

**SPEECH TO THE INDEPENDENT PLANNING COMMISSION
REGARDING STATE SIGNIFICANT DEVELOPMENT 17017460 –
CHAIN VALLEY COLLIERY CONSOLIDATION PROJECT**

I represent the Community Environment Network, the peak environmental group on the Central Coast and Lake Macquarie.

Delta's proposal should be refused on its merits as per Section 4.15 of the NSW EP&A Act 1979 for lacking environmental merit and posing an irrefutable, although unquantified and unqualified, risk of environmental harm.

1. LACK OF DUE DILLIGENCE

When it comes to the collieries impacts on the region's biodiversity, you, as consent authority, have been left in the dark. The proponent has been given a GET OUT OF GOAL FREE card under the Biodiversity Conservation Act 2016.

Section 7.9(2) of the BC Act requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR). In this case a BDAR waiver request was submitted to the Department in June 2025. The Environment Agency Head and a delegate of the Planning Secretary determined this development was not likely to have any significant impact on biodiversity values and granted a BDAR waive.

Without a BDAR how can you be certain of the biodiversity impacts of this application? How can you tick the procedural fairness box when your understanding of this project's potential for environmental harm is based on a wink and nod from a couple of

senior bureaucrats in Sydney? Is that good enough for you to state categorically that this project has environmental merit?

2. PLENTY OF EVIDENCE

The Project is located where mining titles already exist but much has changed since those titles were granted. Surely your deliberations can only achieve procedural fairness if you have proof Lake Macquarie's biodiversity won't be damaged by the project. Surely you can only determine in favour of the proponent if they are able to demonstrate environmental merit, which, by avoiding completion of a BDAR, they have failed to do.

This project's environmental risks are real and substantial. Coal mining and associated infrastructure pose significant environmental risks to the [Lake's](#) ecosystem, centred on water quality, habitat loss, and structural changes.

Lake Macquarie is Australia's largest coastal saltwater lake. It offers critical refuge to threatened and migratory species: at least 232 species of fish and populations of dolphins, green sea turtles, and sharks and rays. Remnant eucalypt forests on the lake's southern margins are an **Important Bird Area (IBA)** according to [BirdLife International](#), providing habitat for the endangered swift parrot and regent honeyeater, and nesting sites for masked owls and ospreys.

Woodland communities on the lake's coastal floodplains are EECs. **Sydney Freshwater Wetlands** found in low-lying areas around the lake's edge are endangered.

You don't know how this project will impact any of these EECs because you do not have a BDAR.

The lake's extensive seagrass and saltmarsh, indispensable to ecological health, have already been damaged by coal mining. Consent for Delta is a licence to prolong such damage. The lake's seagrass meadows and saltmarshes are nurseries and **blue carbon sinks**. They trap sediment, filter pollutants and stabilise shorelines against erosion and storm surges. They too are listed as an **Endangered Ecological Community** under NSW law including the *Posidonia australis* seagrass meadows. However, because the proponent has not completed a BDAR, you cannot judge the impacts of this project on those endangered communities.

Mining coal causes turbidity and salinity, which poses risks to many of the EECs I have mentioned. Whilst we are told this application is for an established mining footprint, according to the exhibited documents, this proposal includes an extended extraction area and an extended subsidence zone between Wyee Point and Morriset. Extended zones extend the potential for biodiversity loss.

3. QUESTIONABLE STEWARDSHIP

We question this proponent's willingness to fulfil the environmental stewardship that accompanies the authority to keep mining under the lake. This company was prosecuted for causing two massive fish kills in Lake Macquarie in 2022.

Delta's "**lack of diligence**" transformed a manageable industrial process into an ecological catastrophe. Delta failed to fulfil a non-negotiable duty to ensure its infrastructure was maintained to prevent environmental harm.

Justice Pritchard said a faulty valve in the chloring dosing plant released concentrated bleach into Wyee Bay and that Delta failed to

properly maintain the valve. The fish kills resulted in an estimated **15,000 fish and rays** (including whitespotted eagle rays) being found dead on the shores of Wyee Bay.

*"...it was a **fundamental breakdown** in the defendant's environmental safeguard systems," the judgement said.*

*"Environment Protection Licences are ... the primary mechanism by which the community's interest in a healthy environment is protected. To breach a condition of such a licence is to **undermine the very framework of environmental regulation** in this State."*

*"Licensees are entrusted with the stewardship of the natural environment ... that trust is betrayed when **basic maintenance protocols are neglected** in favour of operational convenience."*

4. IN CONCLUSION

The NSW DPHI didn't make a recommendation on this application but it did draft some conditions of consent, just in case you decide to rule in favour of the applicant. Not to suggest this process is a rubber-stamping exercise and that you are comfortable ignoring environmental risks.

The conditions of consent included a definition of "material harm" ...is harm that involves actual harm to the environment that may include ... a leak, spill, emission, escape or deposit of a substance – perhaps from a faulty valve - and, as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people."

In determining the merits of this proposal, and in the absence of a contemporary expert assessment of the project's biodiversity

impact, I ask you to consider the very real risks of environmental harm to an already vulnerable ecosystem that is a refuge to even more vulnerable threatened and endangered species, some of which are facing regional and even global extinction. Please refuse this application.