



ADVISORY COMMITTEE

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Our reference DOC12/21490 AC 1205/2.4.1
Our contact Jacqueline Reid ph: (02) 4784 7326

Mr David Kitto
Director Mining and Industry Projects
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001
Via electronic submission

Dear Mr Kitto,

Re: COALPAC Consolidation Project: Application No: 10_0178

The Greater Blue Mountains World Heritage Area (GBMWhA) Advisory Committee has been appointed jointly by Commonwealth and State Environment Ministers to advise on matters relating to the protection, conservation, presentation and management of the GBMWhA. The GBMWhA was inscribed in the World Heritage List on the basis of its outstanding natural values. It contains outstanding examples of ongoing ecological and biological processes significant in the evolution of Australia's highly diverse ecosystems and communities of plants and animals, and significant natural habitats for the in situ conservation of biodiversity, including the eucalypts and eucalypt dominated communities and many rare and threatened plants and animals. The Advisory Committee is concerned that developments, both within and on lands surrounding the GBMWhA, should not impact detrimentally on these World Heritage values.

The GBMWhA Advisory Committee thanks the Department of Planning for the opportunity to make comment on the COALPAC Consolidation Project: Application No: 10_0178 (the COALPAC Project) and makes the following comments.

- 1) The Advisory Committee considers that the COALPAC Project is likely to cause deleterious impacts to listed World Heritage values

The COALPAC Project is only 2 km from the western edge of the GBMWhA (Gardens of Stone National Park). The Advisory Committee considers that the natural values of areas close to the GBMWhA provide an important part of its physical and visual setting, complementing and enhancing the listed natural values of the World Heritage Area.

The area of the proposed COALPAC Project includes a variety of eucalypt communities, generally in good condition, which currently form part of the buffer of the GBMWhA. Two of the vegetation communities that will be impacted by the proposal have been identified as forms of the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grasslands which is listed as critically endangered under the Commonwealth *Environment Protection and Biodiversity*



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Conservation Act 1999 (EPBC Act). This community is not, as stated (p. S.8) in the Ecological Impact Assessment (Cumberland Ecology 2012), “*well represented throughout the Sydney Basin Bioregion*”. If it were, it would not be considered “critically endangered”. Examples of this community adjacent to the GBMWHa complement the limited examples protected in the GBMWHa.

Two threatened plant species listed as vulnerable species under the EPBC Act, *Eucalyptus cannonii* and *Persoonia marginata* will be impacted by the COALPAC Project.

Persoonia marginata was previously known to occur in only a small number of disjunct populations in GBMWHa (Gardens of Stone National Park), Turon River National Park and around Clandulla State Forest. The Ecological Impact Assessment (Cumberland Ecology 2012) states that “*very little is known about this species as a result of its restricted distribution*”. However, the population in the proposed COALPAC Project open cut site is one of the largest reported for this threatened species. Insects (bees and wasps) appear to be the main pollinators of *Persoonia* species (Bernhardt and Weston 1996). It is likely that pollinators maintain the necessary gene flow between individuals of separate populations including those in the GBMWHa. Retention of this large population is important for the long term conservation of this species and hence the outstanding natural values of the GBMWHa.

Eucalyptus cannonii is restricted to an area approximately 100 km x 60 km between Bathurst/Mudgee and east to Lithgow/Bylong. This species is also not well represented in reserves of the Sydney Basin Bioregion or in the GBMWHa. It is likely that gene flow occurs between individuals of these species in the COALPAC Project area and in the GBMWHa.

A number of nationally threatened fauna species and/or their habitats have been recorded in the area of proposed impact. According to the Ecological Impact Assessment (Cumberland Ecology 2012) these include the Regent Honeyeater, Swift Parrot, Broad-headed Snake, Brush-tailed Rock-Wallaby, Large-eared Pied Bat and Spotted-tailed Quoll. Given the proximity of the COALPAC Project to the World Heritage Area, a substantial number of individuals of these threatened species would move between the proposed COALPAC Project area and the GBMWHa. The Advisory Committee is concerned that a substantial loss of fauna habitat in the proposed COALPAC Project area has the potential to impact detrimentally on the listed values of the World Heritage Area.

2) The Advisory Committee has concerns about the adequacy of the Environmental Assessment

The Advisory Committee is concerned that a number of flora species identified in the Ecological Impact Assessment (Cumberland Ecology 2012) have been identified to genus level only and that other threatened species that occur in the area may not have been identified. The flora list seems to have been compiled from various surveys that have covered part of the area, without any overall detailed flora assessment.

3) The Advisory Committee considers it is far preferable to incorporate better conservation planning initially, rather than to attempt to offset losses. The Advisory Committee is concerned in regard to the adequacy of the proposed offsets

The Ecological Impact Assessment (Cumberland Ecology 2012) concludes that the COALPAC Project would have a substantial deleterious impact on the ecology of the local area if no mitigation and compensation measures were proposed, removing 835 ha of native forest and woodland, including 16.48 ha of critically endangered Box Gum Woodland and Derived Native Grassland, 278 ha of potential and known *Eucalyptus cannonii* habitat, and 3.28 ha of *Persoonia marginata* habitat.

The Advisory Committee does not regard the proposed offset program as appropriate. In the case of critically endangered ecological communities and threatened flora and fauna species, it is far preferable to conserve rather than to destroy and then to attempt to 'offset' such losses. The Advisory Committee believes that remaining remnants of these communities and species cannot afford to suffer any further loss and should be protected. Indeed, considerable public resources are directed towards the conservation of such vegetation and species. The EPBC Act Policy Statement for White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grasslands (Department of Environment and Heritage 2006) states that, as of May 2006, more than \$3,500,000 of the Australian Government's Natural Heritage Trust had been spent to manage, conserve and rehabilitate patches of this community.

The Advisory Committee is concerned that there do not appear to be guidelines available to regulate and guide the use of offsets. The Committee believes that the proposed offset areas are not providing "like for like" which should be a minimal requirement for any offset. Many species found on the COALPAC Project site are not found in the proposed offset areas. The Advisory Committee has concerns as to the lack of quantification of the ecological values of the proposed offsets. For example, when discussing the proposed offsets, the Ecological Impact Assessment (Cumberland Ecology 2012) says of the Yarran View property (page 6.23) "*The diversity of ground covers diminishes on the valley floor where more intense cattle grazing may have occurred. These areas did not qualify as CEEC under the EPBC Act or EEC under the TSC Act, however they may contain enough native species capable of rehabilitation into quality woodland habitat*", and of the Hillview/Billabong property (page 6.29), "*Technically, these area do not conform to the Commonwealth description of Box Gum Woodland due to a shortfall in understorey richness. However, it is highly possible that more survey effort may capture the required number of species. Furthermore, these areas show high resilience and provide adequate foundations to be restored to CEEC Capertee Rough-barked Apple Red Gum Yellow Box Woodland. For this reason these areas have been classified as CEEC Box Gum Woodland and Derived Native Grassland*". Such a lack of quantification makes it difficult, if not impossible, to assess the value of proposed offsets accurately. If offsets are to be considered, then quantification of the values of losses and gains, as for example is routinely undertaken when the NSW Biobanking Scheme is implemented, should be required.

The Advisory Committee is concerned that the implied purchases of proposed offsets currently on private land are not guaranteed and there is no certainty that COALPAC would be able to purchase all these properties for offsets.

Lastly, the Advisory Committee is concerned that there is no guarantee that the proposed offsets will either succeed biologically or be secure in perpetuity. The successful rehabilitation of degraded remnants is not assured nor is the likely time frame of any such rehabilitation assured.

- 4) The COALPAC Project (in Ben Bullen State Forest) is within part of the proposed Gardens of Stone 2 proposal, which the Advisory Committee considers should be resolved before any public lands within the area of the proposal are alienated

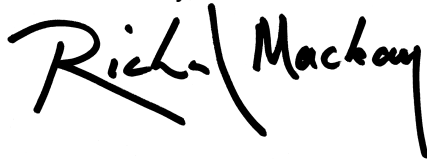
Approximately 58% (1442 ha) of the proposed COALPAC Project is within Ben Bullen State Forest, an area identified and currently being considered for future conservation under the 'Gardens of Stone Stage 2' proposal. The Advisory Committee supports the Gardens of Stone Stage 2 proposal. The Advisory Committee believes that if Gardens of Stone Stage 2 were to proceed, it would enhance the GBMWhA's integrity by providing a valuable secure buffer to the existing World Heritage Area and potentially constituting a valuable addition to the World Heritage Area itself. The Advisory Committee therefore believes that the Gardens of Stone Stage 2 proposal should be resolved before any public lands within the area of the proposal are alienated in perpetuity.

Conclusion

The GBMWHAC opposes the proposed COALPAC Project. The Committee has concerns about impacts on the outstanding natural values for which the GBMWhA is listed; the adequacy of the Environmental Assessment; the desirability and adequacy of the proposed offsets; and believes that the Gardens of Stone Stage 2 proposal should be resolved before any public lands within the area of the proposed COALPAC project are alienated.

Should you or your staff require further information, please contact our Executive Officer, Jacqueline Reid via email to jacqueline.reid@environment.nsw.gov.au or by telephone to 4784 7326.

Yours sincerely,



Prof Richard Mackay, AM
Chair
Greater Blue Mountains World Heritage Area Advisory Committee

28/05/2012

CC: Minister for the Environment and Heritage, the Hon. Robyn Parker MP
Minister for Sustainability, Environment, Water, Population and Communities,
the Hon. Tony Burke MP

References

- Bernhardt, P. and Weston, P.H. 1996. The pollination ecology of *Persoonia* (Proteaceae) in eastern Australia. *Telopea* 6(4):775-804.
- Cumberland Ecology. 2012. Ecological Impact Assessment. Coalpac Consolidation Project. For Hansen Bailey. Cumberland Ecology, Carlingford Court.
- Department of Environment and Heritage. 2006. EPBC Act Policy Statement for White Box-Yellow Box-Blakely's Red Gum grassy woodlands and derived native grasslands. Department of Environment and Heritage, Canberra.