



# Hunter Environment Lobby Inc.

PO Box 188  
EAST MAITLAND NSW 2323

3 June 2010

Major Project Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/Madam

**Submission - Hunter Valley Operations South modification 2 (06\_0261 MOD 2)**

I refer to the exhibition of the environmental assessment for the proposed modification to Hunter Valley Operations (HVO) South Coal Project. The proposal is to reallocate 140 ha of remnant woodland vegetation in the Archerfield Biodiversity Enhancement Area to an alternative site within the Goulburn River Biodiversity Area.

The Hunter Environment Lobby (HEL) is an established regionally based environment group and has made many submissions about the proposed mining and infrastructure development in the Hunter Region.

The group has reviewed the environmental assessment of May 2010, and makes the following comments in relation to the proposal. Hunter Environment Lobby expresses its concern about the proposed reallocation of an approved biodiversity enhancement area to facilitate mining elsewhere. Apart from being unnecessary, the group is concerned that areas previously set aside for conservation and biodiversity offsets will be mined in the proposed Warkworth Mine extension as a direct consequence of this reallocation.

The group makes the following comments on the proposal.

*Inadequacy of environmental assessment*

- 1 The environmental assessment has not included any specialist ecological studies and is not adequate for varying an existing commitment. For the purposes of determining biodiversity offsets and providing at least 80% certainty, detailed ecological studies must be undertaken over at least 5 years, as demonstrated at the Mount Owen Mine near Ravensworth.
- 2 It is noted that the key in Figures 2.3 and 2.4 showing Goulburn River Biodiversity Area is wrong.

### *General biodiversity issues*

- 3 This proposal will contribute to the loss of important habitat for NSW listed threatened species, and for nationally listed species under the Environment Protection and Biodiversity Conservation Act 1999, specifically large contiguous areas of the listed endangered ecological community Warkworth Sands Woodland.
- 4 Approval of the proposed re-allocation of biodiversity offsets to the site is intended to facilitate an increased extent of native vegetation clearing. It therefore does not benefit natural ecosystems in the region or the community.

### *Biodiversity offsets*

- 5 It has not been demonstrated that any consideration has been given to the condition or equivalence of the vegetation communities or the geographic context. On this basis, the application should not be approved. Furthermore, a minimum biodiversity offset ratio to be achieved by the proposal should be 10:1 by area, and 2:1 by habitat quality.
- 6 The security of the new proposed offset areas is not clear. These areas should be dedicated as national park or nature reserve or subject to an agreement in perpetuity. The commitment of the company to maintain offsets cannot be accepted, given that other Hunter Valley projects including Mt Owen Mine and Warkworth have not met their legal commitments to offsets and are now mining, or proposing to mine in areas that have been committed for biodiversity offsets.
- 7 In section 2.5 of the Environmental Assessment report it is noted that "it is proposed to allocate 140 ha of the Narrow Leafed Ironbark Woodland depicted in Figure 2.1" and that "the exact position of HVO's offset is not nominated within this woodland". This confirms that even if the vegetation mapping is correct, there is no commitment to where the new location of existing offsets will be located. This lack of certainty is not sufficient basis on which to approve the proposal.

### *Existing consents and commitments*

- 8 There is no demonstrated reason why the existing consent for the Hunter Valley Operations South Coal Project needs to be varied. The existing biodiversity offset arrangement appears satisfactory and offsets do not need to be relocated 100 km away from the site.
- 9 Alternatives to the proposed offset arrangements have not been identified. These should be evaluated in the assessment report, not dismissed as is done in Section 3 of the report.

### *Cumulative impacts*

- 10 The environmental assessment refers to biodiversity issues from a site specific perspective, and provides an inadequate assessment of cumulative impacts at the appropriate scales. It should give consideration to the regional biodiversity context, without which the appropriateness of offset arrangements cannot be reasonably assessed.

This proposal raises more questions than answers. For example:

- 1 How does the reallocation of biodiversity offsets affect approvals and commitments given by the applicant under the Environment Protection and Biodiversity Conservation Act 1999?

- 2      What assessment has been made of the biodiversity values of the proposed alternative offset site, and what is the security (or insecurity) of these offset areas?
- 3      What management arrangements are in place to ensure that the offset commitments can be achieved?
- 4      Why is the time and resources of the community and government being wasted on reallocations of existing commitments which do not change the development proposal, are confusing, and lack transparency?
- 5      What were the alternatives to the proposal that were considered?
- 6      Does the proposed modification of the development comply with the NSW Government's principles for biodiversity offsetting?

The Hunter Environment Lobby objects to the proposed development and expects that the reallocation of approved biodiversity offsets must be refused consent.

Thank you for your consideration of the above. Please advise the Group of the receipt of the submission, and of the progress with the consideration of the development application.

yours sincerely

**Jan Davis (President)**