

14th December 2022

Submission to the Department of Planning and Environment regarding Modification 9: MAULES CREEK COAL MINE BIODIVERSITY OFFSET AND ROMA BORE ELECTRICITY TRANSMISSION LINE MODIFICATION REPORT MP10_0138-Mod-9

Thank you for the opportunity to make a submission regarding this Modification application.

Maules Creek Coal Mine (MCCM) is seeking approval to modify the NSW Project Approval (PA) 10_0138 to authorise changes to the existing biodiversity offset strategy and the construction and use of a new Roma Bore electrical transmission line.

This MP10_0138-Mod-9, (521page document), is not a 'minor administration' modification. The community deserves the respect of at least having more than a mere 14days to read, digest and reply to such a long and misleading document, which ultimately affects Threatened species which have lost habitat in the Leard State Forest.

MCC proposes that Condition 54 of PA 10_0138 be modified, to facilitate the 'extra' area of CEEC that they have found. This continual changing and modifying of the original Project Approval is pure and simple – Approval Creep, which enables the proponent to change anything that gets in their way of economics, and the community are left with a long-term legacy of a SSD that looks nothing like the original Project Approval, by the stroke of a pen.

This modification is a review of a review that is either misleading or totally wrong from the start, there are large differences in the area sizes claimed to be CEEC. The classification systems, Commonwealth CEEC and the NSW CEEC were used to define these extra areas of Offsets, and they seem to be used in such a way to gain as much extra Plant Community Type (PCT) as possible but may not have truly satisfied the Threatened Ecological Community (TEC) type, just some minor overlapping of these two classifications does not provide contiguous habitat for Threatened Species, only small patches found by shifting map lines.

This SSD project should never have been approved prior to the securing of 'Like for Like' Offsets.

The 'Biodiversity Offset' section of this modification must be revisited and independently reassessed and verified on the ground, with plot data, which is not provided in this modification, and must not be reassessed by using desktop analysis of previous companies used by this proponent or by using 'Cadastral Survey Data'.

Please explain how 'high quality' cadastral survey data – (remapping property boundaries) replaces Plot Data that accurately identifies the species and communities in that area on the ground? Surely Cadastral surveys only redefined boundaries not PCT or TEC on the ground?

This is a significant change where an additional 2,213.3ha will be added to the already suspect Offset properties that obviously were not 'like for like'. Why else was Whitehaven Maules Creek Coal instructed to go and BUY more Offset properties? Because they didn't fit the criteria of 'Like for Like' to replace the Critically Endangered Ecological Communities (CEEC) –

White Box—Yellow Box— Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community.

The proposed modification to the Biodiversity Offsets if approved will subsequently be used to modify the Biodiversity Offset Strategy. The extra areas of Critically Endangered Ecological Communities, that is to replace/Offset the CEEC that has been and will continue to be bulldozed in the Leard State Forest (LSF), was a contiguous area. These fragmented tiny patches go nowhere near Offsetting the lost Old Growth Habitat and CEEC of LSF.

Is the CEEC of LSF to be replaced by 'Fragmented tiny patches' of 'similar' not 'Like for Like' community type hundreds of Kilometres away, and reclassified by desktop or Cadastral survey data? Is that how the Department of Planning and Environment, allows this and other proponents to claim that they have secured 'Like for Like' CEEC that is meant to provide habitat for Threatened Species?

- Koala Habitat

To the extent that Part 2 is relevant, it is noted that:

■ *the Modification area is not "potential koala habitat"; and*

■ *the Modification area is not "core koala habitat".*

The report suggests that although it is not 'Potential Koala Habitat' or 'Core Koala habitat' it goes on to state:

long -term conservation and management of
approximately **9,315.7 ha of potential habitat for koalas**

The proposed Modification is considered to be consistent with the aims of Chapter 3 of the Biodiversity and Conservation SEPP having regard to the fact that the proposed modified offset strategy will result in the long -term conservation and management of approximately 9,315.7 ha of potential habitat for koalas (Appendix A).

Can the proponent please explain how they are going to make 9,315.7 ha 'Potential habitat' for Koalas? How many decades is this going to take and how is it going to happen? And where is this miraculous increase of potential habitat going to be, which properties?

This only goes to show that Offsetting is just an excuse to fabricate habitat, that isn't really there.

By allowing such a modification to be treated as a minor administrative matter, all the normal environmental checks can be ignored and the modification can be rubber stamped. Not good enough! This is not administrative.

Any new properties that have been acquired as Offsets and used to extend Whitehaven Maules Creek Coal's Offset areas, needs to be Independently verified and mapped with plot data by an independent Ecological company not remunerated by the proponent.

This company has had extension after extension, the best part of a decade to secure the required Offset for impacts that it has already caused, and now that they have managed to secure some of these Offset properties under Voluntary Conservation Agreement (VPA) 0487 under the NP&W Act. and Conservation Agreement (CA) 0234 under the BC Act. These conservation agreements will now have to be changed by modifying their PA.

Until the newly found increase of areas of CEEC are independently verified appropriately this Modification 9 should not be approved.

Roselyn Druce.