



Hunter Bird Observers Club

Affiliated with Bird Observation and Conservation Australia

Hunter Bird Observers Club Inc
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NSW Department of Planning and Infrastructure
23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001

19 April 2012

Attn: Ms Rebecca Newman

Sent by email to rebecca.newman@planning.nsw.gov.au

Dear Ms Newman,

RE: Hunter Bird Observers Club Inc. Submission on the Port Waratah Coal Services (PWCS) proposed Terminal 4 Coal Loader Project (T4)

The Hunter Bird Observers Club Inc. (HBOC) is preparing a submission opposing the Port Waratah Coal Services proposed Terminal 4 Coal Loader, which will be provided in due course. The primary basis of HBOC's opposition is the destruction of migratory shorebird habitat. This is a serious issue because it impacts on both endangered species protected by Australian Law and on international treaties signed by Australia, which protect both the shorebirds and their habitat.

The PWCS Environmental Assessment (EA) acknowledges the destruction of migratory shorebird habitat, which it addresses by the proposed purchase of the offset site known as the "Hunter Estuary Wetlands offset site". However, at this point in time the Hunter Estuary Wetlands offset site has not been purchased and the details of its location, size, condition, and any necessary habitat rehabilitation/restoration proposals on the land are unknown. It is therefore impossible for HBOC, and other environmental community groups to make an informed assessment of the proposal and provide specific comment on the issue of most immediate concern to its opposition.

We therefore request that you delay the closure of submissions to the EA until the full details of the biodiversity offset package are known and have been provided to the community, with an appropriate period for comment. This is in keeping with the fundamental components of government planning policy and legislation including use of the precautionary principle and biodiversity offsetting principles.

In the event that you are not prepared to comply with this request through a further extension of the period for community comment we request the following.

1. Your assurance that no determination will be made until a Hunter Estuary Wetlands offset site has been purchased and details of any proposed habitat restoration / rehabilitation on the land are outlined. The adequacy of the proposed offset in mitigating the impacts on migratory shorebirds should be evaluated in detail, including against the Principles for the Use of Biodiversity Offsets as defined by the Office of Environment and Heritage (June 2010) and the Australian Government EPBC Act Draft Environmental Offsets Policy (SEWPac 2011).
2. That following completion of the purchase of the Hunter Estuary Wetlands offset site, or the failure to secure a suitable offset the community will be immediately informed.

3. Your assurance that any group or person who has made a submission to the PWCS EA in its current inadequate form will be allowed to make further comment, restricted to issues related to the Hunter Wetlands offset site.

Yours faithfully,

Mick Roderick
President, Hunter Bird Observers Club