



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO 7 - PLANNING AND ENVIRONMENT

22 January 2020

The Hon Rob Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
Sydney NSW 2001

By email: office@stokes.minister.nsw.gov.au

Dear Minister

Inquiry into koala populations and habitat in New South Wales

I write as Chair of the inquiry into Koala Populations and Habitat in New South Wales to urge you to investigate evidence received suggesting that the clearing of koala habitat at the site of Whitehaven Coal's Maules Creek mine site has not been offset as per its conditions of approval.

At the inquiry's Gunnedah hearing held on 13 December last year by the Wando Conservation and Cultural Centre tabled documents obtained through Government Information Public Access from the Department of Planning, Industry and Environment (DPIE) which revealed that Whitehaven Coal failed to meet its obligations to provide biodiversity offsets for the clearing of Critically Endangered Ecological Community (CEEC) known as White Box Grassy Woodland.

The mine was approved on the condition that the company would offset cleared habitat including CEEC and koala habitat within the Leard State Forest with like-for-like, securing any offsets in perpetuity with binding conservation agreements. On 23 March 2018, the Department of Planning's Mike Young signed off on the Maules Creek offsets (see Document 46b, p. 137 of the GIPA) satisfied that they fulfil the Conditions of the mine approval.

State and Federal approvals of Maules Creek mine have permitted the clearing of 1,665 hectares of native vegetation in Leard State Forest, including 544 hectares of White box – Yellow box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community (CEEC). All without offsets in place to date.

The Biodiversity Conservation Trust (BCT) had the role of negotiating the conservation agreements for the Maules Creek offsets. However, the GIPA documents reveal that the BCT has repeatedly visited the offsets and found in many instances the vegetation mapping inadequate and incorrect. Maules Creek has been provided with two extensions to fulfil its consent conditions, however conservation agreements for offsets for the mine have still not been completed. The deadline for Maules Creek to reach their offset conditions has now been extended to March 2020.

Despite being unable to meet its offset commitments to date and therefore no conservation agreements being in place, Whitehaven Coal is due to begin its annual clearing of Leard State Forest for Maules Creek on 15 February.

Given the increased vulnerability of the state's koala populations due to the bushfires and climate change, the Committee is requesting that the Government urgently investigate how the Department of Planning approved the Maules Creek Coal Mine despite its failure to secure like-for-like offsets before any further clearing is permitted.

Thank you for giving this your urgent consideration.

Yours sincerely

Ms Cate Faehrmann MLC
Committee Chair