



## Office of Environment & Heritage

Your reference: MP SSD-7009  
Our reference: DOC 19/286603

Howard Reed  
Director – Resource Assessments  
Planning Services, Department of Planning and Environment

Attention: Lauren Evans (lauren.evans@planning.nsw.gov.au)

Dear Howard,

### **Marulan South Limestone Mine Continued Operations**

As requested, we have reviewed Marulan South Limestone Mine Continued Operations State Significant Development (SSD) referral.

#### **Biodiversity**

The proposal includes drawing significant amounts of water from Tallong Dam. Two threatened plant species Tallong Midge Orchid *Genoplesium plumosum* (Critically Endangered under NSW and Endangered under Commonwealth legislation, also a candidate SAIL species) and Dwarf Kerrawang *Commersonia prostrata* (Endangered under NSW and Commonwealth legislation) are known to occur on the northern sandstone outcrops adjoining the dam. These species, particularly the Tallong Midge Orchid, may be significantly affected if water levels in the dam are lowered for prolonged periods either directly through lower water availability for the plants or indirectly by increasing access of people to what is currently largely inaccessible habitat.

The environmental assessment does not describe how the water level will vary as a result of the water extraction, so it is not possible to determine the likelihood of impact on these species. This matter should be addressed in the Biodiversity Development Assessment report (BDAR).

The Tallong dam is a bog wetland system area with considerable fringing wetland vegetation, which has developed as a result of the long-term operation of the dam. This area of native vegetation has been mapped as a sandstone swamp with tea tree wet health in OEH vegetation mapping for the site. This is potential an area of Montane Bog and Fen Endangered Ecological community that should be addressed in the BDAR. There is no mention of these impacts in the BDAR. If the development will result in a permanent change water levels in the Tallong dam resulting in long term impacts to this area of wetland, the area should be assessed appropriately and included in the BDAR.

OEH cannot comment on the offset calculations or if the offset is suitable as the BDAR provided with the Environmental Assessment includes the overburden areas which is currently being assessed in the Peppertree Modification 5 (PA 06\_0074 MOD 5) development assessment. The offset calculations from this 'Peppertree area' need to be removed or at least made distinct from the calculations for the Marulan South Limestone before we can provide advice on the offset.

OEH notes that this referral is deemed a Controlled Action under section 75 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Matters of National Environmental Significance (MNES) previously identified in the Peppertree MOD 5 that may be impacted by this project are listed as follows. Note, this list is not definitive:

- *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* – critically endangered
- Regent Honeyeater (*Xanthomyza Phrygia*) – critically endangered
- Large-eared Pied Bat (*Chalinolobus dwyeri*) – vulnerable
- Koala (*Pharscolarctus cinereus*) - vulnerable

OEH notes that in relation to the application of the avoidance and minimisation principle, the chosen site presents the greatest loss to biodiversity values of all options.

### **Floodplain Risk Management**

Nil response.

### **Aboriginal cultural heritage**

OEH is satisfied that the Aboriginal consultation and assessment undertaken for the proposal area has been consistent with the methodologies already approved for the existing major projects associated with this site.

We support the preparation of an Aboriginal Heritage Management Plan (AHMP) to describe the ongoing measures required to manage both the tangible and intangible Aboriginal cultural heritage values across the Mine site. Preparation of the AHMP should be undertaken in consultation with the registered Aboriginal Parties and OEH. We note that further consultation regarding the Marulan Creek Women's Cultural Site is required in relation to the measures and controls required to protect the site. Consultation and protection measures need to be undertaken prior to any construction or impact activities occurring near the Cultural Site.

Please contact Senior Team Leader Planning, Allison Treweek on 02 6229 7082 if you would like to discuss this matter further.

Yours Sincerely,



MICHAEL SAXON  
Director South East Branch  
**Conservation & Regional Delivery**

1/5/2019