

Bowden's Lead & Silver Mine - Environmental Impact Statement Submission – Terry Kavanagh 26-07-2020

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Introduction

Thank you for the opportunity to make a submission regarding the proposed Bowden's "Silver Mines Limited", Lead & Silver Mine Environmental Impact Statement.

My name is Terry Kavanagh, "Bessbrook", Lot 6, DP 262777, 408 Bara Rd Bara NSW, ph. 0410 380 120.

The Bowden's Project currently proposes a 450 dia. water pipeline from the Ulan coal mine.

The current proposal is to locate the pipeline through our property. Yes they have requested myself to grant them a 10m easement, & I replied with the following.

See Appendix A - Letter attached dated 7th March 2019, titled "Bowdens Silver Project Referral No: 2018-8372 – T Kavanagh - EPBC Submission".

Extract;

I find that your (Bowden's "Silver Mines Limited"), proposal outlined by your diagram attached, adversely effects both my property & the surrounding area, for a number of reasons. Those being

access, biosecurity, noise during construction, & increased traffic movements & their effect on the fragile creek crossing of Bara Lue Rd both during & after construction, devaluation of my property, degradation of pasture, just to name a few.

I have various concerns re the Bowden's Lead & Silver Mine EIS & the overall Project. I have collated those concerns in the format that the EIS has been currently drafted as follows;

Vol 1_Part 1 Noise and Vibration - May 2020

Current proposal is to operating 24 hours a day/7 days a week, I am certain that this is an unreasonable proposal.

NOISE - THIS IS MY HOME

The mine proposes to operate 24 hours a day, seven days a week. Noise models indicate massive increases in noise levels in the Lawson Creek valley. This mine is just 2km from Lue village. It is approximately 6 km from my home at 408 Bara Rd.

This is a rural area, ie the background noise is very low. I can hear if one of my cows has lost its calf, & is calling it up to a kilometre away. I need to hear if a ewe is calling for its lambs, as the foxes are howling.

I can hear traffic on Lue Road & that is 6kms away. How will my family, or indeed any of the Lue residences be able to tolerate such noise from the constant truck movements on site, including dozers, excavators & blasting.

BLASTING AND VIBRATION.

Blasting is set to happen Monday to Saturday. Not even the big coal mines in the Hunter are permitted to blast that much. How is that acceptable in the semi urban / rural area of the Lue district?

Recently the MWRC council "maintenance graded" Bara road (a gravel road), using a grader & vibrating roller. Being an Engineering Surveyor & Civil Engineer, I can assure you that is the best practice.

However as this is a rural area, currently with low vibration, I could feel the vibrating roller inside my home up to 400m to 500m away. How will the Lue residences (or ourselves), be able to put up with the blasting & constant machinery at the mine site?

Vol 1_Part 2_Air Quality - May 2020

Vol 1_Part 3_Materials Characterisation Assessment - May 2020

Cyanide Processing plant on site would you be happy if that were going on in your backyard?

Vol 1_Part 4_Hazard Analysis - May 2020

The call it a Silver mine but it is a LEAD MINE & LEAD IS TOXIC.

The proposal is to mine 30 million tonnes of ore, and 47 million tonnes of acid bearing waste rock. This acid bearing waste rock will continue to create hazardous materials indefinitely.

Bowdens will produce 83,000 tonnes of lead during the life of the mine.

"There is no safe level to the exposure of Lead", and children are particularly vulnerable as they play by touching toys & inadvertently polluted surfaces. Have you seen any of the TV commercials produced for the residences in Mount Isa, by the "Lead Alliance". They promote wiping down all kitchen surfaces, to minimise the ingestion of poison. This is within the privacy of their own kitchen. Why should the profits of a mining company allow the pollution of one's family residence?

"Lue School is only 2km from the mine".

Would you allow your kids to go to a school just 2km from a Lead mine?

Vol 2_Part 5_Ground Water Assessment - May 2020

The Bowdens EIS declares that the project will use 2050 megalitres of water annually, & that the fragile water table cannot sustain these levels of extraction.

All the local farmers & indeed throughout Australia, during the recent droughts have been made acuity aware of the value of water. To simply squander such vast amounts in the pursuit of profits is criminal. What contingency plans have been considered by the mine to **compensate the local agricultural community**? What about their existing rights to the water? Is the state govt. prepared to simply sell out (for mining revenue), the farmer's rights.

See "Riparian Rights to Water", "Legal Aspects of Boundary Surveying as Apply in NSW", (p. 8-351).

Under section 7 of the Water Act 1912 an occupier of riparian land may, without the need to obtain a licence, take water from a river or lake for domestic purposes, for watering stock and for irrigating gardens or pastures, not exceeding two hectares, used in connection with a dwelling house, where the produce of the land is not offered for sale.

This in essence, enabled soldiers returning from WW1, to take up a "holding", build a cottage, & raise a family. In the worst case, on the remaining 2ha which included the family cottage, it provided Water, & enabled the establishment of self-subsistence farmers, who were no longer a burden on the government.

See also, (p.8-159 & 160),
Penalties are provided in the Water Act 1912 for the pollution of rivers and lakes and for the unauthorised use of works or prevention of the flow of water: section 21B. Additionally, at common law, an interference with the riparian right to obtain clean water for domestic purposes from a stream may give rise to a claim for damages against the person causing the pollution: Van Son v. Forestry Commission of New South Wales (1995).

It's not just "The Vibe", (The Castle), these rights are still enshrined in Law!

Vol 2_Part 6_Surface Water Assessment - May 2020

The Bowden's Project currently proposes a water pipeline from the Ulan coal mine.

The current proposal is to locate the pipeline through our property. Yes they have requested myself to grant them an easement & I replied with the following. See Letter attached dated 7th March 2019, titled "Bowdens Silver Project Referral No: 2018-8372 – T Kavanagh - EPBC Submission".

Extract;

I find that your proposal outlined by your diagram attached, adversely effects both my property & the surrounding area, for a number of reasons. Those being access, biosecurity, noise during construction, & increased traffic movements & their effect on the fragile creek crossing of Bara Lue Rd both during & after construction, devaluation of my property, degradation of pasture, just to name a few.

The proposal is to place the pipeline (in part), along Bara-Lue Road. This is referred to as an "Unmaintained Road", by MWRC. If approved the Bowdens proposal should be conditioned to maintain the road, as their will be ongoing maintenance required for the pipeline.

TAILINGS DAM - SAVE LAWSONS CREEK & BEYOND

Bowden's plan to build a massive tailings dam less than 1 km from Lawsons Creek. If it leaks, and it will, as the lining proposed will not stand the abrasion that is proposed for the placement of the rock fill on the site. At the very least to retain water within the dam, it should first have a suitable clay layer, (1 to 2m thick), then an impermeable barrier, covered with a suitable thickness of clay liner (containing bentonite within a geofabric liner), & then covered with another layer, again 1 to 2m thick, below any rock fill. That may retain / retard water, but it will not necessarily contain hazardous the materials like the lead tailings. This may avoid the puncture of the proposed plastic liner.

The hazardous materials will decimate Lawson's Creek and flow to Mudgee, and into the Cudgegong River, from there it is a short run to the Lake Burrendong & the Macquarie River, then to Dubbo & beyond. Is it worth that risk?

What were they thinking, (with a simple plastic liner), are they planning to put a nappy on a baby?

WATER - DONT DESTROY OUR WATER TABLE

Bowdens propose to use 2050 Megalites of water each year. 780 megalites of this water is proposed to be taken from the Lawson Creek Valley. That is equivalent to 260 large farm dams or 390 Olympic swimming pools. More than 1 Olympic pool every day.

Lue is our traditional owners name for "a chain of waterholes" and is fed by groundwater. The Mine will use the groundwater from the mine pit and Bowdens admit they will reduce the water table by **25 metres** on site. It will destroy the local waterholes and springs.

Bowdens have scrapped ideas for water storage or use of stored water. Save up in the good times, for when we have bad times is off the table for the Bowdens Mine. They make no provision for drought.

WATER FROM ULAN - PROTECT THE GOULBURN RIVER

The Mine claims it will pipe its water 60km from Ulan. Even by their own figures only 15% of their total water use might come from the Coal Mines. The rest comes from Lue. Even if it does come from Ulan, that is Goulburn River water and should stay there.

Ulan won't give clean water to Bowdens it will be their worst water and it will be pumped across valuable farm land.

Vol 3_Part 7_Human Health Assessment - May 2020

CYANIDE PLANT – POISON

A Cyanide processing plant will operate at the Bowdens Mine. Cyanide is acutely toxic to humans, other mammals and aquatic species at relatively low dosages, as it interferes with oxygen utilization. Is this what you want upstream from Mudgee, Dubbo & beyond?

Vol 3_Part 8a_Visibility - May 2020

TAILINGS DAM - SAVE LAWSONS CREEK

Bowdens will build a massive tailings dam less than 1 km from Lawsons Creek. If it leaks, and it will, it will decimate Lawsons Creek and flow to Mudgee and into the Cudgegong River. Is it worth that risk?

Vol 3_Part 8b_Lighting & Sky Glow - May 2020

The operation of the mine will be like the coming of “ET”. Have you ever been to the Hunter valley at night, during mining operations? How will the Bowdens proposal comply with the Siding Springs lighting legislation?

Vol 3_Part 9a_Biodiversity Assessment - May 2020

The Bowdens Mine is located in the environment of Koala and Regent Honeyeater habitat. This has been recorded by the National Parks experts.

Vol 3_Part 9b Biodiversity Offset Strategy - 2020

Is there one? Or have they simply made random promises?

Vol 4_Part 11_Traffic & Transport - May 2020

The mineral will be trucked out through Mudgee and other urban areas.

All the ore produced at Bowdens will get transported along the narrow and winding Lue Road and right through the middle of Mudgee. The upgrade to local transport routes will cost ratepayers thousands of dollars. Trucks will travel down Short Street, Market Street, Douro Street and Horatio Street in Mudgee. Constant and regular B-Doubles past Mudgee Schools.

Do you believe that is acceptable?

Vol 4_Part 13_Aboriginal and Historic Heritage

There are many recordings of aboriginal site in the proposed mine are.

Vol 5_Part 14_Agricultural Impact Statement - 2020

PROPERTY VALUE - MY LIFE IS INVESTED HERE

My family settled in the Mudgee / Rylstone area in the 1970s before the proposed lead mine was made known to the public. We have set up a rural agricultural farm & have paid taxes ever since.

Will our stock be devalued as they are subject to the fallout, as the dust drifts over the area?

Will this become a condition of sale to declare that you have raised your stock, in the shadow of a lead pollutant mine, on the Venders Declaration?

What is a lifetimes work worth, now that the lead mine is proposed to proceed.

The community's property values have already been negatively affected, if this mine starts they will plummet. Who would want to buy a home next to a toxic, noisy, lead mine?

SVL have shown no interest in purchasing properties or compensating landowners not under their footprint.

We are talking about our life savings here. How would you cope if your superannuation was simply stolen by these mining proposals?

Vol 5_Part 15_Economic Assessment - May 2020

PROPERTY VALUE - MY LIFE IS INVESTED HERE

The property values will be negatively affected if this mine starts. Who would wish to visit an operating rural farm when all they can hear is blasting, & at best only perceive that they are being poisoned? Not even my family or friends would visit.

INEXPERIENCE. NEVER DONE THIS BEFORE.

Silver Mines Limited have never made or operated a mine before. Can they be trusted with such a large and dangerous project, or do they simply plan to on-sell the approval to proceed. Is this all about raising capital for their next venture?

Vol 5_Part 16A_Tailings Storage Facility (TSF) Preliminary Design Report - May 2020

NO REJUVENATION - IT'S WRONG

Bowdens have admitted that they will not rejuvenate the whole site. The main pit will remain forever and will take 100 years to fill with water. The tailings dam will also stay with its toxic sludge. Polluting the Lawsons Creek valley and the Mudgee river system for eternity. That should not be allowed. The proposal should be conditioned to rejuvenate the entire mine site upon completion. What financial guarantees are being sought by the approving authorities?

What if the tailings dam fails? They refer to 0.7m freeboard from a 1 in 100yr (0.1% AEP). This is absurd, they should be referring to the Probable Maximum Flood (PMF).

For such a major dam wall 0.7m is simply not enough. The wave action alone over such a water surface would be at least half of that freeboard.

Vol 5_Part 16B_Preliminary Design – Waste Rock Emplacement (WRE), Oxide Ore & Vol 5_Part 16C_Closure Cover Design - May

What about Acid Mine Drainage (AMD). What permanent conditioning is being placed on this project by the assessors? What financial guarantees are being placed on the proponent?

Vol 6_Part 17_Social Impact - May 2020

The operation of the lead mine will decimate the existing community of Lue & the surrounding rural area.

No one would put up with the noise & pollution that is proposed.

Bowdens are currently supporting the local football club. What a farce. What is the longevity of these children when their bones are riddled with lead poisoning?

CONCLUSION

Location

Bowden Silver Mines Limited plans to build a massive open cut Mine in the Lawson Creek Valley just 2km from the village of Lue, and 30km upstream of Mudgee. Yes that is also upstream of Burrendong Dam & the Macquarie river, which flows through major cities like Dubbo & beyond.

Its not just all about jobs.

Yes, jobs are important, but sometimes we have to think of the big picture.

It has been shown at similar mines, that most of the jobs are taken by experienced engineers, tradesmen & women, not necessarily by the locals. Those staff members are career miners, usually imported from other similar projects, often from overseas.

Us Aussies are smart people, we don't need to destroy homes, and where people live so we can have a job... protect your neighbour. A job should not be more important than a home.

The local Mudgee communities have been devastated by local coal mining projects. Take Wollar for instance, did those farming communities get jobs in the local coal mines, no they put up with the noise & disturbance for as long as they could, then slowly moved on.

It would be far preferable to have a coal mine proposed, than a poisonous lead mine.

Terry Kavanagh
"Bessbrook" Lot 6, DP 262777,
408 Bara Rd Bara NSW.
0410 380 120

Appendix A – Bowden's Silver Project Referral No: 2018-8372 – T Kavanagh - EPBC Submission

Environment Protection and Biodiversity Conservation Act 1999 – EPBC Act)

epbc.comments@environment.gov.au

7th March 2019

Dear Sir or Madam

To facilitate the 60km water pipeline from Ulan to the Bowdens Silver site, Bowdens requested that we grant a 10m wide easement across, 408 Bara Rd, Bara being Lot 6, DP 262777. They supplied a map which crossed our pasture land & also crossing the Bara Creek.

I replied to Bowdens Silver that;

I find that your proposal outlined by your diagram attached, adversely effects both my property & the surrounding area, for a number of reasons. Those being access, biosecurity, noise during construction, & increased traffic movements & their effect on the fragile creek crossing of Bara Lue Rd both during & after construction, devaluation of my property, degradation of pasture, just to name a few.

I attempted to make my intentions clear to Bowdens by replying;

I do not propose to grant you such an easement, nor do I give permission to carry out the ecological & heritage surveys.

I refer specifically to my comment above by referring to the “*increased traffic movements & their effect on the fragile creek crossing of Bara Lue Rd*”. By allowing access or the easement this would promote continual passing of heavy equipment & trucks crossing the Bara Creek. It should be made clear that this is an “Unmaintained Road” as defined by Mid-Western Regional Council (MWRC). This is their way of passing all costs of access to the landowner. I have attached a letter from MWRC supporting this.

I understand that the proposed 60km pipeline from Ulan Mine would transfer water out of the Hunter River catchment and into the Macquarie River catchment. I believe that this is contrary to water catchment agreements. The project referral wrongly answers Question 2.9 in their submission, & this proposed action will have an impact on a water source related to coal mining. Ulan Mine intercepts base flows to the Goulburn River. All excess water at Ulan Mine must be returned to the Goulburn River under environmental flow releases.

I understand by Bowdens publications that the proposed Lue Lead mine will produce more lead & other poisonous materials (98% overall) than silver, with major implications on air quality and human health. Would let your family be subject to this pollution. After the short term mine production, the tailings dam & surrounding area are proposed to be left & abandoned. Forget about the 1:100 yr flood, (1%AEP), what about the Probable Maximum Flood (PMF). If the tailings dam were to fail, the pollution would go through Mudgee, Burrendong Dam & would affect larger cities like Dubbo & beyond.

It has been well documented by others that the proposed mine will impact threatened species and ecological communities listed for protection under the Federal Act (*Environment Protection and Biodiversity Conservation Act 1999 – EPBC Act*).

To reinforce the fragile nature of the creek line I have attached some photos, See Appendix D.



Terry Kavanagh
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Appendix B - Map supplied by Bowden's



Appendix C - Letter from Mid-Western Regional Council (MWRC)



20 April 2018

Mr Terry Kavanagh
Bessbrook
408 Bara Road
BARA NSW 2850

MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

Dear Terry,

MAINTENANCE REQUEST – BARA-LUE ROAD

Thank you for your letter dated 8 April 2018 regarding the above mentioned matter.

Unfortunately Council is unable to provide any assistance. As you pointed out, the road is classified as unmaintained. However, additionally from the information you provided, it seems the section of road that is problematic is actually still authorised by the crown. The policy as attached does also discuss crown roads.

Should you have any further queries in relation to this matter please contact the undersigned on (02) 6378 2851.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Kearins", with a stylized flourish at the end.

ANDREW KEARINS
SENIOR WORKS ENGINEER

Appendix D - Photos of the Bara Lue Road crossing at Bara Creek

