

STOP PRESS:

Timor Caves Quarry Threat

Your support is needed!

Jodie Rutledge and Nicholas White

UPPER HUNTER Shire Council has approved a vast quarry on the same block of limestone as and close to Timor Caves along the Isis River in the Upper Hunter Valley of NSW. The mine will be licensed to operate over a 30-year period, 6 days a week, extracting up to 100,000 tonnes per year, removing approximately 2.4 million tonnes of limestone. This huge development is a major threat to the karst and biota of the area.

Newcastle & Hunter Valley Speleological Society (NHVSS) has challenged this by lodging a Class 1 appeal to the Land & Environment Court of NSW against the Council's approval of the development proposed by the applicant, Stoneco Pty Ltd.

What is the basis of the appeal?

- The karst assessment and impact requirement in the Environmental Impact Statement (EIS) is grossly inadequate.
- Damage to groundwater ecosystems and vegetation communities were either ignored or not properly considered either in the EIS or by the Shire Council.
- The vegetation communities are protected by both NSW and Federal legislation and the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland is a Federally listed Endangered Ecological Community. There was inadequate consideration given to the loss of the very slow growing grass trees, *Xanthorrhoea glauca* subsp. *augustifolia*.
- No attention has been paid to threats to invertebrate fauna.

What financial assistance has been obtained?

- The Environmental Defenders Office has accepted the case.
- A very experienced environmental lawyer (and ASF Fellow), Patrick Larkin with colleague and ASF Member Chris Norton are providing their professional services without charge.
- ASF and its Gift Fund (the Karst



CARRIE K SMITH

Timor karst with grass trees and protected woodland

Conservation Fund) have provided further financial assistance.

When will the appeal be heard and what happens in the meantime?

- It commences in the Land & Environment Court in Sydney on 30 November, 2009.
- Meanwhile, we must obtain court orders to enter the development site, as well as engage expert witnesses to visit the site, write their reports, and be available to appear in court.

Why do we need to raise further funds, then?

- The EDO, Patrick Larkin and Chris Norton provide only professional legal counsel. We have to fund expenses such as court costs and obtaining expert witnesses to refute the Company's case.
- ASF has depleted its accumulated funds set aside for conservation and has "gone out on a limb" to some extent to support this important case. This will not require any call on annual subscription fees but will

prevent us undertaking other worthwhile cave conservation projects in future, unless we replenish with donations, which through the Gift Fund are tax-deductible.

The EDO has accepted the case on the basis that it is important public interest litigation.

We must be resolved to see this case through to its conclusion so as to set a precedent and dissuade similar development applications in future.

Further information on the karst and caves at Timor is available in the superb book *Timor Caves, Hunter Valley, New South Wales*, published by NHVSS. See *Caves Australia* No 176 pp. 39-40 for a review and an order form. Up to date information on the threat to Timor Caves is on the NHVSS website: www.NHVSS.org.au, and on ASF's website www.caves.org.au.

Please use the form inserted in this issue to make your donation, or go to the websites above. Donations through the ASF gift fund are tax-deductible.