



Cumberland Bird Observers Club

PO Box 550, Baulkham Hills NSW 1755

www.cboc.org.au

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Department of Planning and Infrastructure
23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001

Submission against the Newcastle Coal Infrastructure Group Coal Export Terminal Rail Flyover Modification Stage 2F (MP 06_0009 MOD 2), June 2012

I am writing on behalf of Cumberland Bird Observers Club Inc (CBOC), objecting to the proposed destruction of important shorebird and waterbird habitat on Ash Island in the Hunter River Estuary, by the NCIG Rail Flyover Modification (or RFM).

This project as planned would involve the destruction of Swan Pond, which is a brackish wetland of international importance that supports migratory shorebirds and an Australian duck species (Chestnut Teal) in nationally significant numbers. The NCIG Environmental Assessment (EA) for the RFM project is totally inadequate and omits highly relevant facts with regard to the high conservation value of Swan Pond and the birds using it.

Importance of Swan Pond for shorebirds

Swan Pond contains areas of the now rare coastal saltmarsh, which provides roosting habitat for shorebirds. Mudflats in this Pond are exposed for longer periods than in most other areas of the Hunter Estuary, thus providing unique and high quality foraging and roosting habitat for migratory shorebirds and other wetland species. It is the only brackish wetland of its type remaining on the Ash/Kooragang Island complex, and indeed in the Lower Hunter Estuary, since the others have been destroyed by industrial developments over the years. The attributes of other tidal wetlands in the Estuary, e.g. Tomago, Fullerton Cove, Stockton Sandspit and Hexham, are different from Swan Pond, as they are inundated by tides twice per day.

Hunter Bird Observers Club (HBOC) has been regularly monitoring bird populations on Swan Pond, on the SE side of Ash Island, since 1999, and therefore they have a sound knowledge of the value of the Pond for shorebirds. This value is borne out by the fact that **up to 3,000 birds** have regularly been seen on Swan Pond. The total number of species observed on the Pond since 1999 stands at 85 including 22 species of international migratory shorebirds, nine of which occur regularly. Swan Pond is justifiably nationally and internationally famous as a destination for birdwatchers and others interested in the tidal wetlands. The Hunter Estuary as a whole is designated as an internationally-accredited Important Bird Area (IBA) based on criteria of

BirdLife International. It is one of 314 such IBAs in Australia and still the most important area of habitat for shorebirds in NSW.

Among the 22 shorebird species recorded at Swan Pond, the Black-tailed Godwit is listed as Vulnerable by the NSW Threatened Species Conservation Act, 1995; and the Curlew Sandpiper and Broad-billed Sandpiper are listed as Endangered under this Act. These listed species and several others have suffered major declines in the Hunter Estuary over the past 13 years or so, as documented by HBOC. This is at least partly due to the cumulative impact of the destruction of small brackish wetlands of similar nature to Swan Pond. The smaller, short-legged shorebird species have particularly suffered. Brackish wetlands like Swan Pond are very important just prior to bird migration, when they must accumulate fat reserves to fuel long-distance flight.

Migratory shorebirds are listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), as a matter of 'national environmental significance'. Swan Pond is a wetland of international importance since it regularly supports > 1% of individuals of a species of waterbird. Sharp-tailed Sandpiper and Red Knot (migratory) and Chestnut Teal (resident) have been observed in numbers representing >1% of their estimated populations.

A declining land bird species, the White-fronted Chat, occurs in only 4 locations in the Hunter Region, including saltmarsh on the edge of Swan Pond.

Impacts of the RFM on Swan Pond

CBOC understands the RFM project would destroy shorebird habitat in Swan Pond, along the shallow shore for about 790 metres x 50 m (an area of c. 4 ha) parallel with the Kooragang Island Main Line, and during construction an even larger area would be impacted, with widespread disturbance of birds.

It is further proposed to relocate and realign existing Ausgrid power poles and lines (33032 and 337), currently parallel with the Main Line, further westwards into Swan Pond and closer to existing powerlines along Wagtail Way. The Wagtail Way powerlines already cause bird mortality, so additional lines in this location could only increase the danger of bird strike. Thus the relocation proposal is entirely unacceptable. It shows that the authorities involved in this development proposal fail to consider the cumulative impact of disturbances on Swan Pond.

The proposed rail tracks for the NCIG Flyover project will be constructed adjacent to Port Waratah Coal Services' Terminal 4 project (T4) railway tracks, which themselves would impact further on Swan Pond. Between them these two projects would essentially destroy the southern end of Swan Pond and seriously damage the northern section.

Shortcomings of the RFM Environmental Assessment (EA)

The EA does not even recognize Swan Pond as an important wetland, instead vaguely (and deceitfully) referring to it as "additional lands" or "1.4 ha of land adjacent to the Kooragang Island Main Line". This Pond has been widely recognized as important shorebird habitat since the 1980s and was named in the early 1990s; it appears on maps of the area.

The impact of the rail realignment is referred to as "minor", although it is likely to dump 360,000 tonnes of fill in and near Swan Pond. The EA erroneously states that "habitats impacted by the

RFM occur more extensively across Kooragang Island”, but the brackish habitat of Swan Pond does not in fact occur elsewhere on Kooragang/Ash Island any more.

The EA relies on inadequate “desktop studies” and a single survey in 2012, rather than on long term field survey data. There was no investigation of which bird species forage and roost in the areas of Swan Pond to be destroyed, and which species might be excluded from the whole area by disturbance of part of it, which would be necessary to judge the true impact of the habitat destruction. The EA includes a general table of “Threatened Fauna Species ...” which contains bird species not normally found on Kooragang Island but omits several shorebird species listed under the EPBC Act. The evaluation of impacts on species is superficial, and an inadequate basis for assessing the environmental implications of the project.

Claims that the RFM does not trigger the EPBC Act because the project is consistent with previous approvals, are wrong, in that the RFM includes Swan Pond which was not previously included. Swan Pond is habitat for migratory shorebirds and triggers the EPBC Act. The Port Waratah Coal Services T4 project was previously declared a ‘controlled action’ for impacting on shorebird habitat, as the RFM is proposed to do.

The EA does not consider the question of offsets for the destruction of habitat at Swan Pond. It is now very difficult to find suitable land in the Estuary with like-for-like characteristics. However, in avoiding the question, NCIG fails to meet the offset principles of the OEH. NCIG has apparently not fulfilled earlier commitments from its construction of a rail embankment across Deep Pond (east of Swan Pond), that is, to provide “compensatory” habitat for that destroyed.

Conclusion

It appears that the proposed rail flyover modification may not be needed for the operation of the NCIG coal export terminal. In view of this, as well as the apparent ignorance by NCIG of the unique wetland attributes of Swan Pond and its great value to shorebirds, CBOC requests that the NSW Department of Planning and Infrastructure rejects the RFM project. As a minimum we consider the Department should suspend the assessment process until more thorough investigations are made of the likely impacts on the birds and habitats of Swan Pond.

Yours faithfully,



Ian Johnson

**Conservation Officer,
Cumberland Bird Observers Club**