

## Bowdens Silver Project CCC - Meeting 12 – Minutes

Meeting	Bowdens Silver Project CCC - Meeting 12
Date	Monday, 9 August 2021
Location	Via Videoconference
Time	5.00 – 7.15 PM
Independent Chair	Darryl Watkins
Attendees	Blake Hjorth, Bowdens Silver (BH) Tom Purcell, Bowden Silver (TP) Nick Warren, Corkery and Co. (NW) <i>Guest Speaker</i> Paul Ryall, Corkery and Co. (PR) <i>Guest</i> Mick Boller, Lue Action Group (MB) Sonia Christie, Community Member (SC) Bradley Bliss J.P., Wellington Valley Wiradjuri Aboriginal Corporation (BB) Tom Combes, Community Member (TC) John Lydiard, Community Member (JL) Steve O’Donogue, DPIE (SOD) <i>Guest Speaker</i> Rose-Anne Hawkeswood, DPIE (RH) <i>Guest</i> Phillip Freeman, Community Member (PF) Sally Dryburgh, Community Member (SD) Sean Halse, Independent minute taker (SH)
Apologies	No apologies received

### Actions

Item	Responsible
1. MB to write to DW or DPIE with specific information to clarify the lead issue at the school and its relevance to the project EIS.	MB
2. DW to send the information to MB of the location of the postcode breakdown of the submissions in Bowdens Response to Submissions documentation.	DW
3. If CCC members hear of anyone in the community that isn't receiving Bowdens information, then they should advise BH ASAP. Please don't wait until the next CCC meeting to inform him.	All
4. SOD to contact Phil Purcell in the Dubbo DPIE office regarding BB cultural heritage questions and one of them will contact BB.	SOD/BB
5. DW to contact members about timing of the next CCC meeting.	DW

## Minutes

Minutes	Action
<p><b>Welcome &amp; videoconferencing ground rules (DW)</b>            BB – Acknowledgement of Country            DW thanked Brad and welcomed all participants.            DW asked attendees to turn their video's off during presentations and that he would be strict on timing because of the packed agenda. He also thanked upcoming presenters and reminded people to save questions for the designated Q and A time after presentations.            DW talked through the agenda briefly.</p>	
<p><b>Apologies &amp; CCC membership update (DW)</b>            No apologies            Membership – DW informed the CCC that Tony McClure from Bowdens has resigned from the CCC. DW noted he had emailed Tony to thank him for his involvement in the CCC.</p>	
<p><b>Code of Conduct &amp; Pecuniary / non-pecuniary interests (DW)</b>            DW reinforced the Code of Conduct and emphasised that people should respectfully engage with other members of the CCC. He noted that we want an atmosphere of open and constructive discussion. He also noted that people need to continue to abide by directions from him as the Independent Chairperson.            DW stated that he has not had any updates on pecuniary or non-pecuniary interests and asked participants if they needed to update the group. No updates provided.   <i>DW asked if any questions</i></p>	
<p><b>Meeting 11 - Action Items (DW)</b>  <i>The lead issue (at the school)</i>            This issue has been raised by MB. DW has had a discussion with the DPIE as it was an outstanding matter from the previous CCC meeting. DW asked MB to write to him or the Department with the specifics of the issues raised, including table 4.49 which was also raised in submissions, and noted that the Department has committed to look into the matter.            SOD confirmed the DPIE is happy to have a look at it and noted they have engaged an expert Dr Roger Drew to assist them. Once they are clear on the issues, they are happy to run it by him as well.            MB agreed to write to DPIE to clarify his concerns.   <i>The next Lue RFS AGM</i>            TC confirmed the next Lue RFS AGM will be on Sunday the 29th of August at 10:00AM at the Lue fire shed.   <i>TP to provide activity approval documents (drilling sites) to BB</i>            Has been actioned.   <i>DW to let the DPIE know the committee are seeking answers about when a change / modification requires a new submission, application or EIS.</i></p>	<p>MB</p>

SOD stated that the key thing is, while there is still an application 'on foot' its not a modification, you can only change the application by amending the application. In that instance it is called an Amendment Report.

'Modifications' are after the project is approved, and changes are proposed at some point. If this happens, then you consider whether there's a modification to the project or if there's any chance that it is not consistent with the original approval. This could mean a new DA. But it depends on what is proposed. For this project we are looking at an amended application because of the change to the transmission line which wasn't formerly part of the original development application.

*TC to provide names of landholders who are not receiving mail to BH*

TC rang BH and provided some names.

BH noted that if the committee members hear of anyone that isn't getting information that they let him know ASAP. People should feel free to call BH about it at any time, it doesn't have to be in the meeting.

DW noted this as an ongoing action.

*The question of water agreements and the water source*

BH said that this issue will be touched on in the presentation but there is not much to update because those discussions are still ongoing.

DW noted that it was comprehensively covered in the EIS response.

SC highlighted that the issue is specifically about the pipeline, where water is coming from and going and that there are other water users interested in that information.

BH noted the issue and said discussions are still ongoing (commercially)

*What a 'unique submission' is*

DW stated that it is not so much about 'what is a unique submission' it is about what issues are covered in that submission.

SOD expanded on this to say the issue has come up because of the update in the Act and Regulations that if there are more than 50 unique submissions by way of objection a project then the Independent Planning Commission (IPC) becomes the consent authority. For this project that is not an outstanding issue because more than 50 objections have been received already.

To clarify, for the purposes of the consent authority, it is easier to say what isn't a submission. If it is a form letter that's been produced and then people just sign their name to that form letter and don't add any further context, terminology or language then that wouldn't be considered a unique submission for the issue of the consent authority.

For assessments the DPIE considers all issues raised, if a number of people raise the same issue, they take that into account.

TC mentioned the question came about because of comments about how many people were in support of the project in comparison to the ones that were objecting to the project. He saw a lot of detail about objections and some submissions in support that had nothing much in them.

SOD explained that there are three kinds of submissions, object, support or comment and that submissions come in in a lot of different ways. The DPIE looks at them all and logs them.

BB asked if the common themes raised by the different aboriginal groups are treated as a form letter?

All

<p>SOD confirmed that as a special interest group those submissions are treated as unique. He added that it is useful for the DPIE to get an understanding of the extent of the group and the number of people that group represents which is often information people put in their submission.</p> <p>PF asked if RH or SOD will come out collectively or independently to seek more information on the community position. He noted he joined the committee originally as the Chamber of Commerce President because it is a group of individuals with different views and they are all still looking for a way to have an individual say on the project.</p> <p>SOD stated the DPIE was intending to travel to the region and meet with groups this week but now due to Covid that timing is uncertain. Because of COVID the DPIE is happy to have a teleconference with groups or individual members.</p> <p>DW noted that it is common for the DPIE to meet with local groups.</p> <p>PF noted that there is a perception that submissions against the mine aren't being held with the same regard as those for it, that individuals against the mine aren't being 'equalised' against those against it.</p> <p>SOD noted that they need to look at what is local, regional and beyond that. The process isn't a vote, it is about the issues raised and that is assessed against government policy of the day and the guidelines.</p> <p>MB sought the information because the proponent is using the statistics to show support for the project.</p> <p>DW noted there is a postcode breakdown of submissions in the Response to Submissions Report and a breakdown of the issues. DW agreed as the Chair to forward the postcode breakdown of the submissions in the Response to Submissions Report to MB</p> <p>SOD said the DPIE looks at local views and what other issues are raised. He noted that the executive summary has location breakdowns.</p> <p>NW highlighted that the submissions report principally looks at issues, they are listed alphabetically. He noted that local comments supported jobs, training opportunities and economic growth stimulus in the area. He added that if someone raised an issue that hasn't been addressed in the documentation or a technical assessment then they will do the work required to address that issue, especially if they think it's important for the project and demonstrating the merits of the project. Those submissions could be short or long, for them it is about the issues raised. Also, on the analysis of submissions (numbers), they are presented by suburb, including the anonymous submissions and the issues they raised, the company considers it inappropriate to go into any further detail beyond that and that suburb locations are the most appropriate. On the issue of individual submissions, the company's view is that each person wrote their own submission wrote about the matters that matter to them and it is not appropriate to dismiss them because they are not as eloquent or have the details of other submissions.</p> <p>TC noted it isn't a popularity contest.</p> <p>NW agreed, stating it was about merit and public interest.</p>	<p>DW</p>
<p><b>Bowdens Silver Project EIS Response to Submissions and Bowens Silver Project Amendment Report for the 500 kv Transmission Line (Corkery's)</b></p> <p>NW gave a detailed presentation on the matters as outlined above.</p> <p>A copy of the presentations are at Attachment A.</p>	

**Department of Planning Infrastructure and Environment Report (DPIE)**

*Amendment Report*

SOD mentioned the Amendment Report, the process under the regulations is that the proponent can amend the project any time prior to determination, in this case it was because of a change of position by TransGrid in terms of how the 500 kv transmission line should be considered. It wasn't originally formally included in the project and now TransGrid have advised that it should be assessed as part of this project. The DPIE made the decision that in terms of submitting the Amendment Report it should be re-exhibited so people had the opportunity to raise any additional issues. Even though the impacts were included in the EIS it wasn't formally part of the project at that time so people may not have commented on it. Re-exhibiting gives people an additional 28 days to comment on the Amendment Report.

*Response to Submission Report*

He noted that the Response to Submission report has been submitted and is on the DPIE's website.

*Further comment period*

The DPIE will now be seeking comment from other key agencies on both reports. Once submissions close again the DPIE will be collating them and asking the proponent to respond to those submissions and if there are any residual concerns raised the DPIE will be asking the proponent to address those of concern. The DPIE will also ask their experts to look at additional information in response to issues raised in terms of groundwater, lead risk assessment, human impact assessment and economics. They will also be looking at these issues based on submissions and feedback from key agencies.

*Next Steps*

After that the DPIE will be finalising their assessment and packaging up the assessment report. Noting that earlier he indicated that they would like to talk to groups and people in the area or will set up teleconferences if Covid restrictions still apply in the future.

Finally, the DPIE will provide the report to the Independent Planning Commission (IPC) who are the consent authority to make a determination on the project. One decision that will arise is whether the Minister requests a public hearing, there's been no decision at this stage on this matter. If that happens the IPC would conduct that hearing before making a determination.

**Q&A and Discussion (ALL)**

*IPC Process*

DW asked about the IPC public hearing and public meeting processes. SOD explained that it comes down to the complexity of the project and the public interest of the project.

The priority is a rigorous process whereby the public can present directly to IPC members. If a public hearing wasn't directed by the Minister, then the IPC may hold a public meeting in that instance. However, the public hearing process is longer.

Worth noting that a key difference is if there is a public hearing, then under the legislation, the merit appeal rights in respect of any future decision on that application are extinguished.

*Swainsona Recta (Purple Pea)*

SC raised (with NW) the comment about Swainsona Recta that was found. SC noted that the Local Land Service had done a promotion recently so it may have been why it was found. This makes her wonder what else is there, that hasn't been promoted, which may be why it hasn't been found.

*Changes to the project*

SC commented that there have been ASX announcements about underground mining operations, there has been discussion of a pipeline being submitted separately, there is a 66 Kv power line and also the (discussed) 500Kv line which is being consulted on. SC commented that there is confusion about this and that the project seems disjointed and asked whether there would be a consolidated / more comprehensive document that views the project in its entirety and would give the people / communities affected to comment. Noting the mine at Lue impacts that community, the pipeline might impact Mudgee, the 66Kv line will impact others in the Bylong valley.

SOD responded that the underground work isn't part of the project and would be a new State Significant Development (SSD) application.

BH stated that underground mining is a concept at this stage and subject to a scoping study because of encouraging drilling results at depth. BH indicated that the current open cut development application includes the information on the pipeline, the 500kv powerlines and the options for power supply to the site and that the information is in the EIS.

*Cultural heritage*

BB provided comments from communities to Corkery's that it has taken too long to get the Response to Submissions report back to DPIE, it doesn't have the details of the cultural heritage issues that were raised and 'in fact it pretty much ignores' most of what was submitted and in general his community are not happy with what's been provided.

NW indicated that they feel they provided detail and noted that the feedback from NSW Heritage was that they were comfortable with the Aboriginal consultation undertaken by Bowdens and proposed an educational programme as part of the salvage process for the individual sites that had been identified to ensure that a younger generation of Aboriginal community could investigate that process and work out how it happens and what is required.

BB expressed concern about the process and the 28-day timeframe and process for gaining comments had to happen for every survey. He stated that the communities felt that their comments had not been taken into account.

Acknowledging that perhaps the archaeologist's view had been noted at times. This view comes from multiple communities in the region and has been stated over and over.

NW added that there is a requirement to satisfy the guidelines and the guidelines specify the level of consultation and engagement is 28 days. This was described in the EIS. NW thinks the process would pull them up if they hadn't done things properly. It may be a difference of opinion.

BB stated that there has never been proper consultation and the communities only got part of the draft EIS.

SOD to contact Phil Purcell in the DPIE Dubbo office and

SOD noted that the DPIE is happy to take on further representations and that he will call Phil Purcell in the DPIE Dubbo office. Additionally BB can provide information at any time.

BH commented that he understood BB's point and BB had raised this numerous times but wanted to note that Bowden's have consulted and followed the appropriate guidelines.

*Visual impact on powerline amendment*

TC supported BB's comments about there not being proper consultation. TC raised the powerline consultation and said although there was some information on a slide at the previous CCC there has not been any other consultation at all.

He noted that the powerline amendment could affect 10-14 towers, the towers are 60m high, visible from Lue (1.5km from Bingman Hill) and construction timing is 7am-8pm on weekdays. TC also questioned that the community has 28 days to look at 164 pages and that the document lacks detail.

He supported SC's comments that things happening separately (not collectively) causes confusion.

TC stated that the EIS said there was no visual impact and now there is.

BH disagreed and said the powerlines were in the EIS and have been in a range of materials and maps for a long time and it was Transgrid's view to now bring them in. He also noted there was a visual expert at the community open day in 2019 who was available to discuss this matter with the community.

NW noted that the changes to visual amenity are in the assessment report and that he supports the work of the consultant used to develop detail of the document.

TC questioned the level of detail again, for example, the vehicle list doesn't include concrete trucks.

NW stated they were taking advice from consultants on the process for construction and that's the equipment we've presented. It is on the basis of that advice, so I stand by that advice.

There was discussion and disagreement about the issue of visual impact.

TC was advised to include this information in his submission.

*Powerline amendment – stage of design*

JL was concerned that consultation is on current (early) information and things could change significantly as Transgrid has to go through stages for design.

NW advised that an experienced consultant was engaged for early information, so they've used that knowledge and experience. He also noted that detailed design usually happens post approval and their position is that it is unlikely to change significantly.

*Pipeline – stage of design*

JL was concerned that consultation on the pipeline is also on current (early) information and things could change significantly because the survey and other work needs to be done.

NW noted that the most recent information on the pipeline is included in the amendment report (a requirement is to include a full project description). He acknowledged that they haven't been granted access to approximately 20 percent of the pipeline route, but DPIE (Biodiversity Conservation Division) have indicated

one of them will contact BB.

that this is acceptable for a preliminary assessment and that the pipeline can be adjusted if required.

JL asked about what happens if there was a large change to the scope of works? NW noted that if it is post-approval then that requires a modification to the application which is scrutinised by the DPIE.

*Right of reply*

JL gave the example of Lue Rd and the Mid-Western Regional Council seeking funding from the company to upgrade it and the company disagreeing with Council, asking, was there a right of reply. He also said it would be good to be able to comment on the whole project now that more information has been provided (e.g. traffic in the village).

SOD said people can continue to put in submissions / make further representations on any issue and these further representations are considered. On the road contributions, DPIE would look at that issue as part of the evaluation and that would go in the report to the IPC.

*Comment*

PF commented that there is still an impasse about consultation being adequate or not and people not having the information they want.

*Threatened ecological communities*

SC commented that the offset system is broken and doesn't take into account edge effects and fragmentation (of the ecosystem / ecological community), additionally often many of the offsets are already owned by the proponent so it is a net loss for the environment.

SOD commented that there are still steps to go and the aim of the offsets process is to look for improvements including the management practices.

SC commented that the Local Land Service has already been involved in projects to protect remnant vegetation in places such as Hayes Gap Road. SC also said that some parts of Pyangle Road and Maloneys Road had rapidly deteriorated recently and wondered who was responsible for those.

NW said the responsibility for the works on those roads are with Council.

--- Discussion continued about the merits of offset policies, credits, and environmental law ---

*Comment*

MB agreed with previous comments about piecemeal consultation process especially his and the Lue Action Groups concerns.

*More time*

TC commented that there is a lot going on, the EIS is 164 pages, COVID and project updates. He and the Lue Action Group would like to see more time to have a look at the proposal.

SOD said for amendments the timing is 28 days exhibition but there is always a pathway to make additional representations.

JL asked about timing of additional information.

SOD and RH said it is likely a few more months before things go to the IPC and people can also make representations during the IPC process. They are available right up to the last minute, even by email.

<p><b>Bowdens Community Consultation Update (BH)</b>  BH let the group know that the newsletter that summarises the response to submissions is in the final stages so should be sent to the community in the coming weeks.</p>	
<p><b>Communication with Broader Community (ALL)</b>  DW asked each individual CCC member their feedback from the community and requested their feedback be balanced.</p> <ul style="list-style-type: none"> <li>• SC raised that a lot of people have asked about the process for the 500Kv powerline</li> <li>• PF reiterated that the disparity of views is upsetting and asked Bowden’s for transparency and mutual respect.</li> <li>• TC noted that the value of the company has dropped recently, and people have commented that it is a rollercoaster ride.</li> <li>• BB provided his communities the information provided by TP and has asked them for feedback on the 500Kv powerline so he can put in a submission.</li> <li>• BH commented that consultation has been extensive, a big social impact assessment process, community meetings, open days, information sessions, newsletters and access to the specialist consultants on a number of occasions. He would like recognition that that has occurred and although things change there has been extensive consultation throughout the process.</li> <li>• JL has heard that people don’t want to put in a response to the amendment because their first response wasn’t listened to. The more amendments that come the less reaction the public will have.</li> <li>• MB called Endeavour Energy and they didn’t know about the powerline. He reiterated that the approach is piecemeal.</li> <li>• SD will canvas the thoughts of the new committee at the Mudgee Chamber of Commerce and report back at the next CCC meeting. She noted that there is a gap between the community and the company. She’s interested in how to bridge that gap. Noting it is hard to get information with COVID.</li> </ul> <p>DW thanked the CCC members for their comments.</p>	
<p><b>General business (DW)</b>  None</p>	
<p><b>Next meeting (DW)</b>  DW will be in contact with CCC members in coming weeks to set a date for the next CCC meeting.  DW thanks all presenters and members.  SOD thanked the committee and reminded the group they are happy to discuss issues further.  DW noted he is also available by phone if required.</p>	<p>DW to contact members about timing of the next meeting</p>

**BOWDENS**  
SILVER



**R.W. CORKERY & CO. PTY. LIMITED**

# Submissions Report

Presentation to CCC  
Bowdens Silver Project  
State Significant Development SSD 5765

9 August 2021

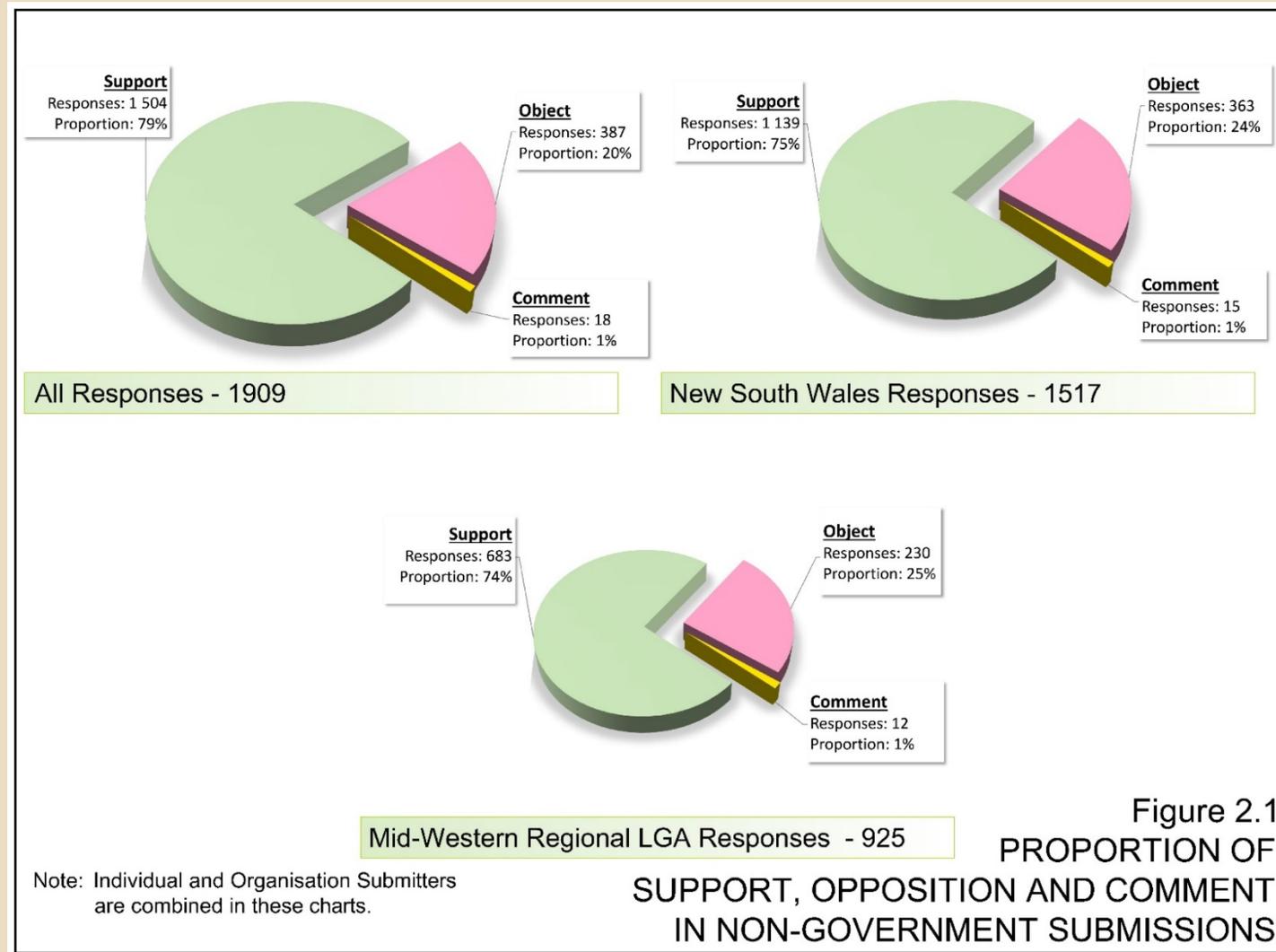


# Overview

- ❖ Analysis of Submissions – support/object and location
- ❖ Assessment Since Exhibition
- ❖ Key Matters Raised in Support
- ❖ Key Matters Raised in Objection
- ❖ Conclusions and Evaluation of the Project
- ❖ Project Amendment
- ❖ Planning Agreement
- ❖ Water Supply and Licensing
- ❖ Community Investment Program



# Analysis of Submissions



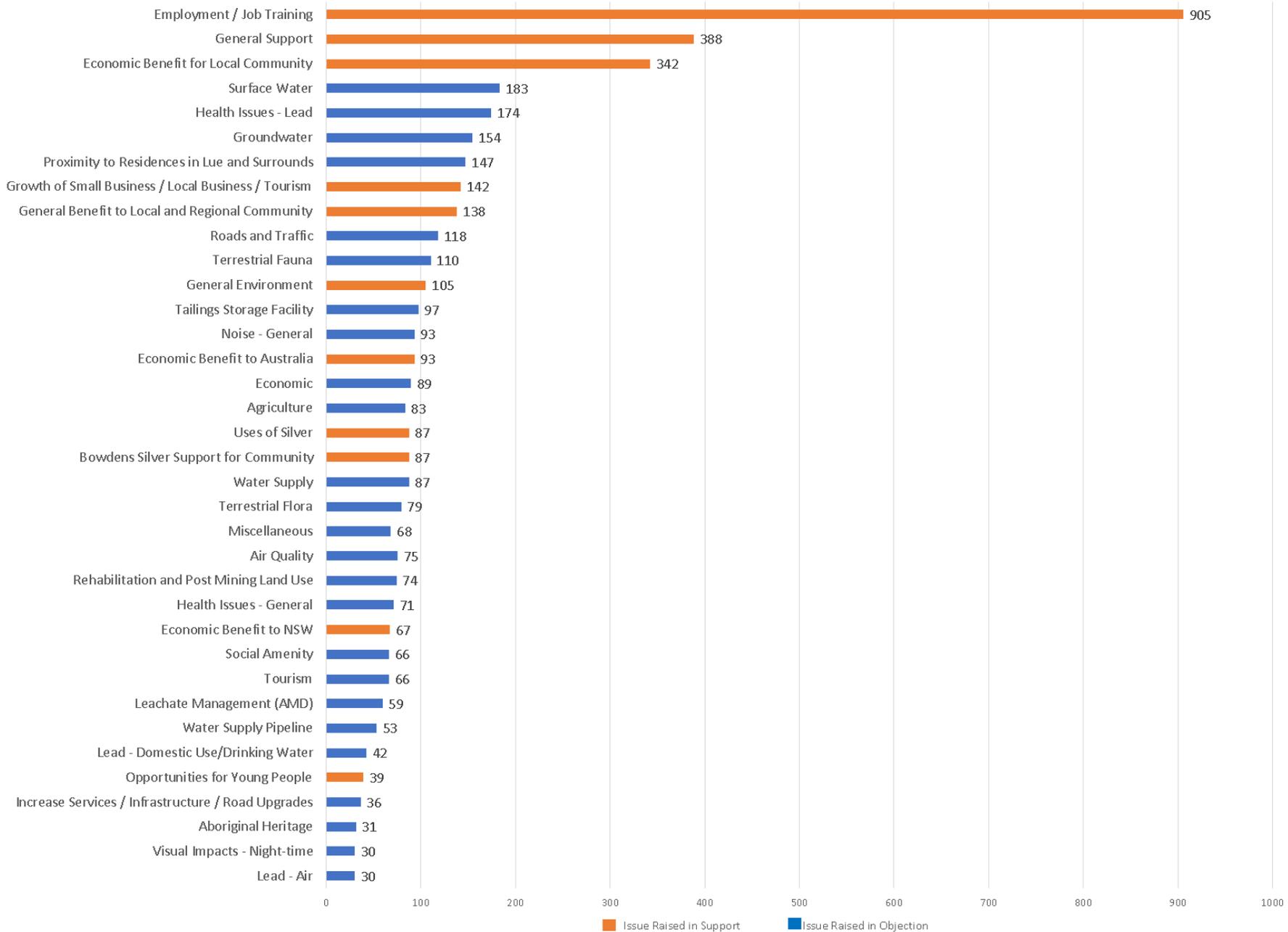


- ❖ Level of analysis and comparison requested by CCC members misrepresents the motivations behind objection and support (very different). What is most important is the issues raised.
- ❖ Anonymous submitters (both supporting and objecting) may have maintained anonymity for fear of being stigmatised.
- ❖ Suburb locations provided for all submissions and most appropriate approach to analysis.
- ❖ The template letters were distributed by Bowdens in order to encourage participation. There were objections received through these forms.
- ❖ These are not the same as form letters as people wrote their own submission. It is not appropriate to dismiss input because it was not as eloquent or detailed as other submissions.



- ❖ Refined modelling of seepage from the TSF with further solute transport modelling and mixing and dilution modelling.
- ❖ Refinement of the low runoff scenario water balance modelling.
- ❖ Ecological survey for *Swainsona* species and update to BAR and offsetting obligations.
- ❖ Assessment of 2019/20 bush fire associated impacts.
- ❖ Refinement of road noise and construction noise modelling assessments.
- ❖ Refinement of assessment of metal concentrations in dust including sensitivity analysis of assumed metal concentrations in dust.
- ❖ Update to Human Health Risk Assessment in response to peer review.

Frequency of Matters Raised in Submissions





- ❖ Key matters raised in support included:
  - Employment and Job Training;
  - General support for the Project;
  - Economic benefits;
  - Growth of small/local businesses;
  - Need and uses of silver; and
  - Bowdens positive engagement with the community.



- ❖ Key matters raised in objections included:
  - Water – including surface water, groundwater, flooding and water supply;
  - Lead/Health – mostly concerning dust exposure but also water;
  - Proximity to Lue;
  - Traffic in Lue;
  - Biodiversity and offsets; and
  - TSF – construction, management and rehabilitation.
- ❖ No changes to the conclusions of assessments due to matters raised in submissions.



- ❖ EIS and Submissions Report demonstrate the comprehensive approach to assessment and understanding of potential risks.
- ❖ Overwhelming support in the LGA, NSW and nationally.
- ❖ Local support more balanced.
- ❖ No changes to outcomes of assessment as a result of the review of matters raised in submissions.
- ❖ Benefits outweigh impacts on balance.
- ❖ Considered to be in the public interest.



# Evaluation of the Project

- ❖ The project design ensures efficient development but also considers the likely experience of the Mine for the local community and the predicted short-term and longer-term environmental outcomes.
- ❖ There is a strong indication of the need for environmentally and socially sound projects to support the regional economy.
- ❖ Project would be of sufficient scale to provide a boost to the local economy but not cause substantial adverse environmental or social impacts.
- ❖ Assessments have considered longer-term outcomes and worst case scenarios outcomes were considered to ensure a precautionary and conservative approach was taken.



# Evaluation of the Project

- ❖ The Project would be consistent with the principles of ecologically sustainable development and would satisfy all relevant planning considerations.
- ❖ The Planning Agreement and expanded Community Investment Program would ensure that the economic outcomes are distributed locally.
- ❖ Programs for environmental and social monitoring, regular reporting and auditing of performance would ensure that the commitments to responsible environmental management are achieved.
- ❖ The legacy of the Project has been considered with regards to the rehabilitation and final land use options and mechanisms to preserve the existing character and sustainability of Lue.



- ❖ Bowdens Silver propose that the realignment of the 500kV transmission line be included in the Project.
- ❖ This has been done at the request of TransGrid.
- ❖ Realignment required by Year 3 of the Project to permit continued development of the open cut pit.
- ❖ Realignment was assessed within the EIS and therefore environmental impacts are well understood and considered acceptable.
- ❖ Public exhibition of the Amendment Report to continue until next Monday 16 August 2021. Bowdens Silver will review and respond to submissions on the proposed realignment.

# Project Matters - Planning Agreement



- ❖ Preliminary meeting with MWRC on 23 November 2020.
- ❖ Bowdens Silver has now agreed to the most recently requested amendments to the terms of the agreement. An updated draft of these terms has been provided to MWRC.
- ❖ Once the terms are agreed they will be made public.
- ❖ Funds will be directed by Council towards community infrastructure and road contributions.
- ❖ Comparison with other projects indicate the offer included in current terms is high given the scale of the Project.

# Project Matters – Community Investment Program



- ❖ Discussions with MWRC on Planning Agreement have influenced direction of this program.
  - Funds directed in Planning Agreement to community infrastructure and road maintenance.
  - Not considered appropriate for MWRC to have involvement in CIP.
- ❖ Investment program has been successfully operating since 2016 and formalised as Community Investment Program in 2020
- ❖ Opportunity-based allocation of funds to suit projects identified.



- ❖ The Project is legally entitled to water resources greater than those predicted to be captured by the Project.
- ❖ Secured water access entitlements to cover the predicted peak water take during mining operations, include the following.
  - 907ML from the Lachlan Fold Belt (Other) Groundwater Source.
  - 194ML from the Sydney Basin Groundwater (Other) Source.
  - 139ML from the Lawsons Creek Water Source.
- ❖ Discussions for external water supplies are continuing.



# Questions?