

NSW Department of Planning & Environment

Dear Madam/Sir

Submission – Mount Owen Mine Continued Operations Project (Mod-7)

I wish to make a submission in relation to the modification application for the Mt Owen Continued Operations Project currently on public exhibition (SSD 5850 MOD-7).

The Mt Owen Mine has already had a significant impact on regional biodiversity, and the proposed modification will further increase this impact. Environmental assessments undertaken over the life of the mine have consistently underestimated adverse biodiversity impacts.

While the proposal represents a relatively minor change to the approved mining operations, and appears to have water management benefits, it appears that biodiversity issues relating to the project have not been identified or sufficiently assessed.

As noted in the BDAR waiver included in Appendix D of the Greater Ravensworth Area Water and Tailings Modification report of 10 June 2022 it is reasonable that no Biodiversity Development Assessment Report pursuant to the Biodiversity Conservation Act 2016 is required. However the report fails to recognise that under the Environmental Planning and Assessment Act 1979, modification determinations must identify and consider relevant biodiversity impacts. This is a requirement separate to the preparation of a BDAR, the purpose of which is primarily to assess impacts on threatened species and threatened ecological communities.

The modification report unreasonably dismisses the possibility of any biodiversity impacts based on (1) an assessment report completed over 8 years ago in 2014, and (2) because a BDAR is not required. The potential for ecological impacts is dismissed in three sentences.

Given that the modification suggests a change in the biodiversity impacts, the following information should have been provided at a minimum:

1. The change to the area of vegetation clearing compared with the existing approvals.
2. What recent field biodiversity surveys have been undertaken, given the lengthy delay since any previous review, recognising that biodiversity is dynamic and changes over time and that the previous review is out of date.
3. Quantification of biodiversity impacts, including number of trees removed, grassland disturbed, and habitat connectivity affected, including impacts on common species.
4. Whether there is any risk of direct or indirect impacts on biodiversity associated with the proposal that may be associated with clearing, earthworks or water transfers, such as facilitation of movement of weeds and pathogens.
5. Extent to which conditions of consent relating to biodiversity and site rehabilitation have been complied with and may be relevant to the modification proposal.
6. Cumulative impacts of loss of biodiversity and habitat connectivity are not recognised, even though these could reasonably be expected to be a consequence of the modification as a result of the construction of additional linear infrastructure.

It is important that modification of the application has sufficient understanding of current biodiversity on the site to ensure that legislative requirements to consider all relevant impacts are met and can be reasonably assessed.

Please ensure that the matters outlined above are taken into account in the assessment and determination of the modification application for the mine.

Thank you for the opportunity to make a submission.