

7th July 2020

Department of Planning

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

To Whom it may concern,

I would like to acknowledge that I am a member of the Bowdens Silver Community Consultation Committee (CCC), I am generally measured and neutral in regards to this project, with exception to Aboriginal Cultural and Heritage concerns, I have a personal connection to this project site as a former Commonwealth Resources Australia (CRA) Mining Junior Exploration Drilling Rig operator at age 16 and was conducting exploration drilling on this site during 1991. As a current CCC member I have actively updated general community and other Aboriginal Registered Parties, Individuals and groups around the developments and changes of this project. This includes Wellington Valley Wiradjuri Aboriginal Corporation and Gallangabang Aboriginal Corporation for which I am a Voluntary Board member of both Traditional Organisations.

I personally after reading the EIS and discussing this project and associated assessments with various independent health, environmental and other consultants within their relevant fields am now very concerned that various aspects have been overlooked or omitted. On this basis I **Object** to this development being passed and have the following comments and or concerns 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 their concern to me as a CCC member, 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.
- How is the noise and vibration and possible blasts occurring at the mine site going to affect the learning of the children who attend the Lue School.
- 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 which is not specified at heritage locations should be located at various escarpment and boulder rock shelters as chosen by the Aboriginal Community and must be part of the approval conditions if this project were to be approved at all.

Vol. 1 Part 2: Air Quality

- The wider community have doubts around the modelling used in this section of the EIS, as such I am 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

- General community, Aboriginal community and Farming 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. To be honest I am concerned around the safety, frequency and amounts of this hazardous material being transported especially near major water sources or tributaries of them and any potential accidental contamination, as this is not detailed in the assessment.

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, Moolarben/Wilpinjong farmers 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.
- I could not find records in the Biodiversity Assessment that echidna were identified in the report. They are found within the project and wider area as I have personally removed over five from the road to stop vehicles hitting them. Traditionally this monotreme species have cultural significance to us as a Tradition people especially within this local area
- 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. I **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 articles published on the 30th of June 2020 have raised concerns that the NSW Koala population may become extinct. This raises serious concerns and further objection to the information regarding Koala's in the Biodiversity Assessment.

Vol. 3 Part 9b: Biodiversity Offset Strategy

- I believe that the Biodiversity Offsets as indicated in the assessment are the base limits required and are inadequate and that community consultation should be undertaken to find a generally agreed to outcome with increased offsets whereas Bowdens Silver purchase regional property and rehabilitate it using endemic plant species using a seed bank collected from site and post mining hand this property to National Parks and Wildlife as a Public Reserve.

Vol. 4 Part 11: Traffic & Transport

- I have concerns around any additional vehicle movements from surrounding LGA to Bowdens silver and how this will potentially negatively impact the people and children of the small community especially pre, during and post school hours.
- I have concerns around transport of concentrate, relating mainly to Section 2.4 Concentrate Dispatch and Transport Routes pp 23-26 of the report which shows various route option this may take.
 - As I grew up at Curra Creek, Walmer and Suntop this area is well known to myself and I have serious concerns relating to 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.
 - I have spoken to the farming community of Walmer, Curra Creek and Suntop, they also raise Objections as Renshaw McGirr Way, between Wellington and Walmer is a narrow and twisted road in poor condition, not constructed for that regular transport weight and usage.
 - Farming community along Renshaw McGirr Way have serious concerns that lot of vehicles travel this road, some at high speed. There are often accidents and 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.

Vol. 4 Part 13: Aboriginal and Historic Heritage Assessment

- As a CCC member I have raised the issue of Aboriginal Community not getting draft survey reports on numerous occasions, only to be told by Bowdens Silver representatives that they have complied with the consultation guidelines.
 - The process issues arise post Cultural Heritage Survey of an area, where the archaeologist Dr. Matt Cupper has not provided a Draft Survey Report detailing the area surveyed, the sites found and his draft recommendations as to the survey findings
 - This Draft Survey Report should be then sent to Aboriginal Community for a minimum of 28 days for community to comment on and give formal feedback to be added to the final report.
 - Our Issue is that this process post Survey has **NOT** occurred. Archaeologist Dr. Matt Cupper and Bowdens Silver consistently deny this is the case.
- I **seriously object** to the behaviours of R.W. Corkery in conjunction with Bowdens Silver on engagement to participate in Cultural Heritage Field Assessments, in the contract with Aboriginal Stakeholders consistently using 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.

- On the 2nd August 2019 the following reports were received by email for comment by Dr. Copper:
 - 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.

- 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.
- Significant concerns have 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.
- I strongly object to Bowdens project water supply pipeline as sections of this pipeline route not being 100% surveyed by Field Officers and have continually recommended that this occur, which I have raised multiple times at CCC meeting to be told they only need to survey 80%. This is not good enough 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 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.
- 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 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.
- Photographic recording and visual inspection of rock art and rock shelters surrounding the proposed mine site should be undertaken every 6 months by Aboriginal Community and Bowdens under any approval conditions to ensure any Blast, Noise, Dust and Vibration is not affecting them as they are highly significant culturally and historically to us as Wiradjuri People.

- 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. I personally believe that a proper and dedicated storage locker should be negotiated with Registered Aboriginal Community, including an area to safely examine the salvaged artefacts.
- **As a Traditional Clan descendant with links to this project area, I nor other 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 I as a member and voice for the **Wiradjuri Aboriginal Community seek the entire Aboriginal Cultural Heritage Assessment for this project be re-assessed and adhere to 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.
- Sub-Surface testing to be conducted in areas agreed to by Registered Aboriginal Parties to evaluate the site use and determine prolonged generational use.
- 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

- As a member of Aboriginal Community Consultative Committee's in the wider region I have extensive knowledge on Tailings Storage Facilities and their construction and after several Sediment Dam and Tailings Storage Facility failures over the past three years at Centennial Coal Clarence and Newcrest Cadia operations, I along with the general 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.
- In discussions I have held with Community they have serious concerns 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 unusable which will then have dire consequences for 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

- I have 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 and what happened 20 plus years from now if leeching does occur.
- Community have raised significant concerns around the visual impact of the Waste Rock Emplacement, Oxide Ore Stockpile, I agree with them as visually this will not look good from any view point.
- 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. I have also raised these concerns with Bowdens at CCC meetings.

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.

As a Wiradjuri Traditional Owner Clan descendant with Apical Ancestry to this project area, I **wholly disagree with this statement and find it entirely offensive** as the NSW Aboriginal Land Council (NSWALC) does not represent Traditional Owners, they do not represent me 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, and as I am connected historically through Indigenous and European links to Wollar, I have seen personally as to 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. I am of the view that this Social Impact Assessment does not show the reality of what has occurred in comparable

locations within the region, there are serious concerns by those of the immediate Lue area that the Village they love will die and vanish.

- **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 Landscape (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.

- 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.
 - It is noted that Bowdens have supplied additional information and 3D model on their website at the end of June, however this should have been in the EIS.
 - I have accessed and downloaded the large file, it is difficult to view and get important viewing angles from various property in the local area. I had the perception that this 3D modelling had been sanitized to make all the unwanted features flattened and harder to identify.

I Strongly Object to this Silver Mine Development, as there are real issues relating to outcomes involving culture and heritage, environmental and planning concerns that need to be satisfied along with various other factors as detailed in the information above.

As a Wiradjuri Traditional Owner and voice of the community I look forward to further participating in the above project, sharing my knowledge of country and to ensure that Wiradjuri Heritage and the environment is protected.

Regards,



Bradley R. Bliss J.P.