



Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

19 June 2015

Submission of Objection - Drayton South Coal Project (SSD 6875)

Dear Sir/Madam,

The Nature Conservation Council of NSW (NCC) is the peak environment organisation for New South Wales, representing 130 member organisations across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC objects to this third proposal to extend the Drayton South Coal mine on the basis that the impacts of the project are unsustainable and have not been adequately avoided, mitigated or offset. Our objection to this new proposal is on similar grounds to proposals lodged in 2012 and 2013. We note that the project was rejected by the independent Planning and Assessment Commission in 2014.

While the footprint of the current proposal is smaller, it will still have a significant impact on critically endangered ecological communities and threatened species protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) and the NSW *Threatened Species Conservation Act* 1995.

Impacts on Biodiversity and Threatened Species

NSW is facing a biodiversity crisis. Our submission to the Biodiversity Legislation Review, *Conserving and Restoring Biodiversity in NSW*¹, highlights that over the last 200 years NSW has experienced a marked decline in biodiversity with over 100 plant and animal species becoming extinct². There are currently over 989 species of plants and animals, 49 populations and 107 ecological communities threatened with extinction in NSW³. Between 2009 and 2012 an additional 35 species were listed as threatened⁴.

¹ Nature Conservation Council of NSW, Total Environment Centre, National Parks Association of NSW and The Wilderness Society, *Conserving and Restoring Biodiversity in NSW – A Submission to the Independent Biodiversity Legislation Review Panel* (September 2014). Download [here](#).

² OEH (2014a). Saving NSW threatened species webpage. <http://www.environment.nsw.gov.au/threatenedspecies>
Accessed 10 September 2014, Office of Environment and Heritage.

³ EPA (2012) *NSW State of the Environment Report 2012*, Environmental Protection Authority, Sydney.

⁴ Ibid.

At present a total of 45 key threatening processes, predominantly the result of human activities, have been identified as contributing to biodiversity decline^{5, 6}. Land clearing and habitat loss is the single biggest cause of biodiversity loss in NSW^{7, 8}. Protecting habitat and controlling land clearing is therefore essential if further losses of biodiversity and the services that healthy ecosystems provide are to be avoided.

The Drayton South Coal Project will have significant impacts on biodiversity, including threatened species and critically ecologically endangered communities (CEEC's). Proposed clearing associated with the project will lead to destruction of wildlife corridors linking ecological communities, as well as habitat fragmentation and loss of habitat trees.

Threatened species and ecological communities

NCC notes that there has been no further comprehensive flora and fauna survey work conducted on the proposed site since 2011. There has been a significant area of habitat destruction approved in the vicinity of the proposal since that time. Any use of the site by displaced fauna species over the past 4 years has not been surveyed.

The surveys conducted in 2011 recorded 21 threatened species within the area of impact, including the Federally listed Endangered Swift Parrot and the Vulnerable microbats: Greater Long-eared Bat and Large-eared Pied Bat. NCC considers that the usage of the habitat by a large number of threatened species demonstrates the significance of the area for the biodiversity of the Upper Hunter valley floor.

Swift Parrot

This unique bird is listed under both NSW and Commonwealth threatened species legislation. It is listed as Endangered under the EPBC Act, and is also listed internationally as Endangered on the IUCN Red List of Endangered Species.

While not meeting the international criterion for listing under the EPBC Act as a migratory species, the swift parrot is clearly migratory in an Australian context. The swift parrot migrates annually from breeding grounds in Tasmania to its winter foraging grounds in mainland eastern Australia⁹.

The Swift Parrot has been recorded feeding on flowering eucalypts on the site of the Drayton South proposal. Because this food source is intermittent and seasonal, its loss could be significant at times when other winter food sources are not available. The cumulative

⁵ Ibid.

⁶ EPA (2000) *NSW State of the Environment Report 2000*, Environmental Protection Authority, Sydney.

⁷ Coutts-Smith, A.J. & Downey, P.O. (2006) *Impact of Weeds on Threatened Biodiversity in NSW*, Technical Series no.11, CRC for Australian Weed Management, Adelaide.

⁸ EPA (2006) *NSW State of the Environment Report 2006*, Environmental Protection Authority, Sydney.

⁹ EIS Vol 4, p4.5

loss of Swift Parrot foraging grounds on the floor of the Hunter Valley has not been adequately considered. The recovery plan for this Endangered species will be impacted by ongoing loss of critical habitat.

Loss of habitat

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 Box-Ironbark 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.¹⁰

Federal listing of Central Hunter Valley Eucalypt Forest and Woodland Complex

We note that on 30 April 2015 the Central Hunter Valley Eucalypt Forest and Woodland Complex was listed as critically endangered under the Commonwealth EPBC Act¹¹. A large proportion of the area to be cleared by the Drayton South mine proposal contains Central Hunter Grey Box which conforms to the Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC. In our October 2014 submission to the Commonwealth Department of the Environment in support of the listing of the Central Hunter Valley Eucalypt Forest and Woodland Complex we identified the threat of clearing associated with approved or proposed open-cut coal mining as a key threat to the persistence of this CEEC in the Hunter Valley¹².

We note that while this listing occurred prior to the public exhibition of the Drayton South project there has been no consideration by the proponent, or the Department, of the specific impacts of the proposal on the Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC. NCC submits that this project should be referred back to the Federal Department of Environment for consideration of the impacts of the proposal on the Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC for determination under the EPBC Act.

The Environmental Impact Statement for the Drayton South project incorrectly states that 22 ha of impacted vegetation conform with CEEC's listed under the EPBC Act. This figure should be 173 ha with the inclusion of the 151 ha of Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC.

¹⁰ Drayton South Project 2015, Environmental Impact Statement, Main Report p 7 - 58

¹¹ <http://www.comlaw.gov.au/Details/F2015L00646>

¹² NCC Submission on the EPBC listing of the Central Hunter Valley Eucalypt Forest and Woodland Complex. Download [here](#).

In our view, the clearing of significant parcels of Commonwealth listed critically endangered ecological communities will have significant impacts on biodiversity and threatened species, and these impacts have not been adequately avoided, mitigated or offset.

Biodiversity Offsetting

The biodiversity offsetting measures for the proposal are highly inadequate and have not credited the loss of 151ha Central Hunter Valley Eucalypt Forest and Woodland Complex CEEC.

The proposed strategy to provide 2,747 ha of biodiversity offset lands consists largely of 1,181ha of remnant forest and woodland and 898 ha derived native grasses on a property 75 kms away from the site of impact, in a different bioregion.

All the vegetation communities on the proposed offsite biodiversity offset lands are listed as Brigalow Belt South and Nandewar bioregion types. The vegetation communities proposed to be destroyed by the Drayton South project are Sydney Basin bioregion types.

The NSW Biodiversity Offset Policy for Major Projects specifically excludes variation to 'like-for-like' offsetting for critically endangered species and communities or threatened species and ecological communities that are listed under the EPBC Act¹³. Given that the Central Hunter Valley Eucalypt Forest and Woodland Complex, which comprises 151 ha of the proposed mining impacts, is now nationally listed as a critically endangered ecological community¹⁴, the proposed offsets measures must be reviewed to take into account the Commonwealth listing.

Final Voids

NCC does not support the proposal to leave a 43.75 ha final void in the landscape. The very complex arrangements with Bayswater Power Station for the use of voids on the Drayton mine site must be completed before this expansion proposal can be determined.

The suggestion that these arrangements be left until after 2023¹⁵ is highly unsatisfactory.

The retention of highly saline water, polluted with heavy metals, in lakes across the Upper Hunter is an ecologically unsustainable outcome as a final landform after large open cut mining operations are completed.

NCC considers that a comprehensive and independent study of the impacts of the currently approved final voids must be conducted before the Drayton South proposal can be determined.

¹³ OEH (2014) NSW Biodiversity Offsets Policy for Major Projects, p11.

¹⁴ <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/130-conservation-advice.pdf>

¹⁵ Drayton South Project 2015, Environmental Impact Statement, Main Report p 3 - 6

Greenhouse Gas Emissions and Climate Change

The international community has agreed to limit an increase in global average temperature to no more than 2 degrees C¹⁶. For Australia to play its role in preventing a 2 degree rise in temperature requires over 90% of Australia's coal reserves to be left in the ground, unburned¹⁷.

This is not just a Commonwealth government responsibility. Within the Australian Federation, the coal mining states have a major role to play in taking action to meet this national challenge. Business as usual in approving new coal mining proposals without consideration of their impact on the global climate is no longer acceptable.

The proposed Drayton South mine expansion will cause long-term environmental impacts due to the significant greenhouse gas emissions that will be produced from the burning of the recovered coal and its contribution to climate change.

This is a significant impact that must be taken into account in determining whether to approve the Drayton South project, and is grounds in itself to warrant the refusal of the application.

Conclusion

The proposed Drayton South Coal Project will have long-term damage on threatened species, landscape and climate and is inconsistent with the principles of ecologically sustainable development. The potential environmental impacts of the proposal have not been adequately avoided, mitigated or offset by this new application. For these reasons the project should be rejected.

Yours sincerely,



Cerin Loane
Policy and Research Coordinator

¹⁶ United Nations Framework Convention on Climate Change 2010, available at http://unfccc.int/meetings/cancun_nov_2010/meeting/6266.php

¹⁷ "Unburnable Carbon: why we need to leave fossil fuels in the ground", Climate Council of Australia (2015), pp i-iv. www.climatecouncil.org.au