

7 July 2006

Major Infrastructure Development  
Department of Planning  
VIA FACSIMILE: 9228 6461  
VIA EMAIL: Joanna.bakopanos@planning.nsw.gov.au



HEALTHY CATCHMENTS  
HEALTHY OCEANS

Dear Ms Bakopanos

**Re: Hexham Swamp Rehabilitation Project PA 05\_193**

OceanWatch Australia (OWA) was one of the key organisations responsible for securing commitment from State Government to rehabilitate Hexham Swamp in 1996 and has maintained a close involvement in the project since that time. OWA is a national environmental, not-for-profit company that works to achieve sustainability in the Australian seafood industry through protecting and enhancing fish habitats, improving water quality and advancing the sustainability of fisheries through action based partnerships with the Australian seafood industry, government, natural resource managers, private enterprise and the community.

OWA is pleased to provide comments on the Environmental Impact Statement (EIS) and Environmental Assessment Supplement (EA) for "Hexham Swamp Rehabilitation Project" (referred to herein as the Project), in particular:

- the significant intrinsic environmental values of Hexham Swamp and the potential to enhance these upon rehabilitation;
- the excessively slow pace with which this rehabilitation project has progressed to date; and
- other issues of concern in relation to the EIS and EA prepared for the project.

**1. Intrinsic environmental values of Hexham Swamp and its significance to the seafood industry**

Hexham Swamp possesses many unique outstanding environmental values of local, regional, national and international significance, which need to be protected and enhanced. Some of these include:

- biological diversity – it is the most biologically diverse wetland in the Hunter Region (3800 ha) and is listed on the National Estate;
- international significance as a habitat for migratory birds – recognised as a JAMBA and CAMBA wetland; and
- contains areas of high natural value, protected by the State via SEPP 14 wetlands and a 900ha Nature Reserve.

Prior to the construction of floodgates in the 1970's across Ironbark Creek, Hexham Swamp provided vital habitat for a number of commercially important aquatic species (Hexham Swamp was the primary nursery area in NSW for Eastern King Prawns).

## **2. Lack of action to date to address degradation of Hexham Swamp**

Following construction of the floodgates across Ironbark Creek, it was evident that Hexham Swamp was showing considerable signs of habitat degradation. Thus it was recommended that the gates be opened in non-flood times.

*“During any potential flood situation the gates are to be closed and if no flood occurs, they are to be opened immediately after the danger passes. If flooding occurs the gates will be opened soon after the river has receded (say within two or three weeks)”... “The tidal ventilation of Ironbark Creek is advocated”. (Hexham Swamp Environmental Impact Report, December 1972).*

In direct breach of this Environmental Impact Report, the floodgates have been permanently closed. This has resulted in a loss of tidal exchange, creation of a degraded freshwater system and a loss of vital fish nursery grounds. It is estimated that the fisheries productivity of Hexham Swamp has been impacted by these floodgates at a cost of approximately \$1.6 million/year.

It was not until 1996 that the then Minister for Land and Water Conservation, Kim Yeadon, announced that the Ironbark Creek floodgates would be opened to allow tidal flushing and ecosystem recovery. 10 years later we are still waiting.

The EA states (in Section 4-1) that the second gate is to be opened in June 2007. However, it has come to OWA's attention that at a recent meeting to discuss the EA chaired by the Hunter Central River's Catchment Management Authority (HCRCMA), it was announced that the opening might be postponed to 2008. Given that the Project has recently gained State Significant Status, OWA insists that the State government steps in to ensure that there are no such further embarrassing delays and that the project is given priority in the approval process. OWA and other environmental groups alike will not withstand further stalling of this project for political agendas at the expense of the environment and industries such as the commercial fishing industry, which rely on the health of such estuarine systems. Furthermore, additional stalling of this project only acts to negate any benefits that would have been otherwise generated by the creation of a marine park in the region.

### 3. Additional concerns

#### 3.1 Restoration of Muckeye Creek

Muckeye Creek, a tributary of Ironbark Creek, was a productive and commercially fished waterway, prior to the construction of the floodgates across Iron bark Creek. According to local fishermen, this tributary is heavily silted and has been colonised by opportunistic mangroves and the invasive Phragmites. These plants will, upon opening of the floodgates, act to impede natural tidal flows and thus compromise the natural restoration process.

This situation is highlighted in Section 5.5 of EA:

*“With respect to local drainage within the swamp, it is considered that the lack of tidal flows within creeks and drainage lines over the past 30 years has resulted in sedimentation of key drainage paths, which has been further exacerbated by establishment of vegetation with the drainage paths (typically by Phragmites). An example is Muckeye Creek, where creek depths have reduced significantly since installation of the floodgates. The density of tall vegetation (mostly Phragmites and typha) throughout the swamp would typically inhibit the effective drainage of water from the swamp following rainfall and flood conditions.”*

In response to this situation, the EA proposes that:

*“tidal flows in the creeks and drainage lines are likely to mobilise and remove some of the material that has previously been deposited in these drainage paths..”*

It is clear that further measures need to be taken to address this situation to allow the natural tidal flow required to facilitate full restoration of these creeks (such as shallow dredging).

#### 3.2 Mosquito controls

Industry members have also raised concerns that the implementation of the proposed mosquito control strategy will be at the expense of phragmites control (via tidal flows). This situation needs to be avoided.

#### 3.3 Impacts of grazing livestock on wetlands

Industry members have raised concerns in relation to the proposed control of phragmites via grazing of livestock. Industry and OWA are concerned that grazing will further degrade the system, contributing to soil destabilisation and other associated negative environmental impacts. OWA recommends an Environmental Management System (EMS) be prepared to ensure minimal negative impact of this activity (e.g. fencing off sensitive vegetation, managing the intensity of grazing, in combination with ongoing monitoring of the system). OWA understands that the HCRCMA is proposing to develop an EMS.

OceanWatch Australia is very supportive of the proposed Project, however recommends that the above issues and concerns be addressed. Moreover, OWA insists that the State Government ensure that no further undue delays are experienced in what has already been an incredibly frustrating drawn-out process.

Please do not hesitate to contact me on (02) 9660 2262 should you require further information regarding these comments.

Yours sincerely

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**Anissa Lawrence**  
**Chief Executive Officer**  
OceanWatch Australia Ltd