

# **Appendix 10**

## **Statutory Compliance Table**

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**Table A10.1**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>Biodiversity Conservation Act 2016 (BC Act)</b>			
Section 7.14	<p>If the Minister for Planning is of the opinion that a proposed SSD is likely to have serious or irreversible impacts on biodiversity values, the Minister:</p> <ul style="list-style-type: none"> <li>a) is required to take those impacts into consideration, and</li> <li>b) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is granted.</li> </ul>	<p>The Project would result in removal of native vegetation. The consent authority may form the opinion that the Project is likely to have serious or irreversible impacts on biodiversity values. The Biodiversity Assessment Report prepared by EnviroKey (2022) has been updated to assess the anticipated impacts (see <b>Appendix 5</b>)</p>	<p>Section 6.4 / <b>Appendix 5</b>  EIS Section 4.10</p>
<b>Mid-Western Regional Local Environmental Plan 2011 (Mid-Western Regional LEP)</b>			
Clause 2.3(2) (Zoning)	<p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<p>All activities associated with the proposed amendment would occur on land zoned as RU1. The Mid Western Regional LEP identifies open cut mining as permissible with consent on land zoned as RU1.</p>	<p>Section 4 / Table 4.1  EIS Section 3.2.3.6</p>
Clause 6.4 (1,3) (Groundwater vulnerability)	<p>The objectives of Clause 6.4 of the Mid-Western Regional LEP are:</p> <ul style="list-style-type: none"> <li>a) to maintain the hydrological functions of key groundwater systems,</li> <li>b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</li> </ul>	<p>The proposed amendment would not adversely impact upon these objectives and any potential impacts on groundwater systems and groundwater users have been comprehensively considered in the groundwater assessment (see Section 6.3 and <b>Appendix 4</b>).</p>	<p>Section 6.3 / <b>Appendix 4</b>  EIS Section 4.6</p>

**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>Mid-Western Regional Local Environmental Plan 2011 (Mid-Western Regional LEP) (Cont'd)</b>			
Clause 6.4 (1,3) (Groundwater vulnerability) (Cont'd)	Before determining a development application on land to which this clause applies, the consent authority must consider the following matters: <ul style="list-style-type: none"> <li>a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</li> <li>b) any adverse impacts the development may have on groundwater dependent ecosystems,</li> <li>c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</li> </ul> any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Clause 6.5 (1,3) (Terrestrial Biodiversity)	The objectives of Clause 6.4 of the Mid-Western Regional LEP are: <ul style="list-style-type: none"> <li>a) protecting native fauna and flora, and</li> <li>b) protecting the ecological processes necessary for their continued existence, and</li> <li>c) encouraging the conservation and recovery of native fauna and flora and their habitats.</li> </ul> Before determining a development application for development on land to which this clause applies, the consent authority must consider— <ul style="list-style-type: none"> <li>a) whether or not the development is likely to have-               <ul style="list-style-type: none"> <li>i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</li> </ul> </li> </ul>	The impacts of the proposed amendments are assessed in the Biodiversity Assessment Report that has been prepared by EnviroKey. (see <b>Appendix 5</b> ).  It is noted that potential impacts to biodiversity have been avoided or minimised to the greatest extent practicable through the design of the Project with residual impacts to be offset as part of the Project's Biodiversity Offset Strategy.	Section 6.4 / <b>Appendix 5</b> EIS Section 4.10





**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>Mid-Western Regional Local Environmental Plan 2011 (Mid-Western Regional LEP) (Cont'd)</b>			
Clause 6.5 (1,3) (Terrestrial Biodiversity) (Cont'd)	<ul style="list-style-type: none"> <li>ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</li> <li>iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> <li>iv) any adverse impact on the habitat elements providing connectivity on the land, and</li> </ul> any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
<b>State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)</b>			
Section 2.16	Consideration is given to development standards that, if complied with, prevents the consent authority from requiring more onerous standards for those matters. These standards related to: <ul style="list-style-type: none"> <li>• cumulative noise level;</li> <li>• cumulative air quality level;</li> <li>• airblast overpressure and ground vibrations; and</li> <li>• aquifer interference.</li> </ul>	Each of the non-discretionary standards relating to noise, air quality, airblast overpressure and ground vibration are addressed by the specialist assessments  Potential impacts on groundwater systems and groundwater users have been comprehensively considered in the groundwater assessment	Section 6.3 and <b>Appendix 4.</b> EIS Section 4.2, 4.3, 4.4, 4.6
Section 2.17	Consideration is given to: <ul style="list-style-type: none"> <li>• the existing uses and approved uses of land in the vicinity of the development;</li> <li>• the potential impact on the preferred land uses (as considered by the consent authority) in the vicinity of the development; and</li> </ul>	The Project Site is surrounded by agricultural land with existing land uses described and considered in the EIS.	EIS Section 4.1.4.2, AIS SCSC Part 14 Section 7.4.7  EIS Section 4.13.3 and 4.18.2

**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)</b>			
Section 2.17 (Cont'd)	<ul style="list-style-type: none"> <li>any ways in which the development may be incompatible with any of those existing, approved or preferred land uses.</li> </ul>		EIS Section 4.13.2 and 4.13.5
	<ul style="list-style-type: none"> <li>The respective public benefits of the development and the existing, approved or preferred land uses are evaluated and compared.</li> </ul>		EIS Section 4.1.4.2 AIS SCSC Part 14 (7.4.7)
	Measures proposed to avoid or minimise any incompatibility are considered.		EIS Section 4.2.2.5 and 4.2.2.7
Section 2.18	<p>Before determining an application for consent for State significant development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider any applicable provisions of the voluntary land acquisition and mitigation policy and, in particular:</p> <ul style="list-style-type: none"> <li>a) any applicable provisions of the policy for the mitigation or avoidance of noise or particulate matter impacts outside the land on which the development is to be carried out, and</li> <li>b) any applicable provisions of the policy relating to the developer making an offer to acquire land affected by those impacts.</li> </ul>	The Voluntary Land Acquisition and Mitigation Policy has been addressed in relation to noise.	EIS Section 4.2.2.5
Section 2.19	Consideration is given to whether the development is likely to have a significant impact on current or future mining, petroleum production or extractive industry and ways in which the development may be incompatible.	<p>The Project would not be incompatible with surrounding land uses and would result in substantial additional public benefit when compared with the existing and potential future public benefit that may be obtained from the existing uses.</p> <p>No other mining nearby</p>	Section 7.7.6
	Measures taken by the Applicant to avoid or minimise any incompatibility are considered.		
	The public benefits of the development and any existing or approved mining, petroleum production or extractive industry must be evaluated and compared.		





**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)</b>			
Section 2.20	Consideration is given to ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure: <ul style="list-style-type: none"> <li>impacts on significant water resources, including surface and groundwater resources, are avoided or minimised to the greatest extent practicable;</li> </ul>	Comprehensive assessment of the surface water and groundwater impacts of the proposed amendment is provided	Sections 6.2 and 6.3, <b>Appendix 3</b> and <b>Appendix 4</b> . EIS Section 4.6 and 4.7
	<ul style="list-style-type: none"> <li>impacts on threatened species and biodiversity are avoided or are minimised to the greatest extent practicable; and</li> </ul>	The impacts of the proposed amendments are assessed in the Biodiversity Assessment Report that has been prepared by EnviroKey.	Section 6.4 / <b>Appendix 5</b> EIS Section 4.10
	<ul style="list-style-type: none"> <li>greenhouse gas emissions are minimised to the greatest extent practicable.</li> </ul>	Emission generated has been minimised to the greatest extent possible through operations. Bowdens Silver is reviewing electricity sourcing options to further reduce emissions.	EIS Section 4.5.3 and 4.5.4
	Consideration is given to an assessment of greenhouse gas emissions (including downstream emissions).	The predicted annual average Scope 1 Greenhouse Gas emissions generated by the Project would represent approximately 0.02% of total Greenhouse Gas emissions for NSW and 0.004% of total Greenhouse Gas emissions for Australia.	EIS Section 4.5.3
Section 2.21	Consent authority must consider whether the Project will be carried out in such a way as to optimise the efficiency of recovery of minerals and to minimise the creation of waste in association with the extraction, recovery or processing of minerals.	The Project has been designed to extract the known resource in the most efficient manner practicable, with waste rock to be placed in a dedicated emplacement and satellite pits to be backfilled.	<b>Appendix 1</b> Section 2.4, 2.14

**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)</b>			
Section 2.22	The following transport-related issues are considered. <ul style="list-style-type: none"> <li>The transport of some or all of the materials from the site by means other than public road.</li> </ul>	<p>Access to the Mine Site is by public road only, however silver/lead concentrate would be transported initially to either Parkes or Kelso and then transferred to rail for transport to Port Pirie.</p> <p>Road limits for heavy vehicles apply on Lue Road during school hours.</p> <p>Transportation operations would be obliged to operate in accordance with a code of conduct.</p>	<b>Appendix 1</b> Section 2.9.5
	<ul style="list-style-type: none"> <li>Limitation of the number of truck movements that occur on roads within residential areas or roads near to schools.</li> </ul>		<b>Appendix 1</b> Section 2.9.2
	<ul style="list-style-type: none"> <li>The preparation of a code of conduct for the transportation of materials on public roads.</li> </ul>		EIS Section 4.12.4.1
Section 2.23	The rehabilitation of the land affected by the development is considered including: <ul style="list-style-type: none"> <li>the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated;</li> </ul>	<p>Apart from the main open cut pit that would remain as a final void, the Applicant would rehabilitate all areas of proposed disturbance. A Rehabilitation Management Plan would be prepared prior to commencement of site establishment activities.</p>	<b>Appendix 1</b> Section 2.16
	<ul style="list-style-type: none"> <li>the appropriate management of development generated waste;</li> </ul>		<b>Appendix 1</b> Section 2.14
	<ul style="list-style-type: none"> <li>remediation of any soil contaminated by the development; and</li> </ul>		EIS Section 4.7.4.4
	<ul style="list-style-type: none"> <li>the steps to be taken to ensure that the state of the land does not jeopardize public safety, while being rehabilitated or at the completion of rehabilitation.</li> </ul>		<b>Appendix 1</b> Section 2.15.1
<b>State Environmental Planning Policy (Resilience and Hazards) (Resilience and Hazards SEPP)</b>			
Section 3.12	In determining an application to carry out development to which this Part applies, the consent authority must consider: <ol style="list-style-type: none"> <li>current circulars or guidelines relating to hazardous or offensive development, and</li> <li>whether any public authority should be consulted concerning any environmental and land use safety requirements, and</li> </ol>	A preliminary Hazard Analysis has been undertaken for the Project.	EIS Section 4.16, See SCSC Part 4







**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Resilience and Hazards) (Resilience and Hazards SEPP) (Cont'd)</b>			
Section 3.12 (Cont'd)	<ul style="list-style-type: none"> <li>c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</li> <li>d) any feasible alternatives to the carrying out of the development, and</li> <li>e) any likely future use of the land surrounding the development.</li> </ul>		
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</b>			
Section 4.9	<ul style="list-style-type: none"> <li>2. Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</li> <li>3. If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</li> <li>4. If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</li> </ul>	<p>The land on which the Mine Site is located is zoned Primary Production (RU1) and as the Mid-Western Regional LGA is not marked with an * in Schedule 1 of the SEPP, the policy does not strictly apply.</p> <p>Regardless, an assessment of the potential for Koala habitat, including review of habitat and Koala presence, has been undertaken by EnviroKey and is provided in the Biodiversity Assessment Report.</p>	<p>Section 6.4 /  <b>Appendix 5</b>  EIS Section 4.10</p>

**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</b>			
Section 2.15	<p><b>Consultation with Public Authorities other than Councils</b></p> <p>A public authority, or a person acting on behalf of a public authority, must not carry out specified development that this Policy provides may be carried out without consent unless the authority or person has-</p> <ul style="list-style-type: none"> <li>a) given written notice of the intention to carry out the development (together with a scope of works) to the <i>specified authority</i> in relation to the development, and</li> <li>b) taken into consideration any response to the notice that is received from that authority within 21 days after the notice is given.</li> </ul> <p>For the purposes of subsection (1), the following development is <i>specified development</i> and the following authorities are <i>specified authorities</i> in relation to that development-</p> <ul style="list-style-type: none"> <li>d) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map—the Director of the Observatory,</li> </ul>	The results of the Light and Sky Glow assessment were provided to the Director of the Siding Spring Observatory for consultation who did not raise any objection or comment regarding the potential impact of the Project on the operation of Siding Spring Observatory	EIS Section 4.9, See SCSC Part 8b
Section 2.48	<p><b>Electricity Transmission or Distribution Networks</b></p> <p>Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> <li>a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</li> <li>b) take into consideration any response to the notice that is received within 21 days after the notice is given.</li> </ul>	The Project would require the realignment of a 500kV power transmission line that traverses the Mine Site. Consultation with the network operator identifies there is no engineering reason for the line relocation to be unfeasible.	<b>Appendix 1</b> Section 2.11.3.2, EIS Section 3.2.2.2





**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) (Cont'd)</b>			
Section 2.97	<p><b>Railways and Rail Infrastructure Facilities</b></p> <p>Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> <li>a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</li> <li>b) take into consideration— <ul style="list-style-type: none"> <li>i. any response to the notice that is received within 21 days after the notice is given, and</li> <li>ii. any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.</li> </ul> </li> </ul>	The Project would require the construction of a new railway crossing across the closed Wallerawang-Gwabegar Railway Line. The line has Approval in Principle for the proposed bridge overpass subject to a range of conditions.	<b>Appendix 1</b> Section 2.9.2.2, EIS Section 3.2.2.2
Section 2.118	<p><b>Roads and Traffic</b></p> <p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <ul style="list-style-type: none"> <li>a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</li> </ul>	The Project includes a separate mine access road providing access from the proposed relocated Maloney's Road. The safety and efficiency of the classified road network has been assessed along with that of air quality. The Project is not considered sensitive to adverse impacts from the classified road network.	<b>Appendix 1</b> Section 2.9 See SCSC Part 10, SCSC Part 2

**Table A10.1 (Cont'd)**  
**Pre-conditions for Granting Approval for the Bowdens Silver Project**

Statutory Reference	Pre-condition	Relevance	Document Section
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) (Cont'd)</b>			
Section 2.118 (Cont'd)	<ul style="list-style-type: none"> <li>b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—               <ul style="list-style-type: none"> <li>iii. the design of the vehicular access to the land, or</li> <li>iv. the emission of smoke or dust from the development, or</li> <li>v. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</li> </ul> </li> <li>c) the development is of a type that is not sensitive to adverse impacts from the classified road.</li> </ul>		



**Table A10.2**  
**Mandatory Considerations for the Bowdens Silver Project**

Page 1 of 2

Statutory Reference	Mandatory Consideration	Document Section
<b>Considerations under the EP&amp;A Act</b>		
Section 1.3	Relevant objects of the Act: <ul style="list-style-type: none"> <li>• 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,</li> <li>• to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</li> <li>• to promote the orderly and economic use and development of land,</li> <li>• to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</li> <li>• to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</li> <li>• to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</li> <li>• to provide increased opportunity for community participation in environmental planning and assessment.</li> </ul>	7.4
Section 4.15	Relevant environmental planning instruments.	3
	Proposed planning instrument	Not relevant at this time
	Development Control Plan	Not applicable for SSD Projects
	The EP&A Regulation – to the extent that it prescribes matters for the purposes of Section 4.15(1)(a)(iv) of the EP&A Act.	7
	The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality.	7.6
	The suitability of the site for the development.	7.7
	Any submissions made in accordance with the EP&A Act or the regulations.	7.8
	The public interest.	7.10
<b>Considerations under the EP&amp;A Regulations</b>		
Clause 7 of Schedule 2	An environmental impact statement must also include each of the following- (a) a summary of the environmental impact statement,	EIS Executive Summary
	(b) a statement of the objectives of the development, activity or infrastructure,	<b>Appendix 1</b> Section 2.1.1

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**Mandatory Considerations for the Bowdens Silver Project**

Page 2 of 2

Statutory Reference	Mandatory Consideration	Document Section
	(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	EIS Section 1.5.7
	(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	EIS Section 4.1
	(iii) the likely impact on the environment of the development, activity or infrastructure, and	EIS Section 4
	(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	EIS Section 4
	(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	<b>Appendix 1</b> Section 2.1.3
	(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	EIS Section 5
	(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).	EIS Section 6
Clause 92(1)	<p>For the purposes of Section 4.15(1)(a)(iv) of the EP&amp;A Act, the following matters to be taken into consideration be a consent authority in determining a development application-</p> <p>(d) in the case of the following development, the <i>Dark Sky Planning Guideline</i>-</p> <p>(ii) development of a class or description included in Section 4A of the EP&amp;A Act, State Significant Development or designated development on land less than 200km from the Siding Spring Observatory</p>	EIS Section 4.9, See SCSC Part 8b