22 November 2013

Director-General
NSW Department of Planning & Infrastructure

Re: Port Waratah Coal Services proposed Terminal 4 (T4)

BirdLife Australia is a national non-government organisation with more than 10,000 members and 25,000 supporters throughout Australia. Our primary objective is to conserve and protect Australia's native birds and their habitat. We have an extensive ongoing program of bird conservation research, including our Shorebirds 2020 program, developed to address the ongoing decline of Australia's resident and migratory shorebirds.

Our Special Interest Group, the Australasian Wader Studies Group (AWSG), conducts and promotes shorebird research and conservation throughout Australasia.

BirdLife Australia is recognised as a leading authority on the ecology and conservation of Australia's shorebirds.

Thank you for the opportunity to comment.

BirdLife Australia is strongly opposed to the Port Waratah Coal Services proposed Terminal 4 (**the T4 Project**) because it is likely to have a significant impact on a number of EPBC-listed migratory bird species and the EPBC-listed Endangered species, Australasian Bittern.

Importance of Swan Pond and Deep Pond to migratory shorebirds

The Hunter Estuary functions as a single, highly interactive ecological system. It is the most important site for migratory shorebirds in NSW and the only site in NSW that has been designated as internationally important for migratory shorebirds.

The Hunter Estuary is recognised as an Important Bird Area (IBA); a site that meets internationally agreed criteria, based on the occurrence of key bird species that are vulnerable to global extinction or whose populations are otherwise irreplaceable.

BirdLife Australia
Suite 2-05
60 Leicester Street
Carlton VIC 3053
T 03 9347 0757
F 03 9347 9323
info@birdlife.org.au
birdlife.org.au
ABN 75 149 124 774

Impact of the T4 Project on migratory shorebird habitat

Under the T4 Project, migratory shorebird habitat will be destroyed at Swan Pond (the eastern side of Area E) on Ash Island (the western side of Kooragang Island) and Deep Pond on Kooragang Island. These sites support the following migratory shorebird species:

- Latham's Snipe *Gallinago hardwickii*
- Black-tailed Godwit *Limosa limosa*
- Bar-tailed Godwit *Limosa lapponica*
- Common Greenshank *Tringa nebularia*
- Marsh Sandpiper *Tringa stagnatilis*
- Red Knot *Calidris canutus*
- Red-necked Stint *Calidris ruficollis*
- Pectoral Sandpiper *Calidris melanotos*
- Sharp-tailed Sandpiper *Calidris acuminata*
- Curlew Sandpiper *Calidris ferruginea*
- Ruff *Philomachus pugnax*

A number of small wetlands on the T4 site also support the nationally Endangered (EPBC-listed) Australasian Bittern (*Botaurus poiciloptilus*).

Australia is signatory to international agreements (JAMBA, CAMBA, ROKAMBA & the Bonn Convention) which underpin our obligations to protect the nine migratory shorebird species listed above.

Two of these species, Black-tailed Godwit and Curlew Sandpiper, are also listed under the NSW *Threatened Species Conservation Act 1995* as Vulnerable and Endangered, respectively. The 2010 *Action Plan for Australian Birds* nominates a further three of these species to be listed as vulnerable to extinction.

Swan and Deep Ponds support thousands of waterbirds and are a key component of the Hunter Estuary system. Swan and Deep Ponds meet several criteria for listing under the Ramsar Convention:

Criterion 2: Endangered Ecological Communities – Coastal Saltmarsh and Freshwater Wetland;

Criterion 2: threatened species – Australasian Bittern and Green and Golden Bell Frog *Litoria aurea*;

Criterion 4: migratory shorebird habitat; supports species at a critical stage in their life cycle;

Criterion 4: drought refuge for waterbirds; and

Criterion 6: more than 1% of individuals in a population of one species of waterbird – Chestnut Teal *Anas castanea* and Sharp-tailed Sandpiper - making it an internationally important site for these species.

Swan and Deep Ponds are sites of international significance that should be permanently protected as part of the national park estate and listed as wetlands of international significance under the Ramsar Convention.

The ecosystem of the Hunter Estuary is already severely impacted by commercial development and incremental loss of habitat, increasing the importance of Deep Pond and Swan Pond to shorebirds utilising the Hunter Estuary.

Deep and Swan Ponds provide unique habitat

Deep Pond includes an expansive area of sheltered non-tidal fresh water in close proximity to estuarine mudflats. Its wetting and drying cycles are under the influence of rainfall. When Deep Pond is full of water it provides a drought refuge for waterfowl and when dry, it provides habitat for migratory shorebirds. The whole wetland will be impacted during the construction stage of the T4 Project. In the longer term, the 80% reduction in the size of Deep Pond will have a significant, negative impact on waterfowl and migratory shorebirds using the system. Furthermore, the 20% retained area will not have the same ecological attributes as the current system.

Deep Pond is a proven drought refuge for waterfowl. At times the numbers of waterfowl and the diversity of species on Deep Pond are unparalleled in the Hunter Estuary and Lower Hunter Valley. The loss of Deep Pond may be significant for some species of waterfowl that move to the Hunter Valley during periods of inland drought.

In contrast, Swan Pond's ecological values are determined by the limited tidal transfer that occurs during the high part of the tidal cycle. As a result, its mudflats are exposed for longer periods than at most other areas of the Estuary, providing high-quality roosting and/or tidal foraging habitat.

Deep and Swan Ponds work together to support migratory shorebirds as birds move between the sites in response to disturbance and the relative suitability of foraging conditions.

Non-tidal options such as Deep Pond and tidal foraging areas such as Swan Pond are particularly important immediately prior to migration when shorebirds must rapidly accumulate fat reserves to fuel long-distance flight. Any loss of these areas is likely to have a significant impact on the ability of shorebirds in the Hunter Estuary to undergo a successful migration.

Inadequacy of Offsets

The Environmental Management Statement of Commitments (the Statement) does not provide any certainty for the future of threatened and migratory species in the Hunter Estuary. Migratory shorebirds will be left with one inappropriately located offset, Ellalong Lagoon, and a second, theoretical site at Tomago.

Ellalong Lagoon is an unsuitable offset for Deep Pond because it dries out in times of severe drought.

The Project should only be approved under the condition that mitigation and offsetting works are completed **prior** to the destruction of habitat Swan and Deep Ponds. Furthermore, these works must have demonstrated their suitability as migratory shorebird habitat that fully compensates for the loss of Swan and Deep Pond, before the Project is allowed to proceed.

Yours sincerely

Samantha Vine

Head of Conservation