

# Planning for biodiversity and coal mining in the Upper Hunter: have your say



## Frequently Asked Questions

May 2013

### INTRODUCTION

The NSW and Australian Governments are undertaking a strategic assessment of likely biodiversity impacts from future coal mining in the Upper Hunter Valley. This is a joint government initiative under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to pilot a new approach to managing the impacts on biodiversity of multiple coal mining proposals.

Both governments have jointly released draft terms of reference for public comment.

### WHAT AREAS ARE COVERED BY THIS INITIATIVE AND WHY?

The project covers an area of around 260,000 hectares in the Singleton, Muswellbrook and Upper Hunter local government areas.

Since settlement there has been extensive land clearing in the assessment area for a variety of land uses. The NSW and Australian Governments believe there is benefit in identifying priority biodiversity conservation outcomes for the region ahead of the expected project by project applications for future coal mining.

### WHAT ARE THE BENEFITS OF THIS APPROACH?

Strategic assessment is an extensive and wide ranging set of studies which guides the assessment of complex, large scale or ongoing development activities that would otherwise need separate approval under the Commonwealth EPBC Act.

Biodiversity outcomes will be improved through assessing all mining leases at once.

This initiative also streamlines the mining application and assessment process by making it clear upfront how biodiversity issues are handled.

### WHAT DOCUMENTS WILL BE PRODUCED FOR THIS INITIATIVE?

The draft terms of reference outline the two documents that will be produced – a biodiversity plan and a strategic assessment report – and the proposed contents of these documents.

The biodiversity plan will be a 25-year blueprint which will map the key biodiversity values across the Upper Hunter Valley study area. It will also include measures to manage and rehabilitate areas.

It will have a particular focus on biodiversity listed by the Australian Government as being nationally threatened – this could include ecosystems or individual animal or plant species.

The strategic assessment report will explain how the biodiversity plan will be used in the development assessment process to protect species and ecosystems of national environmental significance.

# Planning for biodiversity and coal mining in the Upper Hunter: have your say



## Frequently Asked Questions

### **WILL THE PUBLIC HAVE A SAY IN THE PREPARATION OF THESE DOCUMENTS?**

Yes. After the exhibition period the draft terms of reference will be modified to address public comments. A report will be prepared summarising issues raised and how these have been addressed.

Both the draft biodiversity plan and strategic assessment report are expected to be released in mid 2014 and will be exhibited for public comment.

### **WHICH COAL MINERS ARE INVOLVED IN THIS INITIATIVE?**

Ten mining companies have agreed to participate:

- Anglo American Metallurgical Coal Pty Ltd
- BHP Billiton Energy Coal Australia Pty Ltd
- Coal and Allied Operations Pty Limited
- Idemitsu Australia Resources Pty Ltd
- NuCoal Resources Pty Ltd
- Rix's Creek Pty Limited
- Spur Hill Management Pty Ltd
- Vale Integra Coal Operations Pty Ltd
- Wambo Coal Pty Limited
- Xstrata Coal (NSW) Pty Limited.

These companies have existing exploration licences in the region.

### **WHO IS FUNDING THE WORK?**

Currently, mining companies pay for flora and fauna surveys and associated biodiversity assessment reports for their individual mining projects.

The companies involved will also contribute up to \$1.1 million in funding (\$110,000 per company) to the preparation of a biodiversity plan.

The companies will be consulted on the draft biodiversity plan but it is ultimately the role of the NSW Government to approve the plan for publication.

The biodiversity plan will be developed by the Office of Environment and Heritage.

### **WHO IS CONDUCTING THE BIODIVERSITY ASSESSMENTS?**

Consultants for each mining company will conduct surveys and provide information on biodiversity within their exploration licence areas, in accordance with Office of Environment and Heritage survey guidelines. This survey information will be verified by Government agencies before being incorporated in the biodiversity plan. The biodiversity plan will be developed by the Office of Environment and Heritage.



# Planning for biodiversity and coal mining in the Upper Hunter: have your say



## Frequently Asked Questions

### WHAT DOES THIS MEAN FOR MINING IN THE AREA?

The Australian Government will endorse and approve the biodiversity plan in accordance with the strategic assessment process set out in the Commonwealth EPBC Act.

Once the plan is approved, mining companies will no longer need separate project by project approvals for actions covered by the plan.

Mining projects will still need individual approval from the NSW Government.

Individual state significant development mine project approvals will still undergo a rigorous assessment process for issues not addressed in the strategic assessment such as the impact on land, water, air quality and noise.

### HOW DOES THIS INITIATIVE RELATE TO THE UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN?

This project is specifically referred to in the Upper Hunter Strategic Regional Land Use Plan (SRLUP) as the primary mechanism for biodiversity issues related to coal mining in the region.

The Upper Hunter SRLUP supports taking a more strategic and regional approach to delivering important environmental outcomes, along with providing better certainty for the mining industry.

### WHAT IS OFFSET LAND AND HOW IS IT MANAGED?

Mining companies have had to purchase and protect large parcels of conservation land to compensate for mining on land with biodiversity values. This process is known as 'offsetting' and has traditionally been done on a project-by-project basis.

The terms of reference raise the option of mining companies contributing funds through the establishment of an Upper Hunter Offsets Fund.

This is a co-ordinated and strategic approach to offset land purchase. Of significant benefit is the ability to purchase offsets which provide the greatest biodiversity benefit (such as through clustering high-value protected environmental land).

### WHAT EFFECT DOES THE PROPOSED WATER TRIGGER HAVE ON THIS INITIATIVE?

The Australian Government has introduced an amendment to the Commonwealth EPBC Act to add a new matter of national environmental significance. Coal seam gas and large coal mining developments that are likely to have a significant impact on a water resource are captured by this amendment.

If this amendment becomes law, implications for the Upper Hunter Strategic Assessment will be considered at that time. Meanwhile, the Australian and NSW Governments are committed to preparing and strategically assessing the Biodiversity Plan for Coal Mining in the Upper Hunter Valley under the Commonwealth EPBC Act in accordance with the Terms of Reference.

# Planning for biodiversity and coal mining in the Upper Hunter: have your say



## Frequently Asked Questions

### EXHIBITION DETAILS

The draft terms of reference will be on exhibition until Friday 5 July 2013. They may be viewed on the department's website: [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)

Copies can be obtained from the department by contacting 1300 305 695.

### SUBMITTING COMMENTS

Comments can be made during the 30 day exhibition period:

- online at [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
- by email to [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)
- by mail to  
Director – Policy, Systems and Procedures, Department of Planning and Infrastructure  
GPO Box 39, SYDNEY NSW 2001.

Comments will be made publicly available and will be published online at [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)

Names and addresses will be withheld if requested. Please ensure your personal details are not included on the documents you lodge if you do not want to be identified.

### FURTHER INFORMATION

To find out more, including our policy on publishing submissions, go to [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals), call 1300 305 695 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

© State of NSW through NSW Department of Planning & Infrastructure  
23–33 Bridge Street, Sydney NSW 2000. GPO Box 39, Sydney NSW 2001  
T 02 9228 6333 F 02 9228 6555 E [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.