



# Hunter Bird Observers Club

*Affiliated with BirdLife Australia*

Hunter Bird Observers Club Inc  
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The Hon. Matt Kean MP  
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## **Re: the sale of Ellalong Lagoon and its adjacent forest**

Dear Minister Kean,

In April 2021 Hunter Bird Observers Club Inc. wrote to you with regard to the sale of 39 Congewai Road, Congewai in the Lower Hunter Valley (Ellalong Lagoon and its adjacent forest). We called on the NSW Government and the National Parks and Wildlife Service to prioritise acquisition of the property for the benefit of our unique biodiversity, threatened species and the local community.

We are disappointed that the NSW Government did not purchase the site and now, instead of its being in public hands as part of the national park estate, it is again in the hands of a developer, indeed, the third developer within sixteen years.

Hunter Bird Observers Club is frankly appalled that Ellalong Lagoon, and its adjacent forest, apparently zoned RU2 Rural Landscape and E2, is being blatantly used as an “offsets football” and kicked around from one developer to another. The conservation value of this property is exceedingly high and has been referred to in the media as the “jewel in the Lower Hunter’s crown”. This 406-hectare property includes Ellalong Lagoon which is listed on the Directory of Important Wetlands of Australia and is one of the best-known wetlands in the Hunter Region. The property also includes open forest of approximately 200 ha with a continuous canopy and completely intact lower strata. This area of open forest is also one of the preferred sites in the Lower Hunter for two critically endangered bird species – the Regent Honeyeater and Swift Parrot.

This month, Ellalong Lagoon and its adjacent forest were purchased by Eden Estates from Port Waratah Coal Services (PWCS) as an alleged offset for the proposed residential development either side of the Link Road, Newcastle. Woodlands on the latter site stretch from suburbs Edgeworth in the south to Minmi in the north. 423 ha are in the Newcastle LGA and 169 are in the Lake Macquarie LGA. Eden Estates is seeking the two councils to rezone this land so that some four thousand residences can be built. These woodlands are the last remaining woodlands in Newcastle LGA and act as a corridor to the southern side of Hexham Swamp, as well as to Blackbutt Reserve and urban bushland around Rankin Park. Hunter Bird Observers Club has made submissions objecting to the rezoning of this land on the grounds of its high conservation value with listed threatened birds and other fauna.

Ellalong Lagoon and its adjacent forest was bought by PWCS in 2012 to serve as an environmental offset for a giant coal-loader – Terminal 4 (“T4”). Under the terms of their acquisition of the lagoon and its surrounding lands PWCS was obliged to restore and enhance the areas biodiversity features in order to boost migratory bird and fauna activity. Of course, PWCS did not “restore” and “enhance” but at least in their hands, it was managed and “kept safe”. At the time PWCS CEO Hennie du Plooy stated that Ellalong Lagoon has been “locked away from developers forever”, and that the land could ultimately be transferred to public ownership, by being turned into a National Park. This commitment is on the public record – see: [www.cessnockadvertiser.com.au/story/173601/ellalong-lagoon-made-safe-for-future](http://www.cessnockadvertiser.com.au/story/173601/ellalong-lagoon-made-safe-for-future)

Before being purchased by PWCS the site was in the ownership of Hardie Holdings and in November 2005, HBOC wrote to Cessnock Council objecting to a proposal to rezone the site for “Hardie Sanctuary Villages”. This overwhelmingly inappropriate development fortunately did not go ahead. Hardie Holdings had bought the land from Coal and Allied as part of a large prospectus of land holdings he purchased in the late 1990s (of interest, much of which appeared in the Lower Hunter Regional Strategy). See this article in the Financial Review from 2006 for some context. <https://www.afr.com/property/hardie-land-sale-stems-from-pipe-dream-20061114-jf0r9>

Now, instead of its being part of the national park estate, Ellalong Lagoon and its adjacent forest are once again in the hands of developers who will likely have absolutely no interest in its land form or its biodiversity. In the very unlikely case that the Eden Estates primary development along the Link Road is not approved does the “offset” Ellalong Lagoon become the secondary option for development?

HBOC is familiar to some extent with the complex rules and regulations around the practice of offsetting. This situation is however beyond our capacity to have access to relevant documents and to research the complexity of such transactions. We would therefore ask you, Minister, to explain to us why the same piece of acknowledged high conservation land can be used by multiple developers as an offset. Why is this site still not in the national park estate? Presumably Eden Estates are able to on-sell the site to yet another developer if they choose to do so. Unfortunately it appears that market forces drove the process of the recent sale of the lagoon property, not what is in the public interest. We look forward to a response from you on this matter.

Yours faithfully,



Ann Lindsey – conservation co-ordinator for Hunter Bird Observers Club

23 July 2021

cc. Mr C. Barr MP

Member for Cessnock