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Submission of Objection
Cobbora Coal project
Application No: 10_0001

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

Introduction:
CWEC is very concerned that the proposed Cobbora Coal project (the project) has a very large footprint of approximately 47 km^2 that will result in significant biodiversity impacts that cannot be mitigated or offset.

CWEC is not convinced that the project can be justified for economic reasons and is concerned that a genuine costs-benefits analysis has not been conducted to consider the loss of irreplaceable biodiversity values.

The project will run at a cost to the people of NSW and is not economically viable. The stated economic value is based on misleading figures that do not reflect the price to be gained from selling this coal to NSW power stations.[1]

The project occurs within the Brigalow Belt South bioregion, one of the early areas in Australia to be disturbed by broad scale clearing for agricultural purposes. It is part of the wheat-sheep belt that stretches from Queensland into Victoria. The bioregion has a very low percentage conserved in formal conservation reserves and all mature remnant native vegetation is critical for declining woodland dependent native fauna and flora.

The Environmental Assessment Report (EAR) has identified that the project could cause the local extinction of at least twelve threatened species. This is highly significant and has not been adequately addressed in the project assessment or design. Local extinctions are the first stage of regional extinctions that can

[1] EAR Volume 9 Appendix R *Economic assessment*

accumulate into the loss of species over a very large area that eventually results in an irreversible decline and total extinction.

The cumulative impacts on these particular species through continuing loss of habitat, that has occurred at nearby large mine sites and other developments in the region, have not been adequately addressed in the EAR.

The project will also destroy areas of remnant vegetation that have been identified by the Central West Catchment Management Authority (CW CMA) as important elements of the regional biodiversity corridor system.[2]

Landscape scale connectivity is critical for the continuation of species dispersal and genetic diversity. The disruption of mature habitat linkages has not been addressed.

CWEC does not support the claim made in the EAR that:

'*Ongoing ecological management, rehabilitation works and the offset package will improve the connectivity of remnant habitat within the locality and result in an improvement to the quality, quantity and protection of biodiversity within the region in the medium to long term.'*[3]

CWEC has major concerns that a completed biodiversity offset strategy has not been provided in the EAR for comment. There is no certainty provided that offset areas will be protected in perpetuity.

1. National significance of Temperate Woodlands:

The temperate woodlands, with over 80% cleared for agriculture, are the most threatened treed ecosystems in Australia.

Woodlands contain 70% of hollow-using fauna in Australia. The ongoing decline in the availability of hollows in woodland areas has national implications for the conservation of biodiversity. Hollows take a long time to form in the slow growing, hardwood species that make up western woodlands. They provide nesting sites and protection from predators for a vast range of birds, arboreal mammals and bat species.

Woodland birds of the sheep/wheat belt are now experiencing a wave of regional extinctions with more than 60 species, or 25% of all woodland bird species, recognised as threatened or declining and many once common birds now rapidly disappearing.

The impacts of clearing, fragmentation of vegetation loss of connectivity and ongoing impacts from a variety of land use activities has had caused major degradation of woodland ecosystems.

> *"Conservation of the remaining fragments of the woodland ecosystem and of the broader woodland landscape is … one of the most urgent priorities for both nature conservation and for future agricultural production in this country*". (Robinson & Traill (1996).)

[2] EAR Volume 5 Appendix H *Terrestrial ecology assessment* Fig 4.1
[3] EAR Volume 5 Appendix H *Terrestrial ecology assessment* p ES.15

2. Species Impacts:

This project will have significant impact on threatened species in the over-cleared central west region of the NSW sheep wheat belt. The proposal to clear 1,867 ha of high conservation value vegetation, including old growth features, that provide important habitat values for at least 39 threatened species is not acceptable and cannot be adequately offset.

The EA has identified that as well as loss of habitat the project is likely to impact on breeding and foraging activities through the increase in dust, noise, vibration and light pollution in the area.

2.1 Flora Impacts:

The EAR indicates that areas of impact will destroy endangered ecological communities and vegetation assemblages that have had 75% or more of their original extent cleared in the CW CMA region.

This includes areas of Box Gum Grassy Woodland, Mugga Ironbark Grey Box Woodland, Scribbly Gum Open Forest, Red Stringybark Woodland, Rough-barked Apple Woodland, Fuzzy Box Woodland, Inland Grey Box Woodland.

Four threatened plants, including three listed as matters of national environmental significance (NES) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), will have populations destroyed by the proposal. These are the endangered *Tylophora linearis* and Ingram's Zieria (*Zieria ingramii)*; and vulnerable *Homoranthus darwinioides.* The fourth plant, Ausfeld's Wattle (*Acacia ausfeldii*) is listed as vulnerable under the NSW *Threatened Species Act 1995* (TSC Act).

2.1.1 Flora Survey

The inadequacy of the flora survey work, conducted in the key areas of impact over 13 days during Sept to Nov in 2011 and 13 days between Jan and March 2010 does not provide any evidence of how the specific figures of vegetation areas were arrived at.

The precise figures used in the calculation of the biodiversity offset credits[4] using the Biobanking Assessment Methodology cannot have been arrived at through the combination of desktop survey, aerial mapping and the onground survey work that was used in this assessment.[5] This is clarified further below.

There is also a high probability that other threatened flora species occur in the area of impact such as *Philotheca ericifolia* and *Diuris tricolor.* These species have not been included in the offset credits analysis because they were not recorded during the short survey periods.

There are no appendices providing the details of the findings of the plot surveys, rapid assessments or targeted threatened flora searches undertaken.
The design of the mine changed in early 2011, and the description of flora survey work is very difficult to follow in the EA App H.

[4] EAR Volume 5 Appendix H *Biodiversity Offset Strategy* Appendix A
[5] EAR Volume 5 Appendix H *Terrestrial ecology assessment* Table 4.2

'The 2009-2011 Baseline Surveys concentrated on the area surrounding Laheys and Sandy's creeks and the surrounding agricultural areas."[6]

Figure 3.1 provides the sites where survey work was carried out. However, the specific areas of vegetation types across the project area of impact, provided in Table 4.2, are based on broad scale mapping done in 2004 and 2006, aerial photograph interpretation with limited ground truthing outside the impact area.

How this mapping information and survey effort relates to the very detailed figures for areas of vegetation types used in Table 3.2[7] and the Biobanking calculator as provided in App A of Biodiversity Offset Strategy is not clearly identified anywhere in the EA.

2.1.2 Significant impact on threatened plant species:

1. *Tylophora linearis*

This plant species is listed as endangered under the EPBC Act and vulnerable under the TSC Act. The project will result in the extinction of the known population of this plant in the study area which represents the south-eastern extent of the species distribution within NSW. This removes all known plant individuals from the locality and is inconsistent with recovery plans for the species.

2. Ingram's Zieria *(Zieria ingramii)*

This plant species is listed as endangered under the EPBC Act and endangered under the TSC Act.
The flora surveys have identified that 727 plants will be removed from 8 of the 15 subpopulations within the study area, being 58% of the recorded local population. In addition, an area of 1,354 ha of Blue-leaved Ironbark Woodland and 73 ha of Dwyer's Red Gum Woodland, including known and potential habitat for this species, will be removed.
The germination mechanisms of Ingram's Zieria are unknown. The project places the local population at risk of extinction and is inconsistent with the Ingram's Zieria Recovery Plan (DEC,2007)

3. *Homoranthus darwinioides*

This plant species is listed as vulnerable under the EPBC Act and vulnerable under the TSC Act
The proposal will remove 227 plants recorded in the area of impact. This is 53% of recorded individuals and comprises one of two sub populations. These are close to the southern distribution of the species and are an important population. This population is only one of three known populations. Habitat in the study area may be critical to the survival of this species.
The Project is inconsistent with recovery actions for the species.

2.2 Fauna Impacts

The scale of this proposal and the need to remove 1,867 ha of established woodland habitat with high conservation value and an additional 967 ha of native grasslands that provide food sources for threatened species is a significant loss in the CW CMA region that has national implications.

[6] EAR Volume 5 Appendix H *Terrestrial ecology assessment* p23
[7] EAR Volume 5 Appendix H *Biodiversity Offset Strategy* p14

2.2.1 Fauna Survey

The large footprint of the project in areas with significant habitat values including large tree-hollows, ridgelines and groundwater dependent ecosystems requires a major fauna survey effort to adequately assess the species likely to be using the site.

CWEC is concerned that a number of fauna survey methods used were inadequate.

The fauna assessment methods did not use trapping to detect the threatened Squirrel Glider (*Petaurus norfolcensis*), Eastern Pigmy Possum (*Cercartetus nanus*) or the endangered Spotted-tailed Quoll (*Dasyurus maculatus maculates*).

Spotlighting for nocturnal birds and mammals only occurred at 16 locations across the project area.

The large number of threatened species recorded during the surveys is an indication of the significance of the proposed habitat destruction for the project.

2.2.2 Declining woodland birds

In the sheep and wheat belt of NSW, Reid (1999) identified sixty species of threatened or declining birds. Two species were of 'Special Concern', thirty eight were 'Vulnerable and Endangered' and twenty species were 'Declining'. The latter class was primarily sedentary passerine species with a wide distribution range and tended to be ground-feeding insectivores (see below)

Declining Passerines of the Sheep and Wheat Belt
Brown Treecreeper *Climacteris picumnus*
Speckled Warbler *Chthonicola sagittata*
Chestnut-rumped Thornbill *Acanthiza uropygialis*
Southern Whiteface *Aphelocephala leucopsis*
Grey-crowned Babbler *Pomatostomus temporalis*
White-browed Babbler *Pomatostomus superciliosus*
Varied Sittella *Daphoenositta chrysoptera*
Crested Shrike-tit *Falcunculus frontatus*
Rufous Whistler *Pachycephala rufiventris*
Crested Bellbird *Oreoica gutteralis*
Restless Flycatcher *Myiagra inquieta*
Jacky Winter *Microeca fascinans*
Red-capped Robin *Petroica goodenovii*
Hooded Robin *Melanodryas cucullata*
Eastern Yellow Robin *Eopsaltria australis*
Diamond Firetail *Stagonopleura guttata*

It is of significance that a number of species in the above list have been recorded in the area of proposed impact and will lose important areas of remnant habitat if the project goes ahead. The fauna assessment has indicated that increased noise, dust and light pollution from the project will further impact on breeding, roosting and foraging opportunities for threatened and declining species.

These include:

1. Brown Treecreeper (*Climacteris picumnus*)

This species is listed as vulnerable under the TSC Act. Breeding pairs were recorded in the study area. It is a sedentary species and could lose opportunities for genetic exchange because of the increased fragmentation of between large areas of remnant vegetation and loss of 'stepping stones'.

The Project will have a significant impact on the Brown Treecreeper because of large –scale removal of breeding habitat will occur. The species is vulnerable to habitat loss and modification because it is sedentary.

2. Speckled Warbler (*Chthonicola sagittata*)

This species is listed as vulnerable under the TSC Act and is considered to be breeding in the study area. It is a sedentary species living in pairs and trios that nests and forages on the ground.

The Project will have a significant impact on the Speckled Warbler because it will remove a large area of known foraging and breeding habitat and is inconsistent with the recovery of the species.

3. Grey-crowned Babbler (*Pomatostomus temporalis*)

This species is listed as vulnerable under the TSC Act and was recorded throughout the study area. Nests of the species were observed in eucalypts and wattles. This species has site fidelity for nesting and uses nests from year to year. Foraging habitat is available in areas of fallen timber and grassy understorey.

The Project will have a significant impact on the Grey-crowned Babbler because breeding resources and known nesting areas will be removed. The removal of habitat will make it difficult for individuals to disperse to alternative breeding sites and cause competition in surrounding areas. This may impact on the viability of the local population of this species.

Vehicle strike on roads due to increased traffic is also likely for the Grey-crowned Babbler that flies at a low height

4. Varied Sittella (*Daphoenositta chrysoptera*)

This species is listed as vulnerable under the TSC Act and is considered to be breeding in the study area. It is sedentary and builds its nest in upright tree forks high in the canopy. It often uses the same fork or tree in successive years.

The increase in habitat fragmentation will increase the level of difficulty in accessing foraging resources and finding a mate.

The Project will have a significant impact on the Varied Sittella because it will remove a large area of known foraging and breeding habitat and is inconsistent with the recovery of this species.

5. Hooded Robin (*Melanodryas cucullata*)

This species is listed as vulnerable under the TSC Act and is considered to be breeding in the study area.

Some breeding habitat will be removed by the Project and some will be retained. The retained areas will be subject to increased noise, dust and light which may cause this

species to be deterred from breeding in the retained riparian, roadside and remnant woodlands.

Removal of breeding habitat and reduction in home range size for the Hooded Robin is likely to be significant and result in local populations being lost.

6. Diamond Firetail (*Stagonopleura guttata*)

This species is listed as vulnerable under the TSC Act and is likely to be breeding in the study area. The Diamond Firetail is largely sedentary and forms small colonies to breed.Woodland habitat in the study area is considered important to this species and to the long term survival of local populations.

The Project will have a significant impact on the Diamond Firetail because it will remove a large area of known foraging and breeding habitat and is inconsistent with the recovery of this species.

Other threatened woodland bird species recorded in the area will also be significantly impacted by this project:

7. Glossy Black-Cockatoo (*Calyptorhynchus lathami)*

This species is listed as vulnerable under the TSC Act and could be breeding in the study area because large hollow-bearing eucalypts occur in the area and only limited surveys were undertaken during this species breeding season (March to August).

The Glossy Black-Cockatoo was recorded on numerous occasions foraging in She-oak understorey. This is a sedentary species, making it more vulnerable to habitat loss and modification.

Loss of nesting resources for this species is likely to be significant, given the specific nature of nest site selection. Removal of nesting sites could affect the life cycle of this species such that the local population could be placed at risk of extinction.

The Project will have a significant impact on the Glossy Black-Cockatoo because large-scale removal of breeding habitat will occur.

8. Superb Parrot (*Polytelis swainsonii*)

This species is listed as vulnerable under the TSC Act and EPBC Act. It was recorded throughout the study area following a mass flowering event in the locality. The species was recorded in the study area during the breeding season and nesting habitat is available in hollows of large trees in open Box Gum Woodland and in isolated paddock trees.

The fauna survey of the Project area was inadequate to fully assess the significance of the loss of foraging and nesting habitat on the Superb Parrot.

9. Barking Owl (*Ninox connivens)*

This species is listed as vulnerable under the TSC Act. It was recorded in the study area in habitat areas to be removed. The area has nesting habitat in the form of large, high tree hollows and prey species such as Common Ringtail Possum and Sugar Glider.

Priority actions in the Barking Owl recovery plan focus on increasing knowledge of the species requirements. It relies on old growth features, large trees with hollows

greater than 20 cm, to persist and this project will create a 120 -200 year lag time in replacing these values in rehabilitation areas.

Loss of habitat could limit recruitment and displace breeding pairs.

The use of replacement structures such as nesting boxes has not proven to be effective for large forest owls (Vol 5 pb.29 table b.13 Assessment of impact criteria for threatened owls).

The Project will have a significant impact on the Barking Owl because it removes a large area of known habitat and likely breeding habitat, including significant and irreplaceable breeding features in the form of large hollow-bearing trees.

10. Masked Owl (*Tyto novaehollandiae*)

This species is listed as vulnerable under the TSC Act. It was recorded in the study area where breeding and foraging habitat will be removed. Roosting and nesting sites include large trees with hollows greater than 40 cm in diameter, crevices in cliffs or caves. Breeding is irregular and unpredictable for the Masked Owl.

The Project will have a significant impact on the Masked Owl. It is inconsistent with the Recovery Plan (Dec, 2006b) which requires that developments '*minimise further loss and fragmentation of habitat by protection and more informed management of significant owl habitat.'*

11. Powerful Owl (*Ninox strenua*)

This species is listed as vulnerable under the TSC Act. It was recorded near the study area.

A large area of breeding, foraging and roosting habitat will be removed by the Project. Breeding hollows need to be at least 0.5m deep and in very large old trees. Large senescent trees were recorded in the study area.

These large forest owls have large home ranges between 300 – 15 ha making it difficult for individuals to disperse to alternative breeding sites. The project will impact on breeding habitat and home ranges. Life cycles of this species could be impacted such that viable local populations could be placed at risk of extinction.

2.2.3 Threatened Mammals:

The proposed footprint of the project to disturb up to 47 km^2 of roosting and foraging habitat for threatened microbats is significant.

The cumulative impact on these species through loss of habitat from existing and expanding mining activities in the regiona has not been adequately considered or assessed in the EAR.

Endangered and vulnerable microbats recorded in the survey area will be significantly impacted by loss of habitat. These include:

1. Southern Long-eared Bat (*Nyctophilus corbeni*)

This species is listed as vulnerable under the TSC Act and EPBC Act. Roosting and maternity sites are available in large tree hollows in the project area.

2. Large-eared Pied Bat (*Chalinolobus dwyeri)*

This species is listed as vulnerable under the TSC Act and EPBC Act. The project will remove known roost sites and potential breeding habitat and is inconsistent with recovery objectives for the species. The loss of 16 km of ridgeline and a large area of known foraging habitat is significant for this species.

3. Little Pied Bat (*Chalinolobus picatus*)

This species is listed as vulnerable under the TSC Act. Potential roosting, foraging and breeding habitat will be removed by the project. The main objective of the Little Pied Bat Action Plan is to protect known roost sites.

4. Yellow-bellied Sheathtail Bat (*Saccolaimus flaviventris*)

This species is listed as vulnerable under the TSC Act. Roosting, foraging and breeding habitat will be removed by the Project.

2.2 Aquatic Ecosystems

The project will cause groundwater drawdown and loss of low flows during drought. This will have a significant impact on aquatic ecology in Laheys Creek, Sandy Creek and the Talbragar River.

These streams are associated with the endangered Lowland Darling River aquatic ecological community. Altered hydrology may cause increased fragmentation of this EEC through loss of semi-permanent pools and reduced connectivity of aquatic habitats.

The aquatic ecology survey identified that the threatened Freshwater Catfish (*Tandanus tandanus*) was recorded in a number of sites that will be impacted by the project through loss of both low flows and base flows caused by groundwater drawdown and catchment impacts. The project may be responsible for the local extinction of this species.

Impacts on deep pools as drought refugia in ephemeral streams, degradation of riparian vegetation and other groundwater dependent ecosystems cannot be adequately mitigated. The impact of loss of water availability in local streams to terrestrial fauna species during drought has not been considered as an impact of the project.

3. Biodiversity Offset Strategy

The project will have a significant impact on the biodiversity of the region. The loss of 1,867 ha of mature woodland habitat values and 967 ha of native grasslands in the upper catchment of the Macquarie River cannot be adequately offset, particularly through mine rehabilitation in a high bushfire prone area.

CWEC is unable to comment on the final offset package because it has not been provided in the EAR. It is unacceptable that this important aspect of the project proposal has not been finalized and will not be available for public scrutiny.

The proposal will destroy a number of areas identified in the CW CMA regional corridor mapping.[8] There is no confidence that the proponents will be able to

[8] EAR Volume 5 Appendix H *Terrestrial ecology assessment* Fig 4.1

mitigate this loss in the medium to long-term as proposed. The significant loss of habitat in the short-term and possible local extinction of at least 12 threatened species has not been adequately addressed in the offset package.

3.1 Failings of the Offset Package

Information provided about the offset package appears to be inconsistent throughout the EA:

Statement 1:
'*Ongoing ecological management, rehabilitation works and the offset package will improve the connectivity of remnant habitat within the locality and result in an improvement to the quality, quantity and protection of biodiversity within the region in the medium to long term.'*[9]

Statement 2:
'*Proposed offset additions will add threatened species habitat to the package. Targeted surveys will be conducted in spring/summer to confirm the presence of threatened species and their habitat in the offset areas. Should further surveys and additional offsets still not meet the requirements for species credits, indirect offsets will be investigated and negotiated with OEH and SEWPaC or the outcome goal may be reduced to a 'mitigated net loss.'*[10]

The proposed offset package includes 5,667 ha including 1,758 ha of pasture areas and 458 ha of TECs. An additional 991 ha is proposed to be rehabilitated within the offset areas. An additional 1,543 ha of unsurveyed potential offset areas have been identified adjacent to the project area.

The offset package also includes rehabilitated mine land to provide 1900 ha reinstated woodland and 1700 ha grassland. The success of mine rehabilitation on this scale to provide lost habitat values has not been adequately proven for these areas to be included as offset credits.

CWEC is concerned that the assessment for determining adequate offset areas has been based on the Biobanking Assessment Methodology (BBAM).

The EA indicates limitations to the credit calculations for the offset targets were caused by *'the size of the Project and the subsequent assessment circles, vegetation zones and threatened species subzones generated,*[11]

The offset package does not meet all the species credits required to mitigate the impacts on four threatened species and includes a Tier 3 or 'mitigated net loss' outcome for non 'red flag' vegetation types where vegetation offsets will not be 'like for like'.

Outstanding requirements for the offset package include additional areas to compensate for loss of Fuzzy Box Woodland, *H. darwinioides*, *T. linearis*, Ingram's zieria and breeding habitat for Large-eared Pied Bat.

[9] EAR Volume 5 Appendix H *Terrestrial ecology assessment* p ES.15
[10] EAR Volume 1 *Main Report* Ecology p274
[11] EAR Volume 5 Appendix H *Biodiversity Offset Strategy* p16

There are a number of discrepancies in the EAR relating the credit calculation for the habitat requirements of the Large-eared Pied Bat. Table 3.1 *Species credits required for the project*[12] identifies that only 2 ha cliff-line will be credited for loss of breeding habitat whereas Table B.19 *Assessment of impact criteria for the threatened cave-roosting bats*[13] identifies that the project will remove 16 km of potential breeding and roosting habitat for this species.

The targeted surveys are proposed in an additional 1,543 ha of unsecured offsets adjacent to the project. There is no confidence that this area of land provides necessary habitat for impacted threatened species.

There is also no clear consideration of the issue of competition for displaced species as outlined in the assessment impact for a number of key threatened species.

For example for threatened woodland birds: '*While other areas outside the impact area contain breeding for these species, the removal of habitat will make it difficult for individuals to disperse to alternative breeding sites, and potentially cause intraspecific competition in surrounding areas*.'[14]

The 1,788 ha of vegetation to be destroyed that is not EEC but still provides habitat both for threatened species and for important species such as those woodland species known to be declining, is proposed to be offset as Tier 3 or 'mitigated net loss'.

The project has been calculated (using compromised methodology[15]) to cause impacts equivalent to 124,091 ecosystem credits due to clearing of native vegetation communities in moderate to good condition and an additional 49, 541 threatened species credits. These biodiversity credits need to be matched by credits generated in the offset areas to meet the offset strategy objectives.

CWEC is of the opinion that some areas of vegetation to be impacted have very good condition and that the assessment has understated the importance of the high conservation values present in the study area. The proposed offset credits do not reflect the quality of the vegetation and habitat to be destroyed.

CWEC is also concerned that the quality of the flora surveys conducted and the reliance on desktop analysis to arrive at precise areas of vegetation is inadequate for the use of the BBAM.

Some of the proposed areas included in the incomplete offset package are overlaying coal resource.[16] It is significant that priority 1, 2 and 4 areas, identified as offsets and included in the BBAM to calculate credits, may be threatened by future mine expansion.

3.2 Lack of certainty for offset protection

The EAR states that:

[12] EAR Volume 5 Appendix H *Biodiversity Offset Strategy* p13
[13] EAR Volume 5 Appendix H *Significance assessments* pB.42
[14] EAR Volume 5 Appendix H *Significance assessments* pB.40
[15] EAR Volume 5 Appendix H *Biodiversity Offset Strategy* p16
[16] EAR Volume 5 Appendix H *Terrestrial ecology assessment* Figure 4.5

'A total of 5,667 ha of CHC – owned land has been identified as biodiversity offset areas. These areas will be conserved in perpetuity to protect and enhance the ecological values present.'

'Offsets will be protected using formal conservation agreements and potentially dedication to the reserve network.'[17]

The lack of certainty around the type of protection for these areas is significant, particularly because the areas at the eastern end of the proposed offsets are mapped on known coal resource.

Recent experience with mine expansion approvals in NSW has been that 'in perpetuity protection' for offset areas has been overturned. The approval of the Warkworth mine extension into an area offsetting previous removal of significant vegetation and protected by a Ministerial deed of agreement has exposed the lack of certainty for future protection of offset areas that overlay coal resource.

3.3 Failure to meet Director General's Requirements (DGRs)

The DGRs required that a comprehensive offset strategy be prepared '*to ensure that the Project maintains or improves the biodiversity values of the region in the medium to long term (in accordance with NSW and Commonwealth policies)*[18]

This requirement has not been met by the EA. The final offset strategy package should be made available to the public and independent experts for comment. The level of proposed clearing in 'red flag' areas would not be permissible for any other form of development in the Central West catchment.

It is not acceptable that the specifics of a final offset package are not included in the documents exhibited for public comment.

The EAR states:
'A total of 7,210 ha has been identified as potential offset areas, with more than 5,667 ha included within the current proposed offset package of which 1,758 ha will be enhanced by rehabilitated or regeneration works. Further targeted surveys in the proposed and potential offset areas will be undertaken to confirm presence of threatened species and their habitats.'

'The specifics of the offset package will be further developed and agreed with OEH and SEWPaC.'[19]

Conclusion

The proposed Cobbora Coal project will have significant environmental impacts that cannot be mitigated or offset. These will result in long-term costs to the people of NSW and Australia.

[17] EAR Volume 5 Appendix H *Terrestrial ecology assessment* pES.13
[18] EAR Volume 1 *Main Report* Ecology p239
[19] EAR Volume 1 *Main Report* ES.13

An adequate justification for a project of this size with a high level of environmental, social and economic impact on regional, state and global jurisdictions has not been provided.

The true cost of this project has not been assessed. The NSW Government has a range of options available for improving NSW energy security and providing regional employment opportunities without the serious extent of environmental impact that this project will cause.

CWEC recommends that this project not be approved.

Yours sincerely

President

16th November 2012