

**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 triglochinos</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

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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

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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