The impact on our waterways must be stopped, and appropriate water licencing and regulating be implemented.</p> <p>The risk of detrimental effects in the Lawson Creek catchment must be prevented.</p>
<p>Para 141-180 Water Quality and Acid Mine Drainage.</p> <p>'The Department considers the main risks to water quality is from the WRE, TSF and open cut pit. In principle the risks can be managed by appropriate design and management of these structures.'</p>	<p>The DPE wording here suggests that there is room for doubt and this is certainly true.</p> <p>An 'in principle' approval is not sufficient for these highly technical and refined structures.</p> <p>Full confidence in all mine activity, design and techniques must be unquestionable. This is not the case.</p>	<p>Untried technology and insufficient design rigour are huge threats to our water. There is complete lack of technical resolution for this project. These deficiencies in the proposal cannot be accepted.</p> <p>DPE has not addressed the risks of water quality and AMD sufficiently.</p> <p>The Recommendation must be overturned.</p>

6.1 Water Resources (cont'd)	MDEG comment	IMPACT / RISK / OBJECTION
<p>Para 181-192 Flooding</p>	<p>There is no modelling or reference to changes in flooding likelihood due to climate change. The prediction of extended dry periods, and the potential for storms and heavy extended rain, has not been assessed. It is a major shortcoming of the whole water assessment that there is no modelling based on climate change predictions.</p> <p>The EIS Fig 2.15 Mine Layout p2.43, clearly indicates a spillway on the TSF (present but not labelled on subsequent mine layout figures). Why has the proponent included this feature?</p>	<p>The planned freeboard of the tailings dam 0.5m is totally unsatisfactory. This is less than a reasonable sized farm dam would be expected to have.</p> <p>The consequences of any flooding event, particularly including the overtopping (or collapse) of mine containments would be catastrophic.</p> <p>Provision of a spillway on the TSF indicates the proponent accepts that toxic substance overflow into Lawson Creek could occur. In fact, they have planned for it.</p> <p>DPE has not exercised its assessment role with diligence and sufficient caution.</p> <p>The Recommendation cannot stand.</p>
<p>Para 193-198 Conclusion</p> <p>'With the implementation of these and other measures, the Department considers the project would result in acceptable impacts on water resources.'</p>	<p>The extensive list of requirements to the proponent highlights the lack of detail, design rigour and planning that has been presented.</p> <p>The Department is cautious in stating its belief that the project would have acceptable impacts.</p> <p>This restrained commentary from DPE implies a lack of confidence in the project.</p>	<p>'DPE considers that these and other potential impacts to water resources are able to be managed to meet levels acceptable...through the preparation of a suite of management plans, incorporation of best practice contemporary mitigation measures, and ongoing refinement and review of the predictions by Bowdens Silver.'</p> <p>In other words, the project as it stands, would not meet acceptable levels of impact on water resources.</p> <p>It is not possible to approve a project on the premise of incorporation of best practice measures (presumably not there now) and future refinement.</p>

Other Issues within the Assessment Report

6.2 Health and amenity

Particulates, exposure to heavy metals, silica and gaseous pollutants are all associated with lead mines. The associated health risk is greatest for neighbours; however it is known that dust (with the accompanying metals) travels around the globe. No-one is safe from this air pollution. The proponent decreased the water provision for dust suppression by 30% without any reason given. This is unacceptable and it might be said, illustrates a disregard for human health. What will happen when the water supply is constrained?

Lack of adequate dust suppression is a significant risk for all local agriculture, including the wine industry and the olive industry. Note: a zero lead tolerance is required for Extra Virgin Olive Oil.

There are many aspects of the project which will increase noise levels. This will have negative impacts on residents, wildlife, farm and domestic animals. The Noise Policy for Industry actually favours the developer, to the detriment of the rural landholder. One example is the background noise level is assumed at 30dB, when in reality is often much lower in rural areas.

Road Noise (Para 281-292) does not refer to the road noise generated on the trucks routes along Lue Road, along Ulan Road, and through Mudgee town. This is a major omission from the assessment and should be addressed, as B-doubles moving along these roads, through bends, roundabouts, and in suburban areas will impact heavily on residents.

Blast Noise and Vibration (Para 293-300) is significant for many people in the community. The blast experience is unsettling and unnerving. It is an obvious punctuation in rural life and accompanied by a plume of dust. The blast and vibration can be frightening for those with specific mental or health issues.

Visual and Lighting impacts (Para 301-319) are significant in a rural environment. It is likely there will be negative impacts on residents' lifestyles and tourism. Wildlife, farm and domestic animals will also be impacted.

6.3 Traffic and transport impacts

The complete transport route, including Ulan Road and routes through Mudgee and beyond, appears to have been ignored in discussions. There has been no assessment of impacts in this regard.

Lue Road is narrow, windy and dangerous. It is not suitable for the vehicles required. The truck routes through Mudgee town are unsuitable as they pass schools, aged care establishments, residences and small businesses. The risk of dust contamination and spillage (perhaps via a vehicle accident) is not acceptable.

The Assessment Report focusses on the relocation of Maloney Road, at the expense of assessing the road improvements required for the length of Lue Road to Mudgee. It is unlikely the financial agreement with Council will cover the upgrading and maintenance required.

6.3 Traffic and transport impacts (cont'd)

It is unacceptable that the complete traffic and transport impacts have not been considered, and the project does not have a comprehensive Traffic Management Plan prior to the Recommendation for Approval.

6.4 Social Impacts

The Social Impact Assessment was not informed by a stakeholder engagement program. This limited the reach of the study and caused the interpretation of the results to be restricted. A Social Impact Assessment Plan has been requested.

An examination of the history of the Community Consultative Committee (CCC) particularly as revealed by current and past CCC members during the IPC Public Hearing, is disturbing. It reveals a lack of respect for locals, and has resulted in a divided community. This is unacceptable.

The housing and accommodation crisis is likely to cause delays in the project. Mudgee Region also has a lack of workers. These factors combine to create a significant risk for the project timeline. The consequence is additional impact on the community due to uncertainty.

The concept of intergenerational equity is missing from this project. The risks related to AMD and water in particular will leave future generations with a toxic legacy.

6.5 Biodiversity

The impacts on biodiversity are of major significance. Critically Endangered Ecological Communities should never be cleared, yet this project proposed to clear 180ha of this vegetation. Fourteen threatened or endangered species have been identified on the site. It is obvious this locality is a storehouse of diversity that should be preserved.

DPE acknowledges that Box Gum Woodland and the Regent Honeyeater are considered likely to be significantly impacted. Koalas are known to be present on the site. It is not acceptable that DPE considers the impact will be acceptable under a range of mitigation and offset measures. Our environment is too precious and the identified rare species are too valuable to be put at risk and habitat destroyed.

It is disingenuous that DPE 'considers that biodiversity impacts could be effectively managed under a Biodiversity Management Plan - that, *subject to conditions*, the project *could* be undertaken in a manner that would result in acceptable short-term impacts on biodiversity values and the proposed offsets would result in improved biodiversity outcomes in the medium to long term.' How can destroying critically endangered ecological community habitat possibly improve biodiversity outcomes?

MDEG objects to the proposal to stage biodiversity offsets and credit retirements across three time frames. The provision of secure offsets for Matters of National Environmental Significance must be addressed prior to approval.

The biodiversity assessment for the proposed mine has failed to meet the requirements of the EPBC referral decision, contrary to statements made by DPE that all entities requiring assessment of significance were assessed.

6.5 Biodiversity (cont'd)

The EPBC referral decision requires that all protected matters that are likely to be significantly impacted are assessed and that it is the proponent's responsibility to undertake an analysis of the significance of the relevant impacts.

The environmental assessment for the project has failed to identify the likelihood of the EEC Temperate Highland Peat Swamps on Sandstone ecological community being significantly impacted by regional drawdown from the project.

The environmental assessment has also failed to identify and assess the impacts on the NSW listed *Montane peatlands and swamps*. There are known occurrences of this EEC in the area of direct impact and indirect impact due to drawdown.

What steps will be taken to prevent loss of bird and animal life for those creatures which contact the TSF?

6.6 Economics

Relocation of the 500kv transmission line and establishment of the proposed 66kv line (likely from Breakfast Creek) are both essential elements of the project, but have not been included in costs. Financial risks are the province of the proponent, and there are many identified in Economics Expert Review (10 Jan 2022). In the case of this project, financial risk carries major and severe consequences for the community and the environment. As this paper shows, the risks far outweigh the benefits to the proponent.

The Expert Review also suggests that financial return to governments is likely overstated. The project should not be approved.

6.7 Other Issues

Aboriginal Cultural Heritage

The direct impact on 25 Aboriginal sites including a rock shelter is not acceptable. The proponent has shown disrespect to the Aboriginal significance of the site and its associated cultural meaning. This is evidenced by the lack of prominence of this matter within its documents and by the transcript of the IPC meeting with Bowdens on 2nd February. We are diminished by such lack of respect.

Historic Heritage

Physical historical heritage is not all of the picture. This landscape carries a sense of place for all locals. Agricultural land use heritage belongs to all and contributes to well-being and emotional health. A change to a barren mining landscape would be detrimental to all.

6.7 Other Issues (cont'd)

Hazards and Risks

MDEG is extremely concerned that this topic has been given such little prominence in the DPE report. The huge amount of chemicals and blast materials required is indicative of the complexity and scale of the proposal. There has been no public acknowledgement of the risk of transporting these materials through an urban area (see also 6.3 above). Likewise there has been little discussion of the fire/bushfire/accident risks related to storage.

Agricultural Impacts

'The Department has recommended conditions requiring Bowdens Silver to achieve land and soil capabilities that are equivalent to, or better than, pre-mining and to establish/restore grassland areas to support sustainable agricultural production.' Just how is it possible to fulfill that condition?

There is no assessment of the loss of agricultural land for farming and grazing, or the major impacts to significant industries such as the olive industry and wine industry.

Rehabilitation and Final Landform

The pit will remain a void, there is no recognition that the TSF will remain in perpetuity – after you and I are gone, and Bowdens – who will maintain it, with what monitoring and what finances? Who will ensure that the WRE only ever has grasses, no trees or shrubs which would potentially break the barrier to the Potentially Acid Forming material? This is a major concern for MDEG and we do not believe the technical designs put forward are adequate.

Greenhouse Gas Emissions

'The Department has recommended conditions requiring Bowdens Silver to take all reasonable steps to minimise the energy efficiency of the development and to describe the measures to be implemented to ensure the greenhouse gas emissions are minimised in an air quality and greenhouse gas management plan.'

What is the definition of 'reasonable'? Who decides whether the measures to be implemented will actually minimise Greenhouse Gases and whether the plan is adequate?

DPE Assessment Process

The whole decision-making process for this project lacks integrity. It is difficult to understand how the department could conclude this project was satisfactory if proper consideration and weight had been given to the expert submissions and reports.

Planning Portal: Additional Information: (32) documents listed

An examination of the documents published reveals an amount of disagreement between the proponent and DPE experts. In some instances the proponent has engaged counter experts to support their view. The DPE experts continue to provide recommendations to DPE regarding the need for revised methodology, increased rigour, addition data or evidence. However, DPE has only requested additional plans and monitoring (which indicates an impact is already occurring) from the proponent. This rejection of expert advice is not acceptable.

Eight of the documents listed (25%) were received on or after 1st December 2022:

- Groundwater Expert Review (19 December 2022) HydroGeoLogic Pty Ltd., Hugh Middlemis
- Bowdens Response - Open Cut Pit Extension Feasibility (16 Dec 2022)
- Surface Water Expert Review (20 Dec 2022) Earth Systems
- Bowdens Response - Surface Water Expert Review (15 Dec 2022)
- Bowdens Response - AMD Review (1 Dec 2022)
- AMD Expert Review (16 Dec 2022) Earth Systems
- Additional Information - Geochemistry Peer Review (16 December 2022), Okane
- Bowdens Response - SIA Expert Review (6 December 2022) Umwelt

Thus, DPE had less than 21 days to assess the issues, feedback and recommendations contained within these documents, before they announced their Recommendation. This suggests a highly rushed and limited assessment of them and perhaps implies that an Approval had already been decided.

Wording of DPE Assessment Report

It appears that DPE by its own wording is relying on the numerous management plans it has requested, to be the principal strategy to make the risk acceptable. EG – ‘subject to conditions, the project could be undertaken in a manner that would result in acceptable impacts’. It is our understanding that these plans are not peer reviewed or published in a timely manner for critique and public information.

Is DPE seeking to absolve itself from any responsibility regarding this project? In many instances DPE acknowledges risk and impact.

If design and technical aspects of this project had been addressed in the proponent’s documents and replies, the swathe of management plans requested now, would not be necessary.

We reiterate that the DPE Assessment Report is flawed. The project lacks technical resolution and thus carries unacceptable risk. A Recommendation for Approval was not warranted. We believe the project should be rejected.

Conditions of Consent

MDEG submits that the Conditions of Consent are not robust. Many matters are not sufficiently detailed. Overall, the conditions are weak and despite the complexity of the project surprisingly generic. Conditions must set explicit standards on all parameters and not allow the detail to be lost in broad-context management plans. The explicit standards must be measurable and monitoring must be published in real time.

The highly technical and specialised design of this project warrants more than mitigation and monitoring as the main conditions to be met. There are no consequences for the proponent, and this is a grave concern for MDEG.

If this project is approved, the Conditions of Consent must be strengthened greatly and hold the proponent to account. Omissions identified in this document must be addressed.

Thank you for the opportunity to comment.

Rosemary Hadaway

Chair: Mudgee District Environment Group

21st February 2023