

SUBMISSION - OBJECTION

Newcastle Coal and Infrastructure Group Export Terminal - Stage 2F
Rail Flyover Modification
Approval Number 06_0009

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1 August 2012

Department of Planning and Infrastructure
23-33 Bridge Street, Sydney, NSW 2000

I write to object to the Newcastle Coal and Infrastructure Group Export Terminal - Stage 2F. The proposed works are to construct rail line in an area referred to in the NCIG documentation "additional land to the west" (of the existing rail line into Kooragang Island). However this area has long been known as Swan Pond: critical habitat for migratory shorebirds, one of the largest roosting sites for migratory shorebirds in the Hunter Estuary, and an Endangered Ecological Community of Saltmarsh (NSW TSC Act 1995). These works propose to destroy 790m by 50m of this habitat which is unacceptable and should be rejected.

Swan Pond is critical habitat and is one of the largest roosting sites for migratory shorebirds in the Hunter Estuary and an important dry season refuge for a suite of Australian water birds as well as local resident species. The Hunter Estuary Wetlands are the most important site in NSW for migratory shorebirds from northeastern Asia and the area proposed to be impacted contains unique ecology with no other comparable locations in the Hunter Estuary.

Migratory shorebirds are listed under the *Environmental Protection and Biodiversity Conservation Act 1999*. A number of species listed as threatened and vulnerable under the *NSW Threatened Species Conservation Act 1995*, are also present on the site, and **Australian Governments are obliged to protect the habitat of these birds by the Ramsar Agreement.**

Furthermore, because migratory shorebirds are listed under the EPBC Act, the NCIG Rail Flyover Modification should be deemed a 'controlled action' and assessed under the EPBC Act.

It is evident that no field work effort was undertaken to record and monitor birds as part of the Environmental Assessment (EA) for this proposal; and the data provided in the EA via desktop study does not contain an adequate representation of the actual birds that use the site. The EA also gives no indication as to the topography of the land as being shallow shoreline with intermittent mudflats, which are used by thousands of waterfowl and migratory shorebirds.

The Hunter Bird Observers Club have been collecting field data at this site since 1999 and have recorded 85 species of bird using Swan Pond. Many of which are listed under the EPBC Act 1999 as follows:

Migratory birds listed under the EPBC Act 1999 sighted at Swan Pond by the Hunter Bird Observers Club since 1999

Latham's Snipe *Gallinago hardwickii*

Black-tailed Godwit *Limosa limosa* (also listed as Vulnerable under NSW TSC Act 1995)

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* (also listed as Endangered under NSW TSC Act 1995)

The White-fronted Chat *Epthianura albifrons* (also listed as Vulnerable under NSW TSC Act 1995)

It is noted that no mention of 'offsetting' lost habitat is mentioned in the Environmental Assessment (EA) as it may be deemed that this proposal is not an incursion on critical habitat. This is erroneous and should be rectified in the EA. Indeed an attempt to 'off-set' this land may lead to the discovery that it is not possible to 'off-set' this land as it is unique in the Hunter Estuary and NSW and equivalent land may not be found.

An Ausgrid power line relocation as part of this proposal would also see infrastructure placed on the middle of an island that is used by thousands of birds. This is unacceptable.

It is also noted and of concern that the EA for this discrete proposal does not take into consideration the **cumulative impacts of the large scale development already under way in and around the Hunter Estuary.** This is despite the fact that there has been a steep decline in the numbers of birds that use the Hunter Estuary over the past decade, most likely due to the cumulative impact of development.

In addition to critical bird populations, the NCIG Rail Flyover Modification would impact upon a population of the Green and Golden Bell Frog, which is listed as 'vulnerable' under the NSW TSC and EPBC Acts. The Green and Golden Bellfrog populate land that would be destroyed immediately adjacent to the Kooragang Island Main Line.

The NCIG Rail Flyover Modification would also destroy an Endangered Ecological Community of Saltmarsh - *Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner bioregions - endangered ecological community listing* (NSW TSC Act 1995)

In the context of the massive scale of industrial development existing and scaling up in the lower Hunter Estuary, further incursions into areas such as Swan Pond, are not acceptable and should be accommodated within the design of existing approved development. There are other potential uses for this land deemed by the Hunter Development Corporation as "low value and otherwise constrained land" such as for eco-tourism due to its unique qualities..

There comes a time when a line needs to be drawn on industrial expansion to save species and ecosystems from extinction, and to change the use of our land to adjust to more modern economic models: in response to climate change, the increasing viability of renewable energy, and community health concerns around coal dust to name but a few trends. Indeed with the current economic forecasts for coal export viability, the new infrastructure being proposed for construction in both this Rail Flyover proposal and the Terminal Four Coal Loader stand to be 'stranded assets': not required, an over-investment, and a waste of good habitat and the species that will perish along with it.

I oppose this Rail Flyover Modification proposal because we have reached the time when enough is enough.

Yours sincerely,

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