

5 December 2016



Hunter Branch

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Attn: David Kloppers
Planning and Assessment Commission
GPO Box 3415
Sydney NSW 2001

Sent to: <pac@pac.nsw.gov.au>

Dear Sir / Madam

WILPINJONG EXTENSION PROJECT RO39-16

The Hunter Branch of the National Parks Association of NSW (NPA) strongly objects to the Wilpinjong Continuation Project (RO39-16). NPA is a non-profit community organisation established in 1957 with particular interests in protecting the State's biodiversity and supporting ecological processes, cultural heritage within natural landscapes, and the wider national park and protected area network.

NPA Hunter Branch lodged a submissions in relation to the Wilpinjong Extension EIS in March 2016. We do not support the recommendation by the NSW Department of Planning and Environment that the project be approved. Specific comments are made in relation to biodiversity, Munghorn Gap Nature Reserve and cultural heritage.

Biodiversity

The project will involve the clearing of 354 ha of remnant native vegetation comprising dry sclerophyll forests and grassy woodlands in moderate to good condition. This includes three listed threatened ecological communities, as well as habitat for 21 listed threatened species, comprising 13 birds, seven bats and one plant. The area is a hotspot for breeding and feeding by the critically endangered Regent Honeyeater, whilst the adjacent Munghorn Gap NR is important for many ornithological records.

We strongly disagree that the proposed compensatory measures are in any way 'satisfactory' or 'acceptable'. In particular, the weight of available evidence suggests that the cumulative impact on threatened species habitat cannot be offset, and this is borne out by the inappropriate offsetting arrangements that are proposed for the Regent Honeyeater. These provide a 25% species credit reduction for woodland rehabilitation over 921 ha of mine disturbance. These works are already approved, and approximately 107 ha of this area is already established!

Allowing current mine rehabilitation to make up this contribution to the offset package clearly does not satisfy the general principle that offsets should provide 'additionality' (beneficial outcomes that would not otherwise occur). More specifically, it does not comply with the NSW *Biodiversity Offset Policy for Major Development*, and is inconsistent with principles outlined in the Commonwealth *Biodiversity Offset Policy for Matters of National Environmental Significance* under the EPBC Act 1999.

The proposal is located within the Mudgee-Wollar Important Bird Area, which is recognised as providing significant habitat supporting the Regent Honeyeater. Removing 190 ha of habitat resources, additional to those already approved for the Wilpinjong, Moolarben and Ulan Mines, is undeniably inconsistent with the responses set out in the Recovery Plan for this critically endangered species. We specifically request the Commission to give these matters more critical consideration than they have received hitherto.

Munghorn Gap Nature Reserve

Our earlier submission on the EIS made specific reference to the unacceptable impact of the proposal on Munghorn Gap Nature Reserve due to the failure to provide any buffer setback. Impacts are greatly magnified by the proposed extraction of coal within narrow valleys that are fully enclosed within the indented boundaries of the Reserve. Some of the affected land contains mature habitat values for the Regent Honeyeater. In addition, there are impacts on the Reserve from blasting, noise, dust and light pollution that remain effectively unassessed. Credible measures are required to avoid these impacts.

We note that the proponent is already obliged to regenerate some of the cleared areas within these narrow valleys to improve overall connectivity with the Reserve—please refer to condition 58 of the current approval for the Wilpinjong Mine. This was in recognition of the increased disturbance to vegetation and connectivity resulting from approval of the expanded mine footprint under Modification 5.

We also note the strong position taken by the NSW Office of Environment and Heritage in requesting that a 50 metre buffer be maintained to the reserve boundary. The discussion and conclusion in the Department of Planning and Environment's Assessment Report that perhaps a 20 metre buffer containing roads and works would be an acceptable compromise appears strongly one-sided, and makes no reference to the statutory purposes for which the Reserve was created. We suggest that the Department's setback recommendations have little basis, and indeed are completely inconsistent with conditions imposed on at least one other nearby mine. In this regard, attention is drawn to the Planning Assessment Commission's approval of the Moolarben Stage 2 Mine in January 2015, Schedule 3, which set a condition for a 50m buffer:

33. The proponent shall ensure that:

- The boundary of the project with the Munghorn Gap Nature Reserve is identified and surveyed prior to the commencement of open cut mining; and*
- A 50 meter buffer zone is maintained between the open cut mining and the Munghorn Gap Nature Reserve during the life of the project.*

While we consider that this is a very minimal concession to the likely impacts on the Reserve, this condition represents a significant precedent that should be maintained and preferably strengthened when considering this proposal.

Cultural heritage

Impacts of the proposal include the destruction of the significant Rocky Hill artwork site and an ochre quarry. A further 92 artefact sites will also be destroyed, and 138 put at risk. In addition the context of many cultural heritage sites within the adjacent Munghorn Gap Nature Reserve will be degraded. The fact that the Department of Planning and Environment is satisfied that the various cultural heritage assessments 'have been undertaken in accordance with relevant guidelines' provides little consolation for the loss of these irreplaceable assets, the protection of which would be demanded in all other circumstances.

We agree with comments by the Office of Environment and Heritage, and echoed by a number of interest groups, that mining proposals have, and are continuing to have, a significant cumulative impact within the wider region. These impacts can only be curtailed by actually protecting sites from destruction. We therefore call upon the Commission to impose suitable conditions having this effect.

Conclusion

The effect of the proposal is a substantial and cumulative devaluation of the immediate setting and ecological context of the Munghorn Gap NR, whilst wider biodiversity offset measures are inappropriate and insufficient. We question the true long-term benefit of the proposal, and suggest that environmental and other values such as cultural heritage that will be damaged by the proposal need to be given substantially greater weight and value than they are presently receiving.

Yours faithfully



Ian Donovan
President, Hunter Branch
National Parks Association of NSW