

6 May 2012



**Hunter Branch**

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The Director-General  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/ Madam

## **MAJOR PROJECT APPLICATION I0\_0215 - PWCS T4 PROJECT**

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The Hunter Branch of the National Parks Association of NSW (NPA) strongly objects to the proposed Terminal 4 (T4) expansion by Port Waratah Coal Services (PWCS) on Kooragang Island near Newcastle. NPA is a non-profit community organisation that promotes protection of the integrity and diversity of natural systems throughout the State and beyond. It has a particular interest in the protection of the State's biodiversity.

Our objections are based on the following grounds.

- Significant biodiversity impacts, including the removal of important estuarine and freshwater wetland habitats, themselves comprising Endangered Ecological Communities and which provide foraging and roosting habitat for the Endangered Green and Golden Bell Frog, a number of Threatened and Migratory bird species which are the subject of four international treaties to which Australia is a signatory, and a substantial population of diverse Protected fauna.
- Adverse impacts on recognised internationally significant wetland values in the Hunter River estuary.
- Loss of estuary fishery and fish nursery habitat in the T4 project area and Hunter River South Arm.
- Inadequate or simply non-existent biodiversity offsets.
- Lack of justification for loss of public land containing high biodiversity values through revocation of national park status.
- Inadequate assessment of cumulative impacts associated with increased rail services, rail haulage demand and mining operations.
- Inconsistency with Australia's Biodiversity Conservation Strategy framework (especially priority action 2) and the principles of Ecologically Sustainable Development (ESD) i.e. replacement of viable significant ecosystems and sustainable land uses with non-sustainable systems.
- Lack of recognition of environmental significance of the project area concurrent with economic significance of the proposal.

These matters are further elaborated below in response to exhibition of the proposal and information provided by PWCS in their Environmental Assessment (EA) submitted in support of their application for assessment under part 3A of the NSW EP&A Act and the Commonwealth EPBC Act.

### **General comments on the T4 project and EA**

While the EA recognises the important ecological values in the T4 project area, these are consistently understated in parts of the document, in statements such as:

*the T4 project area is mostly reclaimed land that was previously used to dispose of industrial waste and dredged material. It is a highly modified landscape dominated by bare ground, disturbed grassland and artificially constructed drainage depressions and ponds, some of which now support wetland communities and provide fauna habitat. .... There is some remnant mangrove and saltmarsh vegetation along the north bank of the Hunter River South Arm where proposed wharves and berths will be located, and along the northern and western margins of the T4 project area.*

Both the natural and modified habitats present in the project area are very important and constitute substantial areas in their own right given the depletion of these habitats types already. The EA displays a high level of arrogance towards the significant environmental values in the project area and it is our opinion that parts of the project are inconsistent with the objects of the EP&A, TSC and EPBC Acts, particularly in relation to ESD and the objective of conserving biodiversity and ecological integrity.

The fact that PWCS has contracted agreements that exceed their terminal capacity does not relieve state and federal governments of their obligations to protect significant environmental assets or values or abrogate their responsibilities under respective legislation.

### **Impacts on wetlands**

Significant areas of tidal and freshwater wetland habitats have already been lost from the Hunter River estuary to development. The ecosystem services provided by these wetlands contribute to nationally and internationally significant biodiversity values and represent sustainable land uses that maintain an economic base for dependent industries like the estuary trawl fisheries (prawn and fish). Development of the T4 project will have significant impacts on wetlands in both of these areas, some of which the EA fails to recognise or assess.

The interaction between species inhabiting the Hunter estuary and the various wetlands present in the T4 project area and broader estuary is complex. It is expected that the proposed loss of wetland habitats will result in a proportionate loss of species and it could be that threshold habitat areas for some species are lost such that they are driven to local extinction.

### **Estuarine wetlands**

Estuarine wetlands, including saltmarsh and mangrove areas provide significant fish nursery habitat and the former provides important habitat for resident and migratory shorebirds, and other waterfowl and bird species. Saltmarsh is a listed EEC in its own right due to incremental loss and depletion of suitable habitat. Given the losses already sustained in the Hunter region and elsewhere, it is simply not possible to compensate for further losses of these important habitats and we object to their further destruction in the T4 project.

### **Freshwater wetlands**

Freshwater wetlands, whether natural or artificial, provide significant ecological functions in supporting Threatened and Protected fauna and flora species and interact with estuarine wetlands in this role. Freshwater wetlands in the Hunter estuary have suffered significant losses over time due to draining and incremental development however we recognise that these wetlands in the T4 project are largely the result of landscape modifications and have a limited range of functions in this regard. We also recognise that freshwater wetlands can be created and/or restored elsewhere, in contrast to estuarine wetlands.

The freshwater wetlands present in the T4 project area do however still retain important ecological values and we object to the removal of these wetland areas unless effective compensatory habitat can be demonstrated in the near vicinity prior to any impacts.

### **Ramsar wetland values**

Australia is a signatory to the Ramsar convention and consequently has obligations to protect wetlands of international importance. Notwithstanding that the listed Hunter Estuary Wetlands Ramsar wetland boundary is several hundred metres to the north of the T4 project area, the estuarine wetlands surrounding the project area retain the same or similar values, interact with the listed wetland area in a biophysical sense and meet the listing criteria so therefore should be treated the same way for management purposes.

We strongly object to any impacts on internationally significant wetland values in the Hunter estuary and every effort should be made to protect their significant ecological values in their present location and condition. It is difficult to understand how the recent Tillegra Dam proposal was rejected on the grounds of potential impacts on these Ramsar wetlands when it was many kilometres away and this proposal will not have direct or indirect impacts that will adversely alter their ecological character.

### **Impacts on migratory shorebirds**

Australia is a signatory to four international treaties aimed at protecting and conserving migratory shorebirds throughout their international range. The Hunter estuary is a key staging post in the East Australasian Flyway that supports these migratory species. Significant areas of migratory shorebird habitat have already been lost from the Hunter estuary and continue to be lost through impacts from incremental development and other human induced environmental changes.

We strongly object to the undermining of these treaties through the proposed further removal of substantial areas of migratory shorebird habitats from the Hunter estuary from the proposed T4 project. Our colleagues at the Hunter Bird Observers Club have invested countless hours in the measurement and management of populations of these species in the Hunter estuary over many years and demonstrated an ongoing decline in numbers. Australia has an international obligation and can play an important role in the long term survival of these species through protection of their habitats.

In particular, we request no further loss of natural estuarine habitats, that is, those north and west of the existing rail corridor, and adequate compensation for loss of other habitats by way of demonstrated effective habitat creation and/or restoration in the near vicinity prior to any impacts occurring in the project area.

### **Impacts on the Australasian Bittern**

The Australasian Bittern is listed as an Endangered species under both State and Commonwealth legislation and this species resides in the project. We object to the removal of Australasian Bittern habitat, which further threatens the status of this species.

### **Impacts on waterfowl and other protected fauna**

In addition to the presence of Threatened species, the T4 project area supports significant numbers of Protected fauna which will be lost on a proportionate basis by the proposed removal of habitats present unless suitable compensatory habitat can be provided prior to any impacts occurring.

### **Impacts on Green and Golden Bell Frog**

The Green and Golden Bell Frog is in serious decline across its habitat range. Kooragang Island provides the last remaining stronghold in the Hunter for this species, with the recent local extinction in the '2HD ponds'. We believe that further habitat loss and fragmentation by the T4 project will place this nationally listed threatened species under further serious threat of

extinction in the region, particularly in the area to the north and west of the existing rail lines where rail expansion is proposed.

We recognise that management of this species is identified as a key issue for the T4 project in the EA, and we share the conclusion of the EA that impacts on this species from the proposal will likely be significant. Rather than relying on an 'intuitive assessment of potential habitat' we agree that a precautionary approach should be adopted to the protection and management of this species in the project area to safeguard against its potential extinction and ensure its survival however there is no guarantee that the proposed mitigation and offset strategies will be successful. The removal of all known breeding habitat for the Green and Golden Bell Frog in the project area in stage 1 as proposed is a highly unacceptable approach and effective compensatory habitat should be demonstrated prior to any contemplation of impacts in known habitat areas.

### **Impacts on ecological corridors**

The EA recognises the significance of the Lower Hunter Biodiversity Conservation Corridor and its presence in the T4 project area, however the assessment fails to address the impacts on this important ecological corridor. The proposed offsets can in no way compensate for the continuing loss of habitat area in the Hunter River estuary.

### **Inadequate or non-existent biodiversity offsets**

We do not believe that the proposed impacts on natural systems in the Hunter estuary as proposed by the T4 project can be reasonably offset under any circumstances given their specificity and location. The loss of substantial areas of natural estuarine wetlands potentially seriously compromises the resilience of these systems and their ability to support both species numbers and species of conservation significance. Both the area of habitats and natural ecological gradients over time provides the diversity and subtle but important differences in habitat quality that allows the range of species to remain viable in this location.

The mere concept of attempting to provide suitable compensatory habitat for species elsewhere in their range totally undermines the principles of biodiversity conservation and management and demonstrates the shallowness of the proposal. We do not agree with the proposed Biodiversity Offset Strategy however if the project was to proceed, it is essential that effective offsets can be demonstrated prior to any impact being allowed.

### **Ellalong Lagoon**

Ellalong Lagoon is already a recognised freshwater wetland habitat some 40km from the T4 project area. While protection of this wetland is warranted, it will in no way compensate for impacts in the Hunter estuary proposed in relation to the T4 project. In any case, Ellalong Lagoon does not provide equivalent habitat or drought refuge as it has different wetland characteristics and dries out during drought. Green and Golden Bell Frogs are thought to be long gone from this location and this proposal is an over simplification of the application of the principles of habitat compensation.

### **Hunter estuary offset area**

Although we are sceptical of the likely feasibility of successful impact compensation in relation to the T4 proposal, it cannot be evaluated in any case unless a location is identified. The absence of a firm proposal or location undermines the transparency of the planning process and given the significance of the project we cannot agree to it on this basis.

### **Impacts on fishery values**

Fisheries everywhere are under significant and increasing pressures. Direct and indirect impacts on estuary fisheries are recognised in the EA however the assessment of the socio-economic impacts on commercial fishers is superficial and inadequate in relation to impacts from the T4 project. Further, the loss of fish nursery areas through the proposed removal of estuarine wetland habitats has not been taken in account in assessing fishery impacts.

While small in economic terms relative to coal exports the commercial and recreational fishing sectors represent a sustainable land use and local economic driver. Additionally, species that breed in the Hunter estuary and migrate to the ocean support these industries elsewhere. The contribution of fish nursery grounds that are proposed to be lost in developing the T4 project should be assessed in the project EA and the loss of these values should be considered in the project mitigation measures. It is our preference that no further loss of fishery habitat values or economic potential occurs in the Hunter estuary.

### **Relocation of utility services**

We strongly object to the further loss of estuarine wetland habitats on the northern side of the project area for the proposed relocation of utility services. Alternate options for relocation of these services that do not impact on estuarine habitats should be sought, such as along the already disturbed north bank of the Hunter River South Arm.

### **Cumulative impacts**

We believe the T4 project seriously understates and underestimates cumulative impacts in the area. In particular, impacts on wetland ecosystems are likely to be cumulative and this has not adequately been taken into account in the EA.

### **Triple bottom line assessment—socio-economic vs. environmental justification**

It is inconceivable that a project with a \$5 billion price tag and such significant identified impacts on recognised conservation values could be justified on the basis of no increase in employment in its operational phase. There are also the additional cumulative environmental and social impacts of upstream infrastructure demands, air quality impacts, agricultural land impacts, ground and surface water impacts and biodiversity impacts. Surely this proposal does not meet the principles of ecologically sustainable development espoused in the objects of the EP&A and EPBC Acts that have been established to guide development planning in NSW and Australia.

The EA clearly presents a case for continued industrial development on Kooragang island and ignores the alternatives for a balance of heavy industry and long-term sustainable commerce from industries, such as the commercial and recreational fishing sectors, and the protection of high value ecosystems. The forced resumption of public land from protected conservation status to allow the scale of industrial development proposed in the T4 project is in no way justified in our view.

### **Consultation**

It is evident that the EA has been in preparation for some time and states that ‘a comprehensive stakeholder engagement strategy has been used to identify and engage relevant stakeholders’, including ‘community and special interest groups’. NPA is a peak environmental organisation in NSW with a branch in the Hunter. It is disappointing that the consultation process has been deficient in representing the views of NPA and similar views from our colleagues with an interest in conserving our significant natural heritage.

### **Recommendations**

This proposal is of major environmental significance to the Hunter River estuary and Hunter Region for generations to come. Apart from direct impacts in the vicinity of the coal loader itself, there will also be wider impacts in the region due to the cumulative impact in the scale of coal throughput, rail haulage and mining that the project is designed to facilitate. This will greatly increase the potential for irreversible degradation and loss of river, groundwater, agricultural and biodiversity resources, whilst also diverting investment in the region away from industries and infrastructure that would provide an alternative long-term sustainable economic base.

If the T4 project is approved we strongly request inclusion of conditions that limit the development footprint and mitigate its impacts as follows:

- Ensure no further impacts on estuarine habitats on the western and northern side of the project area, that is, the project footprint be limited to the existing extent of the rail corridor in the north and west, and re-gazette the revoked area of Hunter Wetlands National Park to its former status in recognition of its internationally significant environmental values.
- Retain or adequately compensate for the loss of (artificial) freshwater wetland habitats in the T4 project area through demonstration of effective habitat creation or restoration prior to any impacts occurring. The current proposal to secure Ellalong Lagoon 40 km away as compensation for this loss is grossly inadequate and the lack of a firm proposal or location for compensation of impacts in the Hunter estuary undermines the transparency of the planning process.
- Relocation of utility services in locations that do not result in further impacts on estuarine habitats (construction or operational).

Yours faithfully



Ian Donovan  
**President, Hunter Branch**  
**National Parks Association of NSW**