

Submission opposing the Newcastle Coal Infrastructure Group Coal Export Terminal Rail Flyover Modification Stage 2F June 2012.

I am opposed to the Modification Stage 2F on the basis that it will cause destruction of wetland habitat at Swan Pond in area E of Ash Island.

The existing approval for the NCIG Rail Flyover Modification (RFM) and the provisions concerning the manner with which that project must be implemented do not cover any habitat destruction at Swan Pond or disruption of the bird populations using that wetland. The existing approval deals with habitat loss and modification at Deep Pond, which is a separate and significantly different ecological entity from Swan Pond. In the event that the Port Waratah Coal Services Terminal 4 coal loader (T4) project is approved Deep Pond will be either completely or largely lost as water and shorebird habitat placing increased emphasis on the need to preserve and wisely manage Swan Pond. Although the proposed RFM may appear from a physical perspective to be a fairly minor addition to the original project footprint, from an environmental perspective the implications for wetland habitat and bird populations are major and uncertain. It is an understatement to say these environmental impacts and risks are trivialized in the RFM application; they are virtually ignored.

The unique ecological nature of Swan Pond and its importance to birds, including a number of species protected by law and the subject of international treaties, has been comprehensively covered in the submission by the Hunter Bird Observers Club Inc. opposing this project modification. Its claims are well founded being based on comprehensive long term survey work to which I have contributed. I see no purpose in repeating the detail of their submission concerning the bird populations of Swan Pond.

My specific objections to this modification are:

1. The absence of proof that it is necessary to increase the physical footprint of the RFM project from that envisaged previously. The increased physical footprint will result in adverse environmental impact on a discrete wetland not previously impacted by the project. Have all options and infrastructure integration possibilities between this and the T4 project which would avoid the need to increase the physical footprint of the existing project been fully investigated?
2. The environmental impacts of the RFM proposal have not been comprehensively investigated and spelt out. The project will destroy roosting and foraging habitat of protected bird species. No studies on the impact of disturbance of the sediments, their potential for restoration after disturbance and the restoration of the roost areas have been conducted.
3. Destroyed and disturbed bird habitat, including roosts, will need to be compensated by a combination of restoration of the affected areas of Swan Pond and off-sets for habitat permanently lost. Consent conditions should contain criteria which must be achieved before the proponent is released from their ongoing obligation to the restoration of Swan Pond.
4. Offsets for destroyed habitat should be in place before the habitat that is being compensated is destroyed.

The proposed modification is a contingency arising from deficiencies in the original NCIG Approval for the northern spur line which did not include additional land. Because the environmental implications of the proposed modification have not been adequately investigated it would appear impossible to assess the modification's environmental impact, which I consider to be high risk. The proponent should be required to remain within the original physical footprint of the project. If this is proved to be impossible then the project should be delayed until the environmental aspects have been properly evaluated and

conditions of consent should be set which ensure that the project is implemented with minimum risk and impact to the environment.

My position is that industrial developments must where possible be integrated into environmentally sensitive areas like the Hunter Estuary with minimum impact on the environment (i.e. avoid the need to destroy high quality habitat like Swan Pond). The RFM environmental assessment fails to address this ethic.

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