Hunter Environment Lobby Inc.

PO Box 188
East Maitland NSW 2323
30/7/14

To the Director General/Minister for Planning
Major Development Assessment
Department of Planning
GPO Box 39 Sydney NSW 2001

SUBJECT

Re: Objection to Proposed Modification Duralie Coal Mine
Project Application Number 08 0203 MOD 2

The Hunter Environment Lobby Inc (HEL) is a non profit community group established to promote environment protection in the Hunter Valley. It has been in existence since 1992 with a focus on regional scale issues and biodiversity conservation. The group receives no government or external funding and is non-political.

Hunter Environment Lobby Inc. strongly objects to the modification of the Duralie Coal Mine and urge you to reject this Project as it is an unacceptable expansion into remnant and threatened species bushlands. This inevitably places flora and fauna in this area into the more endangered and threatened levels as the cumulative impacts of coal mining in the Hunter and Karuah catchments reach their full potential.

HEL has commented on this coal mine at all the different iterations and modifications it has gone through, our comments in the submission on 10 July 2009 states, our major concerns have been the protection of the existing and future water quality of Mammy Johnsons River, its aquatic environment and ecosystem. Other areas for concern are the containment and use of contaminated water, final voids and the water management system as a whole.

Previous Submissions by HEL

Duralie sought approval for an extension of the existing pit with two additional open cut pits (Weismantel & Clareval) to the northwest of the main pit area in 2009, that left the community with two final voids and four dams from that proposal alone. That extension impacted unacceptably on already degraded biodiversity values.

Duralie Coal's consultants were predicting, "the final void will take 120 years to reach 80% capacity, it will stay at 80% for the next 240 years and it will remain 8 metres below the spill level."

They also stated that the salinity level will increase from 2000 uS/cm (micro-siemens) to 5000 uS/cm over 310 years and that No Spill is predicted in the long term from the final voids due to predictions & scenarios that climate change will decrease the rainfall and increase the evaporation rate in the Duarlie area".

In fact, as we noted in 2009, CSIRO predictions are that this area will experience wetter conditions in the future, and dams and voids will fill more quickly. So we see that due to regional climatic conditions rain events will only intensify & become more extreme due to climate change not decrease as Duralie Coal's EA predicts.

Impacts on Community

The company were not permitted to rail the coal outside the hours 7am and 10pm, but can now rail 3 million tonnes per year and run additional trains between Duralie and Stratford between the hours of 7.00am and 2.00am. This saw 19 hours when coal trains ran between the mines in uncovered train wagons past many residential properties and the villages of Wards River & Craven, not to mention all the villages and towns on the way to the Port.

Increased noise, additional coal dust, possible contamination of household water tanks and the high sulphur content of this coal added problems for the residents along the train route.

As noted the original consent in August 1997, following a Commission of Inquiry, the Minister for Urban Affairs and Planning approved a development application (DA) from Duralie Coal for a new open cut coal mine at Duralie. Under this approval Duralie Coal was allowed to extract up to 18.4million tonnes of coal at a rate of up to 1.8 million tonnes a year, and process this coal onsite for export by rail.

Now the mine schedule for the DCM incorporating the last Modification includes mining of up to 3 Mtpa and waste rock extraction of up to 10.6 Mbcm per and as can be seen, this is nearly a doubling of extraction and hours of mining, thus a huge increase on the original proposal.

Fauna

There have been no new comprehensive fauna surveys since 2009, thus we take the following EA results cautiously. The EA says on page 14 Appendix F that, 'the data remains valid as there have been minimal changes to the landscape that would provide new opportunities for fauna in the years since these surveys.'

However, limited surveys undertaken by AM Consulting were conducted during one season (autumn) and for a limited period of time (four days for active surveys and nine days for remote monitoring cameras).

'The techniques used were mostly observation-based rather than trapping (other than harp traps used for microbats). Accordingly, it is likely the surveys would not have recorded the full range of threatened fauna potentially occurring within the study area, particularly those which may only occur seasonally or occasionally. The surveys were undertaken for the purpose of assessing the impacts for the Modification and the characteristics of the offset area. The surveys were designed in consideration of the considerable survey effort previously undertaken (Section 2.2.1) and the relatively small size of the Modification area (approximately 2.5 ha) which is partly surrounded by disturbance associated with the currently approved open pit.

A conservative approach was adopted whereby the potential impacts on all potentially occurring and previously recorded threatened fauna species have been considered, regardless of whether or not they were recorded during the surveys in 2014. For example, the Swift Parrot (a winter migrant) has been previously recorded in the

mining lease and therefore the potential impact on its habitat has been considered. Further, the conclusions of this report are based on a range of data, including the 2014 surveys, previous studies, database searches and habitat assessments.'[1]

Fauna recorded during the surveys

We note that a total of 95 species of vertebrate fauna were recorded during the current (2014) surveys and are listed in Appendix B. This included 65 species of bird, 22 species of mammal, two species of reptile and six species of frog. Of these, nine threatened fauna species were recorded within the study area or nearby.

Six threatened fauna species were recorded in the Modification area or immediate surrounds (Speckled Warbler, Varied Sittella, Squirrel Glider, Brush-tailed Phascogale, Little Bentwing-bat and Eastern Bentwing-bat). We make the point that in this small scale non comprehensive survey, it is not surprising that other species were not recorded, and we await the response by the NSW Dept of the Environment.

Direct impacts

Loss of habitat

As noted in the EA the Modification would require the removal of small areas of vegetation and fauna habitat mostly on the side of the approved open cut pit. The total disturbance area would be 2.5 ha, which includes 0.7 ha of Dry Sclerophyll Forest and 1.8 ha of Cleared Land with Scattered Trees. Most of the disturbance area provides habitat for native fauna, some of which are of conservation significance.

'A number of key threatening processes listed under the TSC Act could occur as a result of the habitat removal (and are discussed in more detail below):
- Clearing of native vegetation;
- Loss of hollow bearing trees;
- Removal of dead wood and dead trees; and
- Bushrock removal.'[2]

Clearing of native vegetation

The Modification area is approximately 2.5 ha in size comprising dry sclerophyll forest in various stages of regeneration and derived native grassland. This loss of vegetation would result in impacts to a range of fauna, including a number of threatened species that are known to occur within or nearby the Modification area. Clearing of vegetation results in the loss of habitat for species that utilise the vegetation and may also result in the loss of habitat resources such as food trees, hollow bearing trees, rocks, and fallen timber.

To the north of the open pit approximately 0.3 ha of Dry Sclerophyll Forest would be removed from the edge of the existing disturbance area. Similar habitat occurs to the west of the open pit, and within the Northern Offset area and proposed offset area. A small patch of similar habitat also occurs to the west of Duralie Road, which connects with the creek and vegetated areas west of Bucketts Way.
To the west of the open pit approximately 0.4 ha of Dry Sclerophyll Forest and 1.8 ha of Cleared Land with Scattered Trees would be removed from the edge of the existing disturbance area. The Dry Sclerophyll Forest is young regrowth, while the Cleared Land with Scattered Trees has already been extensively modified by previous

[1] EA Appendix F page 16
[2] EA Appendix F page 27

activities. The corridor of habitat west of the Modification area is unlikely to be directly impacted.

Indirect impacts

Loss of habitat connectivity

Habitat corridors provide essential pathways for the movement of native fauna and play an important role in ensuring the long-term genetic viability of species. Vegetation connectivity in the surrounds of the study area is highly variable. To the north of the Modification area a relatively small area of forest extends along Duralie Road, eventually connecting to a larger patch of forest on the western side of the Bucketts Way. To the east, vegetative connectivity is extremely limited. To the west and south, a north-south forested corridor occurs within the study area, which eventually links to the habitats of the Northern Offset Area and the proposed offset area to the south. As can be seen, although the area of modification is small, it is important as far as habitat and connectivity is concerned.

The main cumulative impact associated with the Modification is the loss of approximately 0.7 ha of dry sclerophyll forest, which is in addition to the approximate 196 ha of native vegetation which was approved to be cleared for the Duralie Extension Project. The Modification area would therefore result is an additional 0.9 percent native vegetation clearance (i.e. dry sclerophyll forest). This small increase is not considered to be significant in terms of cumulative impacts by the proponent, but this modification sits in a very important area of connectivity.

Rehabilitation

The Modification disturbance area is associated with changes to the open pit limits (i.e. to improve geotechnical stability) and the associated relocation of existing water diversion infrastructure adjacent to the Clareval pit.

HEL is dissatisfied that with the approved DCM, final voids would remain in the Clareval and Weismantel open pits at the cessation of mining. We regard this as an abrogation of duty of care by both the Dept of Planning and the proponent.

The portion of the Modification disturbance area associated with changes to the open pit limits would form part of the of the DCM final void, and therefore, would not be rehabilitated. That is unacceptable to community expectations of rehabilitation responsibility. The final voids would be expected to fill with water until an equilibrium level is reached, but then be a draw down threat to the local river and aquifers.

Consistent with the currently approved DCM, the revegetation objective for the waste rock emplacement would be to provide areas of woodland and pasture on the waste rock emplacement surface and batters. The woodland areas would be linked to broader habitat in the area. HEL maintains that a management plan would need to be seen by the NSW OEH and indeed the community for any confidence in that rehabilitation.

Threatened species

Five threatened fauna species have been recorded within the proposed offset area (Figure 4). Descriptions of the sightings of these species are provided in Table 6.4. The area provides potential habitat for most threatened fauna which could occur within the Modification area.

Enduring Conservation for the Proposed Offset Area

Enduring conservation of the proposed offset area is proposed to be secured to the satisfaction of the NSW Secretary of the Department of Planning & Environment. HEL looks forward to seeing how that would happen?

Proposed Management and Management Plan[3]

The BMP would be revised to incorporate the proposed offset area. A number of management measures are listed and described below based on flora and fauna surveys of the proposed offset area and an assessment of the measures required to enhance the flora and fauna values of the area, including:

- revegetation of cleared land to substantially increase the amount of vegetation in the area;
- management of livestock grazing;
- control of weeds to enable natural regeneration of native vegetation;
- exotic animal management to benefit native wildlife;
- bushfire management; and
- controlling vehicular access.

HEL would like to see a more rigorous plan that incorporated the compulsory attendance at a Flora and Fauna Management Committee, similar to that of the Mt Owen Complex mine at Ravensworth in the mid Hunter. This committee is also attended by this organization.

This would ensure that the community could have some confidence in the outcome of biodiversity strategies and rehabilitation management plans. There is much more to comment on with the proposed modification, and I respectfully request that HEL Inc have the opportunity to revisit the implications for water quality and drawdown issues following closure.

yours sincerely

Jan Davis (President)

[3] EA Appendif F page 41