



18th August 2021

ATTENTION: Rose-Anne Hawkeswood

Team Leader
NSW Department of Planning, Infrastructure, and Environment
GPO Box 39
SYDNEY NSW 2001

SUBMISSION VIA NSW PLANNING PORTAL

**Re: BOWDENS SILVER PROJECT (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 (Bowden's) to *State Significant Development [SSD]* – 5765 detailed within the Amendment Report for the Bowdens Silver Project (R.W. Corkery & Co. Pty. Limited, July 2021).

The Amendment proposes to modify 3.5 kilometres 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.

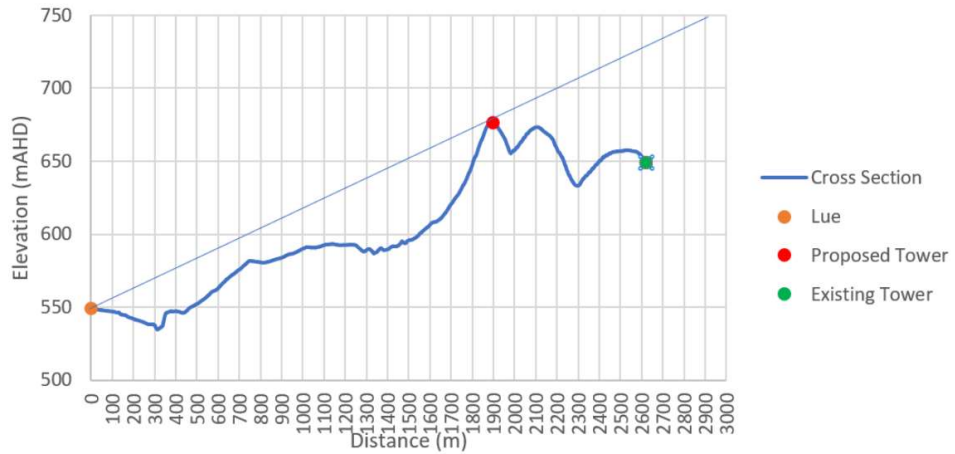
LAG has reviewed the application and formally objects to the Amendment as presented by Bowdens in accordance with the following aspects.

(i) Visual Impacts

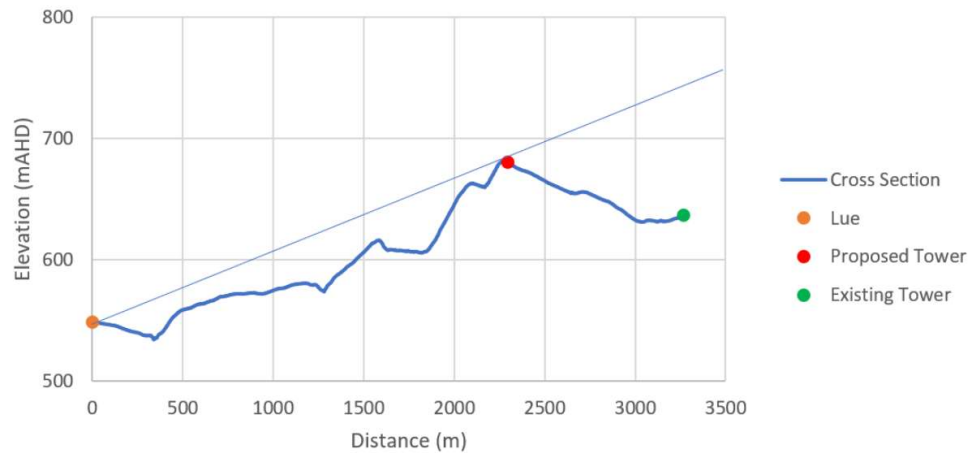
LAG have engaged Engeny to verify concerns and quantify Visual Impacts from the realignment of the 500kV transmission line. A copy of the assessment is appended to this Submission as **Attachment 1**. The assessment undertaken by Engeny utilises landform relief and information provided within the Amendment as submitted by Bowdens in determining its conclusions.

The cross-sections as undertaken by Engeny and included below highlight concerns maintained by LAG relating to the visual impact from the realignment.

TOWER 2 CROSS SECTION



TOWER 3 CROSS SECTION



The Amendment as submitted by Bowdens (July 2021) indicates that Visual Impacts from the realignment will be insignificant.

“The 500kV transmission line is a substantial item of infrastructure in the landscape east of Lue and its slight re-alignment and construction of new towers would not change the overall character of the transmission line when viewed from Lue and surrounds.” (RW Corkery, July 2021).

In what appears to be a significant discrepancy within their conclusions, Engeny determined that the Visual Impact from the realignment to be extremely significant to the Village of Lue and its surrounding areas.

“Based on this analysis it is expected that approximately 50% of the proposed re-aligned power transmission line will be clearly visible from the vast majority if not all receivers in the Lue Village and surrounding area. This represents a significant change the viewshed characteristics for the Lue Village and surrounding receivers, compared to the current situation.”

Whilst the review undertaken by Engeny is focused primarily on the 500kV Transmission line infrastructure, i.e., towers and lines, an increased visual impact affectation area would be anticipated with consideration to the 70m clearing easement required to provide for the realignment.

(ii) 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 14th 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.

(iii) 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. **Acceptability of the application for SSD under the Environmental Planning & Assessment Act 1979**
 - Failure to demonstrate a legally permissible methodology for supplying water to support its operations.
 - Failure to address water pollution to surface and groundwaters from the Tailing Storage Facility.
 - Failure to assess surface water impacts of the proposed water supply pipeline.
 - **Failure to assess the impacts of both the powerline re-alignment and powerline supply for the Project.**
 - Failure to assess the impacts to the Koala population from the Project in accordance with the *Koala Recovery Plan*.
 2. **Unacceptable Health Impacts**
 - 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.
 - 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).
-

Whilst this Amendment 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 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.

(iv) Amenity of Adjoining Residents (including Noise & Dust impacts)

The Amendment by Bowdens assumes that the realignment 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*.

(v) 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.

(vi) General Advice

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

- updated ‘Description of the Project’ as detailed within Appendix 1 of the Amendment Report; and
- a formal Gap Analysis of the Response to Submission as detailed within the Bowdens Submissions Report (June 2021).

Both assessments will be provided to the Department in addition to this Objection.



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 either myself (0428) 736 416 or Phil English (0427) 892 085.

Yours sincerely

TOM COMBES
PRESIDENT
LUE ACTION GROUP

cc Mr Brad Cam
 General Manager
 Mid-Western Regional Council

ATTACHMENTS

1. Technical Review – Visual Assessment (SSD-5765) (*Engeny, August 2021*)
2. Correspondence - Project and Exploration Update - Bowdens Silver Project (*Bowdens Silver, 14 May 2021*)



ATTACHMENT 1

Technical Review – Visual Assessment (SSD-5765)

(Engeny, August 2021)

TECHNICAL REVIEW – VISUAL ASSESSMENT (SSD-5765)

Project:	N4006_001 Bowdens Silver Visual Radial Analysis	Date:	18 August 2021
To:	Lue Action Group	From:	Rod Williams
ATT:	Phil English	CC:	Click or tap here to enter text.
Subject:	Visual Radial Analysis – Proposed Transmission Line		

Introduction

Bowdens Silver Pty Limited (Bowdens Silver) is seeking approval to develop and operate an open cut silver mine near Lue, NSW (the Project) (Application SSD-5765). As part of the Environmental Impact Statement (EIS) for the Project, prepared by R.W Corkery & Co. Pty Limited (R.W. Corkery & Co) on behalf of Bowdens Silver, Richard Lamb and Associates was commissioned to undertake the Visibility Assessment.

The Lue Action Group (LAG) provide a submission as part of public exhibition of the EIS.

Engeny Water Management (Engeny) was commissioned by the Lue Action Group to undertake a technical review of the Visibility Assessment and the visuals aspects contained within the Response to Submission report. This review was undertaken by Rod Williams, Principal Environmental Scientist. Rod has prepared visual assessments for state significant projects in rural viewsheds.

Documents Reviewed

This review was based on the information below:

- Richard Lamb and Associates, 2020. Part 8a Visibility Assessment State Significant Development No 5765
- RW Corkery, May 2020. Bowdens Silver Environmental Impacts Statement State Significant Development No 5765.
- RW Corkery, 2021. Bowdens Silver Submissions Report State Significant Development No 5765.

General Comments

REVIEW OF BACKGROUND DOCUMENTATION

The visual assessment of the documents reviewed primarily focus on the visual impacts of the mining operations. Minimal consideration (i.e. general assessment) has been given to the visual impacts of the proposed re-aligned power transmission line identified by the LAG in its submission. For example Richard Lamb and Associates 2020 states:

"The alignment of the proposed re-aligned power transmission line in the visual catchment of the proposed mine is largely in country with similar visual and physical characteristics to the existing line and the new line would be likely to be compatible with the appearance of the existing line and not cause any significant change to view compositions."

"As the realigned power transmission line would be through country of a similar character and appearance to the existing line and be carried on similar lattice towers, it would be unlikely to have significant visual impacts compared with the existing towers."

"The Project includes establishment and construction, relocation of a 500kV power transmission line, mining and processing operations and road traffic and transportation, aspects of which would be visible in certain circumstances from public and private areas and which could lead to visual impacts."

The Response to Submissions report (Corkery 2021) investigated the visual impact of the mining infrastructure at selected receivers. However the impacts of the proposed re-aligned power transmission line on the village of Lue and the surrounds has not been considered. Corkery 2021 states:

Visibility - There has been no change to the outcomes of the Visibility Assessment undertaken by Richard Lamb and Associates (2020) or the Lighting and Sky Glow Assessment undertaken by Lighting, Art & Science (2020). It has been concluded that, while components of the Project would be visible to varying degrees and at varying stages of the development, the limited visibility of the mining activities within the Mine Site and the range of visual controls would achieve an acceptable level of impact. Importantly, no components of the Mine Site would be visible from Lue. The potential for lighting impacts on the local environment (including sky glow) has been assessed to be minimal."

ASSESSMENT OF VISUAL IMPACT OF PROPOSED TRANSMISSION LINE – LUE GENERAL AREA

The village of Lue is located to the southern west of the proposed mine and the re-aligned power transmission line. Views from the Lue general area to the Northeast (i.e. towards the existing power transmission line) are completely screened by the existing natural topography (see Figure 1). Three cross sections from Lue to the existing transmission line alignment confirm that the views from Lue towards the Northeast are screened by the natural topography (see Figure 2, Figure 3 and Figure 4).

LAG agrees that the proposed re-aligned power transmission line is largely in country with similar visual and physical characteristics to the existing line and the new line would be likely to be compatible with the appearance of the existing line. However, the proposed power transmission line alignment is located at a higher elevation than the existing alignment and as such the natural topography does not screen the re-aligned power transmission line. Our analysis shows that the proposed re-aligned power transmission line is in a different visual catchment and impacts receivers which are currently not impacted by the existing transmission line. The proposed re-aligned power transmission line will therefore involve a change from the existing natural viewshed from the general area of Lue to one which includes a transmission line.

Radial analysis of three tower locations (assuming a tower height of 60m and a viewshed of 5 kilometres from the tower) along the re-aligned power transmission line alignment has been undertaken to assess the extent to which the proposed towers will be visible from the general area of Lue (see Figure 5, Figure 6 and Figure 7). The Tower 1 radial analysis (see Figure 5) and cross section (see Figure 2) indicates that the top portion of Tower 1 will be visible from the Lue general area. However, this assumes that there is no screening provided by the existing vegetation, which is not the case. As such Tower 1 is unlikely to be

visible from the Lue general area. Towers 2 and 3 are however located on the top of the ridgeline (see Figure 3 and below Figure 4) and as such will be clearly visible from the Lue Village and surround area (see Figure 6 and Figure 7). The visibility of the proposed power transmission line alignment would be further increased by the clearance of vegetation within the powerline easement. The extent of vegetation clearance required has not been defined in any of the documents reviewed or the contribution to the visual impact assessed.

Based on this analysis it is expected that approximately 50% of the proposed re-aligned power transmission line will be clearly visible from the vast majority if not all receivers in the Lue Village and surrounding area. This represents a significant change the viewshed characteristics for the Lue Village and surrounding receivers, compared to the current situation.

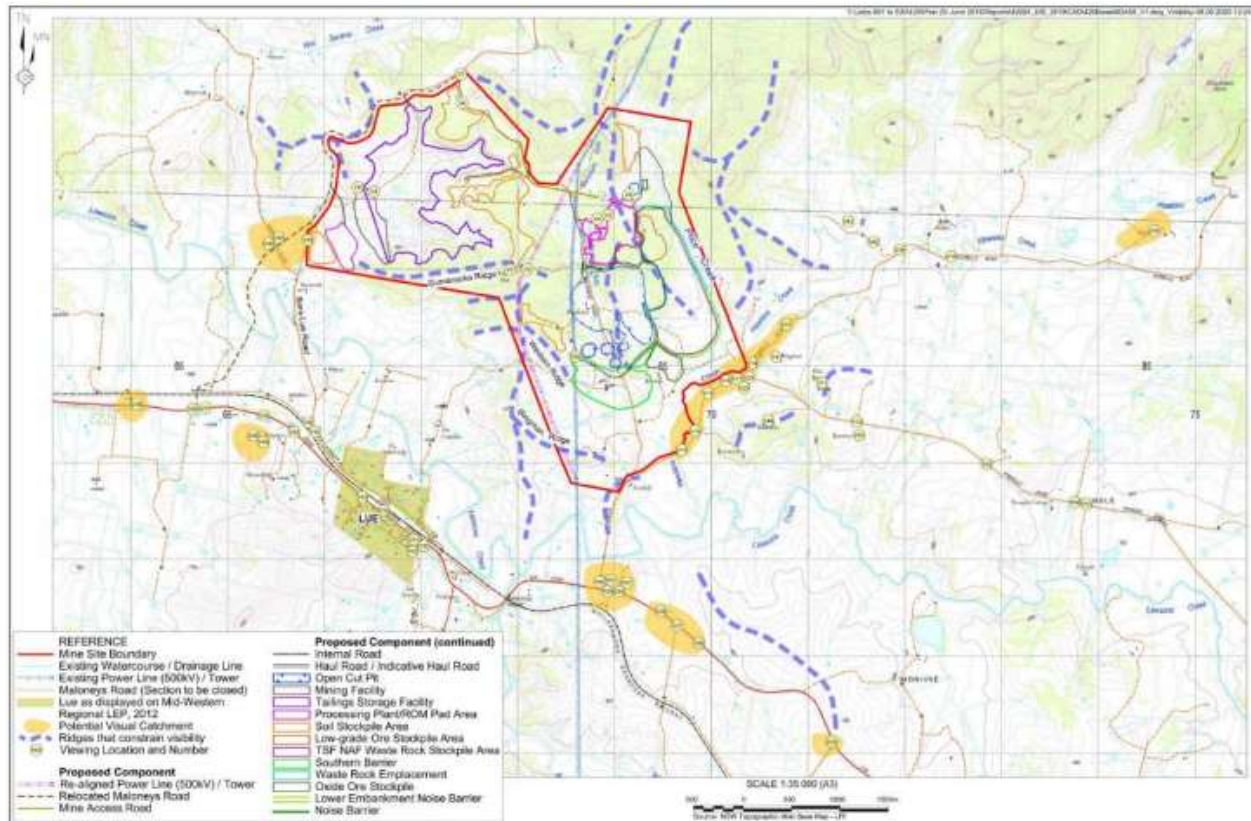


Figure 1 Potential Visual Catchments (Source Richard Lamb 2020)

Brisbane Office
P: 07 3221 7174
E: admin@engeny.com.au

Melbourne Office
P: 03 9888 6978
E: melb@engeny.com.au

Newcastle Office
P: 02 4926 1225
E: newcastle@engeny.com.au

www.engeny.com.au

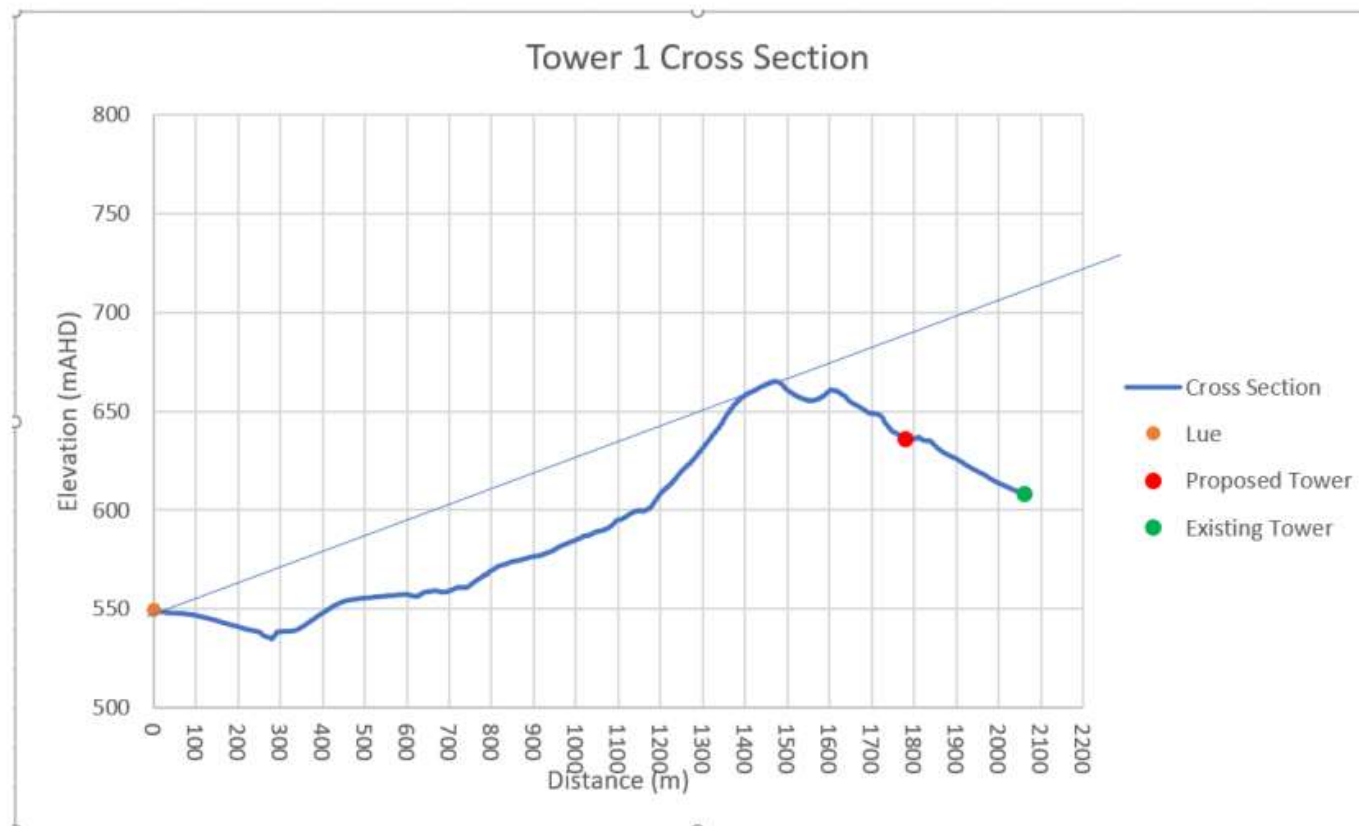


Figure 2 Tower 1 Cross Section

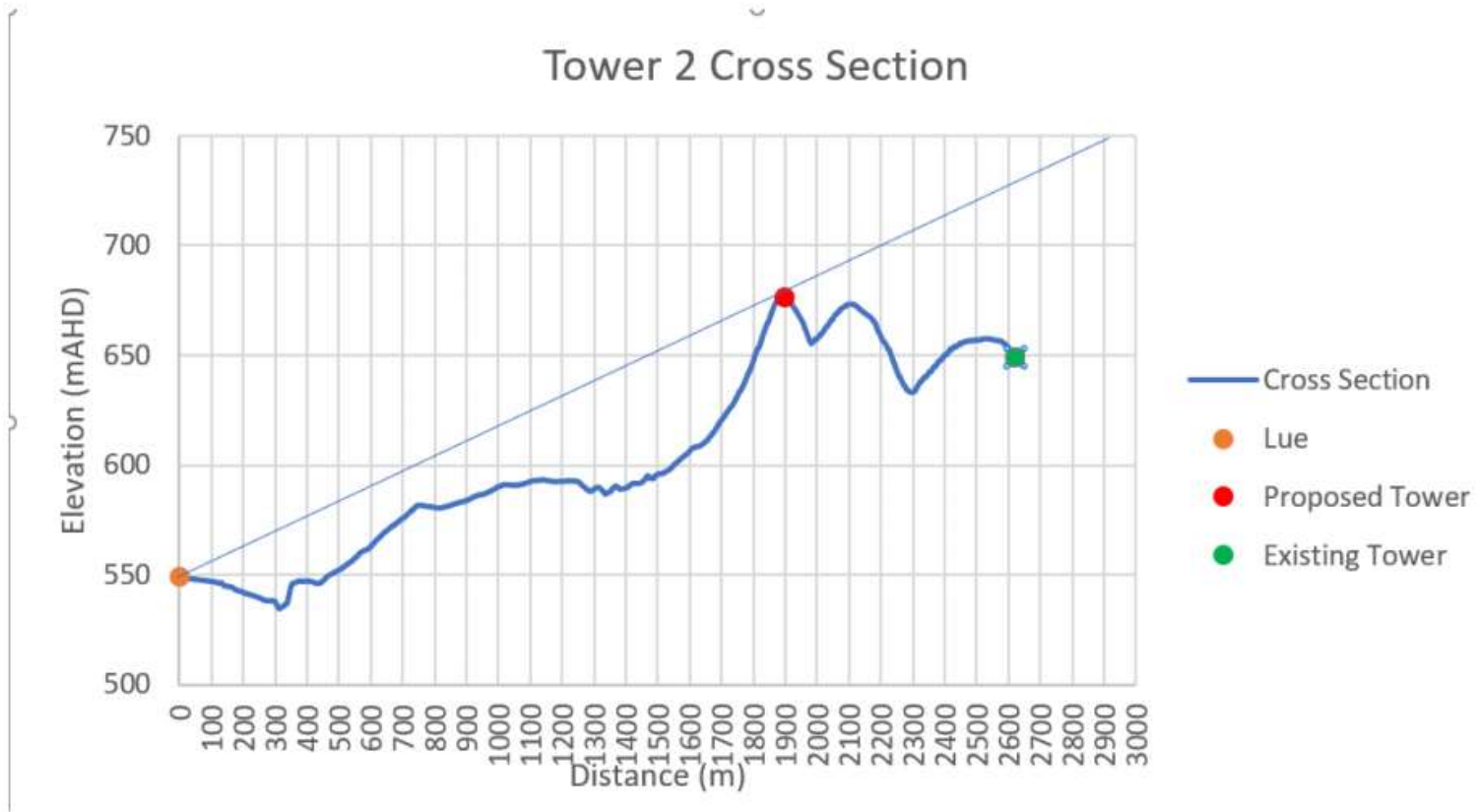


Figure 3 Tower 2 Cross Section

Tower 3 Cross Section

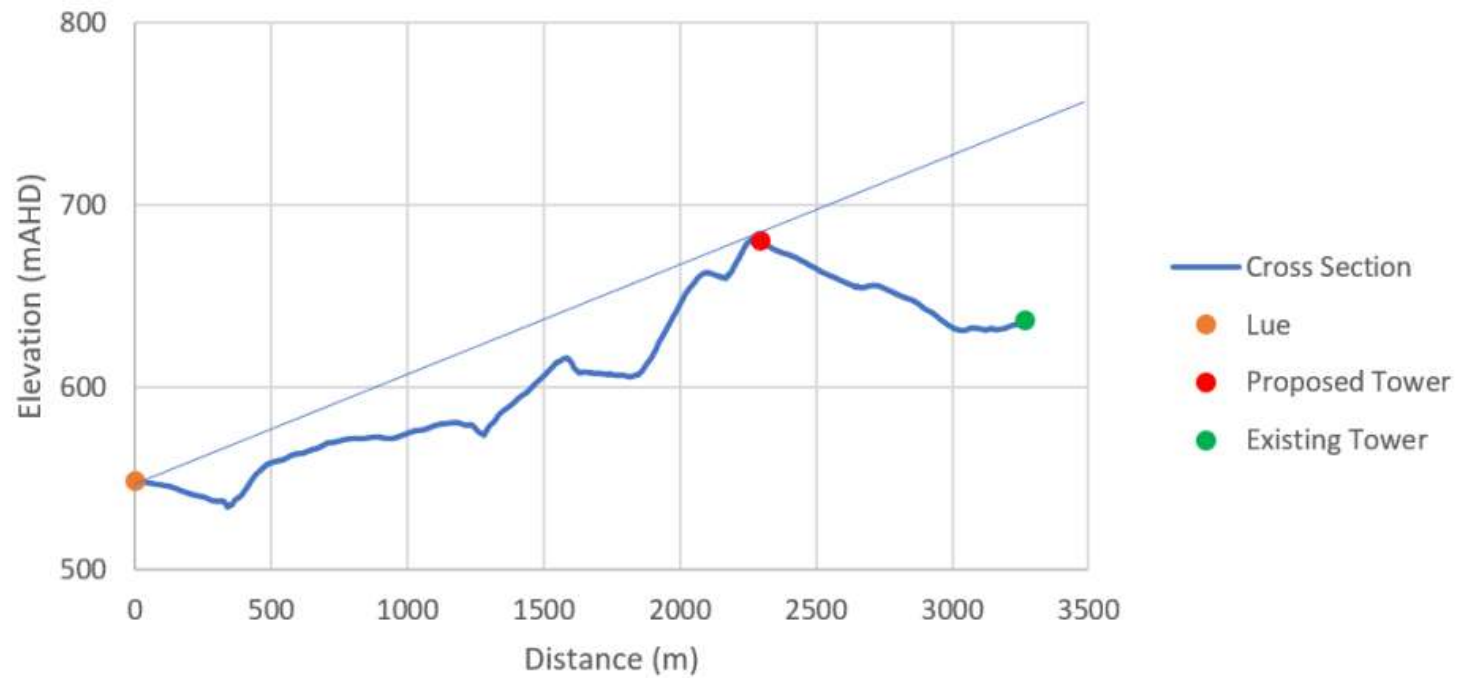


Figure 4 Tower 3 Cross Section

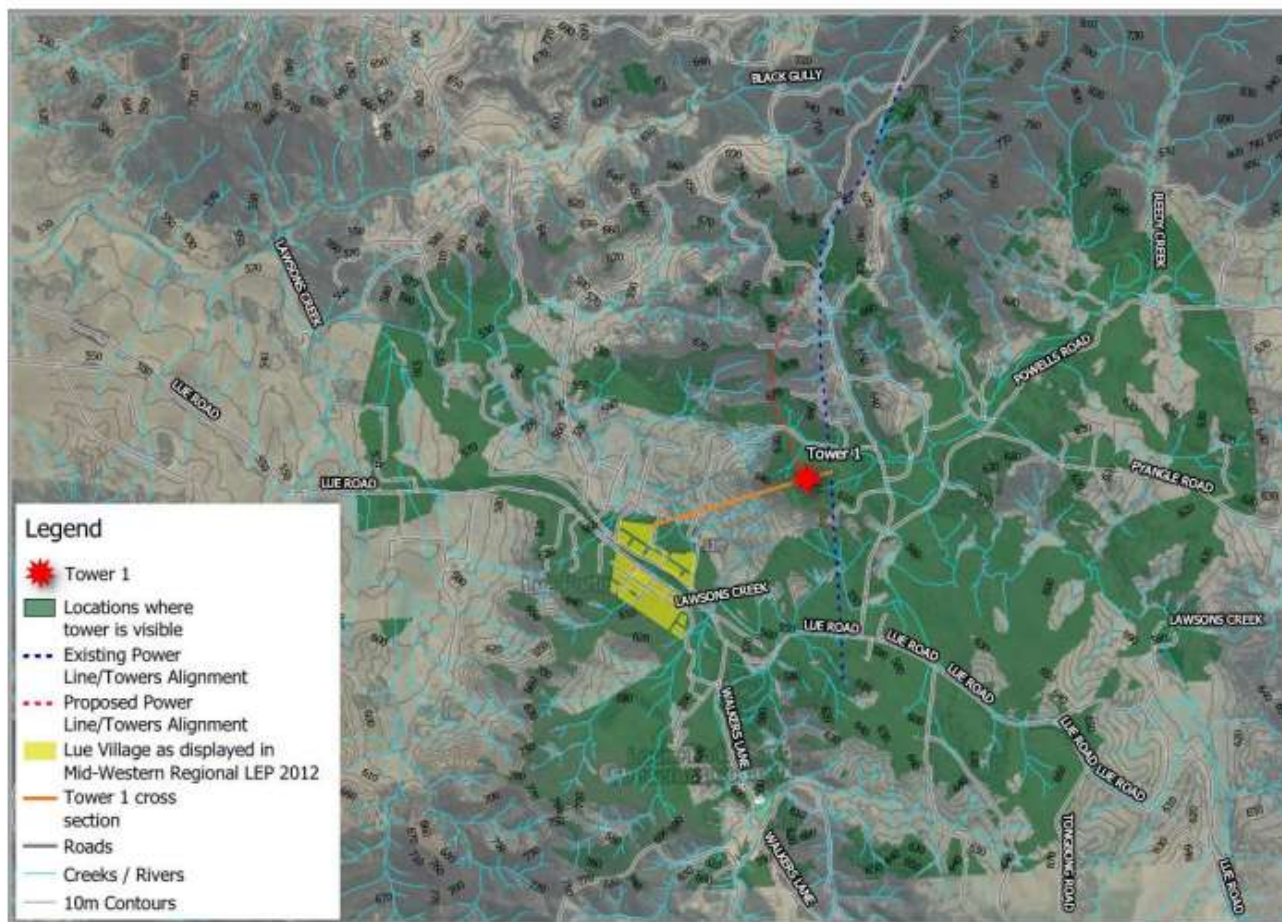


Figure 5 Tower 1 Radial Analysis

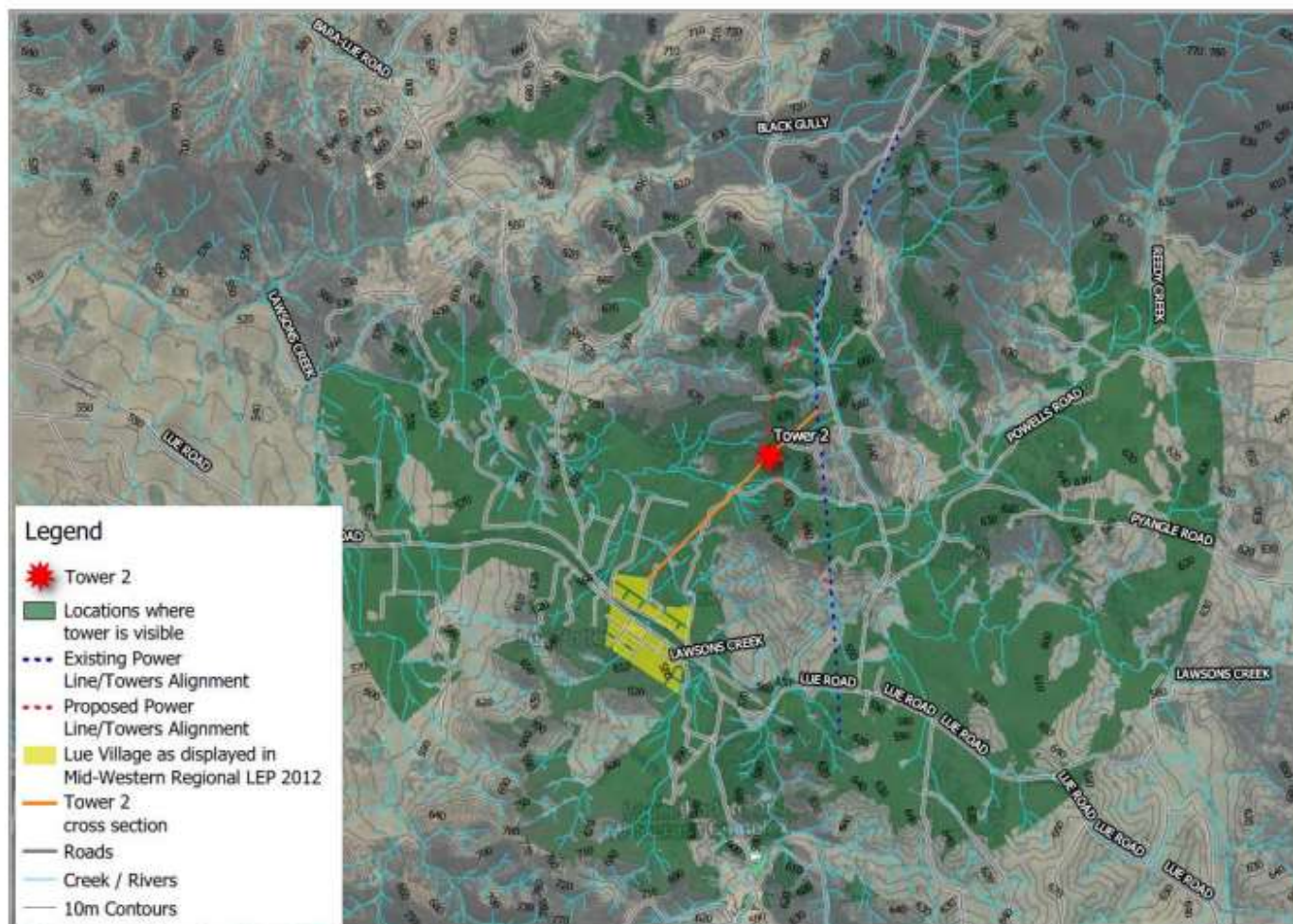


Figure 6 Tower 2 Radial Analysis



DISCLAIMER

This memo has been prepared on behalf of and for the exclusive use of Lue Action Group and is subject to and issued in accordance with Lue Action Group instruction to Engeny Water Management (Engeny). The content of this memo was based on previous information and studies supplied by Lue Action Group

Engeny accepts no liability or responsibility whatsoever for it in respect of any use of or reliance upon this memo by any third party. Copying this memo without the permission of Lue Action Group or Engeny is not permitted.

Brisbane Office
P: 07 3221 7174
E: admin@engeny.com.au

Melbourne Office
P: 03 9888 6978
E: melb@engeny.com.au

Newcastle Office
P: 02 4926 1225
E: newcastle@engeny.com.au

www.engeny.com.au



ATTACHMENT 2

Correspondence - Project and Exploration Update - Bowdens
Silver Project

(Bowdens Silver, 14 May 2021)

BOWDENS SILVER

14 May 2021

[REDACTED]
Lue NSW 2850

Bowdens Silver Project and Exploration Update

[REDACTED]
This letter is being sent to provide an update on the assessment process for the Bowdens Silver Project and on current exploration activities.

As most members of the community are aware, in May 2020 Bowdens Silver lodged the Environmental Impact Statement (EIS) and Development Application with the NSW Department of Planning, Industry and Environment for the Bowdens Silver Project. During the public exhibition period, submissions were received from community members, public organisations as well as State and Local Government agencies. The public submission process showed overwhelming public support for the Project with 79% of all submissions in favour of the Project proceeding. Importantly, no Government agencies objected to the Project and only sought clarification on certain points relevant to their role.

Since that time, Bowdens Silver has been preparing the Response to Submissions which is not only a necessary part of the approvals process but importantly responds to all themes raised during the public submission process. Our Response to Submissions Report is currently being finalised and will be released shortly. At that time, further information will be provided to the community outlining the main themes and outcomes of that work.

In March 2021, Bowdens Silver submitted its Mining Lease Application ("MLA 601") for the development of the Bowdens Silver Project which forms part of the approvals process.

Exploration work also continues to forge ahead and has expanded with four drill rigs now on-site. Drilling will be predominantly targeting mineralisation below the current proposed open cut pit and nearby extensions with mineralisation remaining open at depth. General exploration work is also planned on some surrounding properties and further afield in agreement with landholders. This work is testing our wider geological modelling of the mineral rich systems. All exploration and subsequent rehabilitation will fall in line with NSW Government approvals.

As the Bowdens Silver Project progresses through the approvals process, pre-development work will continue to increase focussing on optimisation of the Project as a whole including detailed design work for the mine infrastructure. To accommodate the increased activity our team has also grown with six new staff in our geology, field services, farming and administration teams. Our Community Investment Program continues to operate which provides sponsorships for a range of organisations and events within the local area across our core areas of support including, education, community, sport, safety and arts and culture. As our Project continues to develop, this program will expand. Input and ideas from community members regarding funding for meaningful community projects are always most welcome.

Information on different elements of the Project can be found on our website: www.bowdenssilver.com.au and as always if you have any queries, please get in touch by email or telephone.

Regards,

Blake Hjorth
Community Liaison Officer