



17 The Quarterdeck,
Carey Bay NSW 2283
28 July 2012

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

Department of Planning
Received
1 AUG 2012
Scanning Room

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".

Construction of the rail flyover will impact directly on the eastern margin of Swan Pond, a brackish saltmarsh pond that is the third most important site for migratory shorebirds in the Hunter Estuary (Herbert 2007). Swan Pond was acknowledged as significant habitat for shorebirds in the 1970s and 1980s (e.g. Moss 1983), was named in the 1990s and was subject to numerous investigations as part of the Kooragang Wetland Rehabilitation Project. It features on the *Ash Island Birding Route*, available on the Hunter Bird Observers Club (HBOC) website (www.hboc.org.au) and is visited regularly by numerous local, regional and international birdwatchers. HBOC has been monitoring shorebirds on Swan Pond since April 1999, with data recorded in the Hunter Region Annual Bird Reports (Stuart 2000 to 2011) and also sent to BirdLife Australia's *Shorebirds 2020 Project*.

Despite the available literature and general knowledge of Swan Pond, NCIG's Environmental Assessment (EA) for this project dismisses the area as "additional land on the west", without acknowledging its name or its importance as shorebird habitat and coastal saltmarsh (an Endangered Ecological Community listed under the *NSW Threatened Species Conservation Act 1995*).

Nine species of migratory shorebirds use Swan Pond 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 birds requires assessment under the *Environment Protection and Biodiversity Conservation Act 1999*. However, the EA claims that this project does not trigger the EPBC Act. I disagree.

The eastern margin of Swan Pond to be impacted by the proposed project is particularly important for shorebirds as it is shallow and dries out periodically to expose mudflats that are a favoured foraging and roosting habitat. Many species of waterfowl also use Swan Pond. In addition, more than 1 hectare of saltmarsh will be removed by the proposal, diminishing habitat for the White-fronted Chat *Epthianura albifrons*, now listed as Vulnerable under the *NSW Threatened Species Conservation Act 1995*. The saltmarsh

itself is also listed as an endangered ecological community. It is completely unacceptable that the powerlines be moved further into Swan Pond where bird strikes will be more frequent than they are already.

I object to the proposed rail flyover modification because:

- all rail lines and industrial development should be constrained within the existing industrial area east of the Kooragang Island Main Line, with no incursions into Swan Pond to the west of the rail line;
- the importance of Swan Pond for migratory shorebirds has not been acknowledged;
- no compensatory shorebird-habitat plans have been proposed to offset the proposed destruction of a portion of Swan Pond;
- no consideration has been given to placing powerlines underground, moving them into the existing industrial area, or at the very least, attaching bird deflectors to the lines as they are moved further into Swan Pond;
- piecemeal assessment of individual projects does not consider cumulative impact - this proposal is yet another slice off the diminishing shorebird habitat in the Hunter Estuary.

I urge you to consider the adequacy of this Environmental Assessment and to insist on compensatory shorebird-habitat creation before works are undertaken if the proposal is approved.

Yours faithfully,



Chris Herbert
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.
- Moss, J. (Ed.) (1983). Kooragang Island: Investigation of Natural Areas. Department of Environment and Planning.
- 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