

Director Resource Assessments, Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Submission

Applicant – Bowdens Silver Pty Limited
Application Number - SSD-5765
Application – Bowdens Silver Mine

I object to the BOWDENS SILVER MINE proposal.

Thank you for the opportunity to make a submission expressing my concerns regarding the Bowdens Silver Mine Project at Lue NSW.

I have not made a reportable donation in the previous 2 years.

I comment on the Amendment Report which seems to be a new EIS submission requesting submissions commenting on the construction of a new 500kV Transmission Line at the proposed mine site and other changes to the EIS including the Tailings Dam (TSF), and submissions commenting on the EIS.

Part 1

The new 500kV Transmission Line

The Bayswater to Mt Piper 500kV Transmission Line was constructed many years ago and many people in the district were against the project and would not permit the towers on their properties.

The problem was the Transmission Line could not be constructed in the wilderness area in the Wollomai National Park, it could not go too close to Rylstone, Kandos or Mudgee so a route to the east of the village of Lue was thought to have the least number of problems. The Transmission Line was constructed through bushland to the north of Lue, and then to get across to Ilford it needed to come through the valley behind Lue and then through the eastern portion of our property near the Monivae boundary. It could not, under any circumstances, be visible from Lue. I can't recall how much compensation was paid to residents and property owners under and near the Transmission Line at the time. The Transmission Line and its huge towers are very close to some homes and the owners would have been handsomely compensated.

Some towers and cable can be seen to the east of my property both on the ground and on the skyline.

Under the new plan, which has not been confirmed, the towers will be newly constructed along the ridgeline in full view of our homestead and surrounding land and the village. Bowdens have marked a line on a map showing where they would like the Transmission Line to be constructed, to suit their mine pit location, and to fit inside the boundary of the mine site. There is no guarantee that this will actually occur. Transgrid, who will be constructing and maintaining the new Transmission Line has not surveyed, designed or planned Bowdens proposed new location for the Transmission Line.

The mapping for this vital component of the project is sub-standard keeping in mind the proposed mine is not economically viable and cannot go ahead without moving the Transmission Line.

On one map the Transmission Line is shown as completed at the end of the construction phase, on another there are no homes shown on the map, Figure 1.2, a map of the Proposed and Existing Transmission Line does not show my home and some homes in Lue are also not shown.

Some maps have contours that are illegible and with no recorded heights. There is no map or photomontage showing the proposed height of the new Transmission Line above the skyline or the view from the homes in Dungereee, a locality which is incidently not marked on any map. There is no sight line drawn from the Lue Hotel or from any home in the village.



View from my property facing north towards Bingman Hill and the proposed site of the new 500kV Transmission line

The reader can see how beautiful the view is from this location, and perhaps think a couple of towers and cables wont be so bad, but they will not easily comprehend the peace and tranquillity experienced at Lue and how the incessant mine noise will be heard all over the valley. Low frequency noise including the groaning of machinery, blasting, grinders, drilling, rippers, excavators, semi-trailers, cranes and trucks will all be heard and felt 24 hours a day. Our home is a kilometre from the nearest neighbour and we often hear voices at night, along with frogs, birds, crickets, cicadas, foxes and other animals and the breeze in the trees and grass. This low frequency noise is something else and the EIS doesn't provide any tables or charts or modelling of this noise but rather only uses a scale suitable for determining the loudness of a voice.

I believe this view may be altered by the addition of 100m high ore dumps and the 200m high tailings dam wall.

This major component of the project is not listed as a component in many of the lists of components in the EIS, the Submissions Report, other reports and attachments and appendices. This is an important omission considering Bowdens have stated their project cannot go ahead without the Transmission Line being moved and yet it is not listed as a component of the project. The 500kV Transmission Line is not being realigned it is being reconstructed. The idea that this high voltage transmission line can be simply realigned is incredibly naïve. A new Transmission Line must be built, then the existing Transmission Line must be pulled down. No component will be able to be reused because the existing Transmission Line will be transmitting electricity right up to and until the new Transmission Line is connected live. There cannot be any interruption to NSW electricity supply.

This Transmission Line is a major infrastructure item in NSW and should not be moved under any

circumstances.

I ask Bowdens to please supply the following in their response to the Amendment Report submissions and I ask that these things be freely and obviously available on the Bowdens Silver Project website and a new EIS Summary Booklet be produced including this new information and circulated so that shareholders, investors, employees and others are well informed about the location of the new Transmission Line and how many residents and landowners will be affected.

1. An accurate map of the proposed mine site showing its proximity to all individual residences and properties within 5 kilometres of the mine site and all mine site components.
2. The removal of all names and the location of their properties from documents in the EIS, the Submission Report and the Amendment Report. This had been requested previously and after 12 months names and property locations are still found in the EIS.
3. Accurate maps showing all the homes and land that will view the Transmission Line, including the road, the cables and the towers.
4. Accurate easy to read maps indicating contour lines and the height of Bingman Hill and the height of each tower above the ground.
5. Photomontages of the views of the existing and new transmission line from every home in the village and every home and property surrounding Lue. Please include vacant lots as these may have homes in the future.
6. Please provide photomontages of the new Transmission Line from the Lue Road to the east and the west at various distances.
7. Please provide photomontages from the high points at Monivae and Havilah.
8. Please provide photographs from the new Transmission Line location, facing north, south, east and west so that landowners can confirm their properties will or will not be seen.
9. Amend lists of components in the EIS and the Submission Report that have not included the Transmission Report as a component
10. Confirm that in every case where the new Transmission Line has been excluded from a report it has been considered in that report
11. Confirmation from Transgrid that the rebuilding and removal of the Transmission Line has been planned and costed accurately. Provide a copy of that confirmation and any plans.
12. Confirmation from Transgrid of the length of time it will take for them to plan and cost and build the new Transmission Line.
13. Confirmation from the Bowdens ecology consultant that no evidence of any animal has found in the new Transmission Line easement, 70m wide by 3.5kms long.
14. Confirmation from the 40 Bowdens supporters from Lue that they are aware of the new location of the Transmission Line and approve of the location and the construction time of this major component and if their view or amenity is compromised in any way.

All the residents of Lue, whether Bowdens employees or not, should be made aware of the effects of this project on their lifestyle and economic circumstances. An individual can feel like they are being bullied when they are confronted with so many facts that don't add up to a friend or an employer's comments.

Many people have lived in Lue for a long time, some will benefit from this project, they and many more will suffer the dreadful consequences if this project is allowed to go ahead.

Part 2

The Submission Report

Name Withheld from Camboon (Submission SE-127656) and Name Withheld from Lue (Submission SE-8758101) expressed concerns regarding the behaviour of a Mid-Western Regional Councillor and employee of Bowdens Silver.

Bowdens responded as follows in paragraph 5.8.5 (page 122)

Bowdens Silver does employ a staff member who is also a Councillor with the Mid-Western Regional Council (MWRC). The role of all Councillors requires stringent regulations and actions around participation in Council matters and the declaration of interests. This indeed applies fully to this Councillor in terms of matters relating to the Bowdens Silver Project. The implication that merely because a staff member performs two particular roles that they are corrupt, is potentially defamatory.

It is to be noted that the MWRC is not the consent authority for the Project and therefore the input of a single councillor on assessment matters and the Project outcomes is negligible. Responsibility for decisions relating to the grant of Development Consent for the Project rests with the Independent Planning Commission with assessment and recommendations provided by the NSW Department of Planning, Industry and Environment.

Suggestions of intimidation by a Bowdens Silver employee are unsubstantiated and have never been raised with the Company. Discussions and interactions do occur between Bowdens Silver and members of the public who oppose the Project. It is important to note that expressing differing opinions do not mean intimidation.

Facts

1. Bowdens was advised of the employee's intimidating behaviour in the "Name withheld" submission lodged in 2020 and has not yet been properly responded to.
2. It should be noted that only 9 councillors are elected to Mid-Western Regional Council and therefore a single councillor's input is not negligible but rather very important. Councillors generally vote in blocks, either pro development or not, depending on the project. Some development projects are not suitable for the shire while others have some benefits or not. Some councillors have their favourite projects such as water availability, while others are interested in promoting the arts, or simply better roads, and better facilities or they assess each application on its merits. Many developments lead to substantial financial gain, such as the Caeleon housing development. The councillor from Rylstone is seen by some as pro development and pro mining. He was employed by Kepco, a Korean company interested in mining in the environmentally sensitive Bylong Valley. Hence the ICAC reference in the submission from Camboon, which is a locality not far from Bylong.
3. The Rylstone Newsagent has either not made a submission to the DPIE regarding the Bowdens project or his name has been withheld from his submission.
4. Bowdens stand to gain a financial benefit if an elected councillor can persuade any of his or her colleagues to support the project.
5. A Bowdens staff member operates the Rylstone Newsagency and the Australia Post licenced outlet in Rylstone.
6. The Rylstone Newsagency has been instrumental in collecting many letters in support of the project.
7. It has been reported that in 2020 during the EIS submission period many newsagency customers were encouraged to make submissions on a form that was available in the store.
8. In a random check of submissions it is noted that many Bowdens supporters used a similar form. Some submissions written on this form were very brief, with one or two words. A large number were not signed. No opposing submissions have been found written on the form that was available from the Rylstone Newsagency.
9. It may be the case that the Mid Western Regional Council is not the consent authority but they will decide on many planning matters and are currently in discussions with Bowdens. They will have the final say on the location of the 56km pipeline, the new Maloneys Road, VLAMP compensations, the bond payable for the inevitable Tailings Dam failure, the funding of road maintenance and safety measures on the Lue Road, new roundabouts and safety measures in Mudgee, protecting the Mudgee town water supply and much more.
10. It can take years to find evidence and prove corrupt or immoral behaviour. Unexplained monies

changing hands is not evidence of corrupt behaviour but may simply be a windfall or an inheritance or some other lucky circumstance.

Following the recent court decision finding that a government minister, and two property owners from Bylong were corrupt it is right that all elected officials and all their dealings should be scrutinised. Large sums of money, jobs and economic gain for individuals and businesses can result from mine dealings, with some Bowdens staff members set to receive very large bonuses should the EIS be approved. It is not out of the question that even minor corruption and immoral dealings will occur and rather than threats of defamation action Bowdens should ensure all their dealings are squeaky clean. In the opinion of the opposer from Camboon and many others this relationship does not pass “the pub test”.

The submission from Anthony McLure, an employee of Bowdens, and who noted in error that he lives in Lue, states “Our performance of the past years will be testament to our future. Our team has and always will adhere to the very best standards and will continue to build their lives and invest in the communities in which they live.”

One submission from Darling Point in Sydney, states “any development that is environmentally sound is good for Australia”. I suspect he hasn’t read much of the EIS.

The Bowdens development is located 2 kms from the village of Lue and many homes and businesses will be adversely affected. Aboriginal cultural sites will be damaged by blasting and vibration, native animals will be displaced, threatened bushland will be cleared, a massive open cut mine void full of contaminated water will be left when mining ceases, the tailings dam (tailings storage facility) will be built over existing water courses and a fault line with a 200 metre wall and has been redesigned so many times the current design is unproven and still being assessed.

After reading some of the 2000 plus pages lodged on the DPIE website since July it is obvious that Bowdens have put forward a sub-standard EIS, an incomplete Amendment Report and an inaccurate Submission Report not covering many of the most important environmental issues, and will by their own admission require strict government supervision to comply with regulations regarding noise, pollution, dust, traffic safety, mining operations, the use of poisonous and hazardous chemicals, protection of Aboriginal sites and the environment, construction and management of the Tailings Dam (TSF), the pipeline and other components of the mine and its rehabilitation.

The Transmission Line, the Pipeline, Maloneys Road, the Tailings Storage Facility and all Water Requirements are still in the pre-planning phase. Every major component of the mine site is in the pre-planning phase.

Bowdens have sponsored sporting teams and other events but in doing so have excluded other more discerning citizens and businesses from supporting or participating in those organisations or attending their sponsored events.

Bowdens Silver met with representatives of Mid-Western Regional Council (MWRC) on 23 November 2020 to discuss indicative terms for a Planning Agreement. Negotiations have continued since that time with Bowdens Silver agreeing to the most recently requested amendments to the terms of the agreement. An updated draft of these terms has been provided to MWRC for consideration and Bowdens Silver is awaiting advice that the terms of the agreement have been accepted. Once the terms are agreed they will be made public. While the exact terms remain confidential at the time this document has been finalised, the Planning Agreement very broadly provides a mechanism for Bowdens Silver to make a financial contribution to the region that would be expended on community infrastructure and road maintenance.

What are the consequences if Bowdens does not provide the jobs it has promised? The promised jobs are the only reason this project might be considered. Over 900 submissions commented that they supported the mine because of the jobs it will provide. The damage to Lawsons Creek, to the environment, to the native wildlife, to Aboriginal sites, to lifestyles of Lue residents and the water supplies of Lue and Mudgee is immeasurable and will be experienced for hundreds of years. What amount of compensation or bond would cover the damage caused by a tailings dam, ore dumps, a mine pit, roads, and a transmission line all remaining on site and not properly rehabilitated.

Should the DPIE be persuaded not to refuse this environmentally and socially unsound project then it is up to the Mid-Western Regional Council to ensure that all Lue residents are compensated, ensure the Pipeline is not constructed on private land or in the road reserve, ensure Maloneys Road is constructed and maintained according to MWRC directions, ensure that the Mudgee, Lue, Monivae, Dungeree, Camboon, Breakfast Creek, Bara, Hayes Gap, Pyangle, Rylstone, Havilah, Mt Knowles, Mt Frome and Milroy water supplies are protected, seek a bond that will cover the cost of rehabilitation of the mine site and Lawsons Creek following the inevitable tailings dam failure or a drop in the volatile silver price. In addition there must be a consequence if Bowdens does not provide the jobs it has promised.