



Hunter Bird Observers Club

Affiliated with BirdLife Australia

Hunter Bird Observers Club Inc
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13 November 2012

Major Planning Assessments
Department of Planning and Infrastructure
GPO Box 39
Sydney 2001

Attn: Stephen O'Donoghue

Re: Cobbora Coal Project – Application No: 10_0001

The Hunter Bird Observers Club (HBOC) strongly objects to the proposed Cobbora Coal Project.

Threatened and Declining Woodland Birds

The clearing of 1,867ha woodland habitat is unacceptable at a time when Australia's temperate woodland birds have been shown to be in a serious trend of decline. Since European settlement, over 85% of temperate woodlands have been cleared and are now among the most threatened ecosystems in Australia (and several fauna extinctions have already occurred therein).

Approximately 250-300 species of birds use the temperate woodlands and over a third of Australia's land birds are woodland dependent. These temperate woodlands are one of the most diverse habitats for fauna in southern Australia (they are often floristically diverse as well) but have undergone significant change and modification over the past 200 years, such that at least one in five woodland bird species listed as threatened or shown to be declining (more likely to be one in four).

This project will have a significant impact on a large number of threatened species, including obligate woodland birds, as recognised in the Environmental Assessment (EA) for the project.

The EA concedes that the project may cause the local extinction of the following threatened bird species listed under the NSW *Threatened Species Conservation Act (TSC Act) 1995*:

- Glossy Black-Cockatoo (*Calyptorhynchus lathami*)
- Barking Owl (*Ninox connivens*)
- Powerful Owl (*Ninox strenua*)
- Masked Owl (*Tyto novaehollandiae*)
- Diamond Firetail (*Stagonopleura guttata*)
- Varied Sittella (*Daphoenositta chrysoptera*)
- Hooded Robin (*Melanodryas cucullata*)
- Grey-crowned Babbler (*Pomatostomus temporalis*)
- Speckled Warbler (*Chthonicola sagittata*)

The fact that the NSW Scientific Committee is continually adding new woodland species to the threatened species list reflects their concern with the decline of woodland birds based on hard scientific fact. The NSW Scientific Committee places considerable emphasis in its deliberations on

information generated by BirdLife Australia's (BLA) Atlas projects. HBOC is a significant contributor to these projects and understands the grave situation facing many of our woodland bird species in south-eastern Australia. The BLA Atlas data demonstrate a wide-spread decline in woodland species in the temperate woodlands of NSW, particularly during the current decade. The cumulative impact of habitat destruction is considered to be the major cause of long term declines. Consequently, the destruction caused by developments like the proposed Cobbora mine will inevitably contribute and accelerate the extent of decline and, it is anticipated, will result in listing of additional species. On this basis, it is essential that proactive measures are taken to halt further decline by preventing additional habitat loss.

There has also been a recent record of 2 Regent Honeyeaters (*Anthochaera phrygia*) within 15km of the mine site, at Tallawang. This species is listed as Critically Endangered under the TSC Act and Endangered nationally under the Commonwealth *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. It is possible that this species would use the woodland areas in the vicinity of the proposed mine site, despite it not having been recorded during surveys or previously.

Other threatened bird species

Other threatened bird species recorded in the study area include the Australasian Bittern (*Botaurus poiciloptilus*), Blue-billed Duck (*Oxyura australis*) and White-fronted Chat (*Epthianura albifrons*). The former of these has been shown to have suffered a dramatic decline in recent decades such that it has been upgraded to "endangered" on the TSC Act schedules and has recently been listed nationally under the EPBC Act as endangered. As such, any wetland that is known to support this species must be considered important and warranted of protection.

Biodiversity Offset Strategy

The proposal has used a modified version of the NSW Government's "Biobanking Assessment Methodology" to calculate the area of land with habitat values needed to offset the identified significant ecological impacts of the project. A package including all necessary areas needed to offset the loss of key vegetation and threatened species habitat values has not been finalised and provided in the EA for public comment and nor has the level of protection to be given to the offset areas been decided.

It is therefore impossible for HBOC and other environmental community groups to make an informed assessment of the proposal and provide specific comment on one of the issues of most immediate concern to its opposition.

We therefore request that you delay the closure of submissions to the EA until the full details of the biodiversity offset package are known and have been provided to the community, with an appropriate period for comment. This is in keeping with the fundamental components of government planning policy and legislation including use of the precautionary principle and biodiversity offsetting principles including the Office of Environment and Heritage *Principles for the Use of Biodiversity Offsets (June 2010)* and the Australian Government *EPBC Act Environmental Offsets Policy (October 2012)*.

Furthermore, areas identified in the EA as high priority offsets are situated on known coal reserves and may be threatened by future mining expansion. As such, there is no certainty that the extent of the impact of the project will be adequately offset or that the proposed offsets will be protected in perpetuity. This has been a significant issue in other instances, such as the Warkworth Mine Extension (near Bulga in the Hunter Valley), where promulgated "offset" land was later included in an area proposed for mine expansion.

It is also recognised by HBOC that many other threatened entities occur on the mine site (such as threatened plant species and endangered ecological communities) and thus exacerbating the cumulative impact of the mine on significant biodiversity values in the region. HBOC therefore objects to the mine as proposed.

Your sincerely,

A handwritten signature in blue ink, appearing to read 'M. Roderick', is positioned above the typed name.

Mick Roderick
President
Hunter Bird Observers Club Inc.