

# “Marbil Park”



Someone out standing in the field

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Regarding Application: Bowdens Silver Mine

Application Number: SSD-5765

This statement is an **OBJECTION** to the proposed development.

This objection relates more specifically to the proposed water pipeline between the mine site at Ulan and Moolarben, and the mine site at Lue, and the 3.87Km stretch of pipeline on the landholding at 2778 Ulan Road, Cooks Gap NSW 2850.

We make this objection on the grounds that the Bowdens Silver Mine (henceforth the Applicant) has not engaged in adequate consultation with us (the Landholders) in the planning of this pipeline, and has therefore failed to consider or acknowledge the significant negative impact that the construction and ongoing maintenance of the pipeline will have on our ongoing business operations.

The Agricultural Impact Statement and Biodiversity Management Plan also **misrepresent land use and land and soil capability** as, in their own words “For some portions of the proposed water pipeline, land access agreements were not in place at the time of the field surveys. In this instance, a combination of air photo interpretation, ‘over the fence’ survey and the use of existing data, was used qualitatively to ‘best-guess’ the BVT and presence of TEC in those portions” (9a: Biodiversity Management Plan – page 9a-44). In the case of the property in question, aerial photo interpretation would have been the only method used. It is worth noting that there is still no land access agreement in place, and Bowdens Silver has made no attempt, beyond an initial meeting to inform the Landholder of their plan, to establish any such agreement.

Our objections, detailed below, relate to the following:

1. Misrepresentation of the use of land on which the planned pipeline is to be constructed
2. Interference of the development with existing farm infrastructure
3. Violations of the NSW Biosecurity Act 2015
4. Misrepresentation of the land and soil capabilities in the region
5. Inaccurate representation of the impact of their water pipeline on land value

### **Objection 1: The Applicant has misrepresented the use of the land on which they plan to construct the pipeline**

We, the Landholders, own and operate the property denoted “P12” by the Applicant (see Application Part 14: Agricultural Impact Statement (AIS), page 14-29; Figure 1 inserted here for immediate reference). As is evident in this image, our landholding (at 2778 Ulan Road Cooks Gap) is the proposed site for the longest stretch of the pipeline on any single landholding, at 3.187Km.

The landholding denoted “P12” is the site of an Agribusiness, a commercial agricultural holding, operated by the Landholders, where we run sheep for wool and meat. This business is our primary source of income and so any impediment on the operation of this business has significant economic impact for us, the Landholders.

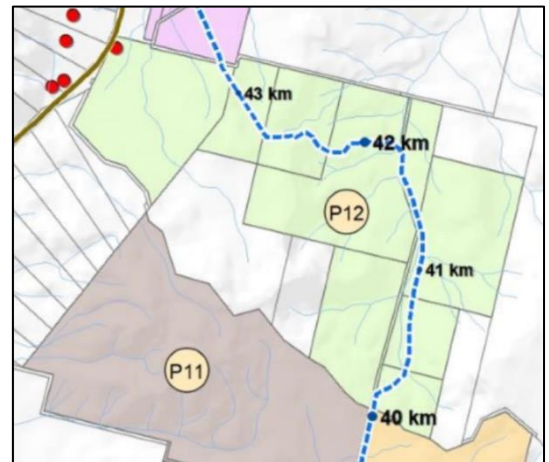


Figure 1: The Landholding designated P12

In representing the land use, the Applicant has stated “much of the land used for agriculture has low productivity rates and is used only for sporadic grazing due to steep terrain and dense vegetation” (AIS page 14-97, section 7.3.1). However, the land in question is used year-round for agricultural development, grazing and wool production and, again, is a significant operation that is the primary source of income for the Landholders. This use is neither “low productivity” nor is it “sporadic”.

While much of the land is steep and has dense vegetation, the proposed pipeline route makes use of areas of land that are of a shallower incline and lower vegetation (as seen in the weaving route taken in the proposal, rather than a more direct option). It is this shallower incline and lack of vegetation that makes the land occupied by this route key to farm infrastructure and operation (see objection 2 below).

### **Objection 2: Failure to consult with the Landholders has resulted in a proposal that significantly undermines existing farm infrastructure Landholders and farm operations**

The proposed route of the water pipeline interferes with the following farm infrastructure:

1. The *only* road access to the rear half of the property – through a road cutting surrounded by steep slopes
2. A key stock corridor between the back and front portions of the property (both valleys, separated by an area of steep terrain).
3. A water pipeline installed as part of the farm drought management and water maintenance strategy, and partly funded by the NSW Government Rural Assistance Authority Water Infrastructure Rebate (September 2014).
4. Water storage including watercourses and catchments for dams to maintain stock water.

### *Infrastructure Impact 2.1 – Road access.*

Please refer to Figure 2 below which provides a satellite image of a cross-section of the landholding. This cross-section marks the steep terrain between the valley that makes up the front half of the landholding (called “Golden Gully”, and the valley that makes up the back half of the landholding (called “Kurrajong Valley”). Note within the area marked in red the only road access between the two valleys.



Figure 2: Satellite image of a key area of the proposed pipeline (source: Google Maps: Satellite)

Figures 3 and 4 show a ground-level view of this land. As depicted here, the steep terrain on either side of this roadway prevents access between the two valleys by any other means. The proposed pipeline, as shown in the Agricultural Impact Statement, follows this roadway – and the 10m easement surrounding the pipeline means that the entire roadway is obstructed. Therefore construction and ongoing maintenance of the Bowdens Silver water pipeline will impede access to half of the property, significantly limiting the success of ongoing farm operations. Further, the use of heavy farm machinery along this road may cause damage to buried pipeline infrastructure leading to a need for more regular maintenance, leading to additional impacts on farm business and financial disadvantage for the Landholders.



Figure 3: Heavily vegetated steep terrain on topside of roadway



Figure 4: Steep valley on bottom-side of roadway

### *Infrastructure Impact 2.2 – Stock corridor*

As depicted above, the steep terrain through the key roadway access point means that the road that will be impacted by the installation of the pipeline interrupts the only stock movement corridor between Golden Gully and Kurrajong Valley. As such, not only will the Landholders be unable to access the rear vally during pipeline development and at future points during maintenance, there will be no means for stock to move across the property.

Additionally, where the Bowdens Silver water pipeline enters the property from the north, it immediately bisects another key stock movement corridor (see Figure 5). This will further restrict stock movement and business opeartions during the pipeline installation and during all future maintenance activities.



Figure 5: Key stock movement corridor with fences marked in purple (property boundary fence to the right).

### *Infrastructure Impact 2.3 – Farm water pipeline*

An existing water pipeline follows this same proposed route through this roadway at an estimated depth of 20cm. That water pipeline was installed as part of the farm drought management and water maintenance strategy and permits the movement of water from Golden Gully to Kurrajong Valley to ensure maintenance of stock water during drought conditions. The installation of that pipeline was partly funded under NSW Government Rural Assistance Authority Water Infrastructure Rebate (September 2014).

The installation of the Bowdens Silver water pipeline will disrupt this existing pipeline, severely damaging the supply of stock water to the rear of the property (see Figure 6).



Figure 6: Overlap between the existing farm water pipeline (in blue) and the proposed Bowdens Silver water pipeline (in red).



It should also be noted that this existing pipeline is buried at a depth of approximately 20cm due to the geology of this area preventing its installation at a greater depth. This geology has not been considered in the Applicant's assessment of land and soil capabilities and in their plan to install a depth of 1.4m – see Objection 4.

#### *Infrastructure Impact 2.4 – Dams and watercourses*

As noted in objection 4, due to the geology of the landscape, particularly through the steep terrain and roadway, means that cutting a trench is likely to result in significant erosion as water flows downhill and along the pipeline trench. This erosion, while also creating a hazard, will cause water to be redirected from natural watercourse and away from farm dams that have been improved during the recent drought to ensure water storage for stock.

#### *Additional Infrastructure Impacts*

We also note the impact of the Bowdens Silver water pipeline on fences, with the Bowdens Silver water pipeline passing through at least 5 property fences (including 2 boundary fences). This will impact stock containment. The AIS provided by the applicant notes planned fence repair, but does not provide any clear guidance on when or how this will be achieved. Any delay in fence repair, particularly for boundary fences, will significantly impair farm biosecurity – see Objection 3.

### **Objection 3: The Applicant has not consulted with the Landholders regarding farm biosecurity, in line with the NSW Biosecurity Act 2015**

As required by the NSW Department of Primary Industries, the farm at this landholding has a Biosecurity Management Plan. This plan requires that no individual enter the property except via the main gates, and only once the Landholders has been notified (prior to every instance of access). Access to any part of the property should only be via existing roadways. Failure of individuals to comply with this Biosecurity Management Plan may constitute an offence under the Biosecurity Act 2015.

The NSW Department of Primary Industries notes that:

*From 1 August 2019, people entering areas where a Biosecurity Management Plan applies must comply with the measures outlined in the plan.*

*Arrangements in Biosecurity Management Plans aim to prevent, eliminate, and minimise the biosecurity risks posed by people entering a place at which commercial agricultural or horticultural activity, including processing and education, occurs.*

*Failure to comply with these arrangements when dealing with biosecurity matter, such as animals or produce, may be an offence under the Biosecurity Act 2015. Penalties can include on the spot fine of \$1000 or a court ordered fine of \$220,000 for individuals and \$440,000 for corporations.*

The applicant has made no contact or discussions with the Landholders regarding the Biosecurity Management Plan, or how the installation of the pipeline across farmland will impact farm biosecurity.

The proposed pipeline will require the applicant to access areas off-road with heavy machinery, leading to significant and unacceptable risk of pest and weed introduction to farmland used for commercial agricultural activity.

For more information, please refer to the Department of Primary Industries:

<https://www.dpi.nsw.gov.au/biosecurity/your-role-in-biosecurity/primary-producers/biosecurity-management-plan>

**Objection 4: The Applicant has not considered the geology of the land for the proposed pipeline, and therefore their analysis of land and soil capability is flawed**

The roadway that the proposed pipeline will follow (note objection 2) is formed by a cutting in the hillside. The cutting is through rock, with several significant ledges of solid rock through the roadway (see example in Figure 7).



Figure 7: One of many solid rock ledges within the proposed Bowdens Silver water pipeline route

In their Agricultural Impact Statement, the **Applicant indicates that they will be stripping topsoils** for installation of the pipeline (see AIS page 14-85, section 6.2.3). As seen in the attached image, **there is no topsoil** and the Applicant would be required to cut through rock to install at the planned pipeline in a “trench approximately 1.4m deep” (AIS page 14-33).

Due to the presence of this rock, it is unlikely that the “period of disturbance when agricultural activities would be curtailed would be in the order of approximately one month” (AIS page 14-91, section 7.1.2). The period of disturbance would likely be much longer, particularly considering that the stretch of pipeline through the property is 3.187Km.

Additionally, the lack of topsoils means that the Applicant’s proposed plan for restoring the land to its original use is flawed. The Applicant states “topsoil would be replaced on the top section of the trench without compaction” (AIS page 14-96, section 7.2.1). The presence of rock and the failure to compact soil will **increase to risk of soil subsidence and erosion** through the hillside following excavation. The resulting ditch across the landholding will pose a **significant risk of injury** to livestock and the Landholders (particularly on the roadway where a motorbike is frequently used).

Erosion will also lead to the significant redirection of run-off rainwater affecting water storage on the property and undermining the farm drought management and water maintenance strategy.

**Objection 5: The Applicant has provided an inaccurate representation of the impact of their water pipeline on land value.**

The Applicant notes “the value of the land beyond the mine site that is used for agriculture commercially... would be unlikely to change” (AIS page 14-100, section 7.4.1). While this may be true for agricultural land in the Lue area not immediately impacted by the mine, land on which the pipeline is installed (and that is therefore within the mine site easement and infrastructure) ***will see a significant negative financial impact for Landholders*** that is not considered by the Applicant. The negative economic impact of the pipeline arises due to:

- The loss of biosecurity within the property caused by the coming and going of offsite vehicles for the installation and ongoing maintenance of the pipeline. A farm that cannot secure its biosecurity is of lower value, and the probable impact on stock from the introduction of disease and noxious weeds could be economically devastating
- The insurance liability due to outside individuals accessing the property, particularly in areas that are steep and have dense vegetation
- Loss of control of agricultural land affecting the resale value
- The destruction of valuable farm infrastructure will undermine the drought-resistance of the property, decreasing its overall value

**A proposed solution**

We acknowledge that this is a state significant development and suggest that using mine-owned land that borders this property may be an acceptable solution. The landholding highlighted in Figure 8 (over page) is not used for any commercial purpose and is merely a carbon offset area for Moolarben coal mine. This land has similar geology and terrain (as noted in an “over the fence” survey) and would provide a less weaving route for the applicant, without having any detrimental effects on the business at 2778 Ulan Road Cooks Gap (landholding designated P12).

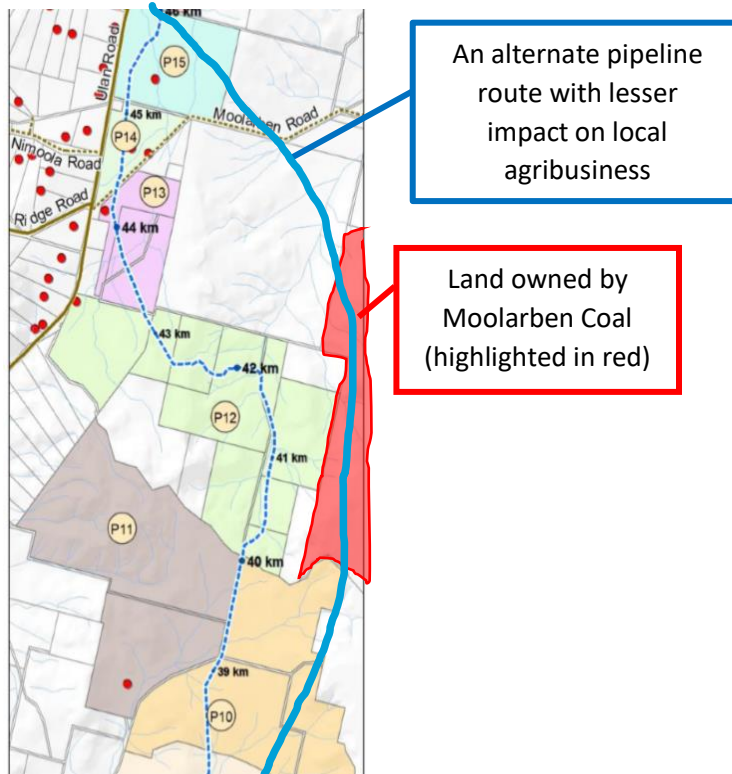


Figure 8: Land held by Moolarben Coal (in red) provides a solution that will not impact the business at landholding designated P12

We appreciate your consideration of this objection to State Significant Development SD-5765, Bowdens Silver Mine.

**Declaration:** We have made no reportable political donations in the previous two years.

Sincerely,

William and Margaret Bryant

The Landholders at 2778 Ulan Road, Cooks Gap.