

1 August 2012

Department of Planning and
Infrastructure
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**Newcastle Coal Infrastructure Group Coal Export Terminal Rail Flyover
Modification to Project Application MP06_0009 MOD 2**

BirdLife Australia is the country's largest organisation devoted to the future of our native birdlife. We are an independent, not-for-profit organisation with over 10,000 members and a single aim: creating a bright future for Australia's birds. BirdLife Australia is a partner of BirdLife International.

Thank you for the opportunity to comment on this proposal.

Summary

BirdLife Australia supports the Hunter Bird Observers Club's (HBOC) submission to the Planning Panel on this proposal. BirdLife Australia is strongly opposed to Newcastle Coal Infrastructure Group's (NCIG) proposed rail flyover modification (RFM) because it is likely to have a significant impact on Swan Pond, a site of international significance for migratory shorebirds.

BirdLife Australia believes that as the project is likely to have a significant impact on matters of national environmental significance, it should be referred to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPoC) for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Hunter Estuary, an internationally recognised Important Bird Area (IBA)

Swan Pond lies within the Hunter Estuary, the most important site in NSW for migratory shorebirds of the East Asian-Australian Flyway (EAAF). The Hunter Estuary is recognised by BirdLife International as an Important Bird Area (IBA). An IBA is a site that meets internationally agreed, standardised, quantitative and scientifically defensible criteria, based on the occurrence of key bird species that are vulnerable to global extinction or whose populations are otherwise irreplaceable.

Swan Pond, an internationally important site for migratory shorebirds

Swan Pond regularly supports at least nine species of migratory shorebirds that are listed under the EPBC Act:

- Latham's Snipe *Gallinago hardwickii*
- Black-tailed Godwit *Limosa limosa*
- Bar-tailed Godwit *Limosa lapponica*
- Common Greenshank *Tringa nebularia*
- Marsh Sandpiper *Tringa stagnatilis*

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- Red Knot *Calidris canutus*
- Red-necked Stint *Calidris ruficollis*
- Sharp-tailed Sandpiper *Calidris acuminata*
- Curlew Sandpiper *Calidris ferruginea*

The Black-tailed Godwit and Curlew Sandpiper are also listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) as Vulnerable and Endangered, respectively.

Surveys conducted over a number of years by HBOC show that Swan Pond regularly supports thousands of waterbirds, including more than 1% of the EAAF population of Sharp-tailed Sandpiper, making it an internationally important site for this species.

Impact of the proposed RFM on Swan Pond

The proposed RFM will remove a large, irreplaceable area of important migratory shorebird roosting and foraging habitat within Swan Pond. As this area of Swan Pond has biophysical characteristics found nowhere else within the Hunter Estuary, its destruction is likely to have a significant impact on shorebird species that are dependent on it.

Impact on a matter of national environmental significance

BirdLife Australia believes that the removal of this important migratory shorebird habitat may have a significant impact on a matter of national environmental significance (EPBC listed migratory shorebirds). NCIG must refer the RFM to DSEWPac for assessment under the EPBC Act.

If you have any questions relating to this submission, please contact me, BirdLife Australia's Conservation Manager, Dr Jenny Lau (03 9347 0757 ext 230 or jenny.lau@birdlife.org.au).

Yours sincerely

Dr Jenny Lau
Conservation Manager

Cc Hon. Minister Tony Burke, Federal Minister for Environment