



Hunter Environment Lobby Inc.

PO Box 188
East Maitland NSW 2323

Matthew Sprott
Major Projects – Mining
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Thursday 18 June 2015

Submission of Objection Drayton South Coal Project - SSD 6875

Dear Matthew,

Hunter Environment Lobby Inc. (HEL) is a regional community-based environmental organization that has been active for over 20 years on the issues of environmental degradation, species and habitat loss, and climate change.

HEL wishes to lodge yet another objection to the Drayton South Coal Project ('the proposal') on the grounds that it does not meet the objects of the NSW *Environmental Planning and Assessment Act* 1979 (EPA Act) in regard to the principles of ecologically sustainable development (ESD).

We have participated in the planning process for the proposed expansion of the Drayton Mine since December 2012 and are greatly concerned that this project has reappeared after two determinations that it not be approved.

Both the previous Drayton South proposals were rejected by the independent Planning & Assessment Commission. The NSW planning system must have a process whereby the rejection of a project is a final outcome.

This iteration of the proposal, while having a smaller footprint, still has a significant ecological, social and economic impact on the environment, community and other industries offering investment and permanent job creation in the Upper Hunter region.

This submission will primarily focus on the biodiversity impacts of the proposal.

HEL considers there to be a major failing in the Environmental Impact Statement (EIS), as exhibited, in that it does not recognise the new Commonwealth listing of Central Hunter Valley Eucalypt Forest and Woodland Complex as a critically endangered ecological community (CEEC). This issue is expanded further below.

Biodiversity impacts

HEL considers that the statements made in the EIS ¹, in relation to impacts on threatened species, provide a good summary of the nature and extent of these impacts in that they are significant. We do not consider that these impacts have been adequately avoided, mitigated or offset.

Impact on threatened nectarivorous birds

‘Despite the relatively small area and highly modified nature of the vegetation within the Drayton South area, a total of 21 threatened and/or migratory fauna species were recorded.

The loss of a large proportion of the forest and woodland within Drayton South disturbance footprint is likely to represent a significant loss of locally important foraging and roosting habitat, for the various birds, including migratory species that may rely on blossom resources in poor flowering seasons.

*Flowering tree species provide important forage habitat for threatened nectarivorous birds including the Black-chinned Honeyeater (*Melithreptus gularis gularis*) and the Swift Parrot (*Lathamus discolor*). The removal of these species will have short to medium term effects on resources and thus the fauna species that depend on them.*

Although some nectarivorous birds are mobile, others are fairly sedentary. The increase in habitat fragmentation may also reduce the dispersal capacity of more sedentary species between remnant woodland patches elsewhere in the locality. These species are also likely to have difficulty successfully relocating due to competition from existing residents in new areas.’²

HEL does not support that these significant risks to nectarivorous birds will be mitigated by the proposed Biodiversity Offset Strategy. The proposed destruction of important foraging resources will impact on the success of Recovery Plans for these threatened woodland bird species.

Impact on declining woodland bird populations

‘The Project will remove known foraging and roosting habitat for woodland birds occurring within the Drayton South area, including important habitat features such as hollows resources. The Project will also increase fragmentation of the remaining forest and woodland in the short to medium term.’³

HEL considers that the proposed staged removal of vegetation and replacement of loss in the short term will not successfully mitigate the destruction of mature habitat features that have developed over a very long period of time.

¹ Drayton South Project 2015, Environmental Impact Statement, Main Report p 7 - 59

² Ibid p 7 - 60

³ Ibid

We consider that the proposal will ‘*result in a significant loss of foraging, shelter and breeding habitat for locally occurring woodland bird populations, such as raptors.*’⁴

Impact on threatened micobats

‘The Project will result in the loss of known habitat as well as potential movement corridors for threatened microbats. Removal of woodland and forest will influence the availability of food sources, and suitable habitat for tree-roosting or hollow-dependent species. This may affect the capacity of some individuals to disperse and relocate to surrounding habitat elsewhere in the locality.

Hollow-dependent microbat species are highly mobile but have consistently been recorded in the Drayton South area. It is likely that the area supports core habitat for microbats, including possible roosting sites, within their home ranges.’⁵

HEL considers that the removal of core habitat for the Federally listed vulnerable Greater Long-eared Bat and Large-eared Pied Bat is a significant impact that will not be mitigated or compensated for through the proposed Biodiversity Offset Strategy.

Impact on threatened vegetation communities

The proposal requires the clearing of 1,438 ha of native vegetation including the following Federally listed critically endangered ecological communities (CEEC):

151 ha of Central Hunter Grey Box Woodland CEEC ,
11 ha Hunter Floodplain Red Gum Woodland CEEC,
4 ha of Upper Hunter White Box-Ironbark Grassy Woodland CEEC,
4 ha Derived Native Grassland - Hunter Floodplain Red Gum Woodland CEEC and
3 ha Derived Native Grassland - Upper Hunter White Box-Ironbark Grassy Woodland CEEC

As noted above, the loss of this area of native vegetation will have a significant impact on dependent local populations of threatened fauna species. These remnant vegetation communities are critical to the resilience of key biodiversity values on the highly disturbed floor of the Upper Hunter valley within the Sydney Basin bioregion. They are also critical to the success of associated threatened species Recovery Plans.

The proposed Biodiversity Offset Strategy does not adequately mitigate or compensate for this significant loss.

Inadequate consideration of impacted CEECs

The Central Hunter Grey Box Woodland conforms with the ecological community Central Hunter Valley Eucalypt Forest and Woodland Complex.

⁴ Ibid

⁵ Ibid

On 30 April 2015, prior to the release of the EIS, this ecological community was formally listed as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

HEL is concerned that there has been no consideration of the implications of this new listing by the proponent, or the Department of Planning and Environment, in regard to the assessment requirements for the proposal.

The EIS is incorrect in identifying and assessing only 22 ha of CEEC, when the impact of the proposal will destroy 173 ha of CEEC. This has major implications on the calculations and credit system used to determine the requirements of the Biodiversity Offset Strategy.

It is recommended that the proposal be recalled and referred again to the Federal Department of the Environment for further determination under the EPBC Act.

Inadequate Biodiversity Offset Strategy

The Biodiversity Offset Strategy proposed to mitigate and compensate for the significant biodiversity impacts outlined above does not achieve the requirements under the *NSW Biodiversity Offset Policy for Major Projects* (the Policy) and needs to be reconsidered.

The Policy specifically excludes variation to 'like-for-like' offsetting for critically endangered ecological communities that are listed under the EPBC Act.

The Biodiversity Offset Strategy provides for only 82 ha of 'like-for-like' offset on the proposal site within the Sydney Basin Bioregion.

The offsite offset, 75 kms to the north-west of the proposal, is in a different bioregional area and does not contain any Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC.

Conclusion

The Drayton South Coal Project will have a significant impact on matters of national environmental significance that have not been adequately, avoided, mitigated or offset. HEL recommends that the proposal be rejected.

Yours sincerely

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

Jan Davis
President