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Comments from North Queensland Conservation Council on:

Proposed Abbot Point Port and Wetland Project at the Port of Abbot Point, North Queensland (EPBC2014/7355) and

Proposed Abbot Point dredging and onshore placement of dredged material at the Port of Abbot Point, North Queensland (EPBC2014/7356)

North Queensland Conservation Council (NQCC) asks that the following comments be carefully considered in relation to the above two referrals (EPBC2014/7355 and APBC2014/7356). A regional conservation council, NQCC represents the area of Queensland in which Abbot Point is located.

This submission focuses on the 'inorganic' aspects of the assessment: the timing and absence of vital assessment material; the cumulative impact assessment; the risk analysis undertaken; and comparison of findings in the preliminary documentation with those of the PER/SPER.

I understand that other submissions will comment on the quantity and quality of other issues.

Lack of time for consideration of material

Firstly, NQCC is very concerned about the very limited amount of time provided to the public to have input into the preliminary documentation related to the two referrals, and queries whether this is in breach of the purpose and intent of the process established under the EPBC Act. While the issue of expansion of the port at Abbot Point has been on the agenda for some time, these two proposals (especially that for onshore dumping) has never been the subject of close and rigorous analysis. Given the

size of the proposed development and the importance and fragility of the area in which it is located, time for detailed assessment should have been assured.

The determination of the proponents, the current state government, to rush this proposal through is unjustified on environmental and economic grounds. There is no urgent imperative for work to proceed, especially given the fact that the user of the port (Adani) has not yet reached financial closure on the mine linked to this port terminal and is simultaneously facing a long-term decline in the coal market. There is also no means by which any coal could be transported to the port. And there is no evidence as to why the Queensland taxpayer should now subsidise this previously private venture.

The threats to the surrounding, highly valued, environments (non other than the UNESCO-listed GBRWHA and the nationally important and Ramsar criteria-reaching Caley Valley wetlands) make rushed assessment totally inappropriate.

Haste at this time may lead not only to technical problems but also to the people of Queensland having to pay for an expensive white elephant – with the associated serious drag on the Queensland and thus Australian economies.

Apparent concurrence with other State government plans and policies is also no reason for construction of this port development, let alone for a rushed and inadequate assessment process.

Incompletion of work required for proper analysis and assessment

Much of the material necessary for full and proper analysis of this major project is still to be completed. As a result, rigorous assessment is impossible.

The ‘conditioning in’ of essential documents (such as the Environmental Management Plan and the dredge stormwater management plan to name but two) is not acceptable as it removes these critical documents from full assessment by the community. Again, this draws into question the extent to which the processes established under the EPBC Act would have been followed if the assessment were to be based on current documentation.

Lack of substantiation of claims

The preliminary documents are heavy with unsubstantiated claims. It is imperative that any claim on which a decision for approval (or otherwise) is based is supported by expert, independent evidence. This lack of evidence runs throughout the preliminary documentation – from survey data on bird numbers through to explanation of the CIA process.

Inadequacy of cumulative impact assessment

Despite the recognition within government circles of the importance of cumulative impact assessment (see, for example, the GBRWHA Strategic Assessment and the Reef 2050 Long-term Sustainability Plan), the dated 'voluntary' CIA prepared by the previous proponent and the then group of potential port users and now used for the current two proposals is unacceptable.

The use of this CIA for the two current proposals makes no sense: The volume and means of dredging have been changed, there is a proposal that the timing of dredging be changed, and the location of the disposal site has changed. The separation of what is essentially an intrinsically linked proposal into these two proposals makes no sense. Effectively, one is to pick the spoil up, the second to put it down.

Regardless of that major issue, the 'voluntary' CIA was a very limited CIA both in relation to the PER Guidelines and in relation to what is regarded by experts as 'best practice'. Indeed, the wording in the CIA suggests that even the proponent did not really see it as a CIA, stating "*The Assessment is intended to provide a comprehensive platform of environmental information to assess potential cumulative impacts on [MNES] and World Heritage values and the develop a framework for joint management, mitigation and monitoring*". In other words, it provides data and information that could (possibly) be used to conduct a CIA but it is not in itself a CIA.

The CIA took into account T1, T0, T1 and T2 and associated rail and the dredging. In contrast, SEWPaC noted 9 major developments '*currently under consideration in the region in addition to those included in the CIA*'. Even this expanded list is not complete in terms of what should have been included in a CIA.

In the current situation, it is known that the project will grow – with the port development planned to reach as far west as Mt Luce. This known future development is not included in the CIA. Nor is the railway line on top of the proposed embankment. Nor is the anticipated development in the Abbot Point State Development Area, in which much of the current project would occur. How can a CIA be conducted when not even the size of the dredge, which will have a significant impact on the timing of the dredging and thus a significant impact on the environment, has been determined?

CIA's should cover not only all the related projects but also the impacts over time. Yet the dated voluntary CIA now relied upon for the current projects notes '*the [CIA] framework delivers conservation objectives and environmental outcomes as port development continues beyond what has been assessed in the [CIA]...*'. [Emphasis added]

The Ecological report states '*the CIA report considered impacts at an individual level, as well as in a combined sense (where this was possible with existing data) for all matters of ... [MNES]*'. In other words, it relied only on existing data. It goes on to state that '*The concepts of additive and synergistic impacts were picked up in the process*' but does not explain how this was done.

It continues further, saying '*It is important to note that limitations in the understanding of ecosystem processes and species behaviour often makes a detailed analysis of long term synergistic effects difficult*'. This lack of understanding appears to have been an

excuse for the proponent not attempting to address synergistic effects. No additive/synergistic impacts were calculated for whales, turtles, dugong, dolphins, the Black-throated finch, the Red goshawk, the Squatter pigeon, Striped delma, Yakka skink, Koala, Northern quoll, the listed threatened flora, SEVT, shorebirds, the Australia Painted Snipe, other migratory species or the saltwater crocodile.

Four experts were involved in the voluntary CIA – specifically in: understanding the MNES values at AP; identifying conservation objectives, analysing potential impacts that could arise, analysing avoidance, mitigation, management and offsets measures, providing input to monitoring approaches. Nowhere did they assist in assessing synergistic impacts. Indeed, there is no information on how the cumulative impacts were developed, by whom, and under whose peer review.

Failure to include all impacts and to appreciate the interaction between such impacts furthers the inadequacy of any CIA. The voluntary CIA undertaken for AP and relied upon in the current proposals, fails on all counts.

The CIA on which this new project is based was always inadequate. It is now irrelevant in that the project has changed considerably.

Not included in the CIA is adequate baseline data – nor (for example) the plans to turn the 16,885 Abbot Point State Development Area (part of which is the Caley Valley wetlands) into a site for heavy industry, with its own road and infrastructure network. The precinct is intended to provide for the establishment of industrial development that is of regional, State or national significance. Large scale, large plant footprint industrial development, requiring large undeveloped sites is generally to be encouraged, including: mineral and resource refining and processing, chemical and industrial material manufacturing, metal product manufacturing and processing.

To avoid ‘death by a thousand cuts’ (the purpose of CIAs) all known and planned developments likely to add to the pressures on the local environment must be considered – as must their additive, cumulative and synergistic qualities. This has not happened in the current proposals.

Risk analysis

The risk analysis included as Appendix 17 to Volume 4 of the preliminary documentation, ‘Risk Analysis of dredged material containment’, refers to ‘lessons learned from other recent dredging land reclamation projects’, but fails to either identify the projects or document the lessons learned.

Appendix 17, starts off, somewhat alarmingly, with the words ‘This memo documents the risk analysis undertaken for the proposed ponds at Abbot Point...’. Was the risk analysis worthy of merely a ‘memo’ – or is there additional material that was not provided to the community?

It is also disconcerting to note that ‘The assessment presented should not be considered as a full safety in design review and does not document risks to

construction and operational personnel'. This concern is heightened when the person in charge of the project has said that 'the faster the work is done, the greater the environmental impacts and the safety impact' (M. Schaumburg, 15.12.14 stakeholder mtg). Are we looking at another pink bats in the making?

According to Vol 4, App 17, the risk management process was consistent with AS/NZS 4360:2004. This 2004 document has been superseded by AS/NZS ISO 31000:2009. Why was this updated standard – the standard used in the GBRWHA Strategic Assessment – not used?

The analysis includes a number of curious claims that are not substantiated; for example, 'There is no reported or known habitation down-gradient of the containment ponds and hence there is no population at risk'. This is despite the later comment that the land slopes from the NE to the SW and the majority of the wetlands lie to the SW.

There is no indication of how the risk levels were identified or who was involved in the identification (p.9, A17), although it is noted that, of the 12 documentation/ data/guidelines considered in the assessment, 8 were Government- based and the balance were from consultants used in the project proposal development.

Not one of the 32 scenarios considered (not even an earthquake) was deemed to rank above a moderate level of risk (Moderate defined as 'An event creating substantial temporary or minor permanent damage to the environment such as a reportable incident. Not likely to result in prosecution or adverse publicity' and with a financial impact of \$2.5–10 million or more).

Not one of the 32 scenarios considered had a residual risk greater than 'low' [Note: the risk analysis appears to use the word 'low' and 'minor' interchangeably]. 'Low'/'minor' in relation to environmental impact are defined as 'An event having temporary and minor effects on the environment, such as a non-reportable environmental incident, e.g.: a minor oil spill. Financial impact between \$50k and \$500k.

The interpretations of 'moderate' and 'low' differ greatly from those used in the GBRWHA Strategic Assessment, as the following table demonstrates. The PD definitions tend to 'downplay' the significance of environmental impacts.

Consequence	GBRWHA Strategic Assessment		Preliminary Documents (App 17)
	Broadscale	Local scale	
Moderate	Impact is, or would be, present at a wider level. Recovery period of 5 to 10 years.	Impact is, or would be, extremely serious to the condition of a value and possibly irreversible over a small area. Recovery periods of 10 to 20 years likely.	An event creating substantial temporary or minor permanent damage to the environment such as a reportable incident. Not likely to result in prosecution or adverse publicity' and with a financial impact of \$2.5-10 m.
Minor	Impact is, or would not be, discernible at a wider level, impact would not impair the overall condition of the value, including sensitive populations or communities, over a wider level.	Impact is, or would be, significant to the condition of a value at a local level. Recovery period of 5 to 10 years likely.	An event having temporary and minor effects on the environment, such as a non-reportable environmental incident, e.g.: a minor oil spill. Financial impact between \$50k and \$500k.

The report (A17) notes that the risk analysis undertaken 'has been limited to the environmental and infrastructural consequences of failure of the operational dredge material containment facility'.

There appears to be no consideration of the risk to the GBRWHA in the risk analysis.

Two scenarios were assessed for risk: (a) with maximum water in pond, and no water downstream; and (b) with maximum water in pond, and no water upstream. Why was the risk of maximum water everywhere not assessed (especially as it is proposed that the ponds be constructed during the peak rainfall season in the tropics).

Again, all the residual (post controls) risks identified were rated as 'low' – even for seepage from what will be unlined ponds or for an earthquake.

The 'Treatment Plan' to prevent and correct 'excessive vertical seepage' resulting from 'normal operations' impacting on 'embankment stability' (a medium risk) is to be modified to low risk largely by conducting groundwater movement modelling and maximising the use of natural low permeability strata'. Given that the sites for the ponds have already been established, the capacity to change to areas with different groundwater movement and/or use low permeability strata is limited – and may not be achievable. What is the fall-back position here?

It is noteworthy that 'vertical seepage' is not considered in terms of impact on the environment, only on bank stability.

Of relevance given the speed with which this project would be implemented (compressing of the 'normal' 18 week period to 8-10 weeks; M. Schaumburg, 15.12.14 stakeholder meeting), is the comment in Appendix 17, 'Poor operations and deposition practices can ... be a contributing causal factor [to collapse of the pond embankment]'

Comparison with the findings in the PER

A comparison of the preliminary documentation (PD) and the original PER/SPER for the expansion of Abbot Point makes for interesting reading.

- In the Multi-Criteria Analysis (MCA) undertaken for the PER, onshore dumping in the Caley Valley wetlands was assessed as the worst option on the list considered: In the PD it has suddenly become the best option.
- In the PER, PASS was a major reason why dredge spoil could not be dumped on land: Now that is no longer a problem.
- In the PER the costs of dumping on land were labelled as prohibitive: Now the dredging and onshore dumping together would be just \$150 million.

The discrepancies between the two documents draw into question the accuracy of the current claims as to lack of environmental damage.

Summary

NQCC is concerned that the information provided in the preliminary documentation is insufficient to assess the proposals to the rigorous standard required.

It is also concerned about the lack of time for the community and for departmental staff to seriously consider the impact of the proposals.

Furthermore, many claims made in the documents provided are not substantiated or are inaccurate. In many cases they directly contradict claims made in the PER/SPER.

We have specific concerns with the CIA and risk analysis undertaken for the proposals. We understand that others have similar concerns with the more 'organic' aspects of the work.

We reiterate our position: This major development proposal in one of the most important yet fragile environmental areas in Australia is being rushed through the assessment process with undue haste when there is no (other than political) rationale for such haste.

Again we ask: Are we looking at pink bats for a white elephant?



Wendy Tubman
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