

13 December 2024

Stephen O'Donoghue  
Director, Resource Assessments  
NSW Department of Planning, Housing and Infrastructure (DPHI)

Submitted via Email: [rose-anne.hawkeswood@planning.nsw.gov.au](mailto:rose-anne.hawkeswood@planning.nsw.gov.au)

Dear Stephen,

**Re: Re-Determination of the Bowdens Silver Project State Significant Development Application (SSD-5765)**

Thank you for your letter dated 9 December 2024. Bowdens Silver Pty Limited (Bowdens) understands that it is open to the NSW Independent Planning Commission (IPC) to refer the state significant development application for the Bowdens Silver Project (BSP) (SSD-5765) to the Department of Planning, Housing and Infrastructure (Department) to undertake any further assessment that may be necessary so that the IPC may re-determine SSD-5765.

Bowdens is aware that the IPC has written to the Department on 28 November 2024 seeking advice about whether any additional assessment of the BSP will be undertaken. To assist the Department with its response to the IPC, please be advised of the following:

Bowdens intends to retain SSD-5765 in its current form with no foreseeable plans to make amendments to the BSP as described within the approvals documentation supporting SSD-5765. It is intended that the development of the transmission line required to support the BSP will be undertaken pursuant to an alternative planning pathway under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. Bowdens intends to provide the Department with updated supporting information to enable assessment of the potential impacts of the transmission line in consideration over SSD-5765.

With consideration of the NSW Court of Appeal's judgement in *Bingman Catchment Landcare Group Incorporated v Bowdens Silver Pty Ltd* [2024] NSWCA 205 and the recently assented *Environmental Planning and Assessment (State Significant Development) Bill 2024*, the alternative *EP&A Act* planning pathways that Bowdens will consider utilising include:

- Part 1 Section 1.6 Exempt Development,
- Part 4,
- Part 5.

Bowdens will provide the Department information that demonstrates that the transmission line can be delivered under an appropriate alternative planning pathway according to the *EP&A Act*. Bowdens will continue to consult with the authorised network operator about the planning pathways that are being considered.

Additional supporting information, to enable a higher level of assessment of any potential impacts from the construction and operation of the transmission line, that will be supplied to the Department includes:

- Information on potential biodiversity impacts,

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- Information on potential Aboriginal cultural heritage impacts,
- Consideration of potential local traffic, visual amenity, waterway, State or local heritage items, economic and/or social impacts,
- Information on the planning considerations for the development of the transmission line on the land proposed.

Updated information about statutory instruments or relevant policies that have been made or amended since the IPC made its original decision will also be provided to the Department. This will include an updated assessment of greenhouse gas (GHG) emissions in accordance with recent changes to the NSW Environment Protection Authority's Climate Change Policy and Action Plan (this updated GHG assessment will be completed in accordance with draft *NSW EPA Guide for Large Emitters*).

Please do not hesitate to contact the undersigned should you have any questions regarding this letter or require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hamish Russell', written in a cursive style.

Hamish Russell  
Sustainability and Approvals Manager – Bowdens Silver Pty Ltd