

**NEWCASTLE COAL INFRASTRUCTURE GROUP RAIL FLYOVER MODIFICATION ENVIRONMENTAL ASSESSMENT
RESPONSES TO SUBMISSIONS – ISSUES RECONCILIATION TABLE**

| No. | Subject | Issue | Submission Identification Number |
|-----|--------------------|--|--|
| A1 | Swan Pond | <p>Concerns were raised regarding the assessment of impacts of the Rail Flyover Modification on “Swan Pond”, including:</p> <ul style="list-style-type: none"> • the level of information presented on migratory species and recorded use by bird populations; • the impacts on migratory and threatened shorebird roosting and foraging habitat; • potential impacts on threatened migratory birds listed under the NSW <i>Threatened Species Conservation Act</i>, 1995 (TSC Act) and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i>, 1999 (EPBC Act); • loss of recreational environment; • the amount of vegetation clearance including Endangered Ecological Communities (EECs) under the TSC Act; • recognition of local value of EECs and the importance to migratory and threatened bird species; • the high conservation values of “Swan Pond”; • quantification of the area of disturbance associated with the Rail Flyover Modification; and • consideration of avoidance or minimising impacts. | <p>New South Wales (NSW) Office of Environment and Heritage (OEH), Hunter-Central Rivers Catchment Management Authority (CMA), 39016, 38967, 38977, 38973, 39195, 39144, 39086, 39192, 39138, 39045, 38969, 39058, 39226, 39038, 39073, 39024, 39079, 39146, 39103, 38971, 39009, 39036, 38981, 39071, 39032</p> |
| A2 | Swan Pond | <p>Requests the assessment of impacts of the Rail Flyover Modification be based on detailed monthly monitoring data collected by the Hunter Bird Observers Club (HBOC) in “Swan Pond” since 1999.</p> | OEH |
| A3 | Swan Pond | <p>Concerns were raised that the habitats impacted by the Rail Flyover Modification do not extend further to the Hunter Wetlands National Park and do not occur more extensively across Kooragang Island.</p> | 39016 |
| A4 | Cumulative Impacts | <p>Concerns were raised regarding the cumulative impacts (i.e. loss of ecological values) as a result of the continued expansion and modification of industrial projects on Kooragang Island into areas of Saltmarsh EECs, mud flats, mangrove areas and other key habitats within the Hunter Estuary.</p> | CMA |
| A5 | Cumulative Impacts | <p>Concerns were raised regarding the consideration of cumulative impacts of disturbance to “Swan Pond” (i.e. additional relocation of powerlines).</p> | <p>39016, 38938, 38944, 38967, 38977, 38973, 39341, 39144, 39051, 39192, 39138, 39223, 39226, 39073</p> |

| No. | Subject | Issue | Submission Identification Number |
|-----|--------------|---|---|
| A6 | Biodiversity | Concerns regarding the applicability of clause 7(3) of the <i>State Environmental Planning Policy No 14 (Coastal Wetlands)</i> (SEPP 14). | Newcastle City Council (NCC) |
| A7 | Biodiversity | Concerns were raised regarding the potential impact of the Project on the Green and Golden Bell Frog (<i>Litoria aurea</i>) (GGBF) including: <ul style="list-style-type: none"> • the reduction of recognised wetlands which represent important habitat; • lack of specific on-site targeted searches to provide detailed baseline population data; • GGBF records on land immediately adjacent to the Kooragang Island Main Line; and • the acceptability of the proposal to establish additional compensatory measures. | OEH, 38938, 38944, 38977, 39341, 39144, 39192, 39138, 3922, 39058, 39226, 39073 |
| A8 | Biodiversity | Concerns were raised regarding the adequacy of flora and fauna surveys and the level of detail provided. | OEH, 39016, 38938, 38944, 38977, 39144, 39138, 39067, 38981, 39226, 39073 |
| A9 | Biodiversity | Copies of ecological reports used/cited in the EA and maps overlaying the survey details over the stratification units/vegetation types was requested by the OEH. | OEH |
| A10 | Biodiversity | Specific details of the relevant surveys of the NCIG site were requested by the OEH in tabular format. | OEH |
| A11 | Biodiversity | The OEH is of the opinion the Trailing Woodruff (<i>Asperula asthenes</i>) and Small Water-ribbons (<i>Maundia triglochoides</i>) have potential to occur on the NCIG site and NCIG should therefore demonstrate that these species are not present on-site, including if necessary appropriately timed targeted surveys in accordance with OEH guidelines. | OEH |
| A12 | Biodiversity | Concerns were raised that the assessment on threatened species did not specifically assess impacts on several avian species that are known to occur on or within the general location of the Rail Flyover Modification components, including: <ul style="list-style-type: none"> • Australasian Bittern (<i>Botaurus poiciloptilus</i>); • Black-necked Stork (<i>Ephippiorhynchus asiaticus</i>); • Black-tailed Godwit (<i>Limosa limosa</i>); • Broad-billed Sandpiper (<i>Limicola falcinellus</i>); • Curlew Sandpiper (<i>Calidris ferruginea</i>); and • White-fronted Chat (<i>Epthianura albifrons</i>). | OEH |

| No. | Subject | Issue | Submission Identification Number |
|-----|--------------|---|---|
| A13 | Biodiversity | Concerns were raised that there may be contaminants liberated from existing contaminated land within the Kooragang Island Waste Emplacement Facility (KIWEF) during disturbance activities associated with the Rail Flyover Modification and that these contaminants may enter the adjacent ecological system. | 39016 |
| A14 | Biodiversity | Concerns were raised that the EA does not address or reflect the impact of the proposed Project on matters of national significance including listed threatened species and ecological communities, listed migratory species and Ramsar wetlands of international significance. | 39341 |
| A15 | Biodiversity | Concerns were raised that the Project would reduce an area of internationally important wetlands (Ramsar Wetlands). | OEH, 39341 |
| A16 | Biodiversity | Concerns were raised regarding the level of assessment, and that earthworks and drainage alteration will affect hydrology and therefore wetland habitat values, which may have implications for shorebird and waterbird habitat utilisation. | 39341 |
| A17 | Biodiversity | Concerns were raised regarding the absence of topographic features presented in the EA (i.e. shallow shoreline with intermittent mudflats) which are used by waterfowl and migratory shorebirds. | 39223 |
| A18 | Biodiversity | The EA is not aware that Australia is signatory to several international agreements to protect migratory birds and their habitats (i.e. Bonn Convention on the Conservation of Migratory Species, JAMBA, CAMBA, ROKAMBA ect.). | 39009 |
| A19 | Biodiversity | Concerns were raised regarding level of shorebirds mentioned in EPBC Particular Manner Decision 2006/2987. | 39009 |
| A20 | Biodiversity | Concerns were raised regarding the incremental loss of habitat, including EECs, in the Kooragang Island area. | NCC |
| A21 | Biodiversity | Concerns were raised regarding any additional impacts on National Parks and Wildlife Services Reserve System, and recommended infrastructure, utilities and associated services remain within the Major Development SEPP land. | OEH |
| A22 | Biodiversity | Concerns were raised regarding the relocation of Ausgrid powerlines to the middle of Kooragang Island and that consideration of alternatives (i.e. underground powerlines or mitigation [i.e. deflectors]) are not addressed. | 38967, 38977, 39144, 39223, 38999, 39073 |
| A23 | Offsets | <p>Concerns have been raised regarding the nature of offsets for the modification, including:</p> <ul style="list-style-type: none"> • lack of appropriate offsets/compensatory habitat in accordance with current OEH policy; • compensatory Saltmarsh habitat should be provided in the EA; • offsets should be in place before the habitat that is being compensated is removed; • the EA does not indicate whether a management plan will be developed for the offsets; and • the EA does not indicate how offset/compensatory land will be managed and conserved in perpetuity. | CMA, NCC, OEH, 39016, 38938, 38944, 38977, 39144, 38961, 39086, 39138, 39223, 38999, 39067, 39226, 38829, 39073 |

| No. | Subject | Issue | Submission Identification Number |
|-----|---------------------|--|--|
| A24 | Offsets | <p>The OEH does not concur with the EA that migratory and threatened shorebird and waterbird habitat is not being impacted upon and would expect suitable offsets to be provided as compensatory measure, using:</p> <ul style="list-style-type: none"> • OEH “offsetting principles”; or • a biodiversity assessment using BioBanking Assessment Methodology. | OEH |
| A25 | Offsets | Concerns were raised regarding the ongoing compliance with the requirements of Project Approval (06_0009) for the CHEMP and current progress of implementation of the existing approved CHEMP. | 39341 |
| A26 | Offsets | Concerns were raised regarding the conflicts with funding spent by the NSW Government over a period of more than 10 years on restoration projects on Swan and Wader Ponds on Kooragang Island. | 39192 |
| A27 | Traffic | Requests submission of a revised Construction Traffic Management Protocol (CTMP) for approval of the RMS and NCC to reflect the Rail Flyover Modification. | NSW Roads and Maritime Services (RMS), NCC |
| A28 | Land Contamination | Concerns regarding the management of contaminated land within the KIWEF. | NCC |
| A29 | Flooding | Concerns were raised regarding the potential effects on the floodway of the Hunter River. | NCC |
| A30 | Air Quality | <p>Concerns were raised regarding dust management associated with coal trains including:</p> <ul style="list-style-type: none"> • coal dust blowing from trains; • wagon hopper leaks; • derailment spillage; • dust from train turbulence; and • carcinogenic fumes from locomotive exhausts. | 38829 |
| A31 | Noise | Concerns were raised regarding the noise assessment predictions for the Rail Flyover Modification and the requirement for operational noise levels to be monitored and form part of the EPL. | 38829 |
| A32 | Groundwater | The EPA requests a groundwater monitoring program to identify and manage existing contamination effectively to minimise impact on the surrounding environment. | NSW Environment Protection Authority (EPA) |
| A33 | Aboriginal Heritage | Requested a copy of the Preliminary Aboriginal Heritage Assessment (PAHA) be provided to the OEH. | OEH |

| No. | Subject | Issue | Submission Identification Number |
|-----|-----------------------------|--|--|
| A34 | Aboriginal Heritage | Requests submission of a revised CEMP to reflect the Aboriginal cultural heritage commitments and amend OEH's Archaeologists' responsibilities in determining appropriateness of Aboriginal heritage management decisions. | OEH |
| A35 | Aboriginal Heritage | Concerns were raised regarding the level of local Aboriginal community consultation. | OEH |
| A36 | Economics | Concerns were raised regarding the potential for job losses as a result of the operational efficiencies due to the Rail Flyover Modification. | 38829 |
| A37 | Lighting and Visual Impacts | Concerns were raised regarding lighting impacts and the proposed mitigation measures. | 38829 |
| A38 | Other | Concerns were raised regarding the need for the Rail Flyover Modification. | 39016, 39223, 39081 |
| A39 | Other | Concerns have been raised that alternative options to avoid the need to increase the footprint for the Rail Flyover Modification have not been fully investigated. | 39086 |
| A40 | Other | Concerns were raised that the Rail Flyover Modification would contribute to additional coal exports and as a consequence greenhouse gas emissions and climate change. | 39067 |
| A41 | Other | Concerns were raised that the Rail Flyover Modification should be considered a "controlled action" under the EPBC Act. | OEH, 38938, 38944, 38967, 38977, 39195, 39144, 38961, 39051, 39138, 39223, 38999, 39009, 39067, 39226, 39073 |