

Attention: Director, Infrastructure Projects
Major Projects Assessment
Department of planning and Infrastructure
Application reference number SSI - 4992
Hexham Relief Roads

8-9-2012

email plan_comment@planning.nsw.gov.au

Dear Sir,

I am a retired commercial fisherman and have been a volunteer member of the Hexham Swamp Rehabilitation Project Committee for twenty years and I would like to submit my objections to the ARTC proposed Project. Due to my environmental concerns in regard to its intended incursion into parts of the Hexham Swamp wetland floodplain system, the disregard of long standing environmental policies and objectives, and the cumulative effects, site justification, misleading information and ARTC's failure to fully address the Director-General's Requirement's Cost/benefit.

2.4.2 JAMBA, CAMBA and ROKAMBA

Despite all the detail about the environmental importance of these treaties it fails to highlight that the Hexham Swamps has long been listed as a JAMBA, CAMBA, ROKAMBA Wetlands, recognised as providing *Important Habitat* for migratory birds in these Bi-lateral agreements.

3.1.4 CONSISTENCY with STATE POLICIES and PUBLICATIONS NSW 21

EIS Refers to the objectives of the Lower Hunter Regional Strategy in a bid to build a case for their Project site approval, but fails to acknowledge that their Site location is within the "Stockton Bight to Watagans Conservation Green Corridor" a concept proposal of (LHRS) with their Environmental objectives, to.... *establish important green corridors, to protect and even enhance the regions strong environmental and biodiversity assets.*

*The EIS also fails to provide detailed sketch or map of the LHRS Green Corridor in relation to the proposed Project site.

*The EIS also fails to acknowledge that The Lower Hunter Regional Strategy has clearly identified suitable Gov. approved Industrial Land at Stony Pinch for this type of Project proposal that offers enormous future growth and consolidation potential.

ESTUARINE and AQUATIC SURVEY EFFORT and COMMUNITIES

Aquatic Habitat Key

*Fails to acknowledge SEPP14 No. 840, which is also part of the Hexham Swamp Nature Reserve and the broader Hexham Swamp system.(Aquatic Habitat Key).

*Fails to recognise a tidal creek within the study which is commonly known as Smith's Creek.

*Fails to recognize and identify within the study area healthy colonies of the "protected" marine plant species *Zostera Capricornia* commonly known as Seagrass.

*Fails to recognise that Sepp14 840 and Sepp14 833 are two different wetland types, part of the eleven different wetland types that contributes to the wetland mosaic of the Hexham Swamps that makes it the "most biologically diverse in the Hunter".

The Southern Culvert allows tidal flows from the Hunter River into Smiths Creek which is integral to the ecology of a significant part of the Hexham Swamps, as this creek flows through SEPP14 No. 840, and the Nature Reserve through a network of tributaries connecting the top end of the Swamps with the Hunter River as well providing flows to large areas of wetland.

This creek has historically been recognised by local fishermen as being extremely productive for prawns and mullet

Unfortunately for a number of reasons this creek required significant restoration works, and although it is an important part of Hexham Swamps it fell outside the current HCRCMA Hexham Swamp Rehab project area, therefore requiring the support of local landholder, local volunteers, Gov. agencies and the acquisition of Community Grants, from the NSW DPI Recreational Fishing Grants, Fed. Gov's. EnviroFund. And Ocean watch,s (Aust) "Tide to Table Grants", making up a broad investment to improve biodiversity, restore Tidal Flows, Fish Passage, and habitat. Over recent years more than \$450,000 have been invested in this tidal system, and although it is still in its early stages of recovery it is already a remarkable success with the return of sea mullet, prawns, eels, crustaceans, mangroves, improved salt marsh and first time ever recorded the protected marine plant, Sea grass (*Zostera Capricornia*) is now established.

Our team has also monitored and carried out water quality testing data over the past three years covering (PH, Turbidity, Salinity and Temperature recorded on NSW Water Testing Data Base, site 2a Smiths Creek.) 150 mtrs.Upstream from your site study area and has generally returned normal results.

For the ARTC proposed Project to now impact on Fish Passage by installing extra culverts that would abut onto existing ARTC and HWC Corp culverts, would pose a cumulative impact on Fish Passage due to the added overall unnatural effect of the length of the culverts and the darkness due to of lack of natural light. The construction phase would also create problems Blocking off Fish Passage as tidal flows would be closed off for a period of construction time.

This would create further problems upstream, denying twice daily tidal exchange and flushing resulting in either extended periods of upstream stagnant inundation or the other extreme of possibly being drained. This would cause a number of adverse impacts: low oxygen levels, low or high salinity levels, high water temperature levels in summer months, or no water at all, all of which may cause Fish Kill, loss of aquatic plant life including the loss of protected Sea Grass. The blocking of Saline tidal flows may also have detrimental impact on the recovery program as this may allow the system to revert to freshwater system, due to rain events and fresh water moving down the catchment and allowing for the highly resilient fresh water reed *Phragmites Australis* to regenerate into creeks and wetlands once again choking up the system retarding recovery program back 18 months or so.

To further add adverse impacts upon this site it is intended under the intended "DRAINAGE" regime, to divert water runoff from the proposal site (north) to flow into Purgatory Creek and (south) to flow into a tidal tributary of Smiths Creek entering Smiths Creek on the run out tide, that would then lie in that section of the creek between the Hunter River until the tide turns and floods back shunting any contaminants back through Smiths Creek through SEPP14 840 out onto the Nature Reserve. Considering that the loaded coal trains will be regularly exiting the Relief Roads at this point, straddling the creek, under load and under power emitting high pollution levels. This poses another cumulative effect that would increase pollution levels being carried through this system, putting at risk a highly valued fish and prawn nursery. All part of future FOOD SECURITY

3.9.4 WATER QUALITY

Description of water quality in Iron Bark Creek refers to quotes by Newcastle City Council in 2004 to describe undesirable water quality. That's out of date information prior to the recent commencement of restoration program.

4.5.3 WETLANDS of NATIONAL IMPORTANCE.

Describes the Hexham Swamp as if it were remote from the proposed Project site, as...."occurs in the west of the study area...and outside the proposed Project Area " That's incorrect, as the "Site" area has always been recognised as part of the Hexham Swamps both historically and also by the Hunter Central Rivers Catchment Authority. The Hunter Central Rivers Catchment Authority (HCRCMA) also describes; ..."Hexham Swamp is the Hunter's largest and most biologically diverse wetland and one of the largest in NSW, and covers an area of 3,800 hectares... Of the fourteen

coastal wetland types occurring in NSW eleven were present in Hexham. (Hunter Central Rivers Catchment Management Authority , Fact Sheet 11—10—2011). The part of the Hexham Swamp that the EIS refers to as in the west of the study area is obviously the Rehabilitation Project area only, an area of some 1,000Ha. or so.

The HCRCMA acknowledgements are an accurate description of the importance and the magnitude of this wetland system, which is supported by a number of Inquiries and Studies that have been carried out in the Lower Hunter Estuary. For example, The Inquiry into Pollution, Kooragang Island (Coffey 1973) recognised by far as the most authoritative statement on conservation in the area, describes the Hunter River Estuary as a " *continuous ecological unit*", which is *interdependent with the Hexham Swamps*, (Coffey 1973, p.71).and goes on to state, "*Ecologically the most viable and diverse unit that could be preserved as a natural system would contain the whole of Hexham Swamps,*"Coffey 1973 p.59.

The above is a guide to the extent of Hexham Swamps, the importance, and the need to protect the WHOLE of the Hexham Swamps rather than the cumulative chipping away by ARTC / QRN proposals.

FLOODING

Fails to recognise that part of the proposed Project lies within an area of "High Flood Hazard" as zoned by Newcastle City Council's Flood Plain Study.

VISUAL

Fails to recognise that the completion of the elevated F3 link Road across the top end offer a birds eye view, as the Northern Gateway to Newcastle, Offering an open panoramic view of vast Wetlands , the Watagan Range , the Hunter River and expanse of rural landscape, of which, if the proposed Project is approved will be blighted by Coal Train rail standing yards and the possible added expansion of the QRN Rail Relief lines and Loco Yards.

DIRECTOR—GENERALS ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS---STATUTORY.

The ARTC has not properly addressed the cost/benefit fully under the Director-General's requirements.

Relating to Non Market Valuation (N M V) User Pays

I therefore request that the Minister ask that ARTC be required to fully address under Cost/Benefit our concerns listed below before a decision is made on their development application.

*ARTC has not allowed for the part loss of the Hexham Swamps, that includes SEPP 14 Wetlands and Wetlands of National Importance, both as a loss to the local community as a valued National Environmental Asset and local environmental recreational amenity, as well as an economic loss to the local Commercial Prawning and Fishing Industry .

*The NSW Department of Fisheries has documented values calculated at US \$ per Ha. Per annum of \$19,580-00. For Hexham Swamp's, swamps and its floodplain.

*Is a renewable resource with a significant valued role as part of our future Food Security.

*A need to address ARTC 's proposed Proposal's risk potential of the long term contamination risk to this valued resource due to cumulative pollution effects.

*This National Wetland has also values to the broader Newcastle population (the States second largest) as a Wetland of National Importance of some 3,800 Ha. Due to its close proximity and convenient access.

*Has value to Newcastle University as an environmental asset as the Hunter's largest and most biologically Diverse wetland system and study site.

*The overall taxpayer's costs invested in Hexham Swamp Rehabilitation including Hunter Water Corp contribution to date estimated at over \$40 Million .

*The loss of quality of life to local residence of Hexham and Tarro due to increase in pollution, noise and vibration levels due to the corralling, idling shunting and the coal trains accelerating off under load.

*Devaluation of local property.

The ARTC proposed Project is in conflict to the long standing

Recommendations and Warnings of the;

- * 1972 DPW Hexham Swamp , Environmental Impact Report.
- *1973 Coffey Inquiry Pollution Kooragang.
- *1974 National Trust's Hunter River Estuary Report.
- *2000 Healthy Rivers Commission, Into The State of The Hunter River and Its Catchment.

The Objectives of the;

- *Hexham Swamp Rehabilitation Project Committee.
- *Hunter Central Rivers Catchment Management Authority's, Catchment Action Plan.
- *Green Corridor Coalition.
- *Newcastle City Council Environment Zoning.
- *Newcastle City Council Flood Study.
- *Sepp 14 Coastal Wetlands
- *Camba, Jamba, Rokamba Bi-Lateral Agreements.
- *Wetlands of National Importance.
- *Natural Resources Commission .
- *Lower Hunter Regional Strategy

UNDER PREFERRED OPTION.

ARTC based there site location on three points;

- Relatively low cost per kilometre.
- Ease of property acquisition,(QRN being the main landholder).
- Relative ease of construction when compared to other sites.

In other words what ever is the most convenient that's the one we are going to have.

You then have to ask if this Project is approved what regard for local communities?

What regard for protected valuable Natural Environment?

In effect ARTC is a "User" that needs to be made accountable to the community.

As I have tried to express in my submission I feel this proposal site is inappropriate and the EIS is Inadequate and should be rejected by The Department of Planning.

I thank the NSW Department of Planning for the opportunity to comment on ARTC Relief Roads proposed Development Proposal.

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