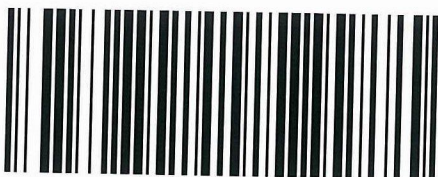




**Catchment Management
Authority**
Hunter-Central Rivers

Department of Planning
Received
6 AUG 2012
Scanning Room



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File: A1005459

Ms Kylie Seretis
Manager, Ports and Rail
Infrastructure Projects
Dept of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Your Ref: 12/07832-1

Dear Kylie,

**Subject: Newcastle Coal Infrastructure Group (NCIG) Coal Export Terminal
(MP06_0009) Proposed Rail Flyover Modification Request No. 2**

Thank you for your letter received on the 13 July 2012. The CMA has reviewed the information that you have provided in relation to the proposed Rail Flyover Modification (RFM) and provides the following comments.

The CMA has concerns regarding the impacts of the proposed RFM in its current form on 'Swan Pond', an important migratory bird habitat adjacent to the proposed works and must object to the proposal.

As you may be aware, the CMA is responsible for devolving many thousands of dollars of federal and state government funding to protecting and rehabilitating critical habitat for migratory shorebirds. The CMA works closely with a range of partners on projects that support migratory birds within the lower Hunter estuary including National Parks and Wildlife Service (NPWS), Newcastle City Council, Office of Environment and Heritage (OEH) and the Hunter Bird Observers Club (HBOC).

The CMA has been advised by HBOC that over 18 species of migratory shorebirds have been observed utilising Swan Pond over the past 30–40 years which at times has many thousands of birds. Swan Pond is a nationally recognised site for threatened shorebird species and Birdlife International consider the site to be internationally significant.

The CMA's Catchment Action Plan (CAP) identifies wetlands in the Hunter Estuary as a high priority for conservation and enhancement. The management targets in the CAP specifically refer to migratory bird habitat and roosts. As such, any additional impacts associated with the modification of the previous consent conditions which impacts the wetlands should now consider additional offsets.

The CAP is available at: <http://www.hcr.cma.nsw.gov.au>

The CMA is of the view that the Environmental Assessment (EA) documentation provided by NCIG is inadequate in terms of the information provided on migratory bird species and the potential impact that the proposed RFM will have on migratory bird habitat at Swan Pond. Given the importance placed on Swan Pond by the bird watching community it is concerning that the level of assessment provided in the EA is so limited and referred to only as 'additional land to the west'.

In addition, the CMA is concerned at the cumulative impact of the expansion and modification of industrial projects into areas of salt marsh Endangered Ecological Communities (EECs), mud flats, mangrove areas and other key habitats within the lower Hunter estuary. This issue has not been addressed in the EA.

The CMA cannot support the RFM in its current form.

Should you require any clarification of the comments outlined you may contact Cal Cotter at 02 4938 4935.

Yours faithfully,



Callaghan Cotter
for Fiona Marshall
General Manager

2 August 2012