



Hunter Environment Lobby Inc.

[REDACTED]

SUBMISSION

Planning Assessment Commission Drayton South Coal Project

Hunter Environment Lobby Inc. (HEL) is a regional community-based environmental organization that has been active for over 20 years on the issues of environmental degradation, species and habitat loss, and climate change.

HEL has objected to the various versions of the Drayton South Project and continues to do so on the grounds that the environmental, social and economic costs to a diverse Hunter economy are greater than the predicted public benefit.

We reiterate the points made to the Public Hearing at Denman in 2015 for a slightly different version of this proposal, one point of which was that the repeal of clause 12AA from the Mining SEPP enables the PAC to make a decision giving equal weighting to the triple bottom line.

Our submission then concentrated on the biodiversity impacts of the project and the inadequate biodiversity offset arrangements, and we reinforce those points again.

The project requires the destruction of 1,438 ha of native vegetation that provides significant habitat for 21 fauna species that are migratory and /or threatened with extinction. The EIS notes that the removal of this vegetation will represent a significant loss of locally important foraging, roosting and breeding habitat values¹.

The EIS also notes that '*The Project will also increase fragmentation of the remaining forest and woodland in the short to medium term*'².

We submitted that the impacts to threatened species (eg nectarivorous birds, declining Woodland bird species, microbats, vegetation communities, critically endangered ecological communities) has not been adequately avoided, mitigated or offset.

¹ Drayton South Project 2015, Environmental Impact Statement, Main Report p 7- 60

² Ibid

The response to submissions answers this objection by referring to the Biodiversity Offset Package³.

However, there are significant compromises made in the offsetting arrangements that benefit the proponent more than achieving suitable biodiversity outcomes.

OEH acknowledges that under the Framework for Biodiversity Assessment the offset package has a shortage of approximately 6,209 ecosystem credits and 1,346 species credits. However, the Department of Planning and Environment (DPE) can apply some flexibility under the current transition period of implementation of the NSW Biodiversity Offsets Policy for Major Development⁴.

This flexibility removes the requirement to offset 'like for like' values in the package. This means that the critically endangered Box-Gum Woodland proposed to be destroyed will not be offset within the region.

The response to submissions notes that: *'It has been widely acknowledged that large properties containing 'like for like', high quality ecological communities analogous to those to be impacted by the Project are very limited. Such communities have been extensively cleared on the Hunter Valley floor⁵.'*

HEL maintains that this is a very strong argument for not permitting further clearing of these significant vegetation remnants. The extent of past impact has caused them to become critically endangered. There has to be a point in time when no more can be lost without causing extinctions.

It was identified that there are a number of difficulties in identifying suitable candidate properties to meet the criteria for offsite offsets.

'A key barrier was finding land within the Sydney Basin Bioregion that contained similar Box Gum Woodland to meet offsetting requirements that was not also within a mining tenement area.⁶

This has resulted in the offsite offset area for the proposed Drayton South biodiversity impacts to be primarily in a different bioregion, thus not meeting the requirements of the NSW Biodiversity Offsets Policy for Major Development.

Anglo has requested that DPE considers varying the application of the offsets policy for the Project.⁷

However, in responding to special interest group and public submissions concerned about biodiversity impacts the proponent states that *' A Biodiversity Offset Package has been developed,... in accordance with Government policies and guidelines including ... the NSW Biodiversity Offsets Policy for Major Development ⁸.'*

³ Response to submissions p 157

⁴ OEH response to RTS p1

⁵ Response to submissions p 48

⁶ Ibid

⁷ Response to submissions p54

⁸ Response to submissions p 153

We consider this statement to be misleading because the requirement of offsetting 'like for like' will not be met.

The onsite biodiversity offsets include the retention of 144 ha of remnant vegetation, woodland rehabilitation on disturbed land and restoration of 86 ha of vegetation along Saddlers Creek.

Only if the rehabilitation is successful will there be medium to longterm offsets available at the point of disturbance.

HEL maintains that the Biodiversity Offset Package is highly compromised and does not adequately mitigate the loss of critical biodiversity values on the floor of the Upper Hunter. We consider that the environmental costs of the proposal are too great, particularly the loss of tree hollows and mature flowering eucalypts that provide foraging for specialist fauna species.

At the time of the PAC hearing last year, it was more disturbing to see the volume of biodiversity information missing from the EIS. Subsequently this information is still not available, unless it is hidden from public view?

At the time, OEH identified a range of data that has been supplied by the proponent after the EIS was exhibited.

This includes data on native vegetation eg

- Species relied upon for the identification of vegetation type and relative abundance
- Justification of evidence used to identify a Plant Community Type
- Table of survey efforts vs Framework for Biodiversity Assessment survey effort required
- Table of plot and transect field data
- Copies of all plot and transect field data sheets

Missing data on threatened species includes:

- Justifications of inclusions and exclusions based on habitat features
- Indication of presence based on targeted survey or expert report
- Identification of species that cannot withstand further loss

Various other data including landscape features, connectivity values and species composition and structure of derived native grasslands have been provided to OEH outside the EIS.

As far as we can see, this information is still not publicly available for other independent experts and knowledgeable community members to access. As we have learnt during the approvals process for the Warkworth Mine extension, the negotiations between the proponent and Government agencies can lead to highly compromised biodiversity outcomes.

This information is then withheld from public scrutiny. HEL considers that this lack of available data and transparency around biodiversity impact is a major failing in the planning process. We contend that the proposed Biodiversity Offset arrangements do not adequately mitigate the impact of the Drayton South project.

Cumulative loss of Regional Habitat

When we try to see the cumulative loss of woodland we see that at Wambo the latest proposal the Modification 12 will impact on 170 ha of the critically endangered *Central Hunter Valley Eucalypt Forest and Woodland* ecological community (CEEC) and 180 ha of potential habitat for the critically endangered Regent Honeyeater.

Again at Warkworth out of the 698 ha of woodland loss, 72 ha of Warkworth Sands Woodland will be lost, more habitat for the Regent Honeyeater.

At the Mt Owen Continuation Project, there will be removal of Central Hunter Ironbark Spotted Gum Forest to the tune of 159.3 ha. As we can see when the cumulative losses are added up for the precariously critical Regent Honeyeater population in the Hunter, they emerge as an important issue for decision makers.

HEL does not consider that enough assessment has been undertaken to demonstrate that impacts to these areas will be negligible. There are many other areas too numerous to name that see huge losses of this important habitat, I name only those which have been mentioned in the last 12 months in recent projects.

This demonstrates the inability of DoPE to consider and assess the cumulative impact of habitat loss for this species.

The Regent Honeyeater National Recovery Plan dated April 2015 states that all areas where Regent Honeyeaters are known or are likely to occur require protective measures.

Habitat critical to the survival of the Regent Honeyeater includes any breeding or foraging habitat in areas where the species is likely to occur. The distribution map includes the Upper Hunter.

The foraging habitat proposed to be cleared for the Drayton South Mine fits the definition of habitat critical to the survival of the Regent Honeyeater in the National Recovery Plan.

Likewise this habitat is critical for the Swift Parrot and is core habitat for hollow-dependent microbats, Greater Long-eared Bat and Large-eared Pied Bat.

We also note that the area to be disturbed contains 274ha of the nationally listed critically endangered ecological community *Central Hunter Valley Eucalypt Forest and Woodland*. There has been no requirement to offset the loss of this ecosystem because of the timing of the controlled action decision.

However, if the Drayton South Mine is rejected, as decided by all past PACs, these nationally significant areas of bushland would not be destroyed.

We note that the DoPE Assessment Report contains no information in regard to the biodiversity impacts of the proposal.

We also want the Commission to note that HEL and the IESC do not support final voids and there should be no final voids as part of the project. We believe these issues will be covered by other submitters but would like it noted that we strongly believe the cumulative effects of dozens of final voids throughout the Hunter Valley will impact on water quality for many thousands of years.

For these reasons the project should be rejected.

Yours sincerely

A solid black rectangular box used to redact the signature of Jan Davis.

Jan Davis
President