



Hunter Environment Lobby Inc.

PO Box 188
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Elle Donnelly
Major Projects Assessment
Department of Planning and Environment
PO Box 39
Sydney NSW 2001

Thursday 12 June 2014

Additional Submission of Objection

Integra Mine Complex Modification 4
Biodiversity Offset Strategy
08_0101 MOD 4 and 08_0102 MOD 4

Dear Ms Donnelly,

As outlined in the preliminary submission lodged on 6 June 2014 Hunter Environment Lobby Inc. (HEL) wishes to submit additional information of objection to the Integra Mine Complex Modification 4.

1. Drilling in Biodiversity Offset Areas

The justification for this fourth modification is that a portion of the approved Biodiversity Offset Areas have subsequently been found to overlie a 'significant coal resource.'

HEL has major concerns that onsite areas approved to offset biodiversity impacts from mining operations were subject to an exploration drilling program after approval had been granted.

HEL would appreciate a response from the proponent and from the Department of Planning and Environment explaining how exploration activity is compliant with condition 41 Biodiversity Offset.

2. Loss of endangered ecological community (EEC) in proposed removed Biodiversity Offset Areas

The proposal to remove the entire western and supplementary biodiversity offset areas, part of northern, southern and Martins Creek biodiversity offset areas will cause the loss of 176.8 ha of approved biodiversity offsets.

These areas include 11 ha of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC and 3.7 ha of Swamp Oak Floodplain Forest EEC that may be exposed to clearing in the future. This impact has not been clearly identified in the assessment report for Modification 4.

The revised Biodiversity Offset Area, while increasing the area of threatened species habitat, does not include any further protection for these EECs.

3. Anomalies with ratio to impact

The assessment report maintains that an offset-to-impact ratio of 2.3:1 is equivalent to 2.4:1 for the Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC and that 9.9:1 is equivalent to 10.7:1 for Swamp Oak Floodplain Forest EEC.

This is an attempt to argue that the revised offsets will make no difference to the area of impacted EECs.

The offset for the Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC includes 87.3ha of Derived Grassland/Native Pasture that must be regenerated to a woodland form of the EEC. There is no guarantee that this regeneration will be successful.

HEL does not support that biodiversity offset ratios include unknown future outcomes of possible regeneration.

The proposed revised offset for Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC contains only 115.5 ha of woodland. This is well below the requirement of condition 42 (a) that 140 ha of EEC be included in biodiversity offset areas.

HEL disagree with the statement in Appendix B of the assessment report that '*revised BOAs provide the same or better offset to impact ratios for threatened ecological communities (TECs) as the approved offset areas*'¹

4. Failure to meet policy

The assessment report attempts to avoid meeting a number of NSW Government offset principles by maintaining that Modification 4 will not require impacts on any native vegetation. However, the whole purpose of the proposal is to release areas of EEC and native vegetation from permanent protection within biodiversity offset areas so that they can be impacted by mining operations in the future.

¹ Appendix B Revised Biodiversity Offset Strategy p14

This piecemeal approach to identifying mining impacts on EECs and threatened species habitat is unsustainable. The cumulative impact of the Integra Mining Complex on biodiversity values in the Central Hunter have not been adequately assessed or recognized.

5. Land acquisition for National Park estate

While HEL is supportive of National Park and Wildlife Service acquiring high conservation value inholdings to improve the permanent protection and connectivity of threatened species habitat, we do not support the sacrifice of important remnants of EEC to achieve this outcome.

The proposed Appletree Flat biodiversity offset areas are currently protected by the *Native Vegetation Act 2003*. These areas occur on Narrabeen Sandstones which is entirely different geology to the area of impact proposed to be offset.

6. No indication of permanent protection mechanism for onsite biodiversity offset areas

The proposal puts a strong emphasis on the protection of the Appletree Flat biodiversity offset areas within Wollemi National Park. However, there is no outline of the proposed permanent protection for the remaining offset areas on and adjacent to the Integra Mining Complex.

The final outcome for the northern, southern, Bridgeman and Martin's Creek biodiversity offset areas is not described.

HEL is concerned that these areas, particularly the remaining northern and southern biodiversity offset areas will be subject to a further modification. This is unacceptable.

7. Capacity to meet commitments

HEL is concerned that the current commitments of the proponent will not be adequately fulfilled because the operation has shut down. We request a response to this submission that outlines the commitment to the current Biodiversity Management Plan, rehabilitation and management of other environmental conditions over the mine site.

Conclusion

HEL does not support that Modification 4 will achieve improved biodiversity outcomes for the Central Hunter area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jan Davis', with a stylized, flowing script.

Jan Davis
President