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Abbot Point Growth Gateway Project
Department of State Development
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To whom it may concern

Re: Abbot Point Growth Gateway Project (EPBC 2015/7467)

This submission is made on behalf of North Queensland Conservation Council (NQCC). NQCC is the regional conservation council in the state network of such councils. NQCC covers the area from Bowen to Cardwell and from the Reef to the NT border. It has been an active voice for the environment since it was established in 1974. It became an incorporated association in 1984.

Within this submission, the Abbot Point Growth Gateway Project is referred to as 'the Project' or as 'EPBC2015/7467'.

The submission focuses largely on the Consequential and Cumulative Impact Assessment provided as Chapter 6 of Volume 2 of the Environmental Impact Statement (EIS) for the Project.

Requirements of the EIS in relation to impacts

Under Schedule 4 of the Environment Protection and Biodiversity (EPBA) Act Regulations 2000, the EIS prepared for this project must address 'how the action relates to any other actions (of which the proponent should be reasonably aware) that have been, or are being, taken or that have been approved in the region affected by the action'.

Section 527E of the EPBC Act defines what events or circumstances constitute impacts.

Notably, s527E is not 'locationally constrained'; when referring to 'other actions' it makes no reference to either 'region' or 'vicinity'.

In contrast, the CIA in the EIS for the Project constricts analysis to 'the region' or 'the vicinity'. Neither are defined, although it is apparent that 'the vicinity' is seen to apply to an area smaller than 'the region'.

NQCC contends that, by differentiating between 'consequential' and 'cumulative' impacts, and thereafter excluding consequential impacts from the cumulative impact assessment, the EIS has not adequately addressed the impacts of the Project as required under the Act. Consequential impacts are an important component of Cumulative impacts.

It is important to note that cumulative impacts and cumulative impact assessments are identified as vitally important issues in both the Strategic Assessment for the GBRWHA undertaken by the Federal and State governments at the request of UNESCO's World Heritage Committee. They are also seen as having great importance in the Long Term Sustainable Plan (LTSP) for the Reef (Reef 2050').

For example, Cumulative Impact Assessment is mentioned in every chapter of the Strategic Assessment, and the LTSP (p.11) notes: It was particularly noted that the capacity to address cumulative impacts requires additional effort.

The Great Barrier Reef Marine Park Authority's 'Great Barrier Reef Region: Strategic Assessment in Brief' document notes (p.8):

There is increasing evidence the Reef's resilience is being lost.... This loss of resilience cannot be attributed to any single cause, but is almost certainly the result of cumulative impacts, many of which are human in origin.

The accumulation of impacts, through time and over an ever-increasing area, is diminishing the ecosystem's ability to recover from disturbances. This is a key concern given resilience is the Region's insurance against future climate change-related pressures.

The LTSP (p.6) states:

In the northern third [of the Reef, identified as north of Cooktown] the ecosystem is in good condition, while in the southern two-thirds, cumulative impacts have resulted in deterioration in some areas. Of these impacts, the Report found the effects of climate change, land-based run-off, coastal land-use change and some aspects of direct use were the most significant.

All the evidence shows that the importance of good cumulative impact assessment cannot be overstated.

Consequential Impacts

Chapter 6 (in Volume 2) of the Project's EIS is titled 'Consequential and Cumulative Impact Assessments'.

The chapter defines 'consequential impacts [an inherent component of Cumulative Impact Assessments (CIAs)] as *'those which result from further activities which are facilitated or made possible by the Project'*.

The Project EIS lists consequential impacts of the Project as:

- the North Galilee Basin Rail (NGBR) development (elsewhere, inexplicably, limited to 'the port end of the rail line');
- the Abbot Point T0 development;
- the increased shipping resulting from the T0 development; and
- the Carmichael Mine development.

This is a very truncated list.

It is further truncated by limiting the consideration of the NGBR to 'the port end of the rail line'. Such an approach makes no sense. The mine/s and the port require a rail line to be constructed extending from one to the other/s. It is necessary to consider the impact of this rail *in its entirety*.

NQCC notes that the list is truncated despite the fact that the Project EIS itself

acknowledges the potential existence of a much larger list of consequential impacts, as evidenced by the following statement in the Executive Summary of the EIS (p.16):

*'Over the short-term this relates to direct benefits associated with the Project, while over the longer term opportunities relate more to the flow-on effects from the Project providing access to **coal mining in the Galilee Basin** [emphasis added].'*

It is clear that the additional related impacts of the Project extend to the opening of the Galilee Basin to coal mining.

At least some, if not all, of these additional (but not considered) consequential projects, such as the proposed China Stone mine, Alpha mine and Kevin's Corner mine for which detailed information is available, are undeniably consequential impacts in that they would be 'facilitated or made possible by the Project'.

Consequential impacts are an essential component of any CIA; to the extent that relevant consequential impacts have been ignored, any resultant CIA is incomplete and inadequate.

Not only does the EIS limit the list of 'consequential' impacts, but it concludes:

The NGBR, Abbot Point T0 and Carmichael Coal Mine and Rail projects have all been subject to environmental assessment under Australian and Queensland environmental legislation and have been approved with conditions to manage and protect matters of national and State environmental significance. Where significant residual impacts are predicted for MNES, offset actions have been conditioned for affected matters. Approval of the projects, subject to conditions, indicates that the consequential impacts of the Project on MNES have been thoroughly assessed and determined to be acceptable.

In other words, the Proponent is arguing in the EIS that, because a number of 'consequential' impacts have been individually addressed and accepted one by one (and on the basis of untested offsets), they can be excluded from any CIA process for the Project. This exclusion ignores the fundamental *raison d'être* of Cumulative Impact Assessment, which is designed to avoid 'death by a thousand cuts'.

Furthermore, the fact that any conditions for early projects are, in effect, locked in, and unlikely to be changed merely because of a later project application – it is argued that any later projects must face a tougher assessment 'environment' than the first mover/s. In the specific case of the Project in question (EPBC2015/7467), it is also noted that, following the court case related to the 'consequential' Carmichael mine, there are now significant questions about the impact of that 'approved' and 'conditioned' project, and whether or not the 'conditions' would or could compensate for the impacts.

In relation to the argument that previous individual 'consequential' projects have been approved and conditioned, are thus seen as 'acceptable' and thereby irrelevant to the CIA for the Project in question (EPBC2015/7647), NQCC notes that:

- the CIA for NGBR referred to the Australian Painted Snipe habitat at T0 as 'not identified' (presumably because at that stage there was no plan to dump spoil from the dredging for T0 on land); and
- the CIA for NGBR identifies the impact on wetlands for T0 as 'Not applicable'.

Cumulative Impacts

It is not as if the nature of CIAs relevant to the coal industry are unknown. Back in 2010, no less relevant a body than the Centre for Social Responsibility in Mining at the

Sustainable Minerals Institute of the University of Queensland published *Cumulative Impacts: A Good Practice Guide for the Australian Coal Mining Industry*.¹ It was funded by the Australian Coal Association Research Program with in-kind support from Anglo American, BHP Billiton Mitsubishi Alliance and Rio Tinto Australia.

According to the Good Practice Guide:

Cumulative impacts are the successive, incremental and combined impacts of one, or more, activities on society, the economy and the environment. Cumulative impacts result from the aggregation and interaction of impacts on a receptor and may be the product of past, present or future activities. Cumulative impacts can be both positive and negative and can vary in intensity as well as spatial and temporal extent. Cumulative impacts may interact such that they trigger or are associated with other impacts. They may aggregate linearly, exponentially or reach 'tipping points' after which major changes in environmental, social and economic systems may follow. (p. 10)

Further:

Cumulative impacts are most often raised in the context of multiple mining operations in established mining provinces such as the Bowen Basin and Hunter Valley. However, cumulative impacts may also arise through the interaction of mining with other activities and industries, such as grazing and broad scale agriculture, and thus may arise in emerging and prospective mining regions such as the Surat, Gunnedah and Galilee Basins. In the case of coal, the heightened prominence of climate change, a cumulative impact writ large, adds a further layer of complexity. (p. 1)

Even the Project's EIS (s 6.3.1) defines cumulative impacts as:

... those that result from the successive, incremental, and/or combined effects of an action, project, or activity when added to other existing, planned, and/or reasonably anticipated future ones.

However, the list of activities considered as relevant under the CIA for the Project is limited. It also differs from that considered as 'consequential', being:

Development and associated dredging and disposal increased shipping from:

- Abbot Point T0 Project*
- Abbot Point T1 (existing)*
- Abbot Point T3 (proposed)*

The proposed NGBR project (limited to the port end of the rail line)

The Alpha Coal and Rail Development (limited to the port end of the rail line).

By not including the NGBR and the Alpha Coal and Rail Development in their entirety and the Carmichael mine the CIA fails to include what it has previously identified as consequential impacts, let alone all the other impacts it has not identified (such as underwater noise associated with the Project, the impact on the tourism industry).

NQCC contends that the Project's EIS has not considered all relevant consequential impacts and thus, *on this basis alone*, the CIA fails to appropriately identify the nature and magnitude of impacts to the relevant matters of national environmental significance.

¹ Franks, DM, Brereton, D, Moran, CJ, Sarker, T and T, Cohen. 2010. CUMULATIVE IMPACTS - A GOOD PRACTICE GUIDE FOR THE AUSTRALIAN COAL MINING INDUSTRY. Centre for Social Responsibility in Mining & Centre for Water in the Minerals Industry, Sustainable Minerals Institute, The University of Queensland. Australian Coal Association Research Program. Brisbane.

Other comments in relation to the EIS for EPBC2015/7467)

GHG Emissions

The Greenhouse Gas Assessment considered the Australian Jurisdiction GHG emissions from the construction and operation of the related upstream mine, rail and port projects. A total of 2,585,737t CO₂-e/year was estimated. Assuming a 60 year project life, the total emissions from these related projects are 232,716,297t CO₂-e. This equates to approximately 1.9% of the Queensland's annual emission.

The EIS does not propose any means of avoiding, mitigating or offsetting these GHG emissions from the Project.

Other impacts

NQCC concurs with the comments submitted by the Australian Marine Conservation Society (AMCS) in relation to: dredging; impacts on the Caley Valley Wetlands; seepage into groundwater; discharges into the GBRWHA; acid sulfate soils and other contaminants; impact on seagrass and coral; and impacts on rare and threatened wildlife.

A handwritten signature in blue ink, appearing to read 'Wendy Tubman', is positioned above the typed name.

Wendy Tubman
Coordinator