



Our ref: DOC24/272038
Your ref: SSD-33083358

Jack Turner
Senior Environmental Assessment Officer
Department of Planning, Housing & Industry
E-mail: jack.turner@planning.nsw.gov.au

Dear Jack

Subject: Moolarben OC3 Extension Project – Response To Submissions (SSD-33083358)

Thank you for your request via the NSW Planning Portal dated 19 March 2024 to the Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) inviting comments on the Response To Submissions (RTS) for the Moolarben OC3 Extension Project.

As discussed, we will not be able to provide a detailed response by 16 April 2024 as requested in the NSW Planning Portal. In the interim, we note that the detailed submission will address the following issues:

Overall impacts

- The extent of additional avoidance for the project, noting impacts to native vegetation have been reduced by 144 hectares from 624 hectares to 480 hectares
- Impacts to koala habitat, noting an overall reduction from approximately 230 hectares at EIS stage to 113 hectares
- The setback of open cut mining by 200 metres from the high banks of Moolarben and Murdering Creeks
- Whether adequate additional information and survey has been submitted to address BDAR assessment issues that were identified at EIS stage

Serious and Irreversible Impact Entities (SII)

- The likelihood of SII for the following entities and their habitats:
 - o Box-Gum Woodland Critically Endangered Ecological Community (CEEC)
 - o Large-eared pied bat
 - o Eastern cave bat
 - o Broad-headed snake
 - o Regent honeyeater
- The appropriateness of additional mitigations proposed for SII entities, including:
 - o 100 metre setbacks from mapped rocky habitat and breeding habitat for large-eared pied bat, eastern cave bat and broad-headed snake
 - o Blast vibration limit of 50 millimetres per second (mm/s) velocity limit at mapped rocky habitat features, unless higher values are supported by geotechnical investigation
- Conclusions from the project's expert consultants that SII is not likely for any species or entity

- The lack of proposed additional and appropriate measures to minimise impacts on SAI entities, where the decision maker determines a SAI is likely
- Please note that input from internal specialists regarding SAI entities is currently being sourced and will be considered as part of our detailed response

Impacts to the National Parks and Wildlife estate

- Extent and accuracy of the revised buffer between mining operations and Munghorn Gap Nature Reserve, noting that a 100 metre buffer is now proposed while our EIS submission recommended a 500 metre buffer be implemented
- Identification of Munghorn Gap Nature Reserve as a sensitive receiver for noise and sensitive geological feature for blasting
- Application of noise limits at Honeyeater Flat and Moolarben Picnic area
- Likelihood of impacts to sensitive geological features within Munghorn Gap Nature Reserve, notwithstanding the proposed 50mm/s peak velocity limit
- Mining impacts to areas of Munghorn Gap Nature Reserve that are not depth limited to 100 feet
- Potential for impacts on groundwater within the Munghorn Gap Nature Reserve to occur

Offsets and rehabilitation

- The increased area proposed to be rehabilitated, from 325 hectares at EIS stage to 535 hectares, and mechanisms to secure this area
- Proposed “onsite” offset areas within the Project Study Area including the Habitat Enhancement area, associated with Regent Honeyeater, Box-Gum Woodland CEEC and other recorded threatened species and their habitat including Koala, and mechanisms to secure these areas

This list is not exhaustive and further issues may be addressed in our submission following detailed review, including issues that were not raised as part of our EIS review.

Finally, we would be willing to receive a briefing from the proponent prior to finalising detailed comments, to further inform our assessment of the RTS.

If you have any questions about this advice, please do not hesitate to contact Liz Mazzer, Senior Conservation Planning Officer, via liz.mazzer@environment.nsw.gov.au or 02 6883 5325.

Yours sincerely



SARAH CARR
Director, North West
Biodiversity, Conservation and Science

10 April 2024