

Why the NCIG Export Terminal Rail Flyover Modification Stage 2F June 2012 Must be Dismissed and Prevented from Resubmission in any Form

Submission to NSW Department of Planning and Infrastructure

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My submission strongly rejects the Newcastle Coal Infrastructure Group's (NCIG's) proposed Coal Export Terminal Railway Flyover Modification Stage 2F of June 2012. It is one of the worst proposals I have come across in the years of my research into the applications of the principles of **Ecologically Sustainable Development** since I came to Newcastle to take up a position at the University of Newcastle in 1974 after 11 years spent overseas. The project must not be approved in its present form, in any other form or attempt to compromise.

I lodge a complaint on the ridiculously short period for which the NCIG Project was on exhibition, as was also the case for the T4 Project. Both made a mockery of the concept of community consultation. Fortunately, after numerous complaints, T4 extended the deadline for submissions but no such luxury has been afforded for the NCIG Project. Having just recovered from the effort to produce my submission on the T4 debacle by the short May deadline, I am not in a position to do justice to the necessary detailed submission to fully demonstrate the continuous history of environmentally criminal treatment of the estuary, as my time has run out in order to comply with the deadline of 1 August.

I have read both the Hunter Bird Observer Club's submission on the NCIG project and its request for Federal intervention in declaring the project a **Controlled Action under the EPBC Act** and endorse both documents. They fully reflect the deficiencies I would have given in a full submission based on my own research but I hope that this effort will complement them. I have concentrated on the sad history of decay that has led to the current site-specific decimation of Swan Pond.

The issues under challenge in both projects are very similar and more time should have been allowed for studying the proposals and preparing submissions. Because the requirements of both projects similarly negatively impacted Area E and Swan Pond specifically, they threatened to seriously further degrade the total Hunter Estuary ecological system and should have been presented as a single project. The system has been under cumulative attack from the disastrous impacts of human generated ecologically unsustainable activities for more than 200 years. The earlier disasters might have resulted from the abysmal ignorance of the proponents and those who approved them.

However, there is no such excuse now, particularly since the 1970s, when the estuary and its catchment have come under intense scrutiny from a growing number of experts with an ever-increasing body of well researched knowledge of the issues underlying the principles of Ecologically Sustainable Development. Many of these studies were commissioned by government. Recommendations and warnings by government-commissioned reports, other reports and research publications, have been and still are consistently ignored by politicians of both denominations, their public service departments and by development proponents. Australia's obligations under International Treaties (e.g. Ramsar, JAMBA, CAMBA and ROKAMBA) have been severely damaged. The situation is far worse now because of the negligence of both the governmental and development lobbies to appropriately tackle the issues. The T4 and NCIG proposals, if approved, will only contribute to an accelerated plunge towards total ecological system collapse and inevitable resulting social collapse. As Cleary (2011) stated:

New technology, soaring mineral prices and massive investment are combining to produce projects on a scale that is barely imaginable, raising threat of serious environmental problems for future generations. We get the benefit. Future generations cop the enduring cost.

Examples of important concepts in documents prepared following intense scrutiny by experts are provided below.

- The Department of Environment and Planning report edited by Moss (1983) on an investigation of the Kooragang Island natural areas proposed the concept that ***“a single ecological unit linking both Kooragang Island and Hexham Swamp was an ideal way to maximise the conservation value of the Hunter Estuary.*** This framework has never been accepted.
- The Kingsford and Ferster Levy (1997) NPWS report on changes in the Hunter River Estuary which covered the period 1801-1996 found that:
 - ***Of the 19 species of migratory shorebirds for which sufficient data in the period 1970-1996 was available for analysis, 63% showed significant decline in numbers over the 16 years and stated that there should be no further developments which would lead to further destruction of migratory wading bird habitat...“Maintaining the full range of wetland habitats for feeding and roosting migratory birds is essential if we are to fulfil our international commitments”.***
 - ***He stated that probably the greatest impact on species other than waders occurred during reclamation and consolidation of Kooragang Island. A range of species used to feed and nest in the industrial zone. One important component has almost disappeared, the cryptic birds such as rails, crakes and bitterns which fed and nested almost exclusively within the industrial area.***
 - ***Excision of the southern part of Kooragang Island removed 616 ha of wetland habitat which may have been used by these species.***
- One of the most important thoroughly researched studies dealing with managing the ecological problems in the Hunter Estuary, was undertaken by the Healthy Rivers Commission of NSW in the period 2001-2003.
 - It determined that despite much useful work and genuine progress in a number of areas ***government and community goals for ecologically sustainable development are not yet being fully addressed let alone achieved in many aspects of catchment and river management.*** (Healthy Rivers Commission 2002, p.i)
 - It identified that lack of a whole system management strategy in the Hunter has resulted in human impacts which have simplified and modified many land and water ecosystems. This has resulted in the systems being less able to adapt to external disturbances and to be sustainable. (Healthy Rivers Commission 2001).
- The study highlighted a very important issue, critical to the current and future ecological character of Kooragang Nature Reserve, which had already suffered more than 100 years of ad hoc developments which had not considered ecological impacts and which had caused severe degradation until the ecological character of the Reserve had deteriorated to a vulnerable and fragile state. (Healthy Rivers Commission 2001, Appendix A2, p. 64)
 - ***Sustainability requires that an ecosystem possess ‘ecological integrity’ (inherent functional stability) and resilience (a capacity to absorb disturbance without significant change in the system’s behaviour). These features are dependent upon maintenance of the ecosystem’s natural diversity and complexity through time.***
 - ***As human impacts directly or indirectly simplify ecosystems (for example by reducing habitat diversity or eliminating species) the systems adapt and become less flexible in their responses to external disturbances, and, therefore, more susceptible to impairment. Thus, not only fauna and flora may be lost, but also benefits or services to the wider environment and human activity. Continued loss of ecological integrity is a serious threat to long term ecological sustainability in the Hunter catchment.***
- The Maddock (2003) study in the Hunter Estuary and catchment wetlands showed that the downward trend found in the Kingsford & Ferster Levy (1997) report had not been arrested since 1996.
 - ***Fifteen species (68%) of the 22 migratory shorebirds identified in the study found to be declining are now listed as vulnerable.***

- *Six of the species found to be declining are listed as vulnerable under Schedule 2 of the NSW Threatened Species Conservation Act 1995, as well as 6 of the 10 (60%) species identified by Watkins (1993) as Internationally Important.*
 - *The number of species in decline is clear evidence that the ecological health of the Hunter Estuary is in dire trouble.*
 - *Despite repeated warnings and calls for integrated planning and maintenance of ecological sustainability within the system by the export reports, developments within the estuary and Lower Hunter flood plain have been and are still being pursued. The proposals have ignored the recommendations of various reports, contravened the Migratory Bird requirements of the EPBC Act (1999), obligations under the Ramsar and Bonn conventions, and JAMBA and CAMBA Treaties, as well as clearly breaching undertakings in the NSW Wetlands Management Policy.*
 - *They continue to seriously threaten the ecological integrity of the estuary, cause further decline in populations of threatened species and risk causing Near Threatened species to become Threatened.*
 - *The fact that all of Ash Island was not included within Kooragang Nature Reserve was a politically expedient decision which failed to consider the concept of an overall ecological system. The folly of such a decision is clearly evident from studies such as Kingsford & Ferster Levy (1997), Williams et al. (2000) and Stuart (2002).*
 - *The ecology of Ash Island and the Nature Reserve is continuous across the boundary between them and the bird species use them as interdependent units.*
- The Herbert (2007) study of distribution, abundance and status of birds in the Hunter Estuary, prepared for Newcastle City Council, is a particularly important document in the context of the issues involved in both the NCIG and T4 proposals as it documents the extremely high conservation value of the three key wetland areas, namely Deep Pond (p. 29 and Figure 2.3.4) and Area E including Swan Pond (p. 34 and Figure 2.4.2 - reproduced below). The proposals are being pushed as separate entities, revealing that the proponents have absolutely no understanding of the importance of the highly complex interactive ecological processes, according to changes of conditions such as migration and seasonal visit, wind, rain and tidal variations and changes in availability of food species. The desecration that will occur during the construction phase and the activities of the subsequent operations will certainly result in destruction of the site's values for the large population of important species, especially the migratory shore birds protected by international treaties. Herbert (2007) reported that:
 - *Deep Pond is a highly significant foraging and roosting site for a multitude of shore birds and waterfowl.*
 - *There has been a trend of increasing numbers of shorebirds using Deep Pond.*
 - *During the summer of 2005/2007 Deep Pond often had a greater diversity than the whole of Ash Island. Its importance, therefore, cannot be emphasised enough.*
 - *Twenty four significant species have been recorded.*
 - *Area E contains some of the most significant areas for shorebirds on Ash Island (Swan Pond, is the most important saltmarsh in Area E).*
 - *Depending on the season and water levels large numbers of many species may be present but at other times only a few species of the usual waterfowl occur.*
 - *Twenty eight Significant Species have been recorded.*



Figure 2.4.2: Area E contains some of the most significant areas for shorebirds on Ash Island - Swan Pond, Wader Pond and Fish Fry Flats (from Herbert 2007). It is essential that the NCIG and T4 proposals be evaluated as a single project. This Figure reveals the very close relationship between Swan Pond, the Industrial Railway and Deep Pond, which must be considered in the spirit of the Moss (1983) concept as a single ecological unit.

Conclusion

This document on the depressing story of the continuously increasing level of desecration of the ecological system of the Hunter Estuary is far from complete but constitutes an important background for understanding why the T4 and NCIG proposals for Swan Pond must be considered as a single proposal and be dismissed. For too long, the emphasis of proposals has been restricted to site-specific factors. The issues involved have influence well beyond particular sites and depend upon input from well beyond the arbitrary lines that we humans draw around a site.

When I first came to Newcastle, I was appalled at the desecration that was occurring along Cormorant Drive between Tourle St and Stockton Bridges. As time progressed I saw the land lying idle for years and a partial recovery of what came to be called Big Pond with a substantial avian population. In the early 1980s there was a glimmer of hope of a change of heart, with a recognition by the powers that be that there was a need for a policy of Ecologically Sustainable Development and the catch call of balance between development

and the environment. Unfortunately the balance issue treated environment and development as separate entities and the balance steadily became dominant in favour of development in the chase for dollars at any price. The fact that for living things, including us, a healthy complex environment is absolutely essential for survival, was being ignored in the same fashion as the expert studies in the Estuary were dismissed. In the late 1990s the dismissal of expert advice exploded, community consultation was distorted and the steel mill fiascos began. Now we have Degradation Drive crammed with appalling technology, grabbing money while the estuary is dying and its claws reaching out to destroy Swan Pond specifically with these two proposals.

The submissions for the T4 proposals revealed that there was massive community opposition to the status quo. Well over 90 % of the 480 submissions opposed the proposal, only 2% supported it, with the rest not clear one way or the other. It was clear that the current policies are not supported and there is an absolutely urgent need for a rethink by politicians and bureaucrats.

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