



# Hunter Bird Observers Club Inc.

*Affiliated with Bird Observation & Conservation Australia*

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Ms Robyn Parker, MP  
Level 32 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Sent by email to [office@parker.minister.nsw.gov.au](mailto:office@parker.minister.nsw.gov.au)

Dear Ms Parker,

## **Re: Removal of 18 hectares from the Hunter Wetlands National Park**

According to an article in the Newcastle Herald, 19 October 2011, page 22, the gazetted boundary of the Hunter Wetlands National Park on Ash Island was changed in order to provide a rail corridor for the Port Waratah Coal Services (PWCS) Terminal 4 Project. This information has been confirmed by National Parks. The 18.5 hectares of land involved is adjacent to the western side of the existing PWCS rail corridor.

The site, known as Area E, is important for migratory shorebirds listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It is an integral part of the complex of estuarine habitats used by migratory and resident shorebirds in the Hunter Estuary and has been monitored monthly by Hunter Bird Observers Club for the past 12 years.

The Hunter Estuary continues to be the most important destination and staging area for migratory shorebirds in NSW.

Five sites are particularly important for shorebirds: Stockton Sandspit at Stockton, Kooragang Dykes and ponds on Kooragang Island, Fullerton Cove, North Arm sandflats and Area E on Ash Island. Shorebirds use all of these sites for foraging or roosting or both according to weather conditions, disturbance and tidal height. Area E on Ash Island is most important for the smaller species of shorebirds such as Sharp-tailed Sandpiper, *Calidris acuminata*, Red-necked Stint *Calidris ruficollis*, and Red Knot *Calidris canutus*. The site to be used for the rail corridor is favoured by these species. The five sites cannot be considered in isolation from each other in importance. They are part of a larger, interactive, single ecological system. Movement between sites in response to variations in conditions or disturbance is essential to maintain the ecological viability of the whole system and prevent further already serious degradation of the migratory shorebird population.

Shorebird habitat on Area E is already severely compromised by the Major Projects SEPP corridor which was not included in the Hunter Wetlands National Park despite numerous submissions by HBOC to the Planning Department. This corridor bisects the Ash Island section of the National Park and HBOC has no doubt that future development for this corridor is planned.

HBOC strenuously objects to the removal of 18.5 hectares from the Hunter Wetlands National Park and asks the following questions:

- How does the removal of migratory shorebirds' habitat protected under the EPBC Act protect these species?
- Why was the land removed to facilitate the PWCS T4 Project when this Project has not yet submitted an environmental impact statement or been approved by the NSW Government?
- Was the Department of Sustainability, Environment, Water, Population and Communities, which administers the EPBC Act, informed of the intention to remove shorebird habitat for industrial purposes from the Hunter Wetlands National Park? This constitutes an "action" and should therefore trigger the EPBC Act as shorebirds and their habitat are protected under this Act. The implementation of such an act would be a serious breach of the State and National obligations under the Ramsar Convention of which Australia is a signatory. Even though the site is not part of the Ramsar designated area, it is associated with the Ramsar area of the National Park and the Precautionary Principle would be invoked.
- What environmental monitoring was carried out before the 18.5 hectares were removed? The significance of this site for shorebirds is well known by PWCS and government agencies.
- How are the 18 hectares to be offset? What are the size and location of the offset(s)? Are the offsets already in place and functioning? The purpose of offsets is to ensure that there is **NO NET LOSS OF ECOLOGICAL FUNCTION** which would include the ability of shorebirds to forage and roost. The offsets should be **IN PLACE AND FUNCTIONING SUCCESSFULLY BEFORE ANY DEVELOPMENT IS IMPLEMENTED.**

HBOC requires urgent answers to these questions. In the meantime copies of this letter have been sent to Mr T. Burke, Minister for the Environment, the National Parks Association and Birdlife Australia.

Yours faithfully,

Ann Lindsey – Conservation Officer for the Hunter Bird Observers Club

Reference Precautionary Principle

Davis T.J. (1994). *The Ramsar Convention Manual: A guide to the convention on wetlands of international importance, especially as waterfowl habitat*. Ramsar Convention Bureau, Gland, Switzerland. Appendix 10, p. 168, item 6.

*While comprehensive understanding of a wetland system should be sought, activities affecting wetlands need to be governed by the "precautionary principle" when such knowledge is not available. In other words, if the impact of specific actions is not clearly understood, then these actions should be prohibited even if there is insufficient evidence to prove a direct link between the activities, and the wetland degradation.*