



**Catchment Management  
Authority**  
Hunter-Central Rivers

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Mr Chris Ritchie  
Manager - Industry  
Mining and Industry Projects  
Department of Planning and Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Mr Ritchie,

**Subject: Northbank Enterprise Hub, Tomago (MP10\_0185) Environmental Assessment**

I refer to your correspondence of 10 September 2012 seeking comments from the Hunter-Central Rivers Catchment Management Authority (CMA) on the Environmental Assessment (EA) for the above proposal. The CMA has reviewed the EA documentation against the Catchment Action Plan (CAP) and provides the following comments.

- **The key issues that the CMA has concerns about include:  
Climate Change and Sea Level Rise**

The CMA is concerned at the proposed filling of 154ha of wetland in terms of the loss of its future value as a saltmarsh retreat area following predicted sea level rise. The CMA also has concerns regarding the sheer volume of fill, 3.7 million cubic metres, including the source and composition of the material and the final height of the development above sea level. The current flood modeling does not account for the predicted sea level rise of 90cm by 2100 and the problems associated with inundation of the development as a result of the combined forces of a major flood event, sea level rise and coastal setup processes.

- **The potential negative impacts of freshwater runoff from the development on the surrounding Tomago Wetlands.**

The CMA has been involved with ongoing work to plan and rehabilitate the Tomago Wetlands for nearly twenty years due primarily to its importance as migratory shorebird habitat. The project has received over \$330,000 funding from the State and Federal Governments since 2005 and involves a significant contribution from National Parks & Wildlife Service (NPWS) and major 'in-kind' support from Hunter Bird Observers Club (HBOC) and other community based organisations. The key restoration activity has been the installation of structures to allow the controlled opening of floodgates and the restoration of tidal saltwater flushing to the wetlands in this area.

The CMA notes that significant impacts on local drainage and flooding are likely to occur as a result of this proposal. The proposed filling of this wetland area to create a development footprint of over 154ha in immediately adjacent to internationally significant Ramsar wetlands will have a major effect on local hydrology and migratory shorebird habitat.

The CMA is concerned that increased levels of freshwater and contaminated runoff from the proposed development, especially during flooding, has the potential to jeopardize the Tomago Wetlands.

- **Impacts of the development on Threatened Species including the Eastern Grass Owl, 9 species of native bat and the Grey-headed Flying Fox and the potential for negative impacts on habitat for migratory bird species.**

The CMA has concerns related to the impact that the proposal will have on biodiversity, threatened species and migratory shorebirds at the site. It is reported in the flora and fauna study by Ecobiological that a significant portion of the north/south vegetation corridor will be severed as a result of the development of Lot 1001.

This area contributes to the broader regional linkages that make up the Biodiversity 'Green Corridor' between Port Stephens, Hexham Swamp and the Sugarloaf Range south to the Watagans. This corridor is highly significant and recognised by the community and government as a very important resource for the conservation of regional Biodiversity. The area was officially identified as a 'coastal climate managed fauna retreat corridor' by Department of Environment and Climate Change in 2007 (now Office of Environment and Heritage).

The CMA notes that the proposal will result in the loss of at least one group of Eastern Grass Owls from the study area. Ecobiological completed a study of Grass Owls in the area in 2011 and identified 7 'Groups'. Although the consultant's report states that the loss of one Group is unlikely to reduce the long term viability of the local population they also state that further habitat loss and the effects of cumulative development may place the local population under extreme pressure for survival in the medium to long term. This proposal needs to be considered within the context of existing and future proposals planned for this area and the cumulative impacts that it will have on the Eastern Grass Owl population.

Hunter Bird Observers Club (HBOC) have been conducting monthly surveys over several years to document the results of restoring Tomago Wetlands as habitat for shorebirds, particularly international migratory shorebirds, through the reinstatement of tidal flows. One measure of success is the numbers of waterbirds which appear after the restoration indicating that it is helping to redress the decline of many species of migratory shorebirds in the Hunter Estuary where some species show a decline as much as 80% and several species show declines of 50%. All migratory shorebirds are listed under the Environment Protection and Biodiversity Conservation Act.

The shorebird season 2012/2013 (September to April) has shown to date (October 2012) an increase in the diversity and numbers of shorebirds and an increase in other waterbirds such as Royal Spoonbills, Australian White Ibis, Black Swan, White-faced Heron, White-necked Heron, Australian Spotted Crake. So far this season seven species of migratory shorebirds have been seen: Latham's Snipe, Pacific Golden Plover, Marsh Sandpiper, Common Greenshank, Sharp-tailed Sandpiper, Eastern Curlew and Bar-tailed Godwit compared with previous years when only Sharp-tailed Sandpiper and Latham's Snipe have been present. Numbers of the

resident shorebird Black-winged Stilt have increased and two additional resident shorebirds have been present, Black-fronted and Red-kneed Dotterel. Although numbers are small, they are significant in that they show that the wetland is becoming suitable once again as shorebird habitat with the prospect of improved functioning over time.

The Australasian Bittern is listed as endangered under national and state legislation and has always been present on site.

- **Proposed Clearing of Endangered Ecological Communities (EEC) and Offsets**

The CMA notes that there are 3 EECs proposed to be removed as part of the development proposal including Swamp Sclerophyll Forest (1.4ha); Swamp Oak Floodplain Forest (14.82ha) and Freshwater Wetlands on Coastal Floodplains (70.59ha). The CMA recommends retaining the 1.4ha of Swamp Sclerophyll Forest into the development proposal due to its habitat value, relatively small size and function as a visual and particulate screen and to incorporate the other EEC communities where possible.

The CMA expects the proponent to develop an offset package using either the Environmental Outcomes Assessment Methodology (EOAM) or Biobanking methodology and carried out by a qualified Biobanking practitioner. At the very least the proponent should incorporate the principles underpinning Biobanking and/or the EOAM in the development of offsets that meet the 'improve or maintain' test.

Information on the EOAM methodology is available at [www.environment.nsw.gov.au/vegetation/eoam/index.htm](http://www.environment.nsw.gov.au/vegetation/eoam/index.htm)

Information on Biobanking methodology is available at <http://www.environment.nsw.gov.au/biobanking>

The CMA would appreciate the opportunity to review the package once completed.

The CMA notes that the amount of offset required could be reduced by retaining the Swamp Sclerophyll Forest and other EECs as outlined above. As the EIS does not contain adequate details of a specific offset package, the CMA is unable to properly assess or support the proposal at this time.

### **Consistency with the Hunter-Central Rivers Catchment Action Plan**

The Catchment Action Plan (CAP) is a whole-of government approach to natural resource management which has been endorsed by the NSW Government. The CAP contains specific guiding principles that outline how natural resource management should occur in the Hunter-Central Rivers region to improve or maintain environmental outcomes. The guiding principles for biodiversity, land use planning and estuary and marine have particular relevance to this project. The CMA requests that these CAP guiding principles be taken into consideration both in the EIS and during implementation for the life of the project.

The CAP is available at <http://www.hcr.cma.nsw.gov.au>.

The following is a list of specific guiding principles with particular relevance to this proposal.

1. The *Landuse Planning Guiding Principles* outlined in the CAP include "New release areas for residential and industrial development should be restricted to lands without

*significant natural resource constraints, including those areas already cleared of native vegetation (including significant native grassland), areas outside rural resource land, areas with less than 20% slope or those not comprising highly erodible soils (including acid sulfate soils)*". This development clearly does not meet this Guiding Principle in the CAP and therefore cannot be supported by the CMA.

2. Minimising habitat destruction and improving the condition of habitat – The CMA will support in principle planning measures which reduce or avoid impacts of development on threatened species and communities such as Regional Conservation Plans and the Biodiversity Offsets 'Biobanking' scheme.
3. Maintain or improve the condition of estuary and marine areas – If estuarine or marine aquatic habitat must be disturbed as a result of development then other areas of wetland habitat should offset this loss.
4. To prevent species, populations and ecological communities from becoming threatened or extinct, it is important to preserve high quality saltmarsh, mangrove, estuarine, seagrass, marine and marine shoreline habitat that remains in the long-term. It is also important to improve degraded saltmarsh, mangrove, estuarine, seagrass, marine and marine shoreline habitat to increase the limited wetland habitat that now exists.
5. Habitat should be restored to a healthy state so native species are able to outcompete exotic species.
6. The cumulative impacts of development activities on our natural resources should be taken into consideration in landuse planning.
7. The use and development of natural resources should be sustainable.
8. Where practical, future development should be restricted to primarily cleared land. Where loss of vegetation is unavoidable, native vegetation offsets should be used.

The CMA is also concerned about access arrangements to the Tomago Wetland restoration site should the development be approved. The CMA requires continued access for monitoring and evaluation purposes at this site.

If you require any further information please do not hesitate to contact Callaghan Cotter, Catchment Coordinator Lower Hunter on 4938 4935.

Yours faithfully



Callaghan Cotter  
for  
Fiona Marshall  
**General Manager**

**30 October 2012**