

29 July, 2012

Mr Drew Mclean
Acting Director
Compliance and Enforcement Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

Re: Objection to the NCIG Rail Flyover: project number MP 06 0009.

- The RFM proposal would destroy an additional area of Swan Pond, on the eastern side of Ash Island (more than was granted in the original approval granted in 2006).
- Swan Pond is critical habitat for many migratory shorebirds, and is one of the largest roosting sites for migratory shorebirds in the Hunter Estuary.
- Migratory shorebirds are listed under the *Environmental Protection and Biodiversity Conservation Act 1999*. A number of species listed as threatened and vulnerable under the *NSW Threatened Species Conservation Act 1995*, are also present on the site.
- The table below outlines a number of these birds, which the Hunter Bird Observers Club have recorded on a number of site visits since 1999.
- Because migratory shorebirds are listed under the EPBC Act, the NCIG RFM should be deemed a 'controlled action' and assessed under the EPBC Act.

Table 1: Migratory birds listed under the EPBC Act 1999 (sighted at Swan Pond)

Common name	Proper name	Status: Threatened Species Conservation Act 1995
Latham's Snipe Black-tailed	<i>Gallinago hardwickii</i>	

Balck-tailed Godwit	<i>Limosa limosa</i>	Vulnerable
Bar-tailed Godwit	<i>Limosa lapponica</i>	
Common Greenshank	<i>Tringa nebularia</i>	
Marsh Sandpiper	<i>Tringa stagnatilis</i>	
Red Knot	<i>Calidris canutus</i>	
Red-necked Stint	<i>Calidris ruficollis</i>	
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	
Curlew Sandpiper	<i>Calidris ferruginea</i>	Endangered
The White-fronted Chat	<i>Epthianura albifrons</i>	Vulnerable

- The EA does not consider the cumulative impacts of development in and around the Hunter Estuary. This is despite the fact that there has been a steep decline in the numbers of birds that use the Hunter Estuary over the past decade, most likely due to the cumulative impact of development.
- The NCIG RFM would destroy an Endangered Ecological Community of Saltmarsh.
- It would also impact the Green and Golden Bell Frog, which is listed as 'vulnerable' under the *TSC* and *EPBC Acts*. The Green and Golden Bellfrog lives on land that would be destroyed immediately adjacent to the Kooragang Island Main Line.

- The relocation of Ausgrid power lines to the middle of an island that is used by thousands of birds is outrageous and unacceptable.
- No field sites were undertaken to record and monitor birds. Rather desktop studies of bird populations were relied upon. These do not contain an adequate representation of the actual birds that use the site.
- No offsets are mentioned in the EA.
- The EA does not refer to Swan Pond by its proper name, but rather calls it “additional land on the west”. This description is vague and fails to convey the actual areas that would be destroyed in the RFM were approved.
- The EA only provides a description of the habitat to be destroyed in square meters. It is, however, important to indicate the topography of the land that would be destroyed, as it is shallow shoreline with intermittent mudflats, which are used by thousands of waterfowl and migratory shorebirds.

Sincerely,

Emma Giles

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