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Submission of Objection

HVO South – Modification 5
Dedication of lands for offsets
06_0261 MOD 5

Hunter Environment Lobby Inc. (HEL) is a regional community-based environmental organisation that has been active for more than fifteen years on the issues of environmental degradation, species and habitat loss, as well as climate change.

HEL submitted an objection to the original proposal to change the conditions of approval to the Hunter Valley Operations South (HVO South) project in relation to approved biodiversity offsets at the Archerfield property.

Please find attached the original objection to the proposed swap of the HVO South biodiversity offsets..

HEL has not changed postion on this issue and considers that the original approved conditions must be maintained.

The proposal to trade off a set of approved offsets that are intended to compensate for loss of particular habitat and biodiversity values in order to allow additional habitat disturbance on the floor of the Hunter Valley is completely inappropriate.

The relationship between the Archerfield biodiversity offets, the destroyed conservation values that they are replacing and the proposal to destroy Warkworth Sands Woodlands protected by a Ministerial Deed of Agreement has not been adequately assessed in any document provided by the proponent

This proposal is in contravention to the Office of Environment and Heritage Principles for the use of biodiversity offsets in NSW in particular principles 5,9,10 and 11:

5. Offsets must be underpinned by sound ecological principles.

They must:

- *include the consideration of structure, function and compositional elements of biodiversity, including threatened species*
- *enhance biodiversity at a range of scales*
- *consider the conservation status of ecological communities*
- *ensure the long-term viability and functionality of biodiversity.*

Biodiversity management actions, such as enhancement of existing habitat and securing and managing land of conservation value for biodiversity, can be suitable offsets. Reconstruction of ecological communities involves high risks and uncertainties for biodiversity outcomes and is generally less preferable than other management strategies, such as enhancing existing habitat.

9. Offsets must be quantifiable - the impacts and benefits must be reliably estimated.

Offsets should be based on quantitative assessment of the loss in biodiversity from the clearing or other development and the gain in biodiversity from the offset. The methodology must be based on the best available science, be reliable and used for calculating both the loss from the development and the gain from the offset. The methodology should include:

- *the area of impact*
- *the types of ecological communities and habitat/species affected*
- *connectivity with other areas of habitat/corridors*
- *the condition of habitat*
- *the conservation status and/or scarcity/rarity of ecological communities*
- *management actions*
- *level of security afforded to the offset site.*

The best available information/data should be used when assessing impacts of biodiversity loss and gains from offsets. Offsets will be of greater value where:

- *they protect land with high conservation significance*
- *management actions have greater benefits for biodiversity*
- *the offset areas are not isolated or fragmented*
- *the management for biodiversity is in perpetuity (e.g. secured through a conservation agreement).*

Management actions must be deliverable and enforceable.

10. Offsets must be targeted.

They must offset impacts on the basis of like-for-like or better conservation outcome. Offsets should be targeted according to biodiversity priorities in the area, based on the

conservation status of the ecological community, the presence of threatened species or their habitat, connectivity and the potential to enhance condition by management actions and the removal of threats. Only ecological communities that are equal or greater in conservation status to the type of ecological community lost can be used for offsets. One type of environmental benefit cannot be traded for another: for example, biodiversity offsets may also result in improvements in water quality or salinity but these benefits do not reduce the biodiversity offset requirements.

11. Offsets must be located appropriately.

Wherever possible, offsets should be located in areas that have the same or similar ecological characteristics as the area affected by the development.

HEL is concerned that the proposed modification of the HVO South biodiversity offset arrangements has no relationship to the original approval conditions that allowed the project to proceed.

The ongoing loss of biodiversity values and ecological character, fragmentation of landscape scale connectivity and increased occurrence of key threatening processes for state and nationally listed threatened species is a major issue for the ecological integrity of the Hunter Valley region.

The proposal to replace the current biodiversity offset for impacts of the HVO South operations with 140 ha of bushland that occurs over 100km away from the area of impact and contains a different ecological character is entirely inappropriate and sets a very poor precedent.

CONCLUSION:

HEL recommends that this modification not be approved on the grounds that it is not consistent with the principles of biodiversity offsets and will not improve biodiversity conservation in the highly distrurbed Hunter region.

HEL recommends that the current conditions of approval for HVO South project be maintained.

Yours sincerely

Jan Davis
President