

17 The Quarterdeck
Carey Bay NSW 2283
28 July 2012

Department of Planning and Infrastructure
GPO Box 39,
Sydney NSW 2001

Dear Sir/Madam,

**Re: Newcastle Coal and Infrastructure Group Coal Export Terminal,
Stage 2F, Rail Flyover Modification (MP 06_0009 MOD 2)**

I object to the proposal by the Newcastle Coal Infrastructure Group (NCIG) to construct a rail flyover at the junction of the Kooragang Island Main Line and the existing NCIG rail loop which services their coal export terminal, as part of the development of their "high capacity optional inlet rail spur" also known as the "northern spur line".

Under the Ministerial approval granted for this project in April 2007, Condition 2.20 - Compensatory Habitat and Ecological Monitoring Program - section (b) (ii) requires that:

"for migratory shorebird habitat lost as a result of the filling in of parts of Deep Pond and the construction of the optional rail spur, establishment of compensatory habitat in a location agreed by the Director-General, in consultation with the DECC, equivalent to no less than twice the area of habitat identified under a), with commencement of compensatory habitat works prior to the commencement of construction of the optional rail spur."

It seems that this condition applies to the proposed rail flyover as it is a necessary part of the optional rail spur construction.

However, in the Environmental Assessment (EA) which accompanies the application for Rail Flyover Modification (NCIG 2012), there is no mention of compensatory habitat offsets for the proposed destruction of shorebird habitat in Swan Pond, the wetland immediately west of the Kooragang Island Main Line. In fact, this wetland is the **most important saltmarsh pond** (Herbert 2007) on the western end of Kooragang Island (known as 'Ash Island'). Yet it is not even acknowledged by name, nor by nature - it is referred to as "additional land on the west" and its importance as shorebird habitat is ignored.

The EA states that 790 metres of Kooragang Island Main Line will be moved to the west, requiring construction of a high ballast bank with an extensive footprint that will impact on the shallow eastern margin of Swan Pond. In addition, two existing powerlines parallel to the rail line will be translocated at least 25 metres further west, i.e. further into Swan Pond. A maintenance track will also be required on the western side of the re-aligned rail line.

This construction will remove the eastern shallow margin of Swan Pond, a brackish wetland with restricted tidal flow that is favoured by migratory shorebirds and waterfowl, with bird numbers sometimes in thousands. Hunter Bird Observers Club has been monitoring shorebirds in the Hunter Estuary on a monthly basis since April 1999. Results are published annually in the Hunter Region Annual Bird Report (Stuart 2000 - 2011) and provided to BirdLife Australia's Shorebirds 2020 Project. Monitoring sites include Swan Pond, where nine species of migratory shorebirds are known to occur regularly:

- 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*
- Sharp-tailed Sandpiper *Calidris acuminata*
- Curlew Sandpiper *Calidris ferruginea*

The presence of these migratory shorebirds should trigger the *Environment Protection and Biodiversity Conservation Act 1999*. Furthermore, protection of these species and their habitat is required under international agreements with the Governments of China, Japan and South Korea. This proposed removal of shorebird habitat cannot be dismissed simply as "minor disturbance of additional lands (less than 2.6 ha) resulting in a potential effect on threatened species or endangered ecological communities" (EA, p. 29). It will be an *actual* (not "potential") effect on known shorebird habitat and Coastal Saltmarsh, an endangered ecological community listed under the *NSW Threatened Species Conservation Act 1995*.

A non-migratory species which uses saltmarsh on Swan Pond is the White-fronted Chat *Epthianura albifrons* listed as Vulnerable under the *NSW Threatened Species Conservation Act 1995*. Loss of saltmarsh, its preferred habitat, has led to its decline. If the proposal is approved, compensatory saltmarsh habitat should be provided.

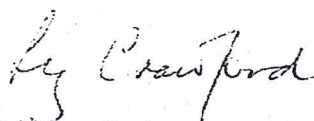
Although the Hunter Estuary is the most significant site for migratory shorebirds in NSW, HBOC's monitoring shows that the total migratory shorebird population is declining and several species have shown declines of more than 50% in the past decade. Curlew Sandpiper, for example, has recently been listed as Endangered under the *NSW Threatened Species Conservation Act 1995*, while Black-tailed Godwit is listed as Vulnerable.

Shorebirds are declining because of habitat destruction in their non-breeding areas (such as the Hunter Estuary) and staging sites along the East Asian-Australasian Flyway. Development of the Hunter Estuary continues to decimate shorebird habitat. Death by a thousand cuts is happening before our very eyes.

It is imperative that seemingly "minor" incursions into existing, well-documented shorebird habitat are, if approved, compensated with provision of alternative habitat. As specified in Condition 2.20, compensatory habitat should be provided well in advance of any removal of existing habitat.

I urge you to consider the adequacy of this EA, to consider alternative rail alignments that do not impinge on Swan Pond, and, if the proposed rail flyover modification is approved, to insist on creation of suitable compensatory habitat for the loss of shorebird habitat and saltmarsh in Swan Pond.

Yours faithfully,



Liz Crawford
Member, Hunter Bird Observers Club

References

- Herbert, C. (2007). Distribution, Abundance and Status of Birds in the Hunter Estuary. Hunter Bird Observers Club Special Report No. 4. Hunter Bird Observers Club Inc.: New Lambton, NSW.
- Newcastle Coal Infrastructure Group (2012). Newcastle Coal Infrastructure group Coal Export Terminal Project Approval (06_0009) Rail Flyover Modification Environmental Assessment.
- Stuart, A. (2000 - 2011). Hunter Region of New South Wales Annual Bird Report Numbers 7 (1999) to 18 (2010). Hunter Bird Observers Club Inc.: New Lambton, NSW.

Note: Hunter Bird Observers Club publications are available on the Club's website: www.hboc.org.au