

# PROPOSED MODIFICATION TO HVO SOUTH COAL PROJECT



## Response to Submissions

Prepared for Coal & Allied Operations Pty Limited | August 2010





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## Proposed Modification to HVO South Coal Project – Response to Submissions

Final

J10017 | Prepared for Coal & Allied Operations Pty Limited | 16 July 2010

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The preparation of this report has been in accordance with the brief provided by the Client and has relied upon the data and results collected at or under the times and conditions specified in the report. All findings, conclusions or recommendations contained within the report are based only on the aforementioned circumstances.

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# 1 Introduction

## 1.1 Background

Coal & Allied Operations Pty Limited [Coal & Allied] owns and operates the Hunter Valley Operations [HVO] mining complex located 18km west of Singleton. The mine is located immediately north west of Warkworth Mine which is managed by Coal & Allied. Operations at HVO South of the Hunter River [HVO South] are managed under a project approval granted by the Minister for Planning in April 2009 [Project Approval 06\_0261].

On 18 May 2010, an application under section 75W of the *Environmental Planning and Assessment Act 1979* [EP&A Act] was lodged with the Minister for Planning to modify the HVO South Coal Project approval. The application was supported by an environmental assessment entitled *Proposed Modification to HVO South Coal Project* [EMGA Mitchell McLennan 2010].

The application and accompanying environmental assessment [EA] were placed on exhibition from the 25 May 2010 to 15 June 2010. In response, a total of 14 submissions were received, including two submissions in support of the proposal and 12 objecting to the proposal.

## 1.2 The proposal

The proposed modification is to reallocate remnant woodland vegetation and native enhancement areas [140ha] at the Archerfield Biodiversity Enhancement Area [Archerfield] to an alternative site within the Goulburn River Biodiversity Area. Archerfield is provided for the life of the development to offset impacts caused by the clearing of native remnants [48ha] and regrowth [92ha] vegetation for the HVO South Coal Project. The modification proposed would allow Archerfield to be used as part of the Northern Biodiversity Offset Area described in the Proposed Warkworth Extension. Further details on the Northern Biodiversity Offset Area are provided in the *Proposed Warkworth Extension Environmental Assessment* [EMGA Mitchell McLennan 2010].

The HVO South Coal Project approval required approximately 140ha of remnant vegetation to be conserved for the life of the development. Coal & Allied as such is proposing to utilise an area of 140ha of remnant Narrow-leaved Ironbark Woodland within the Goulburn River Biodiversity Area. This area has a high biodiversity value and ability to regenerate for a net positive impact on biodiversity. The Goulburn River Biodiversity Area offers greater habitat complexity and strategic conservation outcomes than that provided by the current offset arrangements at Archerfield.

The ability to transfer the Archerfield Biodiversity Enhancement Area as part of the Northern Biodiversity Area for the proposed Warkworth Extension has long term strategic conservation outcomes. The Northern Biodiversity Area has a high biodiversity value and ability to regenerate for a net positive impact on the Warkworth Sands Woodland [WSW]. The Northern Biodiversity Area provides an increase in the area of conservation from 140ha to 342ha. This area will offer long term protection of 123.3ha of woodland [including almost 20ha of WSW] as well as conservation, re-establishment and long term protection of some 195.8ha of WSW. A Biodiversity Management Plan [BMP] has been prepared for all the biodiversity areas for the proposed Warkworth Extension including the Goulburn River Biodiversity Area.

Coal & Allied has considered options for offsetting impacts for both the HVO South Coal Project and the proposed Warkworth Extension using an integrated approach aimed at achieving the best conservation outcomes for the impacts from their activities on endangered ecological communities [EECs] and

threatened species to provide a net positive impact. Coal & Allied recognises the impacts of their operations on biodiversity and seeks to provide suitable offsets for these impacts. The combination of the Northern Biodiversity Area increasing the conservation of Archerfield to 342ha with the inclusion of the HVO South offset of 140ha into the Goulburn River Biodiversity Area allows the development of both local and regional strategies to maintain and improve the conservation management and connectivity of ecosystems and habitats.

### 1.3 Proposed Warkworth Extension

As previously stated, it is proposed to utilise Archerfield as part of the Northern Biodiversity Area for the proposed Warkworth Extension. On 1 March 2010, a Project Application was lodged with the NSW Minister for Planning for an extension to Warkworth Mine. An Environmental Assessment [EA] to accompany the Project Application was lodged with the Department of Planning [DoP] on 28 April 2010 which addresses the potential environmental impacts associated with the proposal in accordance with the Director Generals' Requirements [DGRs]. The EA was placed on public exhibition from 30 April to 15 June 2010.

A separate response to submissions for the proposed Warkworth Extension has been prepared to address submissions relating to that Project.

Some of the submissions received for the proposed modification to the HVO South Coal Project approval relate to the proposed Warkworth Extension. These submissions are addressed separately within the response to submissions report for the proposed Warkworth Extension and are not repeated here.

Notwithstanding the above, some of the matters raised in the submissions received for the proposed Warkworth Extension related to the proposed modification of the HVO South Coal Project. Those matters raised in the submissions for the proposed Warkworth Extension that relate to the HVO South Coal Project are addressed in this report [see below].

### 1.4 Summary of submissions

As of 12 July 2010, a total of 14 submissions have been received for the proposed modification, including two submissions from government agencies, four submissions from special interest groups and eight submissions from community members. As indicated above, five submissions for the proposed Warkworth Extension raised matters relating to the HVO South Coal Project. These submissions were all from community members.

Of the 14 submissions, two submissions support the proposed modification, while 12 submissions raise objections to the proposal. The two submissions in favour include a submission from the Construction, Forestry, Mining and Energy Union [CFMEU] and Industry and Investment NSW – Mineral Resources [I&I NSW MR]. Those who object to the proposed modification include Singleton Council [SC].

A summary of all submissions received is provided in Appendix A, including a summary of the matters raised in each submission.

It should be noted that Coal & Allied has yet to receive detailed submissions from the Department of Environment, Climate Change and Water [DECCW]. If a submission is received from the DECCW it will be addressed in a separate document.

## 1.5 Purpose of this report

This report has been prepared in accordance with section 75H[6] of the EP&A Act and addresses matters raised in submissions during the public exhibition of the EA providing the Minister for Planning with additional information to assist with the determination of the proposed modification.

## 1.6 Readers guide to this report

Chapter 2 of this report provides the reader with information responding to matters raised by the submissions received as of 12 July 2010. All key matters have been identified and are represented in discrete sections with a heading labeling the matter to be addressed.

Each section commences with a box identifying the submission references where the matter has been raised. This allows a simple cross-reference system with the summary of submissions provided in Appendix A of this report.



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## 2 Response to Issues Raised

### 2.1 Introduction

Two submissions provide support for the proposed modification of the HVO South Coal Project approval. The remaining 12 submissions raise concerns regarding the proposal on various grounds.

The majority of concerns relate to concern around biodiversity impacts, including the location of the offset within the Goulburn River Biodiversity Area, the security and longevity of the offset and perceived lack of management to maintain or improved biodiversity values at Goulburn River Biodiversity Area. Other concerns related to:

- the adequacy of the ecology assessment within the EA including an assessment against offsetting principles and the value of the Goulburn River Biodiversity Area;
- increased dust;
- rehabilitation;
- matters relating to the Environment Protection and Biodiversity Conservation Act 1999 [EPBC Act];
- lack of community consultation; and
- administrative issues.

A response to the above matters is provided below.

### 2.2 Support for proposed modification

#### ***Submissions*** – A1 and B1

Two submissions received provide support for the proposed modification to the HVO South Coal Project approval, including support from the CFMEU and the I&I NSW MR.

The submission from I&I NSW MR states that they have no objections to the proposed modification which will likely secure improved biodiversity outcomes. It recommends that any conditions of approval should clearly identify respective mines responsible for the operational management of respective biodiversity offset areas and the completion compliance for these assessments.

The CFMEU has prepared a submission offering its support to the proposed modification. In preparing its submission, the CFMEU engaged the services of an environmental specialist with experience in EAs on coal mining projects. The CFMEU submission concludes that the proposed modification is likely to result in positive environmental outcomes and therefore supports the proposal.

Coal & Allied have reviewed the above recommendation and support the inclusion of conditions suggested by I&I NSW in an approval modifying the HVO South Coal Project Approval.

## 2.3 Biodiversity impacts

### 2.3.1 Location of offset

#### **Submissions** – C3; F1; I7; J3; J8; L1 and L2

A number of submissions raised concerns regarding the locality of the Goulburn River Biodiversity Area compared with Archerfield. The submissions raised concerns that offsetting impacts at the Goulburn River Biodiversity Area does not enhance biodiversity values in the area of the impact [ie. the floor of the Hunter Valley].

The Archerfield Biodiversity Enhancement Area, which totals 140ha in area, is to offset impacts associated with the clearance of 48ha of remnant woodland and 92ha of regenerated woodland. None of the woodland to be cleared is deemed to be significant and does not contain any threatened or endangered species or communities.

While the offsetting requirements for the HVO South Coal Project are proposed to be relocated to the Goulburn River Biodiversity Area, the biodiversity values of the local area will be maintained and improved through the proposal to use the Archerfield as a biodiversity area for the proposed Warkworth Extension. The area will be utilised as the Northern Biodiversity Area and will include a total of 342ha which is 2.4 times larger than the Archerfield Biodiversity Enhancement Area. While the area of existing woodland [remnant and regeneration] to be protected within the Northern Biodiversity Area is the same as that is currently being protected within the Archerfield Biodiversity Enhancement Area [a total of 123.3ha], the Northern Biodiversity Area will allow for the re-establishment of 195.8ha of WSW which is more significant locally. With grazing stock removed, this grassland has historically regenerated to WSW.

The impacts associated with the HVO South Coal Project will be offset within the Goulburn River Biodiversity Area. As stated in the EA, this property which is 1,562ha in size, is predominantly covered with forest and woodland that provides foraging and potential roosting habitat for a range of threatened species. The property is located adjacent to the Goulburn River National Park and spans 14km of the Goulburn River. It is proposed to allocate 140ha of the Narrow Leafed Iron Bark Woodland contained within the property to the HVO South Coal Project. The Goulburn River Biodiversity Area offers long term protection and security of significant forest and woodland adjacent to a national park.

Given the above, there is likely to be net improvements in biodiversity outcomes in both the local and regional area.

### 2.3.2 Security and longevity of offset

#### **Submissions** – E9; H1 and J10

The proposed modification transfers the offset requirements for the HVO South Coal Project at Archerfield to part of the Goulburn River Biodiversity Area. The Archerfield Biodiversity Enhancement Area is required to be secured for the life of the HVO South Coal Project.

The Goulburn River Biodiversity Area will be protected in the long term. Coal & Allied will continue to hold discussions with the DoP to resolve the mechanisms and structure for the long term management of this biodiversity area.

### 2.3.3 Location and management of offset

#### **Submissions** – E10; E15; H2 and J9

The offsets for the HVO South Coal Project will be transferred to a 140ha area of Narrow-leaved Ironbark Woodland within the Goulburn River Biodiversity Area. The location of the Goulburn River Biodiversity Area and the Narrow-leaved Ironbark Woodland has been clearly identified in the EA, including Figure 2.4.

The Goulburn River Biodiversity Area will be managed to increase its biodiversity values through a Biodiversity Management Plan [BMP]. This BMP has been prepared and included within the proposed Warkworth Extension EA [see Appendix E of the ecology study contained in Annex E of the EA]. This BMP, among other things, details:

- the management strategies and activities to be undertaken within the biodiversity areas for the proposed Warkworth Extension, including management within the Goulburn River Biodiversity Area;
- the performance criteria and measures for the management strategies and activities; and
- monitoring and reporting activities.

In terms of the Goulburn River Biodiversity Area, management strategies and activities will include:

- fencing and signage,
- access management;
- weed management;
- feral animal control;
- fire management;
- erosion and sediment control.

Through the results of monitoring and reporting, the BMP will be regularly reviewed and updated.

### 2.3.4 Alternatives

#### **Submissions** – E11

Alternatives and options for offsetting impacts for the proposed modification to the HVO South Coal Project were considered during both the design and assessment phase of the project. The ability to transfer the Archerfield Biodiversity Enhancement Area as part of the Northern Biodiversity Area for the proposed Warkworth Extension has been chosen to provide a long term strategic conservation outcome.

## 2.4 Adequacy of ecological assessment

### 2.4.1 Adequacy of assessment

**Submissions** – E2; E6; E7; E14; F3; I1; I2; K2; K3 and C.52.7

Concerns with the content and scientific integrity of the EA prepared for the proposed modification have been raised. In addition, one submission stated that no justification was provided for the proposed modification.

The EA was prepared with reference to ecology studies prepared by experienced and qualified ecologists in both EAs for the HVO South Coal Project and proposed Warkworth Extension. Both ecology studies provide assessments of the biodiversity values of the areas to be cleared by both projects and areas to be used as offsets. The results of those studies clearly indicate that the proposal to reallocate Archerfield as an offset for the proposed Warkworth Extension and transfer the offset area for HVO South to the Goulburn River Biodiversity Area provides significant biodiversity benefits to the local and regional area.

The offset area for Archerfield through the Northern Biodiversity Area increases by a factor of 2.4 from 140ha to 342ha, of which close to 200ha will be managed for the regeneration and re-establishment of WSW which is considered to be more valuable in long-term to biodiversity values in the local area.

The relocated offset area for the HVO South Coal Project within the Goulburn River Biodiversity Area provides better biodiversity outcomes for this project as well. The Goulburn River Biodiversity Area has a high biodiversity value which is demonstrated within Section 2.5 of the EA for the proposed modification to the HVO South Coal Project approval. This section of the EA was prepared using the results of an ecology study of the area undertaken by experienced and qualified ecologists.

In addition, the EA clearly provides a justification for the proposed modification in Section 3.

### 2.4.2 Assessment against offsetting principles

**Submissions** – E8; F3; J8 I2 and K3

The HVO South Coal Project required approximately 140ha of remnant vegetation to be conserved for the life of the development. Coal & Allied is proposing to utilise an area of 140ha of Narrow-leaved Ironbark Woodland within the Goulburn River Biodiversity Area. This area has a high biodiversity value and ability to regenerate. The Goulburn River Biodiversity Area offers greater habitat complexity and strategic conservation outcomes than that provided by the current offset arrangements for HVO South.

The proposal is considered to be consistent with the general principles and guidelines for offsetting. In terms of enduring, the proposal will offer long term offsets, the structure of which will be resolved between Coal & Allied and DoP. In terms of like for like, the Goulburn River Biodiversity Area provides woodland that is considered to provide better conservation outcomes than those currently offered by the Archerfield Biodiversity Enhancement Area as it is considered to be of a higher conservation value than

the vegetation and habitats to be impacted. In addition, the Goulburn River Biodiversity Area contains the following attributes:

- the property contains large areas of higher conservation value woodland [Box-Gum Woodland] than the vegetation being impacted at HVO South;
- the site is contiguous with the northern limits of the Goulburn River National park; and
- the property has extensive frontage to the Goulburn and Munmurra Rivers.

In terms of location, while the offset area is being relocated to a property located approximately 100km from HVO South, the proposal will not lead to a loss of biodiversity values at Archerfield. The Northern Biodiversity Area, which is proposed to replace the Archerfield Biodiversity Enhancement Area, will lead to far greater biodiversity outcomes in the local area than those planned for the Archerfield Biodiversity Enhancement Area. The Northern Biodiversity Area will be 2.4 times larger [342ha as opposed to 140ha] and will lead to the regeneration and re-establishment of 195.8ha of WSW which is locally significant.

### 2.4.3 Value of offset area

#### **Submissions** – E8 and K2

The biodiversity values of the Goulburn River Biodiversity Area were clearly described in Section 2.5 of the EA for the proposed modification of the HVO South Coal Project. These values are based on an ecology study contained in Annex E of the EA for the proposed Warkworth Extension.

## 2.5 Dust

#### **Submissions** – D1 and M1

Two submissions raised concerns regarding the generation of more dust [and noise] as a result of reallocation of the offset.

The concerns that the modification will contribute to a change in dust [and noise] levels are incorrect. The Archerfield offset will not be disturbed or utilised for any dust generating activities such as mining. It will be used as part of the Northern Biodiversity Area where the size of the offset is increased to 342ha.

## 2.6 Rehabilitation

#### **Submissions** – D2 and M2

One submission states that more money should be allocated to rehabilitation as opposed to relocating the Archerfield offset.

As stated above, the Archerfield offset will be expanded from 140ha to 342ha to become the Northern Biodiversity Area for the Proposed Warkworth extension. The project will require re-establishing and



enhancing the WSW. The Goulburn River Biodiversity Area will also be managed through a management plan. Both of these strategies require funding and capital.

## 2.7 Environment Protection and Biodiversity Conservation Act 1999

### **Submissions** – E5 and E13

The HVO South Coal Project does not have commitments or approvals under the EPBC Act.

This modification is not destroying the Archerfield offset, rather the land will form part of a larger offset area, the Northern Biodiversity Area, as part of the offset package for the proposed Warkworth Extension.

The offsetting requirements for the HVO South Coal Project will be transferred to the Goulburn River Biodiversity Area which provides high quality foraging habitat for a range of bird species, including the EPBC Act listed Regent Honeyeater and Swift Parrot, as well as potential breeding habitat for the Regent Honeyeater. Further details on the habitat value of the Goulburn River Biodiversity Area are contained in Section 5.4.4ii of the ecology study contained within Annex E of the Warkworth EA.

## 2.8 Community consultation

### 2.8.1 Consultation with wider community

#### **Submissions** – C1 and C2

An advertisement notifying the wider community of the proposed modification was placed in the local papers at various times during May and June [refer to Appendix B]. This advertisement invited people to contact Coal & Allied or call into Coal & Allied's Singleton shopfront for information on the proposal. Details on the proposed modification were made available to the community in the shopfront, including copies of the EA on CD and in hard-copy.

### 2.8.2 Consultation with Community Consultation Committees

#### **Submissions** – C1

The HVO community consultation committee [CCC] were advised of the proposed modification at its meeting on 22 April 2010. A separate briefing was held with the CCC on 3 June 2010 at Coal & Allied's Singleton office to specifically discuss the proposed modification as well as a proposal to extend the Carrington Pit at HVO North.

The Mount Thorley Warkworth CCC was notified by letter about the proposed modification when the public exhibition period commenced.

Concerns have been raised by a member of the HVO CCC regarding limited consultation with the HVO CCC, particularly in relation to the briefing held on 2 June 2010. The respondent states that only two representatives from the CCC could attend and despite this Coal & Allied persisted with this date.

In relation to this briefing, Coal & Allied contacted all HVO CCC members on 17 and 18 May 2010 to advise of briefing session date and were all sent a formal invitation on 19 May 2010. Details of correspondence with each community member of the HVO CCC in relation to this briefing session is provided below. As is demonstrated below, Coal & Allied proactively and regularly advised members of the briefing session and for those members who could not attend the briefing, attempted to provide alternative forms of communication.

- Community Member A – apologised as they could not attend the briefing session. Coal & Allied asked the community member if they would like them to provide one/one information on the projects and they advised that they would. A subsequent meeting was held between Coal & Allied and Community Member A on 29 June 2010.
- Community Member B – advised that they were unable to attend. They advised that a delegate may be able to attend on their behalf. Coal & Allied contacted Community Member B on 2 June 2010 to see if their delegate was attending on their behalf and was advised that delegate would not be attending. Community Member B advised that they would seek information from shopfront of required.
- Community Member C – messages left by Coal & Allied with community member but no response provided.
- Community Member D – advised date and confirmed that formal invitation will be going out this week. Coal & Allied rang on 2 June 2010 and advised that community member could not attend briefing. Community Member D advised that if they had any matters that they needed clarifying that Coal & Allied would be more than happy to arrange a separate meeting for them with a technical staff member at the shopfront.
- Community Member E – advised them when they came into the shopfront. Community member confirmed attendance on 26 May 2010 and 2 June 2010.
- Community Member F – advised community member on 17 May 2010 who later confirmed that would be attending.
- Community Member G – left messages with community member on and after 17 May 2010. Community member had advised Coal & Allied previously that they did not think they could make it. Community member advised they could not make meeting on 2 June 2010 and requested Coal & Allied provide a copy of EA which was mailed that day.
- Community Member H – advised Community member on 18 May 2010. Community member advised that they could not attend briefing on 2 June 2010.
- Community Member I – Formal invitation sent on 19 May to attend briefing. Coal & Allied advised on 2 June 2010 that Community Member I could not make briefing. Coal & Allied then contacted delegate and was advised that they could not make the briefing.

### 2.8.3 Exhibition period

#### **Submissions – C5**

The length of the exhibition period is determined by the DoP.

## 2.9 Administration

### 2.9.1 Error in figures

#### **Submissions – E3**

One submission states that Figures 2.3 and 2.4 in the EA are incorrect.

Figure 2.3 within the EA correctly refers to the location of threatened fauna species recorded within the proposed Northern Biodiversity Area [or Archerfield]. Figure 2.4 correctly refers to vegetation communities within the Goulburn River Biodiversity Area, including areas of Narrow-leaved Ironbark Woodland which is the community used for the reallocation of the Archerfield offset.

### 2.9.2 Approval framework

#### **Submissions – C.18.4; C.63.10; N.4.13 and N.17.5**

Some of the submissions raised concerns over the approval framework for the proposed modification, including concerns relating to reliance of one approval on a second approval and that the Archerfield Biodiversity Enhancement Area should remain under the HVO South Coal Project approval.

It is not unusual in the NSW planning system for one application to rely on the outcome of another application. In this case, the proposed Warkworth Extension is reliant on the proposed modification to the HVO South Coal Project is approved. Vice versa, if the proposed Warkworth Extension is not approved, or approved in its current form, then there will be no need for the Archerfield Biodiversity Enhancement Area to be transferred to the Goulburn River Biodiversity Area.

If approved, the Northern Biodiversity Area proposed as part of the proposed Warkworth Extension and the proposed relocation of the offset at Archerfield to the Goulburn River Biodiversity Area will provide for greater biodiversity values for the local and regional area. The Archerfield Biodiversity Enhancement Area for HVO South will not be abandoned but improved.

## 2.10 Warkworth

Some of the submissions received for the proposed modification to the HVO South Coal Project approval relate to the proposed Warkworth Extension. These submissions are addressed separately within the response to submissions report for the proposed Warkworth Extension and are not repeated here.

### 3 Conclusion

This report provides a response to submissions raised during public exhibition of the proposed modification to the HVO South Coal Project. Responses have been provided in relation to matters raised rather than by respondent.

All comments and concerns raised in the submissions by the community, special interest groups and government have been properly addressed and there is no change to the proposal as presented in the EA that was placed on public exhibition.

It is considered that the conclusions presented in the EA for the proposed modification remain applicable.

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## Appendix A

### Summary of Submissions

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**Table 3.1**      **Summary of Submissions**

Respondent	Sub-Heading	Reference	Details	Cross-Reference
<b>Proposed Modification to HVO South Coal Project Submissions</b>				
CFMEU	Support	A1	Proposal results in positive conservation outcomes and as such supports the application.	2.1
I&I NSW MR	Support	B1	Recommend that any modification approval conditions clearly identify respective mines responsible for the operational management of the respective biodiversity offset areas and the completion compliance for these areas.	2.1
Holz, Philip and Casey	Community consultation	C1	Limited community consultation. As a member of the HVO CCC, I only found out about proposal on 22 April 2010. A separate information session was held for HVO South CCC members but only two community representatives could attend. Coal & Allied allowed one hour to discuss tow major proposals – no time limit should have been imposed.	2.8.1; 2.8.2
	Community consultation	C2	The Coal & Allied Community Newsletter issue 2, December 09 and issue 3 March 2010 does not mention this modification.	2.8.1
	Biodiversity	C3	An offset should stay in the same area as the operation which causes the need for the offset.	2.3.1
	Warkworth	C4	Believes the whole area of the WSW in the proposed Warkworth Extension should not be allowed to be mind.	Warkworth
	Community consultation	C5	The exhibition / submission period should be extended, so as to enable more people to become aware of this proposal.	2.8.3
Hunter, Craig and Gail	Dust	D1	Modification will create more dust by moving the offset.	2.5
	Rehabilitation	D2	Should put more money into rehabilitation rather than moving it.	2.6
	Warkworth	D3	Need the vegetated areas to keep our health and property values.	Warkworth
	Warkworth	E1	If this proposal goes ahead would want an acquisition order for our property.	Warkworth
Hunter Environment Lobby Inc	Adequacy of assessment	E2	The EA does not provide adequate specialist ecological studies for determining biodiversity offsets and provide 80% certainty, detailed ecological studies must be undertaken over at least 5 years.	2.4.1
	Administrative	E3	Figures 2.3 and 2.4 showing Goulburn River Biodiversity Area is wrong.	2.9.1
	Warkworth	E4	The proposal will contribute to the loss of important habitat for NSW listed threatened species, specifically large contiguous areas of listed EEC community and WSW.	Warkworth
	EPBC Act	E5	The Proposal will contribute to the loss of important habitat for nationally listed species under the EPBC Act.	2.7

**Table 3.1**      **Summary of Submissions**

Respondent	Sub-Heading	Reference	Details	Cross-Reference
Laffan, Tony	Adequacy of assessment	E6	The Proposal does not benefit natural ecosystems in the region or the community.	2.4.1
	Adequacy of assessment	E7	Concerned that there is no demonstrated consideration given to the condition or equivalence of the vegetation communities or the geographic context.	2.4.1
	Biodiversity	E8	A minimum biodiversity offset ratio to be achieved by the proposal should be 10:1 by area, and 2:1 by habitat quality.	2.4.2; 2.4.3
	Biodiversity	E9	The security of the new proposed offset areas is not clear.	2.3.2
	Biodiversity	E10	There is no commitment to where the new location of existing offsets will be located.	2.3.3
	Biodiversity	E11	Alternatives to the proposed offset arrangements have not been identified.	2.3.4
	Warkworth	E12	Inadequate assessment of cumulative regional biodiversity impacts.	Warkworth
	EPBC Act	E13	How does the reallocation of biodiversity offsets affect approvals and commitments given by the applicant under the EPBC Act.	2.7
	Adequacy of assessment	E14	What assessment has been made of the biodiversity values of the proposed alternative offset site.	2.4.1
	Biodiversity	E15	What management arrangements are in place to ensure that the offset commitments can be achieved.	Warkworth
	Biodiversity	F1	Objects to the proposed relocation of the green offset of Archerfield to a location in the Goulburn Valley some 100km+ from Hunter Valley Operations.	2.3.1
	Warkworth	F2	There are very real difficulties in equating that property to the need to offset loss of Warkworth Sands Woodland, an EEC, at Warkworth.	Warkworth; 2.3.1
	Biodiversity	F3	The Goulburn Valley site it largely of a different vegetation community.	2.4.1; 2.4.2
	Warkworth	G1	The NPA cannot support the ongoing loss of EEC and biodiversity values in the Hunter Region.	Warkworth
	National Parks Association of Australia [NPA]			
Nature Conservation Council of NSW	Warkworth	H1	Concerned with loss of biodiversity associated with the Warkworth Extension and security of the offsets.	Warkworth
	Biodiversity	H2	Concerned with the undefined area within the Goulburn River National Park, some 100km west of the impact is a cynical arrangement with no benefit to the species being threatened on the Hunter Valley Floor.	2.3.3

**Table 3.1**      **Summary of Submissions**

Respondent	Sub-Heading	Reference	Details	Cross-Reference
Russell, Bruce	Adequacy of assessment	I1	Net improvements in conservation outcomes from an integrated approach has not been substantiated with any scientific proof.	Warkworth
	Adequacy of assessment	I2	The EA makes no reference to principles or guidelines for offsetting.	2.4.2
	Warkworth	I3	What is necessary is a full risk assessment of each phase of the offsets for its chances of success in delivering environmentally sustainable outcomes and the risks of failure of any one component.	Warkworth
	Warkworth	I4	Proven risks of the WSW recreation experiment at Archerfield: i) Weeds removed by hand will come back ii) Looking after the area will be labour intensive iii) Providing enough seed to revegetate 194 ha will be neat impossible in the time allowable. iv) Risk of introducing species v) Encouraging pollinators is an unknown vi) Do not know how to reintroduce the micro-organisms.	Warkworth
	Warkworth	I5	That Archerfield offers extensive areas of the soil type and geology required for the growth of the WSW is not proven by scientific data.	Warkworth
	Warkworth	I6	It is not acceptable that areas permanently protected by legally secure mechanisms should be tampered with.	Warkworth
	Biodiversity	I7	Commitments must enhance biodiversity at the local scale.	2.3.1
	Warkworth	J1	Biodiversity offsets were meant to be enduring, for at least the length of time that the harm being done by mining remained.	Warkworth
	Warkworth	J2	The NDAs in the Warkworth offset area were chosen according to the 2002 EIS to provide connectivity between woodlands and the adjoining mine lease, to provide a north south corridor and to allow dispersal and colonisation of affected species especially those known to occur on site. All these objectives will have been abandoned.	Warkworth
	Biodiversity	J3	There is no connectivity to the Goulburn River Offset Area.	2.3.1
Russell, Carol	Warkworth	J4	Little demonstrated chance of success to recreate Warkworth sands.	Warkworth
	Warkworth	J5	That the WSW would return to a sustainably functioning community on Archerfield is not supported by any evidence on the contrary Government agencies state that there is ample	Warkworth

**Table 3.1**      **Summary of Submissions**

Respondent	Sub-Heading	Reference	Details	Cross-Reference
Shearer, GR			evidence that revegetation creates simplifies assemblages of lesser biodiversity value.	
	Warkworth	J6	The UNE research on Archerfield has revealed a number of critical problems that will need to be overcome: i) Weed removal ii) Securing a viable and adequate seed bank. iii) Identifying the correct assemblages of species.	Warkworth
	Warkworth	J7	A risk assessment should be demanded for the potential failure to deliver a sustainable WSW ecosystem.	Warkworth
	Biodiversity	J8	The offset strategy is not like for like because offset areas are from different communities, the Goulburn River Site is in a different locality 100km distant.	2.3.1; 2.4.2
	Biodiversity	J9	There has been no commitment to enhancement programs on that property other than excluding grazing.	2.3.3
	Biodiversity	J10	There can be no confidence as to the security and enforceability of commitments made.	2.3.2
	Warkworth	K1	Right to expect that once a biodiversity offset is in place it will be in place for the duration of the impact of the damage it is offsetting.	Warkworth
	Adequacy of assessment	K2	Claims are made about the value of the Goulburn River site but no evidence is offered in support.	2.4.1
	Adequacy of assessment	K3	According to DECCW's principles for offsetting the Goulburn River would not satisfy as an offset for an area on the Hunter. These principles require that offsets be: i) Enduring ii) Like for life iii) In the same regions as the area being offset.	
	Warkworth	K4	The Archerfield site is not going to provide the level and quality of offsets for the WSW in a reasonable timeframe.	Warkworth
Singleton Council	Warkworth	K5	Success of attempts to recreate the WSW at Archerfield is highly doubtful.	Warkworth
	Biodiversity	L1	Opposes the loss of EEC and WSW to be offset in an area near Merriwa.	2.3.1
	Biodiversity	L2	Offset in Goulburn River Biodiversity Area will not conserve biodiversity of local area where losses are occurred and net benefits transferred to another locality.	2.3.1

**Table 3.1**      **Summary of Submissions**

<b>Respondent</b>	<b>Sub-Heading</b>	<b>Reference</b>	<b>Details</b>	<b>Cross-Reference</b>
Ventra, Tony and Jo-Anne	Dust	M1	Application will create more dust and noise.	Warkworth
	Rehabilitation	M2	An area should not be rehabilitated and then destroyed again.	Warkworth
<b>Proposed Warkworth Extension Submissions</b>				
Olsen, Anne	Administration	C.18.4	Archerfield is used as an offset for another mine. Double dipping is not allowed.	2.9.2
Smiles, Bev	Adequacy if assessment	C.52.7	The proposed modification has no justification.	2.9.2
Russell, Bruce	Administration	C.63.10	Objects that the offset area for HVO will be abandoned to allow MTW to take over the area.	2.9.2
Hunter Environment Lobby Inc.	Administration	N.4.13	The proposed offsets rely on the approval of the proposed modification of the Hunter Valley Operations South. It is legally unreasonable for one approval to rely on another.	2.9.2
Nature Conservation Council	Administration	N.17.5	Archerfield offset for HVOS remain as approved under that assessment.	2.9.2



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## Appendix B

### Community Advertisement

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## We like hearing from you ...

Coal & Allied is always keen to hear from the community and to share information about our activities in the region.

At our Singleton shopfront you can drop in for a cup of tea and a chat – whether it's about our mining plans, our community funded programmes, local procurement or employment opportunities. Currently we have information on display about our **Warkworth Mine extension** and **Hunter Valley Operations South** modification applications.

You can visit us during business hours at the shopfront at 127 John Street, Singleton ... or you can make a free call to us on 1800 727 745, or email us at [info@rtca.riotinto.com.au](mailto:info@rtca.riotinto.com.au)

*Coal & Allied – proud to be part of the Hunter; committed to keeping the community informed.*

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