

**Submission on the proposed Port Waratah Coal Services Terminal 4
(involving the construction and operation of a coal export terminal at Kooragang
Island comprising of rail infrastructure and coal receipt, stockyard, conveyor
system, wharves, berths and ancillary facilities.) Application Number 10_0215**

Introduction

The Port Waratah Coal Services Terminal 4 proposal is based on the tenuous presumption that the Hunter coal industry is a “growing” industry and that “bringing forward the mining and export of coal has a potential net production benefit to Australia” (Environmental Assessment 2012 pE.22). Various recent reports and government and financial forecasting contend otherwise.

The T4 proposal has the potential to either make or break the regional economy by way of locking the region into a coal future. At the moment, the export of coal is not threatened – it’s the opportunity to capitalise on the accessible coal reserves that is driving the proposal. The proposal is in direct conflict with social, environmental, scientific and economic concerns about the ramifications of global warming in the first instance.

The Sydney Morning Herald “Old king coal gets knocked off its throne” (Paddy Manning SMH 28-29 April 2012 Weekend Business p9) reports that markets have “soured and the investment boom may be over for now”. Thermal coal is predicted to come under pressure in the medium to longer term with an expected fall in prices to as low as US\$85 a tonne by 2015 and that the time for high investment returns is probably over. Oversupply of the resource will drive the prices further down (Paddy Manning SMH 5 March 2012 p5 “Coking coal piles up as prices simmer down”).

The Hunter Valley Coal Rail Network has planned to expand at a rate beyond the present capacity of coal exporting facilities at the Port (Draft Strategic Regional Land Use Policy 2012 p33). Port Waratah Coal Services has predicted that Port capacity will be reached by 2014.

The Port expansion is dependent on the availability of anticipated coal supplies, expansion of the industry and provision of a new terminal to capitalise on the aspirations of vested interest.



The proponents note that a combination of development of alternative energy or policy change could derail their predictions of production rates and export capacities (Environmental Assessment 2012 Scenario 3 p298).

It is acknowledged that Port related industry and infrastructure is vitally important to the region, State and Commonwealth – we need to get its planning and implementation right.

The proposal does not represent the best interests of the state – it represents the best interests of Port Waratah Coal Services at the expense of the regional and local Newcastle economy.

The rationale for T4 project

The rationale for the Port Waratah Coal Services Terminal 4 proposal is not justified and requires review.

The proponent's rationale clearly reflects a bias in favour of development.

Contrary to the assertion in the Environmental Assessment that the long term viability of the entire coal chain and Australia's reputation as an efficient and reliable coal exporter depends on the ability of Port Waratah Coal Services to deliver the T4 project, the export of coal is not threatened. It is the capacity demands "nominated by coal producers" (Environmental Assessment 2012 pE.5) that is driving the project proposal.

The proponents contend that "coal production and export demand has outstripped the capacity of coal export facilities" leading to "reduced efficiencies, a large off shore vessel queue and associated environmental, safety and economic costs and risks" (Environmental Assessment 2012 pE.1).

The Port of Newcastle which services the Hunter Valley Coal Chain is the world's largest coal export in terms of throughput and is the economic and trade centre for the Hunter Region. (City of Newcastle 2011)

The proponents state that the costs and benefits will be weighed up to assess whether the T4 project would be of net benefit and that the benefit cost analysis will be undertaken against a "no project scenario".

However, the proponents fail to produce that scenario.

At this stage it is the anticipated growth in capacity turnover that has "triggered" (Environmental Assessment 2012, p26) the T4 proposal.

No evidence is produced to establish that further capacity is actually required.

It is of major concern to the community that our local MP, Tim Owen has stated that Port Waratah Coal Services is "The point about T4 is that PWCS is obligated to proceed with construction under the Hunter Valley Long Term Commercial Framework. So that process of approval with planning will proceed as intended." (email communication to local resident 30 April 2012, his emphasis)

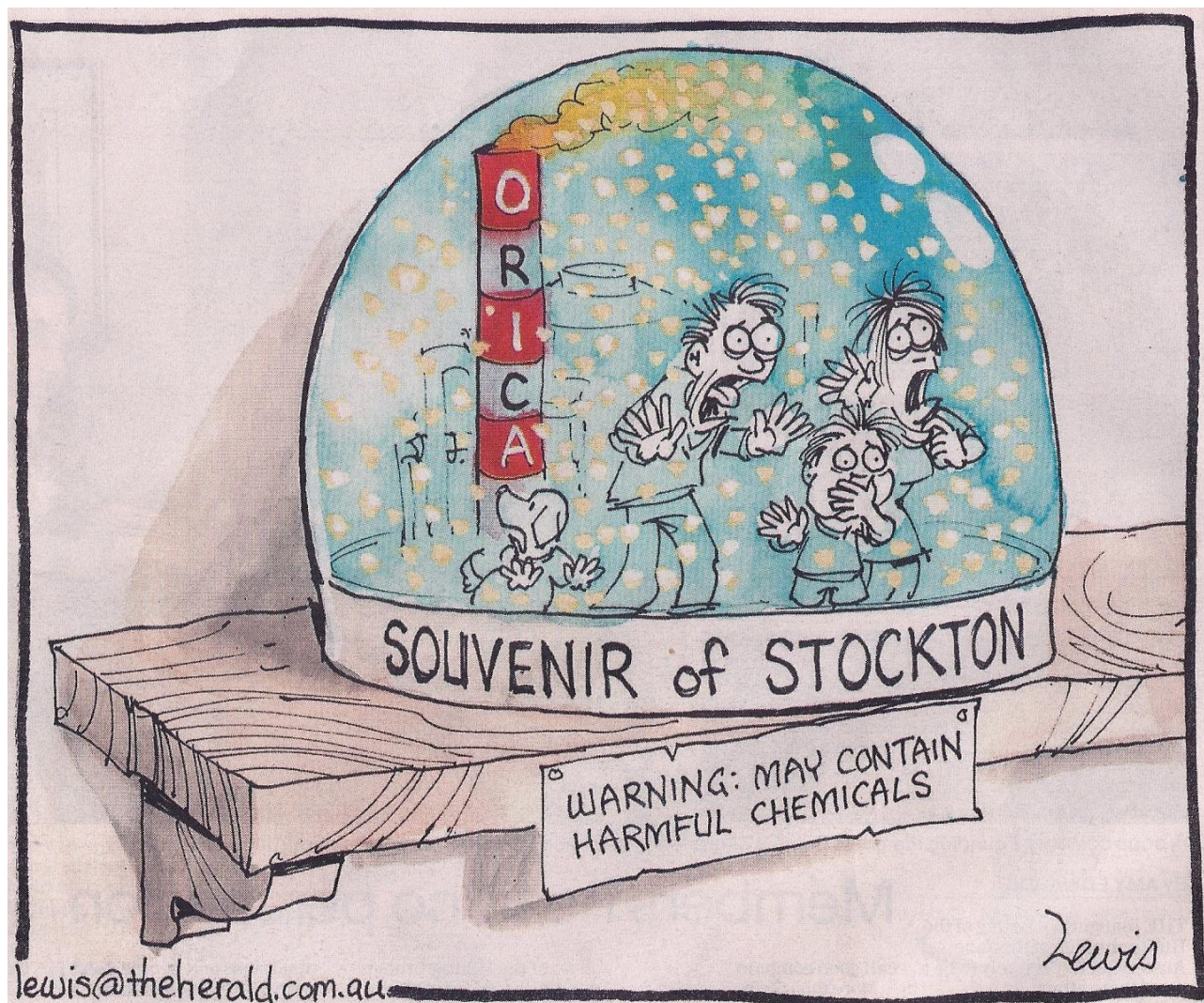
The planning process should not be undermined by a member of the government effectively saying the proposal will be approved and the assessment of the T4 proposal is a irrelevant.

The community does not accept that sufficient studies have been carried out to support the fast tracking of this proposal.

The proponents have failed to acknowledge all hidden costs posed by expansion of the coal industry to local communities along the coal chain.

The T4 Proposal's supposed economic benefits will be short lived when one considers the risks associated with the global balance of supply and demand.

The community will be left to pay for the impacts of this proposal.



The Herald, 16 November 2011, p10

Under the provisions of the Capacity Framework Arrangements, "new capacity is required and Port Waratah Coal Services must build the T4 Project" (p3) and that these arrangements were developed between the NSW Government and Hunter Valley Coal Industry and apply until 31 December 2024 (p9) in order to "underpin" investment and operation of the coal chain.

The question arises under what conditions do these arrangements become legally binding on the government? Does the government have an apprehension of bias?

The numerous Hunter Valley communities as well as Newcastle residents directly affected by coal mining expansion have not been fully consulted on the consequences of the Capacity Framework Arrangements made between PCWS and the State Government.

Newcastle's 'claim to fame' as being the world's biggest coal exporting port is not under threat if the expansion of the coal industry does not take place. According to the Australia Institute a fourfold increase in the prices received for mineral commodities over the past decade is driving the rapid growth in the contribution of mining to GDP, not big increases in actual tonnages of mining output.

Regional context

Viable alternatives for regional development are available.

The Centre of Full Employment and Equity at the University of Newcastle have demonstrated that there are major benefits to the Hunter from shifting from a coal based economy to renewable – both as a self-sufficient energy producer and as an export centre. The report predicts 73,800 jobs could be created in NSW in renewable energy and energy efficiency if the State Government invests in a green energy future. These jobs include research and development, manufacturing and installation and operation of new renewable energy projects.

The level of community opposition to the expansion of the coal industry is extremely high and for the proponents to ignore the present state of community opposition and for the State Government to be seen to support the industry regardless of the consequences is irresponsible.

The proponents have sought to identify the social, community impacts of the T4 Project, quantify the economic contribution of the Project to the local and regional community and qualitatively assess the potential flow-on benefits.

In fact, the proponents have overlooked the long term environmental risks to the region resulting from their proposal to facilitate the short term growth of the coal industry.

Martin Rush, Mayor of Muswellbrook noted (The Herald, 20 September 2011 'Coal Prices booming but residents losing') "The stream of coal related issues is daunting: dust, land-use conflict, health, noise, coal-seam gas, blasting and vibration, infrastructure funding, the carbon tax, exploration access, fatigue management, carbon capture and storage, base load power, royalties, shift work, rail overpasses, rehabilitation, loss of native vegetation, global warming, 'skilling regional Australia' water, offsets, port capacity and more".

There are numerous reports covering the Regional community opposition to the expansion of the industry.

- Gloucester Resources Limited has recently acquired more than 2000 hectares of agricultural land around Gloucester and the Deputy Mayor has stated the people of Gloucester are experiencing "a fear of the unknown". (The Herald, 21 April 2012 , p12 Land sold for new open-cut)
- The The Herald (9 April 2012 'Coal closer to Gloucester') reported that when the Stratford open-cut mine opened in 1995 residents were assured the "boutique" mine would have minimal impact on its surroundings. In 2003 the same company opened the Duralie mine and residents fear the two operations will eventually be combined into a single open-cut. Further, the Rocky Hill operation has been granted an exploration area that surrounds the

Gloucester residential on three sides and is opposed by Gloucester Council and residents. “The Council complains that whatever planning restrictions it puts on the area are trumped by state planning laws”.

- “Case put against mine” Bulga Millbroke Progress Association has outlined its case against the approval of the Warkworth open-cut mine expansion. The court heard that the approval was contrary to a 2003 Deed of Agreement with the then NSW Planning Minister who had promised to protect local biodiversity from further mining expansion. “The Bulga community hold genuine fears for the future of our historic town and its beautiful surrounding environment”. (The Herald, 20 April 2012 p18)
- Ashton Coal’s proposed south-east open-cut mine near Camberwell (The Herald, 20 April 2012 p18 ‘Outside influence’) The Planning Assessment Commission rejected the proposal in December, but the decision was overridden by the Department of Planning despite recommendations from NSW Health that approval be deferred “until such time that other coal mines in the region cease to operate” Ashton is also buying properties surrounding their proposal.
- “Ombudsman inquiry” into the dealings between Ashton Coal and NSW Office of Water. Local departmental staff recommendations were overridden by senior management in Sydney (Part 3A Assessment Process) where environmental and community groups said the diversion of Bowman’s Creek (near Singleton) posed a major threat to the area’s alluvial plains. (The Herald, 21 April 2012, p13)
- At another Ashton mine proposed in the area, the Planning Assessment Commission refused the mine last year, but the decision has been set aside by a court because the Commission had not received extra information from the Department of Planning. The Department of Planning recommended the new mine be approved despite objections from the Office of Water. As the The Herald editorial surmised (‘Water vs. Coal mining’ 21 April 2012, p18) “Observers might wonder whether all this implies either that the office of Water is less competent than hired industry consultants or whether some parts of the State bureaucracy are more concerned with approving coal mines than protecting fragile rivers and aquifers”.

Contamination and Soils

The proponents would be well aware that that the community has deemed that minimal regulatory requirements are simply not good enough.

The proponents state (Environmental Assessment 2012 pE.10) that measures have been designed to meet regulatory requirements proposed to minimise risk of contaminant mobilisation and migration through groundwater and exposure of contaminants.

However, detail regarding how the minimisation of contaminant mobilisation is to be achieved is lacking in the document, and in some instances totally absent (for example the cumulative impacts on the Ramsar wetlands).

The proponents have stated that the Environmental Management System “aims to go beyond statutory compliance, meet community expectations and provide continual improvement in

environmental performance” (Environmental Assessment 2012, pE.4). An assurance made without documented evidence that such an aspiration can be achieved is meaningless.

In fact, the proposal poses the dilemma of compounding existing site contamination with further potential contamination (eg water spray run-off, potential flooding of containment ponds).

As noted by the proponent’s consultants, the following require additional mitigation measures (Environmental Assessment 2012, pE.10)

- Tar waste at former KIWEF disposal cells
- Lead dust co-disposed with asbestos in KIWEF burial pits
- a localised area of light non-aqueous phase liquid (LNAPL) hydrocarbon contamination
- heavy metal, hydrocarbons and other contaminants at the Delta EMD site
- hydrocarbons and metals at the FDF
- benzene, PAHs, petroleum, phenols, metals, cyanide and ammonia at the OneSteel site

The proponents also advise that further investigations need to occur in order to “refine the management and remediation strategy” (Environmental Assessment 2012 pE.11).

Without the production of the proponent’s management approach to containment and remediation, they are not in a position to state “The T4 Project provides an opportunity to reduce the existing contamination risks”. Nor is the community assured that appropriate measures will take place in a timely and orderly manner.

Self regulation is an inappropriate option and one which the community distrusts.

The Environmental Assessment is incomplete without the detail on how the proponent would mitigate the impact from these contaminants if the proposal were to proceed.

Groundwater

The proponents have stated that (Environmental Assessment 2012 pE.11) further investigations and “refinements” of proposed measures to mitigate and manage groundwater contamination need to be taken. Their assumption that off-site containment levels will not increase or cause threat to environmental values and human health and that long term condition of the site will be improved, are unsubstantiated by the data presented.

It is not specified who will be made responsible for the planning, cost sharing, delivery, monitoring and reporting of all mitigation measures recommended.

As noted in the proponent’s Stakeholder Engagement (Chapter 5 p84) “the Environmental Assessment must reflect a goal of no discharge of water to the Hunter River other than natural surface run-off in extreme weather events, during operation of the project.” This “goal” is unacceptable – the site is adjacent to and contains pockets of ecological areas of State, National and global significance and is located in an at risk zone of rising sea level as well as designated flood zone.

Ecology

The Lower Hunter Estuary system is considered one of the most important estuaries in state.

At the very least, the proponents should establish a threshold of “acceptable” ecological impacts and resultant losses as a result of the impacts of their proposal.

The ecological value of this area cannot be understated in terms of its strategic location and present ecological communities. The potential for the development site area to either enhance the environmental integrity of the adjoining National Park and Ramsar wetland or adversely affect the environmental integrity of those areas needs to be more fully considered.

The area is presently acting as a buffer zone between heavy industry and an area of international significance.

There is potential for cumulative impacts from the operation of the proposed development, over time, to erode the ecological values of the Hunter Estuary.

The proposal is predicted to directly impact around 18.8 hectares of saltmarsh, an endangered ecological community; nearly 28.9 hectares of mangrove forest protected as fish habitat under the Fisheries Management Act 1994; and 30.0 hectares of freshwater wetland (of which 4 hectares is the endangered ecological community listed under the Threatened Species Conservation Act 1995). (Environmental Assessment 2012, p179)

According to the proponent’s own assessment, 61 migratory species listed by the commonwealth have been recorded in the T4 project area and 27 of these species are listed on one or more of the international treaties for migratory birds such as the Bonn Convention, Japan-Australia Migratory Bird Agreement (JAMBA), China-Australia Migratory Bird Agreement (CAMBA) and Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA). (Environmental Assessment 2012, p189)

It is recognised that the T4 proposal will significantly impact the green and golden bell frog, the Australasian bittern, endangered pondweed, coastal saltmarsh, curlew sandpipers, the red-backed button-quail, the white-fronted chat, the black-tailed godwit, the Australian pied oystercatcher and the astern freetail-bat. (Environmental Assessment 2012, p183)

Notwithstanding the acknowledgement that the T4 proposal will destroy mangrove forest, wetlands and coastal saltmarsh, will significantly impact a range of species and the unknown effect from groundwater contamination, the proponent has the audacity to state that the T4 Project is not expected to adversely affect the adjacent Hunter Wetlands National Park or Hunter Estuary Wetlands Ramsar site.

While acknowledging that the Lower Hunter Biodiversity Conservation Corridor (“Our Green Corridor”) provides a link from the Watagans to Port Stephens that is “highly significant” (Environmental Assessment 2012, p153), the proponent fails to assess the impact that their proposal will have on the adjacent corridor.

The impact of the proposed T4 development on the Green Corridor needs to be assessed.

Air Quality

The proponent's representative, Mr duPlooy (Australian Journal of Mining, March 2012) has stated Port Waratah Coal Services has "never breached stringent government regulations that we Port Waratah Coal Services are obliged to work under". Unfortunately, those "stringent" regulations, that Mr duPlooy refers to, have been deemed by the community as being inadequate.

Urgent reform of coal industry operating standards is required – reports from USA indicate costs from health damage are five times the value of coal.

A comprehensive health impact study must be carried out for all areas along the supply chain from mine to Port.

The significant health and amenity concerns for residents have been reported in the media. (The Herald, 27 April 2012, "Terminal illness Health Experts unload on \$5billion coal proposal")



The Herald, 27 April 2012, p10

"Any exposure to particulate pollution is associated with increased adverse health outcomes, even if the levels are below the current guidelines". Dr Peter Lewis, Northern Sydney Central Coast area director for public health. (The Herald 30 October 2010 "Coal Dust Warning")

The T4 proposal would add 120 million tonnes of coal loading capacity at Newcastle – existing operational footprint is 145 million tonnes - plus the Newcastle Coal Infrastructure Group has approvals to build capacity of 66 million tonnes.

The industry must find new ways to reduce impacts. It is more than likely that complaints and impacts will increase – it's an already existing problem.

- Self assessment is not appropriate
- Off site monitoring systems need to be located right along the coal chain
- Cover all exposed coal right along the coal chain
- Regular check kits for home water tanks right along the coal transport chain
- Ensure all vehicles use high grade diesel fuel with no additives and exhausts have particle traps fitted
- Commit to activating stock pile sprays before exceedence of specified levels (approach should be proactive rather than reactive)
- Ensure that Carrington and Koorangang Coal Terminals are brought up to standard (that is, retrofitting of existing machinery, equipment and processes) prior to commencement of new coal loading facility

It is imperative that the proponents and Government carry out a comprehensive investigation into health impacts of the coal industry before proposed infrastructure is in place.

Greenhouse Gases

It is questionable that the required infrastructure will be able to adapt to the impacts of climate change. Comprehensive consideration of issues involves identifying and profiling clear alternatives to their proposal has not been presented by the proponents.

The Hon Greg Combet MP addressed local and State government representatives in Newcastle in October 2011 to discuss risk management of rising sea levels. As reported by the The Herald (20 October 2011) “Higher seas could swamp coal-loaders” “ the multibillion dollar coal export infrastructure has been identified as at risk from rising sea level”.

Concern arises because the proponent's modelling presupposes the unlimited expansion of the coal industry regardless of greenhouse consequences.

It is stated that potential Greenhouse Gas Emissions were not considered relevant to the Benefit Cost Analysis because “the traditional and continuing practice is to undertake the BCA from a national perspective” (Environmental Assessment 2012 p301)

This is a global problem not just a national problem. The proposal totally and irresponsibly ignores the global pressure on particularly coal based industries to address and mitigate its contribution and legacy for global warming.

Global warming is considered the greatest threat to global economic and social welfare. The NSW Government has undertaken to reduce greenhouse gas emissions by 60% by 2050 which is also the anticipated time frame nominated by the proponents for their proposal's life span.

This issue must be addressed in the proponent's environmental assessment.

Transport

It's a given that transport infrastructure underpins the key operations of T4 Proposal.

NSW Government Response to the Review of Port Competition and Regulation in NSW under the Council of Australian Government's Competition and Infrastructure Reform Agreement (Sept 2008) notes the coordination of port related supply chain services (p5) "A coordinated approach to freight logistics requires leadership, impartiality and a safe environment To plan for improved performance"

We are not seeing improved performance - simply greater demand upon and expansion of substandard infrastructure and services.

ROAD

'Coal Fired Gridlock' - "The Hunter's mining boom has created one of the State's worst traffic snarls along the New England Highway between Branxton and Singleton. Traffic data shows a similar number of vehicles now pass through the towns during peak periods as travel on Sydney's arterial roads." (The Herald 10 April 2012)

Martin Rush, Mayor of Muswellbrook: 'Mines and council play catch up on bad roads' - "Over years, council had increasingly diverted its general revenues from its urban road network to prop up its mine affected rural road network. Prior to the network was hopelessly underfunded to support required infrastructure of an 'intensifying' Hunter coal industry" (The Herald 21 April 2012 p19)

We know that

- road destinations and haulage routes will result in heavy vehicle traffic and obviously have an adverse impact on the wider road network beyond the development site
- consideration of background traffic growth is based on old information, not the expected growth
- Cumulative impacts include
 - existing Steel River Estate – other existing port related lands in Mayfield East, Mayfield North, Tighes Hill and Maryville – Newcastle Airport (servicing over 1 million passengers per year; Regional Development Australia (Hunter) report 2010-220) – Williamtown Defence and Airport Related Employment Zone – residential developments and industrial developments identified in Lower Hunter Regional Strategy (Dept Planning 2006)

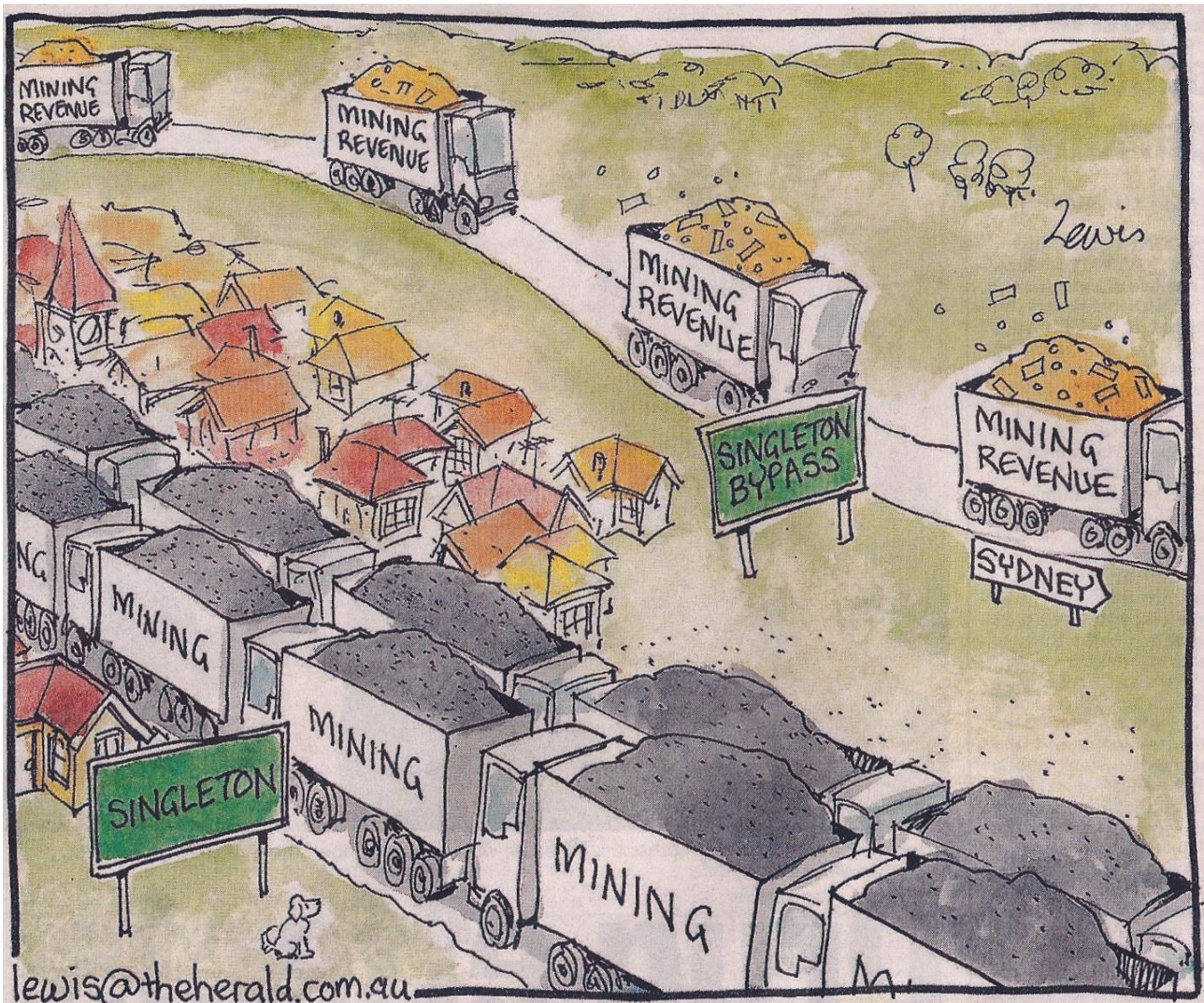
All of these growth areas will contribute to incremental and cumulative increase in vehicle numbers entering the city via Industrial Drive and the surrounding road network.

Planned infrastructure improvements should be in place before construction of the proposal commences, including

1. Industrial Drive/ Tourle Street Intersection
2. Pacific Highway/Industrial Drive intersection

3. Intersections along Newcastle Road, Thomas Street and the F3 Link Road from Jesmond to F3 Freeway
4. The capacity and current condition of other classified and local roads in the vicinity of the site that might reasonably be used for haulage/construction worker access

The proponent should revisit the potential for exceedance of traffic noise criteria having regard to the likely impact of additional heavy traffic vehicle numbers in surrounding haulage route lines.



The Herald, 10 April 2012, p10

RAIL

Current timetabling of train services between Newcastle; Maitland and Newcastle is limited by the ARTC's requirements for maximum flexibility in scheduling of freight trains, limiting the possibility of additional passenger services (Newcastle City Council submission NSW Coal and Gas Strategy April 2011)

The T4 proposal requires upgrades to rail infrastructure and linking of mining areas to the Port of Newcastle

The impact of this proposal on the health and well-being of residents along this rail line needs to be addressed.

Economics

The proponents base their assessment on the assumption that the growth of the mining industry will directly see to a growth in the regional economy overall. The proponents fail to acknowledge that the growth of the mining industry comes at the direct expense of other industries and the community.

There is a strong likelihood that rapid expansion of coal production will result in the stranding of assets as early as in 10 years as the impacts of climate change accelerate and demands for carbon intensive industries disappear. (Ian Dunlop, *The Future of Energy* 2012)

The NSW Economy in 2020, A Fore sighting Study (Access Economics for NSW Innovation Council 2010) identified four megatrends that will have a major impact on NSW's future economy:

- National and global policy actions to address climate change
- Widespread adoption of new information technologies
- Demand and competition from emerging economies – esp. China and India and
- Demographic changes across Australia, especially a growing and ageing population

The Regional Development Australia – Hunter Regional Plan 2010-2020 notes a majority of the income generated by thermal coal and electricity generation accrue to the owners of the capital, meaning that a significant proportion of it flows not just out of the Hunter region but Australia.

The proponents state (p22) that economic benefits were greater than the costs, primarily distributed to

- Commonwealth Government in form of Company Tax. NOTE: the average rate of corporate tax paid by the mining industry in 2008-2009 was 13.9 per cent, substantially lower than the theoretical 30 per cent tax rate.
- NSW Government via royalties
- Local communities through contributions to community infrastructure. NOTE: primarily and more often than not, built to facilitate their industry.
- Coal mining companies and their shareholders. NOTE: around 83% of profits will in fact be sent offshore to the foreign owners of mining operations (The Australia Institute, *Mining the Truth*, David Richardson & Richard Dennis 2011)

What diminishes the validity of the proponent's Benefit Cost Analysis is the unquantifiable costs of long term health, social capital and environmental impacts to the community. It's easy to show the net dollar benefits to the vested interest, if you don't consider who loses as a result (the externalities).

The proponents maintain that the economic benefits are so large that these unquantifiable and hidden costs are worth incurring. The proponents further state that the community prefers to reap such benefits now rather than in the future (Environmental Assessment 2012 p298). Such spurious claims require independent analysis and justification and the proponent's economic assessment requires a thorough rewrite, especially in light of the fact that the proponent admits that a

combination of development of alternative energy or policy change could derail their predictions of production rates and export capacities (Scenario 3 Environmental Assessment 2012 p298).

The major dilemma for the community is that the state government and the coal miners are both totally driven by short term gain.

The community deserves better.

The cost of risking those elements of a sustainable society to the hidden costs of inappropriate development are not as easily quantified in a simple dollar return formula or by the proposed mitigating measures that may or may not be implemented effectively.

Obviously the legacy of the T4 proposal goes beyond the proponent's time frame. The proponent notes the possibility that due to the development of alternative energy or a policy change (perhaps they are referring to increase carbon tax?) resulting coal production and export is expected to cease around 2050. (Environmental Assessment 2012 p298)

The growth of coal exports presently and directly, adversely affects:

- Employment opportunity. NOTE: Mining only employs around 1.9% of Australian Workers (The Australia Institute). The manufacturing industry actually employs around five times as many people as the mining industry.
- Manufacturing, agriculture, tourism. NOTE: the high exchange rate has reduced demand for our manufactured and agricultural goods as well as for our tourism and education export services, workers experience reductions in employment and therefore less job security.
- Inflation is likely to rise during a mining boom
- Cost of living is likely to increase
- Housing affordability will decline. Homeowners are forced to pay higher interest rates across the board as the Reserve Bank seeks to control overheating which is actually concentrated largely in the resource- intensive regions of Australia. Anglicare Australia (Rental Affordability Snapshot) has reported low income Australians are being priced out of the private rental market in mining boom towns (The Herald 1 May 2012 p19)
- Pushing out other exports (coal over 90% of exports from Newcastle) "While mining exports have increased by around 5% of GDP over the period since the beginning of the mining boom, non-mining exports have declined by around 5% of GDP over the same period ... the recent mining boom coincides with the largest and longest sustained decline in non-mining exports in the past 40 years." (Australia Institute)
- Intergenerational equity – The Environmental Assessment notes (p298) that approving the T4 proposal, by allowing coal export to be brought forward in time, has a potential benefit to Australia however this will forfeit any future net production benefits which may have arisen.
- The economic diversification of Hunter Regional investment and jobs growth opportunities which would buffer the area from economic downturn and structural change over the next 25 years. (Reference Regional Development Australia (Hunter) Regional Plan 2010-202 "A more diverse economic base, including more employment in higher 'added value' industries and more future facing sectors, including renewable energy are essential elements for economic growth" (p11).

- The industry has driven up the costs of skilled labour for businesses in other sectors – particularly service sector providers like the construction industry
- Competing demands between coal resource exploitation and land for agriculture, combined with population growth and urbanisation and the need for long term water security
- Fast, efficient and affordable transportation corridors and connectivity between centres within the region - for the community not just the coal industry
- The ability to mitigate greenhouse gas emissions

Cart before the Horse

Before the determination of the T4 proposal the state government must:

- **Finalise the NSW Planning System Review**

During the Planning Review community consultation process (2011), the Newcastle community particularly highlighted the need to remove the Part 3A Assessment process for significant development proposals. Not only was it recognised that the then present planning system appeared to exhibit an entrenched bias in favour of development, but it excluded community consultation.

More transparent planning laws that base decisions on the principles of Ecological Sustainable Development (that is, to achieve a level of development that meets the needs of the present without compromising the ability of future generations to meet their own needs) should be entrenched within the planning legislation to lead to a fairer assessment of the development proposal.

Consultation also highlighted the need for the community to have access to and input into strategic land use planning so that appropriate and sustainable decisions could be made.

It should be noted that The Natural Resources Commission commented: (Dept Planning Website) “generally assessment at a site by site basis through EIS is an inefficient way to deal with monitoring and reporting and that assessment of the tension between point sources of pollution and diffuse points of pollution and the transport of contaminants within that system needed to be addressed”.

The planning system needs to entrench cumulative impact assessment. For the T4 proposal this should include all the proposed coal mining and coal handling chain proposals that feed the terminal.

The final Draft Planning System Review document has not been finalised.

- **Finalise The Strategic Land Use Plan for the Upper Hunter**

The Strategic Plan directly links the proposed export development at Newcastle as a prime ‘mover’ for infrastructure expansion and improvements in the Strategic Planning Process for the Upper Hunter. It notes (p34) “The Port of Newcastle is forecast to reach capacity by 2014. The proposed construction of Terminal 4 would increase the capacity of the annual coal export throughput of the port by between 60 to 100 million tonnes per annum and ensure sufficient terminal capacity to meet long term needs of coal producers”. It is apparent the State Government has relied upon data from the coal producers, not independent analysis.

The Draft Strategy presupposes the anticipated growth of the coal industry as expressed by vested interest throughout the production of the Draft document.

- **Release the Newcastle Port Master Plan for community review**

Without the production and exhibition of the Port Plan, the proponent, as well as the community, is unable to assess the T4 proposal in a ‘true light’. Importantly the potential for cumulative negative impacts on the community and environment from not only the T4 proposal, but associated expansion of coal related industry facilities, cannot be assessed.

Correspondence to Newcastle City Council from the Hon Brad Hazzard MP (2 March 2012) advised that the release of the Newcastle Port Master Plan for public comment would take place in the “near future”.

Newcastle residents have been calling for its release for well over twelve months. However, in recent email communication (30 April 2012) Tim Owen MP, advised a local resident that the Newcastle Port Master Plan will not be released until the Port Botany scoping study is completed by government.

The T4 Project proposal should not be considered until the state government releases the Newcastle Port Master Plan for community review.

Conclusion

The Port Waratah Coal Service T4 proposal should be refused because:

- 1) the likely impacts of the development on the natural environment of the site are too great, resulting in the loss of important habitat for threatened species and endangered ecological communities and aquatic habitat – the site is not suitable for the development;
- 2) the likely impacts of the development on the natural environment neighbouring the site are too great, impacting on the Lower Hunter Green Corridor, the Hunter Wetlands National Park and the internationally listed Ramsar wetlands and species protected under international treaties of which Australia is a signatory;
- 3) the likely health impacts of the development on residents living in the suburbs surrounding the Port are too great, including the health impacts in suburbs along the coal chain as a consequence of this development;
- 4) the likely economic impacts of the development on the local and regional economy has not been adequately assessed, in particular the impact on the local fishing due to the predicted loss of fish and prawn habitat and the possible groundwater contamination from the development; and,
- 5) the proposal is not in the public interest, in particular because the development would facilitate an increase in greenhouse gas emissions when it is known that these pollutants increase the risk of catastrophic climate change, with a resulting increase in the frequency and intensity of weather events like the ‘Pasha Bulka’ storm of 2007.

The Port Waratah Coal Service T4 proposal is an inappropriate development.