



# North Queensland Conservation Council Inc.

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Referral Business Entry Point, EIA Policy Section (EPBC Act)  
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Dear Sir/Madam

Re: **Waratah Coal Pty Ltd/Transport - water/25km north of Bowen/QLD/Abbot Point Coal Terminal Project (Reference Number: 2012/6250)**

I am writing on behalf of North Queensland Conservation Council (NQCC) in relation to the above-named matter.

## **Summary**

In light of the existing referrals for the MCF and T4-T9, NQCC contends that the Minister has grounds to be satisfied that an additional export facility of this size (240mtpa) will have unacceptable impacts on MNES, including the Great Barrier Reef Marine Park, and, consequently, should use his power in s.74B of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to refuse the project outright.

Should the Minister not be satisfied at this stage that the impacts are unacceptable, NQCC contends that he should request additional information about the cumulative impacts on MNES of this, and other, projects at Abbot Point and the Galilee Basin projects. No Ministerial decision should be made until such information has been made available and assessed and until the March 2012 UNESCO mission and the Federal government's associated strategic assessment of the GBRWHA are complete. NQCC contends that the Minister's decision must consider the impacts of the anticipated extraordinary increase in ship movements through the Great Barrier Reef.

If the Minister proposes to make a decision on the referral now, it is NQCC's opinion that he should determine that it is a controlled action; that controlling provisions include:

- world heritage properties
- national heritage places
- listed threatened species and communities
- listed migratory species
- Commonwealth marine areas; **and**
- Great Barrier Reef Marine Park;

and that the appropriate assessment approach is a public inquiry, or Public Environment Report or EIS.

## **Unacceptable impacts on MNES**

NQCC notes that the project involves significant construction in, and permanent use for extractive industry purposes of, a significant area of the GBRWHA; an area that is also feeding and/or breeding habitat for faunal species specifically mentioned in the 1981 World Heritage Nomination material prepared by the IUCN, namely species of dugong (*Dugong dugon*), Green (*Chelonia mydas*) and Loggerhead (*Caretta caretta*) turtles. On this ground alone the project should be deemed unacceptable.

We further note that:

(a) that the proponent has, in their Initial Advice Statement (IAS), referred to the project as the 'Abbot Point Stand Alone Jetty Project' and stated in their referral document that the project is **not** a component of a larger action. Despite this title and this declaration, the proponent's IAS includes the statements:

*Waratah Coal (the Proponent) is seeking to establish a new coal terminal at the Port of Abbot Point. **The proposed coal terminal includes a new rail spur from the China First rail line and balloon loop, new coal stockyards, out loading conveyors, trestle jetty, ship loaders and berth arrangement...** (IAS p.8, emphasis added), and*

*Waratah Coal is investigating the feasibility of this project to provide **additional export capacity** of 240 Mtpa to the China First Project, the Alpha North Project, Alpha West Project and Styx Coal Project, **in addition to project proposed by other proponents in the Galilee Basin** (IAS, p.8, emphasis added))*

making it clear that the jetty is in fact part of a larger terminal, which is itself part of a much larger mining operation; and

(b) that the proponent refers to the project to as 'an alternative to the proposed MCF and T4-T9 Coal Terminal projects currently being considered by NQBPC', when, in fact, the project is an **addition** to the proposed MCF and T4-T9 projects and to the T0, T2, and T3 projects (EPBC 2011/6213).

The above points demonstrate that the broader impacts of the project will exceed those associated with the project referred to in the documents provided by the proponent and need to be taken into account in any assessment.

## **Information on cumulative impacts required before a decision is made**

Should the Minister not deem the project to be unacceptable, NQCC requests that any decision on this proposal be postponed pending (i) the imminent, UNESCO mission and proposed Strategic Assessment of the management of the Great Barrier Reef World Heritage Area (GBRWHA), and (ii) the outcome of the resolution of proposals for the Galilee Basin, which the current proposal would be constructed to serve.

## **Controlled action requiring assessment by PER/EIS – GBRMP to be an additional controlling provision**

Should the Minister not deem the project to be unacceptable and not postpone a decision until after the UNESCO mission and the outcome of the Strategic Assessment

and the resolution of the Galilee Basin issues, NQCC agrees with the proponent that the proposed action be deemed a controlled action.

We disagree however that the controlling provisions be limited to those identified by the proponent. We contend that the Great Barrier Reef Marine Park must also be a controlling provision because the close proximity of the proposed construction to the Great Barrier Reef Marine Park (GBRMP), approximately 500 metres, suggests a strong likelihood of an impact on the GBRMP. This likelihood is increased by various statements included in the proponent's IAS, including:

*Construction of the coal terminal infrastructure could lead to loss of soil through increased erosion from exposed soils where the construction alignment intersects erosive or dispersive soils.*

*Some soils at the coal terminal have high salinity, due to the periodic inundation and saturated soils. This results in poor plant growth and greater potential for erosion. (IAS pp.41-2)*

*Excavation in areas where ASS has been identified for the support of the coal conveyor system such as piling may require the excavation of significant quantities of ASS requiring treatment. Additionally, since sections of the coal conveyor alignment are to be constructed through the tidal mud flats, there may be the requirement to dewater excavations for the support of the conveyor structure. The potential impacts associated with dewatering with ASS areas include:*

- water table drawdown resulting in oxidation of Potential Acid Sulfate Soils (PASS) in areas surrounding excavations and resultant leaching of acidic groundwater with elevated metals concentrations*
  - discharge / recharge of acidic water*
  - discharge / recharge of groundwater with elevated metal concentrations.*
- (IAS, p.42)*

The potential impact of the proposed development on the GBR is further manifested by the fact that, as we understand it, Capesize vessels are preferred for coal export. Capesize vessels have a capacity of about 150,000 tonnes of coal. So 240mtpa would require approximately 1600 vessels, equating to an additional 3,200 ship movements through the GBR each year.

In short, the controlling provisions should be:

- sections 12 and 15A (world heritage properties)
- sections 15B and 15C (national heritage places)
- sections 18 and 18A (listed threatened species and communities)
- sections 20 and 20A (listed migratory species)
- sections 23 and 24A (Commonwealth marine areas)

**and**

\* sections 24B(2) and 24C(5) (Great Barrier Reef Marine Park).

In light of the size of this project, any assessment approach should be public inquiry, public environment report or EIS.

Yours faithfully

Wendy Tubman  
Coordinator