



WELLINGTON VALLEY WIRADJURI
ABORIGINAL CORPORATION

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05 July 2020

Department of Planning

RE: Bowdens Silver Pty Limited Environmental Impact Statement (EIS) - State Significant Development No. 5765

To Whom it may concern,

Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC) would like to thank you for your invitation to provide a response for This Aboriginal Cultural Heritage issue relevant to obligations to protect our Heritage within our Traditional Lands. Wellington Valley Wiradjuri represent the fourteen traditional families with identified apical ancestry pre European occupation with our known Traditional Lands. We know our culture, country and continue with our association with our traditional lands (Ngurangbang).

WVWAC notes that the Corporation CEO is a member of the Bowdens Silver Community Consultation Committee (CCC), and has actively updated community and other Aboriginal Registered Parties, Individuals and groups around the developments and changes of this project.

Wellington Valley Wiradjuri Aboriginal Corporation is generally supportive of any efforts to provide facilities and business for the community at large within our Traditional Lands, provided Proponents have consulted with WVWAC and negotiated an agreed outcome in relation to our cultural, heritage and environmental concerns. In terms of this project WVWAC **Strongly Object** to this development being passed.

Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC) have through consultation with other Traditional Elders and Traditional Community with cultural knowledge have the following comments and or recommendations in relation to the Bowdens Silver Environmental Impact Statement (EIS) Specialist Consultant Studies compendium:

Vol. 1 Part 1: Noise and Vibration

- Various people consulted have raised concern that with the village of Lue being so close to the mine site, the residents will have significant noise and vibration disturbance, not just those who mitigation has been offered to.
- There is no information within this section of the EIS in regards to the long term effects on sensitive landform structures such as escarpment based cultural rock shelters or others within a short distance that are boulder rock shelters. Some of these cultural sites contain sensitive rock art.
- Blast, Noise and Vibration Monitoring at various escarpment and boulder rock shelters as chosen by the Registered Aboriginal Parties must be part of the approval conditions if this project were to be approved at all.

Vol. 1 Part 2: Air Quality

- Aboriginal community have doubts around the modelling used in this section of the EIS and are overall concerned with the potential dust created from this project and the harmful particles it may contain which may cause health problems for the people who live at Lue and or regularly visit nearby property to the potential Bowdens Mine Site.

Vol. 1 Part 4: Hazard Analysis

- Aboriginal community have raised concerns around hazardous substance transport, relating mainly to that of Cyanide. Figure 4 of page 42 of this section of the report shows the route this hazardous substance will take. The following questions were asked as the Hazard Analysis Report does not detail this requested information:
 - Have the communities in which the Cyanide been consulted around the route proposed?
 - What is the Frequency in which this will occur?
 - What quantity will be transported in any one consignment?

Vol. 2 Part 5: Groundwater

- There are concerns around the Bowdens Silver Project drawing down on bore water from this local area and the negative affects this may cause on the general water table, the local endemic flora and fauna.
- There are concerns from community around the potential drop on groundwater levels for local graziers and residents with bores, what happens if their bore levels drop in the future as a direct result of this project being approved.
- There are plans to import water from Ulan area via a water pipeline, however in shifting large volumes of water from Ulan, where farmers along the Talbragar River have reported drops in bore water levels and the increase in salinity in their water, there are significant concerns that the supply from Ulan area to Bowdens will negatively impact either Cooks Gap community, Village of Ulan and the Blue Springs Road ground water table and the environment. Dependant on the exact source of the water be it Glencore Ulan Coal or Yancoal Moolarben Coal.
- There are also concerns that the mining activity may have a significant risk associated with leeching into the groundwater table and contaminate it.

Vol. 2 Part 6: Surface Water Assessment and Annexures

- There are serious concerns for surrounding freehold property to the Bowdens Silver Proposed mine, as currently natural drainage is allowed to occur, which sheds surface water to other properties water storage dams or into other larger creeks such as Price's Creek, Hawkins Creek and the main creek Lawson's Creek.
- There are serious concerns that any surface water that one mining has commenced may flush contaminates into Lawson's Creek and eventually to the Cudgegong River.
- Community have raised concern around native flora and fauna having reduced surface water to meet their requirements to survive regardless as to what modelling in the assessment have concluded.

Vol. 3 Part 9a: Biodiversity Assessment

- It is noted that within Biodiversity Assessment that the **wedge-tailed eagle** (*Aquila audax*) and **yellow-tailed black cockatoo** (*Calyptorhynchus funereus*) were identified and present, however Traditionally these two avian species have cultural significance to us as a Tradition people especially within this local area.



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- It is noted that within Biodiversity Assessment that the **Koala (*Phascolarctos cinereus*)** was also identified as being present. As community have reported at least two sightings in the past 24 months of individuals being in the area. This is increasingly important post bushfires which occurred in the region. We **do not agree** with the report comments regarding the Koala population on pp 309-311 as what community is there post regional bushfires is now even more important for the conservation of this species.
- It is noted that within Biodiversity Assessment that echidna were not mentioned in this report. They are found within the project ad wider area. Traditionally this monotreme species have cultural significance to us as a Tradition people especially within this local area.

Vol. 3 Part 9b: Biodiversity Offset Strategy

- This section is difficult for the general person to understand, however the main comment that has come back in regards to this report is that any Biodiversity Offsets are grossly inadequate.
- Various Aboriginal Community members have indicated the following:
 - Bowdens Silver should have to purchase low grade farmland within the LGA, conduct biodiversity studies on that land along with cultural and environmental assessments,
 - Rehabilitate that land with endemic species of flora ranging from grasses to trees such as white box.
 - All native plant species identified and removed from Bowdens Site should be replanted 5 times what was destroyed.

Vol. 4 Part 11: Traffic & Transport

- General concerns were raised about the additional vehicle movements from surrounding LGA to Bowdens silver and ow this will potentially negatively impact the people and children of the small community.
- Aboriginal community have raised concerns around transport of concentrate, relating mainly to that of Section 2.4 Concentrate Dispatch and Transport Routes pp 23-26 of the report which shows various route option this may take. The following questions were asked as the Hazard Analysis Report does not detail this requested information:
 - Have the various communities in which the concentrate will travel been consulted around the route proposed? This was asked as no one had attended a consultation meeting regarding this proposal.
 - Issues were raised around Bowdens potentially sending a truck via Route Option A each day loaded with approximately 22 ton of concentrate and each truck carrying silver/lead concentrate would carry two shipping containers, i.e. approximately 44 ton of concentrate per load.

- The community consulted in regards to this transport plan object to the concentrate being freighted by road from Lue, via Mudgee, Goolma, Wellington, Suntop/Walmer, Yeoval through to Parkes.
- Objections were also raised by the farming community of Walmer, Curra Creek and Suntop as Renshaw McGirr Way, between Wellington and Walmer is a narrow and twisty road in poor condition, not constructed for that regular transport weight usage.
- There are concerns raised that lot of vehicles travel this road, some at high speed. There are serious concerns of a crash involving a truck carrying 44 ton of concentrate and potentially then contaminating Curra Creek which flows to the Bell into the Macquarie and on to Geurie and Dubbo.

Vol. 4 Part 13: Aboriginal and Historic Heritage Assessment

- Aboriginal Community are of the general opinion that Bowdens Silver has not adhered to the consultation guidelines.
- On engagement to participate in Cultural Heritage Field Assessments Bowdens Silver Pty Limited, Bowdens Field Survey Contract with Aboriginal Stakeholders had the following clause:

“Please Note: Payment for involvement in field surveys will only be made following the receipt of the organisation’s correspondence to Bowdens Silver Pty Limited that provides information regarding the field survey results and recommendations (to be provided within one week of the completion of any field survey)”.

This clause is contrary to the various legislation surrounding Aboriginal Cultural Heritage Consultation Guidelines.

- For each area that the Cultural Heritage Surveys were conducted for Bowdens Silver, the archaeologist Dr. Matt Cupper has not provided a Draft Survey Report for community to comment on and feed into the final report.
- On the 2nd August 2019 the following reports were received by email for comment by Dr. Cupper:
 - Draft 42925_Part 13 Aboriginal and Historical Cultural Heritage_02 Aug 2019
 - Bowdens_Silver_Native Vegetation Extract from Draft Report_20190627

Neither of these documents are a Draft Survey Report for the recently conducted Bowdens Silver to Ulan Pipeline Aboriginal Cultural Heritage Survey (Wednesday 10th and Friday 12th April 2019). What was supplied, was a draft version of the Aboriginal and Historical Cultural Heritage section of the EIS. This does not meet consultation guidelines specific to the survey conducted.

- Previous to this Registered Aboriginal Field Officers participated in a survey of the area designated for the Sediment Dam. No Draft Survey Report for community consultation was sent from Dr. Cupper. WVVAC requested this several times in the months following.
- Aboriginal Field Officers participated in the Bowdens Silver to Ulan Pipeline Aboriginal Cultural Heritage Survey (Wednesday 10th and Friday 12th April 2019). Multiple sites were recorded, however Field Officers have raised concerns that not all Culturally Modified Tree’s identified on this survey were recorded as on Table 8 Continued Page 2/2 on page 65 of the Aboriginal and Historical Cultural Heritage Assessment, there are six cultural sites listed as BLWP1 to BLWP6. The site BLWP 5 refers to a singular Culturally Modified Scar Tree only not two as identified by Aboriginal Field Officers.
- Community are concerned around sections of this pipeline route not being 100% surveyed by Field Officers and have continually recommended that this occur, as in the Botobolar Area potentially where the water pipeline from Ulan to Bowdens may run, there are significant cultural sites that the Wiradjuri People know of but due to no access by historic and current landowners



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these cultural site exact locations have been lost, this is why it is imperative that the survey be completed prior to any approvals.

A comparable Water Pipeline is that of McPhillamy Gold at Blayney. This water Pipeline route which is longer and covers various terrain was 100% surveyed by Field Officers, including areas where Department of Planning has requested the Pipeline be moved to. This is what is supposed to occur and Draft Survey Reports have been issued for comment to Registered Aboriginal Parties at Every Stage.

- Significant concerns have also been raised as the six cultural sites listed as BLWP1 to BLWP6 have not been registered on the Aboriginal Heritage Information Management System (AHIMS) for the Bowdens Silver to Ulan Pipeline Aboriginal Cultural Heritage Survey conducted Wednesday 10th and Friday 12th April 2019. This has been confirmed through AHIMS online search via GPS Data, Shape File and telephone consultation with Department of Environment – AHIMS Registrar 25 June 2020. It has been over 14 months post survey, these sites should be on the AHIMS database. This raises serious concerns over what else Bowdens Silver have omitted or half completed.
- There is no information within this section of the EIS in regards to the long term effects on sensitive landform structures such as escarpment based cultural rock shelters or others within a short distance that are boulder rock shelters. Some of these cultural sites contain sensitive rock art.
- Blast, Noise, Dust and Vibration Monitoring, 6 monthly visual and photographic recordings also are recommended by us as Traditional Aboriginal Community at various escarpment and boulder rock shelters as chosen by the Registered Aboriginal Parties must be part of the approval conditions if this project were to be approved at all.
- It is noted that items of Aboriginal cultural heritage significance have been salvaged from both AHIMS Registered sites BL2 and BL20 under Aboriginal Heritage Impact Permit No. 1132211, issued by OEH in May 2013. The items were salvaged in accordance with the permit and stored within the Bowdens Silver site office enclosed in plastic bags and stored in a locked cabinet as a temporary location until long term management is agreed.
 - Wellington Valley Wiradjuri Aboriginal Corporation objected to salvage of the items in a letter dated 9 February 2013, however the permit was approved on 3 May 2013. Copies of this AHIP were never supplied to Registered Aboriginal Parties and at the time WVWAC were the Registered Native Title Claimants and our views were disregarded.
- The Aboriginal Community have identified in the Aboriginal and Historic Heritage Assessment report, that early responses were during the period of ownership by Kingsgate, Dr. Cupper has added large sections showing communication sent out in relation to registration for the project, but there is very little feedback on cultural matters apart from the AHIP application and discussion around a keeping place. There are no comments or recommendations relating to post survey reports, this theme is a long running one and of serious concern to the Wiradjuri Community.

- **Aboriginal Community have not agreed to any of the recommendations or conclusions drawn by this Aboriginal and Historic Heritage Assessment report**, as we have not been able to make comment or recommendations as to what should occur at each site or if landforms require any sub-surface testing or salvage.
- It is noted that several Registered Aboriginal Party Field Officers who participated in Cultural Heritage Surveys onsite have since died, it is unknown if the current Directors or other Field Officers of those affected RAP's are aware of various survey details in which their members participated.
- It is for the above reasoning that we the **Wiradjuri Aboriginal Community seek the entire Aboriginal Cultural Heritage Assessment for this project be re-assessed.**
 - This should be conducted utilizing current Registered Aboriginal Parties all present not on a rotating schedule.
 - The project area should be divided into various sections as per the proposed project plan and Draft reports issued for each section for Community to give feedback and recommendations on as per the consultation guidelines.

General comments and recommendations relating to the Aboriginal and Historic Heritage Assessment report.

- Aboriginal Community put a higher value on our cultural and artefact sites which is in stark opposition to the scientific value which is recorded as Low for the majority of artefact sites in the EIS. The reason for this is that it is our heritage, our ancestral links and projects such as this keep destroying them and we have less and less physical traditional sites and it is a significant loss to our heritage with the damage to or collection at each AHIMS registered site. Anthropologically these sites tell our ancestor's story across the landscape and the loss of physical sites to show future generations is becoming dangerously high within this Traditional Clan area.
- Where an Aboriginal Cultural Heritage site can be avoided, that is the optimal outcome, even if changing the project design by 10m to avoid impacts and loss.
- If this project is approved, there needs to be conditions set where the Proponent or Developer changes proposed infrastructure layouts to avoid sites or significant environmental features.
- That any Registered Cultural Site be completely salvaged where it is to be impacted, as this has not occurred on various projects and has caused cultural sites to be partially collected and site integrity has been lost.
- A safe Keeping place has been discussed and historically agreed upon, however this is only for the life of the mining operation and rehabilitation phase. Post mining what is to happen with the total artefacts as from everything being proposed there will be no rehabilitation of the land back to a reasonable condition as it currently is pre-mining. That means that culturally any collected artefacts cannot be returned to the landscape in which they were collected and the site integrity and cultural value has been lost.
- All workers including sub-contractors who enter the site must undertake and pass Aboriginal Cultural Heritage Induction Training, this is to be presented by the combined Registered Aboriginal Parties for this project, and this is to avoid another incident where a site is destroyed by a worker knowingly or by accident.

Vol. 5 Part 16A: TSF Design Report

- After several Sediment Dam and Tailings Storage Facility failures over the past three years at Centennial Coal Clarence and Newcrest Cadia operations, the community have real concerns around the location of the Tailings Storage Facility and its proximity in a natural drainage area that will flow to Lawson's Creek.



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- Community have a fear that regardless of how well this is built, there is the potential for seepage or failure and for the contents to reach Lawson's Creek, contaminating it and flooding that contamination all the way to the Cudgegong River at Mudgee and further down potentially making water from the Cudgegong flowing to Burrendong Dam unusable which will then have dire consequences for Wellington, Geurie, Dubbo and other communities, let alone flora, fauna, aquatic species, stock and farmers who rely on the water source.

Vol. 5 Part 16B: Preliminary Design of Waste Rock Emplacement, Oxide Ore Stockpile and the Southern Barrier

- Community have raised significant concerns around potential leeching into Hawkins Creek which could potentially occur. Mitigation strategies are in place within the assessment, however the real concern from community is still present.
- Community have raised significant concerns around the visual impact of the Waste Rock Emplacement, Oxide Ore Stockpile
- Community have raised significant concerns around the End of Mine rehabilitation and comments that indicate that the Waste Rock Emplacement, Oxide Ore Stockpile will not be removed to backfill the main mine workings.

Vol. 5 Part 16C: Closure Cover Design

- The Aboriginal and other community consulted did not entirely understand the closure and cover design information and requested a visual as to what this would potentially look like to have a better idea as to the concept being proposed.
- Community have commented saying that the project should be put on hold until this and other issues have been amended.

Vol. 6 Part 17: Social Impact Assessment

- On page 87 of this report the following is written:

"The NSW Aboriginal Land Council (NSWALC) is the State's peak representative body in Aboriginal Affairs and is constituted by Part 7 of the Aboriginal Land Rights Act 1983 No 42.

We the descendants of the Wiradjuri Traditional Owner Clans wholly disagree with this statement and find it entirely offensive as the NSW Aboriginal Land Council (NSWALC) does not represent Traditional Owners only Relocated and Culturally Dispossessed Aboriginal People.

- As a Registered Aboriginal Party for Peabody Energy's Wilpinjong Coal Mine, which is referenced in this report, what has occurred at Wollar where the school is in permanent recess, the property owners who have not sold are under great pressure to do so. The Wollar village was at first intended as worker family accommodation, however this failed and there are real concerns that this will also happen to the historic Village of Lue.

- **Section 6.9.8 Cultural Heritage on page 282 of the Social Impact Assessment states:**

“A member of the CCC is a representative of the Wellington Valley Wiradjuri Aboriginal Corporation, who through the course of CCC meetings raised several Cultural heritage (4) matters, including seeking clarification that draft heritage reports are required to be submitted to Aboriginal parties for comment, and concerns that the proposed pipeline may impact on significant Aboriginal cultural heritage sites. In response, the pipeline alignment has been adjusted to afford protection of potential heritage sites and artefacts (discussed further in EIS Section 4.14). Furthermore, Bowdens Silver confirmed that the draft heritage report has been sent to the registered Aboriginal persons to comment on, and these comments have been collated by the archaeologist. Details of the consultation and response to the draft report are presented in Section 2.2.5 and Annexure 5 of Landskape (2020)”.

As previously discussed in our response to Vol. 4 Part 13: Aboriginal and Historic Heritage Assessment, on the 2nd August 2019 the following reports were received by email for comment from Dr. Cupper:

- Draft 42925_Part 13 Aboriginal and Historical Cultural Heritage_02 Aug 2019
- Bowdens_Silver_Native Vegetation Extract from Draft Report_20190627

Neither document meet the criteria as a Post Survey Draft Report specific to the survey conducted to take to Community for comment, as what we received was an early draft of the Heritage Section of the EIS. This issue has repeatedly been discussed as a failure to adhere to the Aboriginal Cultural Heritage Consultation Guidelines and is a general failure to comply with these guidelines so that Aboriginal Community can only comment on the completed EIS not what occurred and was found on an individual survey.

See Vol. 4 Part 13: Aboriginal and Historic Heritage Assessment Section 2.2.5 and Annexure 5 of the pp223-224 for a copy of WVVAC response to documents forwarded by email 02 August 2019 as listed above.

What is not detailed in this Environmental Impact Statement (EIS) is the end of life mine rehabilitation plan, showing what will happen to the waste dumps, sediment dam, the excavated areas actually look visually post mining 1 year, 5, 10, 20 years and later well after Bowdens Silver Pty Limited or any other future operator have left.

Wellington Valley Wiradjuri Aboriginal Corporation **Strongly Object** to this Silver Mine Development, as there are issues relating to outcomes in relation to our Traditional Owner Community cultural, heritage and environmental concerns that need to be satisfied along with various other factors as detailed in the information above.

WVVAC look forward to further participating in the above project, sharing our knowledge of country and to ensure our Heritage is protected. We trust our response meets your requirements. Please contact WVVAC Directors should you require our assistance to address any Aboriginal issues to support your future plans.

Regards,



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