

Planning Assessment Commission

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Thursday 18 May 2017

SUBMISSION of OBJECTION
R040-17 Bylong Coal Project

Mudgee District Environment Group (MDEG), based in the Mid-Western Region local government area in NSW, is working for the conservation of our natural heritage and a sustainable future for our children.

MDEG continues to object to the proposed Bylong Mine because the biodiversity impacts will be too great. There has been no rigorous assessment of the cumulative loss of critically endangered ecological communities (CEEC) and species habitat in the region.

The proposed loss of another 232 ha of mature woodland habitat, including 180 ha of habitat for the critically endangered Regent Honeyeater and 78 ha of CEEC has not been considered in regard to connectivity of mature vegetation across the landscape.

Mature and old-growth vegetation supplies hollows, large nectar and seed sources and other important food resources for native fauna species. Its retention is critical to the survival of many threatened arboreal mammals and birds. The cumulative loss of these features on fertile valley soils and riparian areas is not assessed for the Bylong Mine in the context of ongoing regional loss.

The additional loss of 521 ha of derived native grasses should also be assessed on the basis of cumulative regional loss of these significant natural resources. Native grasslands provide considerable habitat features and food sources for a variety of threatened species.

They also contain seed bank for many native herbs, forbes and under storey vegetation. It is critical that these values are recognized and protected for future regeneration opportunities.

The proposed offset areas, including a large area to be impacted by mine subsidence, will not mitigate the short to medium term loss of food sources and nesting sites for many endangered species. While restoration of habitat over time is an admirable goal, the commitment and conditions to assure this occurs provide no guarantee of success.

A requirement of the NSW Biodiversity Offset Policy and the Framework for Biodiversity Assessment requires critically endangered species and CEECs to be offset with 'like-for-like' habitat and vegetation. This is not provided in the offset package.

MDEG objects very strongly to the ongoing use of 'transitional' arrangements in regard to the application of the offset policy. Bylong Mine is a green field site. If the full requirements of the NSW offset policy are not applied to the assessment and determination then the project should be rejected.

MDEG considers the biodiversity assessment for Bylong Mine to be very poor with critical data missing.

The assessment report failed to note the record of a breeding pair of Regent Honeyeaters with fledglings in the Bylong Valley, as part of the neighbouring Mt Penny mine assessment.

The cliff lines to be impacted by mine subsidence provide habitat for the endangered Brush-tailed Rock Wallaby and Large-eared Pied Bat. These have not been adequately surveyed or assessed.

The impacts of mining on Groundwater Dependent Ecosystems (GDEs) has not been adequately assessed. The draining and cracking of perched aquifers in the landscape is not clearly identified. GDEs near ephemeral streams are often associated with perched aquifers that recharge during rainfall and runoff events with ephemeral stream flows.

The potential cracking and drainage of perched aquifers has not been identified.

The impacts of the proposed open cut and underground mining operations on biodiversity will be highly significant with the 24 threatened fauna species recorded in the areas of impact and the loss of habitat for at least another 23 threatened animals and birds.

A number of these species are listed as Matters of National Significance under the Federal EPBC Act.

MDEG is concerned that the focus of the Biodiversity Offset Strategy is based on area rather than on the condition and type of vegetation contained. We continue to strongly object to offset Area 5 because of the unknown long term impacts of subsidence on the quality of vegetation occurring in the area. It is entirely inappropriate for bushland subjected to mine subsidence to be calculated as an offset area for significant biodiversity loss caused by open cut mine disturbance.

The damage that occurred in the Mount Sugarloaf State Conservation Area in the Lower Hunter from mine subsidence should be a cautionary tale for decision-makers.

Offset Area 5 is the largest area of offset in the proposal. There is significant doubt about the impacts on biodiversity in the area, to the extent that OEH has proposed different security arrangements compared to the other offset sites.

Offset credits for the Regent Honeyeater rely on the viability of Offset Area 5 as a suitable offset area.

MDEG continues to object to Offset Area 5 as an unacceptable arrangement with too many caveats and uncertainties. This offset must not be approved.

We also continue to object to the green field mine proposal in the Bylong Valley because of the significant impacts on water sources, prime agricultural land, Aboriginal cultural heritage and European cultural heritage.

The Bylong Mine proposal is a major change in land use in the fertile Bylong Valley.

The justification for the permanent impacts caused by two open cut pits cannot be supported. Alternative mining options have not been assessed.

A board and pillar underground mine would prevent the substantive subsidence impacts and provide accessible emplacements for coarse rejects and tailings.

MDEG considers that most of the economic benefit of the proposal would be enjoyed offshore and that the public benefit for the people of NSW does not outweigh the substantial long term costs on the community, agricultural and equine industries, water sources, heritage and biodiversity.

Yours faithfully

A solid black rectangular box redacting the signature of Marie Hensley.

Marie Hensley
Secretary