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Dear Gen

Moolarben Open Cut 3 – Extension Project

Thank you for your e-mail dated 6 December 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the Moolarben Open Cut 3 Extension project (the project). This response includes input from the NSW National Parks and Wildlife Service (NPWS) of DPE.

From a preliminary review of the Biodiversity Development Assessment Report (BDAR) prepared for the project it is understood that the project proposes clearing of approximately 625 hectares of native vegetation.

The project itself is bordered on three sides by Munghorn Gap Nature Reserve, and due to its context in the landscape the site can be characterised as having high biodiversity value. The values of the site include a significant number of threatened species or their habitats, which have been detected during surveys, including twenty-two threatened species of fauna, three species of threatened flora and two Threatened Ecological Communities (TECs).

Of the threatened entities mentioned above, seven are listed Serious and Irreversible Impact (SII) entities. These are threatened species and ecosystems which are at greatest risk of extinction from development impacts or activities.

The SII entities proposed to be impacted by the project, and the currently proposed impact quantum, has been provided below:

- Broad-headed Snake – 38.24 hectares of habitat
- Regent Honeyeater– 184.41 hectares of important habitat (defined as habitat which is considered essential to support critical life stages of the species and maintain the survival of the species in the wild)
- Large-eared Pied Bat – 230.56 hectares of habitat
- Eastern Cave Bat – 230.56 hectares of habitat
- Swift Parrot – 223.06 hectares of foraging habitat
- Box Gum Woodland – 477.75 hectares of woodland extent

BCS have yet to conduct a detailed analysis of the proposed impact to each of the SII entities above. However, the overall extent and severity of impact proposed on the above entities is extremely concerning and we advise that there is a real possibility that the proposed project, if approved, could meet SII criteria and significantly contribute these entities becoming extinct in NSW.

BCS are also concerned about the direct, indirect, prescribed and cumulative impacts the project represents for national park estate and the natural values protected within the Munghorn Gap Nature Reserve.

As identified by the *National Parks and Wildlife Act 1974*, the purpose of reserving land as a nature reserve is to identify, protect and conserve areas containing outstanding, unique or representative ecosystems, species, communities or natural phenomena. Under this Act, a nature reserve must be managed to support the conservation of biodiversity, the maintenance of ecosystem function and the protection of geological and geomorphological features. These values also provide opportunities for public appreciation and understanding of the nature reserve's natural and cultural values.

As mentioned, the project is bordered by Munghorn Gap Nature Reserve. The development footprint, including open cut mining pits, are proposed to be located 50 metres or less from the boundary of Munghorn Gap Nature Reserve. At its closest the development footprint is proposed to be located less than 1 metre away from the nature reserve boundary.

By the nature of its tenure, all natural values, inclusive of water resources both within and underneath Munghorn Gap Nature Reserve, geological features within the nature reserve and biodiversity occupying the nature reserve must be protected. BCS and NPWS have significant concerns that the placement of open cut mining voids adjacent to NPWS estate will irreversibly impact Munghorn Gap Nature Reserve and contribute to the deterioration of the outstanding and unique ecosystems it contains, as detailed in the *Goulburn River National Park and Munghorn Gap Nature Reserve Plan of Management* (NPWS 2003).

The *Developments adjacent to National Parks and Wildlife Service Lands Guideline* (NPWS 2020) outlines the key matters NPWS considers in commenting on adjacent developments to avoid all direct or indirect adverse impacts to NPWS lands.

Given the overall extent and severity of impact potentially resulting from the project on both biodiversity which is already at great risk of extinction, and on the natural values protected within Munghorn Gap Nature Reserve, a measured and rigorous analysis of the impact resulting from the proposed project is essential. Unfortunately, BCS is not able to provide the detailed advice necessary during the project's short exhibition period. As such, we propose to provide our detailed advice by **20 January 2023**.

We request that our detailed advice be made publicly available on the Major Projects Website as soon as possible after we have submitted it to you.

If you have any questions about this advice, please do not hesitate to contact Ben Ellis, A/Principal Project Officer, via ben.ellis@environment.nsw.gov.au or (02) 8275 1838.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sarah Carr".

Sarah Carr

**Director North West Branch
Biodiversity, Conservation and Science Directorate**

cc: Lisa Menke, NPWS Blue Mountains Area Manager

14 December 2022