

9 March 2016

Mr David Kitto  
Executive Director  
Resource Assessment and Business Systems  
NSW Department of Planning and Environment

Dear Mr Kitto

### **Wilpinjong Extension Project (SSD 6764)**

We are writing to provide comment on the Wilpinjong Extension Project (Application Number SSD 6764; hereafter referred to as "the Project"), with a focus on the likely impact that this proposed extension of open cut operations at the Wilpinjong Coal Mine will have on the Critically Endangered Regent Honeyeater and other threatened woodland birds.

BirdLife Australia is a highly respected science-based organisation with a diverse national supporter base of over 80,000 people. Through the long-running *Woodland Birds for Biodiversity* project, BirdLife aims to enhance the conservation of at least 40 threatened woodland birds, including the Regent Honeyeater (for which population estimates are now as few as 350-400 birds), as well as 18 endangered ecological communities within the declining temperate woodlands of south-eastern Australia.

The Hunter Valley is known to be one of the most important areas for Regent Honeyeaters, with a history of ongoing records and documented breeding events. This is likely due to the fact that the Hunter Valley is a broad valley that stretches a significant distance inland and that essentially has a "gap" in the Great Dividing Range, enabling species that are more often associated with dry habitats on the western slopes to occur in this coastal catchment. The area is therefore strategically important for species such as the Regent Honeyeater, given the unknown potential impacts of climate change and associated inland droughts.

The Wilpinjong Extension lies within a vegetated connection between the forests of the Hunter Valley and the dry woodland remnants of the western slopes of NSW. It is considered to be important not only as functioning habitat for Regent Honeyeaters (and other woodland birds), but also as a key component of a corridor that facilitates movement for birds between the sub-coastal forests of the Hunter Valley and the woodlands of the western slopes. The area cannot withstand further clearing or fragmentation.

The Environmental Risk Assessment (ERA) of the Wilpinjong Extension Project (the Project) identifies the risks to Flora and Fauna as including the incremental and cumulative loss of vegetation and fauna habitat and the potential impact of this loss on listed threatened species. In response to that identified threat, the Assessment states that this will be mitigated in three ways:

1. The application of the NSW Biodiversity Offset Policy - leading to a low net impact at a regional scale;
2. Detailed design of surface infrastructure to avoid impacts where practical; and

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3. Development and implementation of a comprehensive Biodiversity Management Plan including pre-clearance surveys (vegetation clearance) protocols and demarcation of clearance boundaries as part of site Ground Disturbance Permit.

According to the ERA, an additional seven significant/threatened bird species would be directly affected by the project, being the Black-chinned Honeyeater *Melithreptus gularis*, Brown Treecreeper *Picumnus victoriae*, Diamond Firetail *Stagonopleura guttata*, Glossy Black-Cockatoo *Calyptorhynchus lathami*, Hooded Robin *Melanodryas cucullata*, Little Lorikeet *Glossopsitta pusilla* and Speckled Warbler *Chthonicola sagittata*.

### **Cumulative impacts on Regent Honeyeater and other species**

As noted in the ERA, the Project involves the extension of the Wilpinjong Coal mine for an additional operational life of approximately seven years, which involves the removal of significant woodland habitat. BirdLife Australia is particularly concerned about the impact of this habitat removal on threatened woodland birds, as well as the cumulative impact of the clearance for the extension combined with the loss that has already occurred as a result of the existing mine.

BirdLife Australia considers that the Wilpinjong Extension Project is likely to have an even greater impact than the original Wilpinjong Mine Project, as it is larger in area. The Project covers an area of 354 hectares, whereas the original mine project was 318 hectares. The cumulative impact on habitat availability for significant species of the existing mine combined with this additional extension needs to be carefully considered.

The Biodiversity Assessment Report and Biodiversity Offset Strategy for the Project identifies that the current Wilpinjong mine and the proposed extension are located within core Regent Honeyeater habitat. This includes 273 ha of significant potential habitat located in the proposed mine extension which is designated to be removed. There are also documented sightings of the Regent Honeyeater in the current mine footprint as well as to the immediate south (see attached map generated using BirdLife Australia data).

The Biodiversity Assessment Report concludes that *"there is likely to be a short to medium term impact on a number of threatened species due to the loss of woodland/forest habitat but there would be no net impact on any threatened species over the medium to long-term, when taking into consideration the measures proposed to mitigate and offset impacts."*

However, it is important to recognise that for a species such as the Regent Honeyeater, any short to medium-term impact is unacceptable and likely to impact significantly on the species, given the extremely low numbers and immediate threat of extinction. The offsets proposed, including the rehabilitation of a greater area to woodland ratio in the longer term, is still not likely to be of any assistance to the survival of Regent Honeyeater. Put simply, there should be no further clearing of any important habitat for the Regent Honeyeater.

BirdLife Australia are seriously concerned about the cumulative impacts of Wilpinjong Mine's expansion, the loss of a huge area of land in Moolarben Coal Mine (adjacent) and areas of Ulan Coal Mine nearby. They have not been addressed in the EIS at all. Such cumulative impacts can decimate local bird populations.



Furthermore, Regent Honeyeater foraging habitat has been grossly underestimated in the environmental assessment. Known Regent Honeyeater feed trees, including Yellow Box *Eucalyptus melliodora*, White Box *E. albens* and Blakely's Red Gum *E. blakelyi* are likely to occur at varying densities in all the woodland and forest communities that occur across the impact site. While the densities may not be as high in some communities compared to others, the cumulative loss of scattered feed trees in communities such as Fuzzy Box Woodland, Narrow-leaved Ironbark Forest, Red Ironbark Forest and more, is significant.

There has been no mention of the loss of Mugga Ironbark *E. sideroxylon* which co-occur (as a sub-dominant/associated canopy species) with other *Eucalyptus* spp. in the local area, and this is one of the most important feed trees for Regent Honeyeaters.

### **Offsets not appropriate for Critically Endangered Regent Honeyeater**

As outlined above, offsets **cannot** help the recovery of the Regent Honeyeater from habitat loss associated with the project, due to its Critically Endangered status. Woodland suitable for Regent Honeyeaters needs to be many decades old and remaining habitat is already exceedingly scarce as a result of years of habitat clearance, driving the decline of this State and Federally listed Critically Endangered species. The historical loss of vegetation in low-lying, fertile areas now means that any remnants are of utmost significance; which includes areas proposed to be cleared under the Project. No revegetation project can provide adequate habitat for Regent Honeyeaters within the lifetime of the existing population or indeed several generations to come. *This means that offsets with real conservation outcomes for Regent Honeyeaters are almost impossible to create.*

Likewise, as the vast majority of temperate woodlands have been cleared since European settlement (and the majority of remnants fragmented or dominated by aggressive native species) a whole suite of obligate woodland birds are on a similar trajectory as the Regent Honeyeater. Again, we reiterate that any clearing of woodlands in low-lying areas needs to be totally avoided.

Further, offsets only protect existing habitat. They do not provide immediate relief for habitat lost through large clearing operations such as this. Relying on the rehabilitation of cleared grasslands, waste dumps and mine spoils to create suitable fauna habitat, particularly nectar-bearing trees suitable for Regent Honeyeaters is unacceptable. This is because of the huge net loss of suitable foraging habitat during the extensive time taken for trees to mature in these rehabilitation areas.

BirdLife will not be content with the proposed BioBanking or Biodiversity Offset Property impact mitigation. If this mine expansion and the associated loss of essential bird habitat and other biodiversity cannot be stopped, we demand to see an impact mitigation measure that provides an immediate relief to loss of Regent Honeyeater nectar-bearing tree habitat. The type of relief must provide substitute foraging habitat for Regent Honeyeater to use while mine spoil rehabilitation and any cleared-grassland revegetation takes place.

### **Mudgee-Wollar Important Bird and Biodiversity Area**

The Project is located wholly within the Mudgee-Wollar Important Bird and Biodiversity Area (IBA; refer to the included map). IBAs are sites of global bird conservation importance, identified according to strict scientific standards. Only 315



IBAs are currently recognised in Australia for their outstanding global biodiversity value. The Mudgee-Wollar IBA was recognised as part of this program due to its significance as providing habitat to the Regent Honeyeater, as well as supporting important populations of Diamond Firetails. The key goal for the IBA is to develop and implement a Habitat Retention and Enhancement policy to protect mature woodland, especially in areas known to support Regent Honeyeaters. As the Wilpinjong Mine Extension project is wholly within the Mudgee-Wollar IBA, it is a direct threat to the goals of protecting the IBA for Regent Honeyeater and other significant species.

#### **Other threatened / significant birds**

The importance of the site to Painted Honeyeater *Grantiella picta* has been downplayed. This area is considered a stronghold for this declining species, now listed under EPBC Act and TSC Act listed species legislation. The impact on its primary food source in the area, *Amyema quandang* and *Amyema miquelli* (Mistletoes) has not been fully addressed. The presence of the former mistletoe has been completely overlooked.

Malleefowl *Leiopoa ocellata* have been recorded much closer to the impact site than is stipulated in the EIS. Records have been made from at least three separate locations in the Goulburn River NP, with the closest record just over 5km north of the proposed impact area. Suitable habitat of the exact type, or very similar, to that in Goulburn River NP does occur in the impact site (open shrubby woodlands). This species should not be excluded from any impact mitigation, offsets or otherwise.

#### **Impacts on other threatened / significant fauna**

BirdLife Australia staff and conservation committee have intimate knowledge of the flora and fauna of this region in the Hunter Valley and would like to make comment on some matters of significance.

- Yellow-bellied Glider *Petaurus australis* (TSC Act listed) has been recorded much closer to have been recorded much closer to the impact site than is stipulated in the EIS. Records have been made from Munghorn Gap NR, with the closest record just over 10km south of the proposed impacts. Suitable habitat (Grey Gum forest) does occur in the development site. This species should not be excluded from any impact mitigation, offsets or otherwise.
- The New Holland Mouse *Pseudomys novaehollandiae* (EPBC Act listed) has been completely overlooked in this EIS. It has high potential to occur on site. The minimal trapping effort did not account for it in the EIS, and further trapping and targeted survey should be conducted to ensure there are no impacts. There are records of this species as close as 5km north-west of the impact site in habitat very similar to that which occurs in the impact site.
- BirdLife Australia is not confident that Austral Toadflax *Thesium australe* does not occur on the site. Thorough discussion with the consultant who originally recorded the plant in the area (LesryK) and other experts should take place before its absence can be confirmed. Targeted surveys must only take place after sufficient summer rains.
- BirdLife Australia is concerned that the presence/absence of *Diuris tricolor* has not been sufficiently addressed. Records exist within 10km in suitable



grassland and grassy woodland habitat as occurs in the impact area. Targeted surveys must take place when known local *Diuris tricolor* plants are in flower. Outside this time it is highly unlikely that the species would be found.

- BirdLife Australia is also concerned that the likelihood of *Pomaderris queenslandica* being present in the Wilpinjong extension impact area has not been sufficiently addressed. Records exist within 10km and suitable habitat does occur in the area. The species has been recorded in shrubby White Box woodland on dry shale ridges and we consider that the field surveys for this species were inadequate.

### Other comments

Under the *Equator Principles III*<sup>i</sup> for environmental & social risk management for banks and extractive industries IBAs present one of the criteria that all projects need to be assessed against. In Australia 'the big four' banks have all signed up to the Equator principles. BirdLife Australia would like to see the Wilpinjong Extension Project assessed against the criteria of the Equator Principles as well.

Any additional surveys for Regent Honeyeater, offset proposals or additional impact mitigation measures that are proposed, directly relates to BirdLife Australia as we are the key non-government organisation administering the Recovery Plan for the Regent Honeyeater and we employ the Regent Honeyeater recovery coordinator. We therefore request that BirdLife Australia be invited to make comment on proposals such as this prior to the public comment stage.

Thank you for the opportunity to comment on this proposal. I look forward to hearing the outcome of the assessment process. If you have any questions or require any further information, please feel free to contact me: [mick.roderick@birdlife.org.au](mailto:mick.roderick@birdlife.org.au).

Yours Sincerely

BirdLife Australia *Woodland Birds for Biodiversity* Project

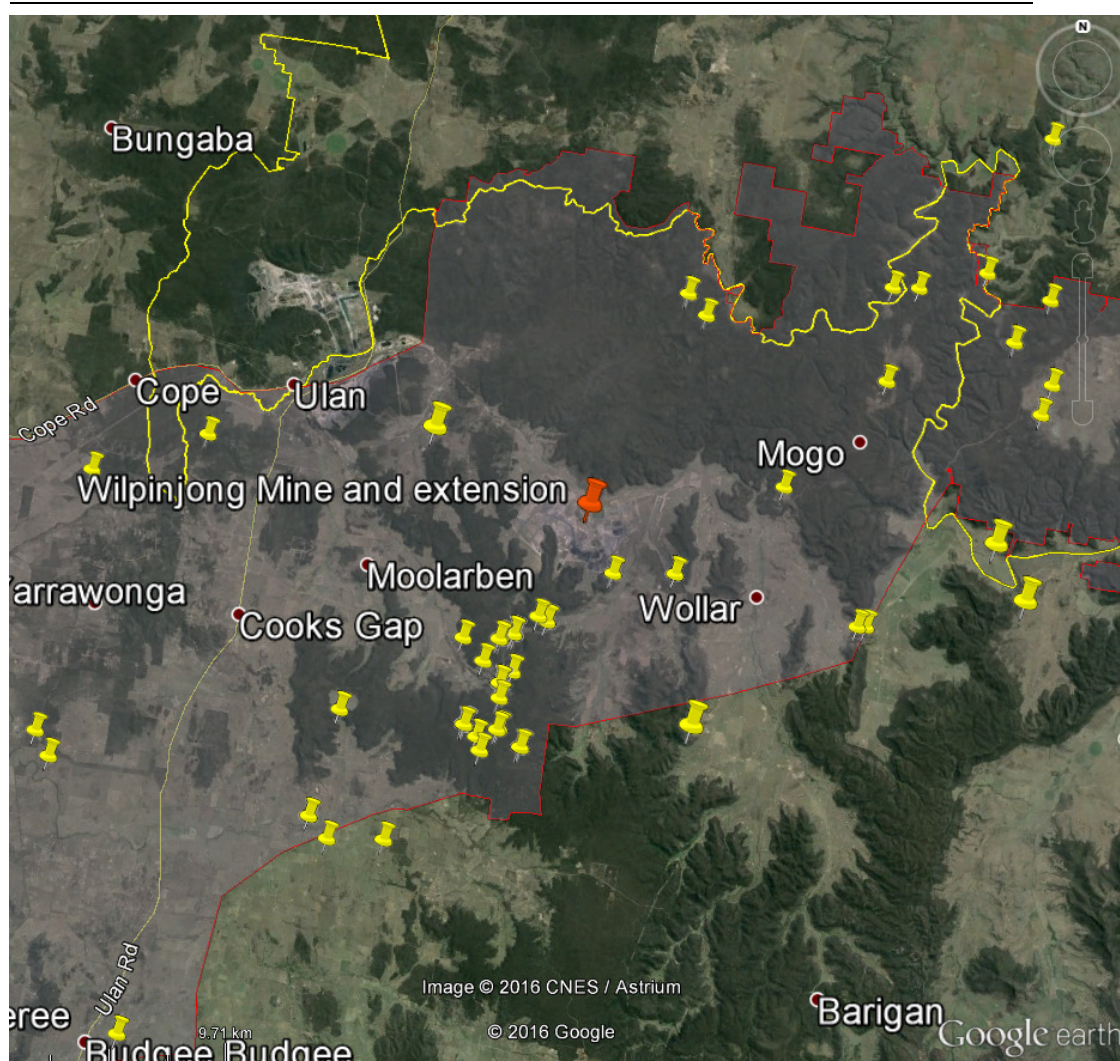
BirdLife Australia Southern New South Wales Conservation Subcommittee

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<sup>i</sup> <http://www.equator-principles.com/index.php/ep3/ep3>

Attachment overleaf – map showing Regent Honeyeater records, IBA and Wilpinjong mine.





Map showing Regent Honeyeater records (yellow pins), the Mudgee-Wollar IBA (shaded area outlined red) in relation to the Wilpinjong Mine and extension area.