

Rebecca Newman  
Department of Planning  
GPO Box 39  
Sydney 2001

14 April 2012

Dear Ms Newman,

**To avert catastrophic climate change, the proposed PWCS Terminal 4 development must NOT be approved (10\_0215)**

I am a Northern NSW resident, and come from a legal and education background.

### **Background**

We live in an unprecedented age. The risk of catastrophic climate change is the most dangerous human-caused threat to face humanity. We have both the knowledge and the technology to make a transition from a fossil fuel based economy to an economy based on renewable energy. We have both the moral and self-interested imperative to do so. When the freely abundant resources of wind and sun are readily available, it behoves us to approve developments that encourage the rapid uptake of these technologies. The T4 development proposal does not do this. Instead it takes us down the path of no return by escalating catastrophic climate change. **For this reason, and this reason alone, the proposed development must not go ahead.** Nevertheless, there are also other significant and unacceptable impacts caused by the proposed development that necessarily demands the refusal of development consent.

### **Extraction and burning of coal has negative health effects on humans and wild life**

Every part of the coal chain has direct impacts on human and non-human health. Pollution from coal affects all major body organ systems and contributes to the leading causes of morbidity and mortality. Locally, the 4th Terminal project would see at least 41 more coal trains through Newcastle and Maitland every day, increasing dust related health problems such as asthma and other respiratory ailments.

Research shows the health impacts of the coal industry are estimated to be around \$2.6 billion across Australia. Pollution from coal affects all major body organ systems and contributes to the leading causes of morbidity and mortality. In the Hunter Valley this impact is all the more prevalent due to the proximity to communities of coal mining, transport and infrastructure. The 4th terminal project would increase negative health impacts in the region. For this reason alone, the negative contribution of the project far outweighs any merits.

### **Increased coal mining threatens our life support systems of food and water**

The approval of a 4<sup>th</sup> Terminal would facilitate many more large coal mines (the equivalent of at least 15 “mega-pits”) in the Hunter and Liverpool Plains. This incompatible industry would therefore threaten food and water security by destroying prime agricultural land, irreversibly damaging ground water systems and polluting vital waterways including the Hunter River. Such effects of the coal mining industry are well documented and beyond dispute. Allowing such a development to proceed would therefore be short-sighted and negligent.

### **A 4<sup>th</sup> Terminal would export catastrophic climate change to the world on a scale never witnessed before**

If approved, T4 would allow an additional 120 million tonnes per annum of coal to be shipped out of Newcastle. This would boost existing coal export capacity by 84%, in what is already the world's biggest coal port.

The coal exported would provide the capacity to feed at least 15 more large power stations around the world, emitting 288 million tons of carbon pollution each year and be responsible for causing catastrophic climate change.

### **A 4<sup>th</sup> Terminal would see the destruction of wetlands of international significance, habitat, endangered and threatened species, and migratory birds**

The 4th Terminal would destroy internationally important wetlands that provide critical habitat for protected migratory bird species and nationally threatened species including the Green and Golden Bell Frog and the Australasian Bittern. The “offsets” proposed in the project’s Environmental Assessment fail to compensate for the irreplaceable loss of these unique and valuable ecosystems.

The 312ha project site includes 91ha of valuable native vegetation and 24ha of open water habitat. The project site is home to 18.8ha of saltmarsh (an endangered ecological community under the *Threatened Species Conservation Act* [TSC]), 28.9ha of mangrove and 27.3ha of freshwater wetland, 4ha of which are listed as an endangered community under the TSC Act.

The proposed development would cause loss of habitat for 23 threatened fauna species including the Australasian bittern (listed as endangered under the *Environmental Protection and Biodiversity Conservation* (EPBC) Act), and the Green and Golden Bell frog (also listed as vulnerable under the EPBC Act).

The proposed development would cause loss of habitat and disruption to an ecologically significant proportion of a population of four migratory shorebird species listed under international conservation conventions. At least 11 species of migratory birds recognised by international treaties rely on the habitat of deep pond and its proximity to the RAMSAR listed wetland.

Offsets cannot hope to compensate for loss of habitat at the site. The proposed offset site at Ellalong has already been identified as critical for conservation in its own right. Furthermore, the offset site fails to compensate for the loss of Deep Pond because it is over 50km away from Kooragang Island. Deep Pond is critical because it provides key foraging and roosting habitat due to its proximity to RAMSAR listed wetlands in the Hunter estuary. Deep Pond is the only freshwater drought refuge in the Lower Hunter Estuary system. It is relied upon by at least 15 species of waterfowl, three of which are listed as threatened under the TSC Act. Because of the valuable habitat that Deep Pond provides to numerous threatened and protected species and its critical function to the nearby RAMSAR listed wetlands, Deep Pond should be protected and its management should be coordinated with the ongoing conservation efforts in the Hunter Estuary.

## **Allowing development of this nature in a National Park would set a dangerous precedent for such future developments**

An area within the 4<sup>th</sup> terminal site is currently National Park. The National Park lands provide critical habitat for migratory shore birds. **Fundamentally, National Park lands must not be included in the proposed development.**

## **Air quality will be adversely affected by the proposed T4 development**

The Environmental Assessment (EA) of T4 downplays impacts on air quality stating: “The T4 project is not expected to result in any criterion exceedences on any additional days of the year”.<sup>1</sup> It defies belief that extra, uncovered coal stockpiles will not increase the amount of coal dust effecting Newcastle suburbs.

The EA only considers the impact of increased coal train movements on residencies within 20m of the rail line. However, the impacts of coal dust are likely to extend far beyond this area.

The guidelines used by the EA are out-dated and fail to account for the findings of recent health studies which demonstrate that total suspended particles (coal dust) are of greater detriment to human health than when the T4 guidelines were put in place.

Fundamentally, the **precautionary principle** must be applied to potential health impacts caused by the T4 proposal. Approval should not be allowed until a more conclusive health and air quality study is undertaken for the Newcastle LGA.

## **Failure to remediate contaminated T4 site**

There is no plan to fully remediate the heavily contaminated T4 site. The T4 proposal will therefore cause the leaching of existing toxic material into groundwater and surrounding surface waters via a ‘squeezing effect’. The result will be pollution of both the neighbouring (National Park and RAMSAR listed) wetlands and the Hunter River.

## **Dredging operations pollute water and damage marine ecosystems**

An increase in shipping will negatively impact harbour water quality with sediment disturbance (some of it contaminated), release of bilge water, more antifouling agents, chemicals and oil spills, and dumping of debris. It will also reduce access for other harbour users and increase the risk of introduced species.

The T4 proposal requires the realignment of the banks of the South Arm of the Hunter River and construction of a ‘turning circle’ or ‘swing basin’ to accommodate the world’s largest ships. The proposal also requires dredging of the South Arm of the river from its natural depth of 2-4m to 16.2m with 17.8m deep shipping berths along each bank.

The dredging will have massive impacts including the removal of aquatic habitats and impacts on estuarine habitats via changes to tidal hydrodynamics and salinity. Also, it has the potential of creating stagnant deep holes, altering currents, causing riverbed erosion and releasing pollutants that are currently trapped within the bottom sediments.

---

<sup>1</sup> PWCS T4 development, Air Quality report, Volume 1, p 243

The area that will be dredged has changed significantly after the State Government gave the dredging approval. PWCS must apply for a new license for dredging, given that the proposal for dredging has changed significantly.

### **Social and Economic Impacts on Newcastle and Lower Hunter**

Once construction has ended, the new T4 will provide no additional long-term employment. Rather, T4 is likely to result in the loss of other economic activities in the port, such as tourism, fishing and other shipping activities.

T4 will increase noise and light pollution. Noise, vibrations and light pollution from onsite operations will occur 24 hours a day, 7 days per week.

T4 will cause increased traffic congestion during the construction period.

T4 will mean 22 more coal ships would visit Newcastle every week, pushing out other port users.

### **Department must not use morally corrupt and faulty reasoning in assessing impact of GHG emissions**

As evidenced by the Department's previous 2007 decision of allowing the increased throughput capacity of the existing Kooragang Coal Terminal by PWCS, the Department used morally corrupt and faulty logic to justify its decision. This same reasoning should not be applied in assessing this development proposal.

In its 2007 decision, in relation to GHG emissions, the Director-General stated:

*"While the Department recognises the significant challenges posed by global warming, it is cognisant of the fact current global demand for energy will not be abated through refusal of the proposed increase in capacity of the existing Kooragang Coal terminal. Rather, to address global warming in the medium term, a more considered and active approach must be taken at a national and international level to manage energy demands, influence energy/fuel choice through marketbased instruments and introduce and encourage less-greenhouse gas intensive energy generation. A refusal of the subject application will not address or ameliorate global warming impacts, but will prevent the economic benefits of the project from being realised."*<sup>2</sup> [emphasis added]

Such faulty logic by the Director-General attempts to shift the responsibility for such decisions onto others when the Department clearly has the power and imperative to make decisions on such matters. Although the Director-General states that "a more considered and active approach must be taken at a national and international level", this cannot absolve the Department from making a scientifically based and morally just decision at its own level. Simply put, it cannot "pass the buck". The fact remains that the faulty political system at both the national and international level has led to delay and inaction on implementing the necessary market mechanisms to see concerted action on climate change. Furthermore, the vested interest (such as that by PWCS) in maintaining "business as usual" has worked against any significant action on instigating less GHG intensive energy generation. You do not encourage less GHG intensive energy generation by supplying the worst GHG emitting fuel!

---

<sup>2</sup> Director-General's Environmental Assessment Report, MAJOR PROJECT ASSESSMENT Kooragang Coal Terminal - Proposed Increase to Throughput Capacity, April 2007,  
[http://www.planning.nsw.gov.au/asp/pdf/06\\_0189\\_final\\_pwcs\\_dgs\\_assessment\\_report.pdf](http://www.planning.nsw.gov.au/asp/pdf/06_0189_final_pwcs_dgs_assessment_report.pdf), p i

As the Stern Review revealed, climate change is “the greatest market failure the world has seen” and that “we must establish a carbon price via tax, trade and regulation - without this price there is no incentive to decarbonise.”<sup>3</sup> This was in 2006! Six years later and we may *only just* implement a price on carbon, which may or may not come to fruition, and may potentially be repealed by subsequent climate change-denying governments. This shows that we cannot absolve ourselves of responsibility both individually and collectively and at *all* levels of decision making to take concerted action on climate change ***immediately***. Such action necessarily demands refusal of PWCS’s development proposal. To continue to delay, obfuscate and absolve ourselves of responsibility for climate change is negligent and complicit in inflicting catastrophic climate change on both our own people and the world.

Furthermore, the Department attempts to justify its previous decision on the premise that demand outweighs any choice to supply. If this argument was used in regards to decisions concerning illicit drug supply, then we would have a market flooded with illegal drugs based simply on consumer demand! Just because an addict demands their fix, doesn’t require us to supply it. If we do so, we are morally corrupt by perpetuating the behaviour we pretend we are objectionable to.

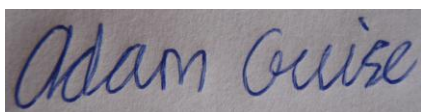
Similarly, such faulty and morally corrupt reasoning has overtones of the psychology found in those Nazi officers and sympathisers charged with war crimes and crimes against humanity in the Nuremberg Trials. Under established Nuremberg Principles, the idea that one can absolve themselves of responsibility for morally corrupt decisions is no longer valid. No longer can decision makers or participants claim that they were acting on orders or that it was not their place to refuse a decision. We are all responsible and we must decisions that reflect that responsibility, not attempt to absolve ourselves of moral culpability.

The previous Director-General’s decision displays a clear bias in favour of (short term) economic gains trumping environmental considerations. This is clearly faulty and biased, and therefore should be overturned on this basis alone. The Director-General must be cognisant of the fact that *all* economic activity is dependent on the sustainable use of natural resources. Currently, the wholesale export of CO<sup>2</sup> producing coal is unsustainable and environmentally damaging. It is, and will lead to, catastrophic climate change induced weather events and the eventual collapse of economic markets dependent on a carbon economy.

Furthermore, the Director-General takes a narrow and biased approach to economic benefits, by incorrectly privileging the economic benefits of the proponent and associated industries, over those of others (such as farmers, fishing, tourism etc). This bias towards a short term economic gain for the proponent means a long term economic loss for a whole host of other industries, and more importantly, Australia’s decreased productivity due to catastrophic climate change induced weather events such as floods, fires and droughts.

I trust that you will take my submissions on board and therefore **REJECT** the proponent’s proposal.

Yours sincerely,



[submitted electronically]

**Adam Guise** BA LLB Grad Dip Ed (Secondary)

---

<sup>3</sup> [http://neweconomist.blogs.com/new\\_economist/2006/10/stern\\_review\\_2.html](http://neweconomist.blogs.com/new_economist/2006/10/stern_review_2.html)