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for the seven new wharfs of Mayfield.

Submission to oppose the approval of Port Waratah Coal Services application for

a new Coal Loader known as T4 on Kooragang Island and Mayfield North

TO: Rebecca Newman, Senior Planning Officer

NSW Department of Planning & Infrastructure, rebecca.newman@planning.nsw.gov.au

<u>WE oppose</u> the approval of the PWCS T4 Coal Loader (application Number 10_0215) for the reasons set out below.

We declare that we have not made a political donation related to this project.

1. Background. Our Group was formed in late 2010, and after 3 public meetings attended by the members of the local, and surrounding communities, in numbers of approximately of 100, 200+, and 200+ respectively. We now have about 550 members and supporters.

Lack of Resources.

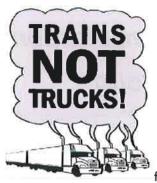
Like many Community Groups we struggle to respond to new issues around Planning, Sustainability and the Environment.

We are all volunteers.

Some of us work full time; and some have a heavy load of domestic responsibility - either with Children; or at the other end of the spectrum, as part time or full time carers of infirm and / or aging relatives.

We have no Office infrastructure, and have very little resources – Cash or Otherwise.

In the case of CPCFM I am currently the full time carer of my wife who is significantly disabled. Fortunately for us she will make a good recovery – but it will be slow. So my time for Community work is very constrained



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3. NCP Concept plan for 7 new wharfs at Mayfield

Our initial concerns in 2010, when we formed, were the <u>impacts</u> that would flow from the <u>Newcastle Port Corp (NCP) Concept plan for 7 new wharfs</u> on part of the old BHP lands at Mayfield.

a. Our particular concerns were that there was no genuine and realistic provision for land transport for all the goods, materials, and containers – projected by NCP at 1,000,000 Containers PA. which would go into and out of these proposed 7 new wharfs, except by road transport.

Our calculations and assessments were that the <u>Local Road system would fail – Particularly Industrial Drive at Mayfield and in adjoining suburbs.</u>

These assessments were supported by Newcastle City Council (NCC), which came to the same conclusions, in submissions it lodged to NSW Planning in response to the NCP Concept Plan.

We called for that Concept Plan not to be approved until realistic Land transport provisions were worked out.

No decision has yet been made by NSW Planning on the NPC Concept Plan approval.

b. In particular, we called for:

a new goods rail line to be constructed along the edge of the Southern arm of the Hunter River from Hexham to Carrington.

Newcastle City Council passed a unanimous resolution in 2011, also calling for the building of the same goods rail line.

NSW Greens have adopted the same rail line plan as part of their policy

We see this goods rail line to be part of, and a natural extension to, the <u>Goods freight rail line</u> <u>bypass in the lower Hunter</u>, that has been identified and called for by many plans and studies over the last 10 to 15 years.

Several routes and destinations have been suggested, and one frequently mentioned is the Fassifern to Hexham bypass.



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4. Part of the T4 rail proposals would fit "hand in Glove" with these new goods rail proposals, but they appear to have been developed in complete disregard and isolation from them.

So who is looking at cumulative impacts, and the possibility of coordinated efforts for new rail infrastructure?

Certainly not PWCS

5. New Issues

As a result of the actions referred to above by our group, in 2011 and 2012, we have been asked to get involved with several other proposed developments such as:

Marstel Diesel Fuel Storage & Distribution Tank Farm at Mayfield;

and matters of environmental concern such as:

ORICA KI and its 4 chemical spills since August 2011.

6. We have developed the position that what our group needs to do is to work hard

<u>"TO KEEP US ALL SAFE – IN THE WIDEST SENSE OF THOSE WORDS".</u>

7. No New Coal Loaders in Newcastle

a, At our 3rd Public meeting in Oct 2011, attended by 200+ community members, we had a speaker's panel of 6. They included:

Two of our members who spoke about the PWCS T4 proposal; and other developments around Newcastle Port;

NCC Councillor Tim Crakenthorp who spoke about the Council Resolution calling for the Hunter River goods train line referred to above;



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The Managing Director of Hunter Ports (one of Nathan Tinkler's Companies) who spoke about their proposal for a new Coal Loader in Mayfield, adjoining the NPC Concept plan for 7 new wharfs(which was know to locals as Tinkler's T5);

And Tim Owen AM MP, State member for Newcastle – whose topic was dust monitoring.

In the course of his address and Q & A, Tim stated that T4 would go ahead.

That was before the T4 Application had been lodged with Planning!!

What did Tim know that the rest of us didn't??

At the conclusion of that meeting 200+ community members voted unanimously for

NO NEW COAL LOADERS IN NEWCASTLE.

It appears PWCS made no mention of this resolution in its aprox 4,500 pages supporting its T4 application.

b. Following through from that "No new coal loaders in Newcastle" resolution we were active in representations opposing the Tinkler T5.

Our meetings on this included an extensive briefing by Hunter Ports on T5; and our objections to T5 expressed by many from our group, and by other Community leaders.

The Office of Premier & Cabnet rejected T5.

8. T4

Members of the CPCFM committee have worked hard over more than 3 years, in attending meetings, workshops etc to try and get a better understanding of the proposal; asking dozens of questions, and expressing our opposition based on various grounds, many of which are set out, or referred to, in this submission, and other submissions we have seen.

Our group has been in meetings with, and communicating with, 14 other community groups to get a better understanding of issues, problems, and best Community Responses to T4.



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- 9. We note that: The PWCS application is about 4,500 pages long. In the face of such a big series of documents we **support the call for:**
- a, A further substantial extension of time to lodge submissions;
- b. a full day workshop in Newcastle, run by NSW Planning, where the Community can hear and question representatives from PWCS; and for that to take place before T4 submissions close;
- c. The production of a Comprehensive Newcastle Ports Master Plan, so that the Community can asses the Cumulative Impacts of T4 with all the other existing Businesses around the Port; and the proposed new businesses that the Government across all its departments, has knowledge of. This needs to be produced before T4 submissions close.
- d. If the Workshop and the production of the Compressive Port Master Plan happen after the T 4 submissions close, then there should be a new submissions period declared.
- 10. We know that **PWCS claim that they have carried out extensive Community Consultation**, Meetings and Publicity about T 4 both before and after lodging their application for a New Coal Loader with NSW Planning.

We dispute that PWCS attempts (as described immediately above) have been comprehensive, meaningful or successful.

We say this because PWCS have not disclosed in any of those Meetings, Briefings or Publicity many of the very serious consequences of the Proposed T4 Coal Loader;

An especially bad example of this is in their N Herald advert (Attached).

Their employment claims are overstated, or just plain wrong - and those claims do not match up with what PWCS state in their aprox 4,500 pages of documents.

The simple facts are there will be no significant increase, or **no increase at all, in PWCS's fulltime workers, if T4 proceeds.**

b. I / We don't think PWCS told the Community in any of those meetings and briefings about the 41 more loaded coal trains plus 41 empty trains through Newcastle and Maitland every day, increasing dust related health problems such as asthma and other respiratory ailments.



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c. We know, or have been told, that there are many other serious claims made by PWCS that are misleading or wrong; and that PWCS have been silent on other issues that the Community should be informed about

So, I / we say this application:

should not proceed now;

and that the Director General of NSW Planning should direct PWCS to undertake Open, Honest and Meaningful Community Consultation - under the close supervision of the NSW Dept of Planning;

and then order a new extended period for Public Submissions

11. Because Port Waratah Coal Service's 4th Coal Terminal (T4) is a proposal for a massive new coal terminal in Newcastle, NSW, we see that, if approved, T4 would allow an additional 120 million tonnes per annum of coal to be transported through our suburbs and shipped out of Newcastle.

Our key issues and concerns include:

Serious health issues due to long term exposure to more and more Coal Dust, and more and more Coal Gas

Impacts on Habitat, Endangered and Threatened Species, and Migratory Birds.

Air Quality, dust, noise, vibration and more.

Impacts from Dredging and increased Water Pollution.

Impacts of Increased Coal Mining in NSW.

The minimal employment opportunities due to automaton.

The very small economic benefit for Newcastle.

The coal freight rail impacts on passenger services.



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The cumulative impacts of more and more coal, especially when combined with more and more other industrial activity in Newcastle & The Hunter

This new coal terminal will

- Facilitate the expansion of coal mining in the Hunter and Liverpool Plains, by nearly doubling the export capacity of Newcastle
- Double the dust and the noise for communities already affected by the coal trains in Newcastle and beyond
- Destroy rare migratory bird habitat, endangered ecological communities and habitat for nationally threatened species
- Double the greenhouse pollution impact of the coal exported from NSW.

Matters needing further investigation include:

- Locally, the fourth coal terminal project would see <u>41 more loaded coal trains plus 41 empty trains through Newcastle and Maitland every day</u>, increasing dust related health problems such as asthma and other respiratory ailments.
- Pollution from coal affects all major body organ systems and contributes to the leading causes of morbidity and mortality.
- The Fourth Coal Terminal would facilitate many more large coal mines (the equivalent of at least 15 'mega-pits') in the Hunter and Liverpool Plains which threaten food and water security by destroying prime agricultural land, irreversibly damaging ground water systems and polluting waterways.
- The proposal also carries the risk of mobilising toxic contaminants on the Toxic Dumping Grounds of Kooragang Island, the former BHP Steelworks site, and in the South Arm of the Hunter River, and too little is known about the risks to ensure the communities of Newcastle will be protected from toxic accidents, seepage and accidents. There is no plan to fully remediate the sites.



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- The coal exported would provide the capacity to feed at least 15 more large power stations around the world emitting 288 million tones of carbon pollution each year and fuelling climate change.
- This project would damage 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.
- An area within the site is currently owned by the National Parks service, and provides irreplaceable habitat for migratory shore birds. The proposal will mean 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 at "Deep Pond" and its proximity to the Hunter estuary Ramsar site. Most of Deep Pond, the only freshwater refuge in the Hunter estuary, would be lost to this project.
- The Environmental Assessment fails to meet the requirements set out by both the State and Federal agencies, and the proposal represents an unacceptable risk to the Australasian Bittern.
- After construction, the coal terminal will provide no additional employment. Rather, it is likely to result in the loss of other economic activities in the port, such as tourism, fishing and other shipping

12. PWCS argues that the T4 application should be looked at insolation:

and not in conjunction with all of the impacts up and down the Hunter Valley, and over the range at the Liverpool Plains etc;

and that certainly the use of the coal after shipping by PWCS is not the responsibility of PWCS.

However this argument does not hold up for a number of reasons including:

- a. PWCS is a joint Venture Company owned by a number of the Miners and Shippers
- The claimed legal obligation that PWCS has to expand capacity is contained in a Document it freely entered into by PWCS with many of those same Coal miners and Shippers.



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So PWCS can't have it both ways - "We are legally obliged by Miners to expand - but you can't look at what the Miners, Train Coys and shippers do, when assessing our application".

13. **We particularly object to the proposed 2 new loading wharfs at Mayfield** North for the following reasons:

They are not needed – please refer to R Banyard's Submission, which we support, for detailed reasoning;

Daily traffic hazard for vehicles crossing the Tourle St Bridge – drivers would be "rubber necking" to get views of ships loading;

These activities would hinder the development of the proposed new goods rail line from Hexham to Carrington, referred to above.

- 14. We would love to have the time, resources and Technical support to provide a more comprehensive submission, but we don't.
- 15. If we had the help of NSW Planning with:

workshops;

a second round of closely supervised Community Consultations;

and a substantially increased period to lodge additional or upgraded submissions;

we feel we could help to ensure the opportunity for a more balanced assessment of the T4 proposal.

We have read and / or know the details of many submissions, and we would like to adopt the statements and endorse the suggested actions and outcomes in those submissions.

We particularly refer to submissions by:

Assoc Prof Nick Higgenbotham – on Health issues;

Ann Lindsay of the Hunter Bird Observers Club - on Birds; the need to preserve Habitat etc



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John Sutton & Rick Banyard - on the lack of nee	d for new Coal Loading Infrastructure,
and the failure to identify valid reasons and a trigger point under the Framework agreement;	
Councillor Michael Osborne;	
Vicki Warwick;	
and many other submissions	
Please acknowledge receipt of this submission b	y return email.
Please also respond by early email to the several requests we have made in this submission	
John L Hayes 7	^{rth} May 2012
Correct Planning & Consultation for Mayfield Group* Trains not Trucks for the 7 new Mayfield Wharfs	
Trains not trucks for the 7 new mayned who	IIIS
email:	

^{*} The CPCFM Group has more than 500 Members & Supporters



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Slide 1 - CPCFM Name etc

Written Presentation by Correct Planning and Consultation for Mayfield Group (CPCFM)

T4 Coal Terminal, PWCS, Kooragang Island, Newcastle

Planning and Assessment Commission hearing

At Fort Scratchley on Monday 13 July and Tuesday 14th July 2015

Thank you Commissioners for the opportunity to speak today.

My name is John L Hayes, and I am the Convenor and media spokesman for:

Correct Planning and Consultation for Mayfield group – known as CPCFM.

Our Group was established in late 2010 – We now have about 500 members and supporters.

Slide 2 - CPCFM Logo etc

We are, and we do, what our name suggests.

Slide 3 - PAC has responsibility for:

We insist on:

Correct Planning and Consultation a process that regretfully,

a process marriage and

in Newcastle and The Hunter,

is more honoured in the breech, than in the observance.

Slide 4 - New opening statement slide

- Our opening statement is:
- A. We stand with over 90% of speakers present at this hearing, opposed to the Port Waratah Coal Services (PWCS), Terminal 4 (T4) Project.
- b. The (PWCS) application for T4 should be refused for the following major reasons:

A.

B.

S Powls from Offer Speaks More details are set out in further paragraphs below;

Slide 5 - Formal Coal train Complaint

- 2. With Effect from 31st July 2015, The Planning assessment Commission should order that PWCS to immediately refuse any coal trains that arrive at its existing Coal Terminals in the Port of Newcastle known as T1 Carrington & T2 Kooragang Island that:
- A. Carry any parasitic coal, on the outside of the Wagons;
- B. Have Wagons that are overloaded;
- C. Have Coal loads that are not profiled;
- D. Have Wagons that are not in good physical order as an example, none should have broken wings.

- E. Have locos that are blowing excessive diesel fumes (some being unburnt diesel), in its exhaust output.
- 3. With Effect from 31st July 2015, The Planning assessment Commission should order that, In respect of <u>all Coal Wagons</u> that have been unloaded by PWCS at its existing facilities known as T1 Carrington & T2 Kooragang Island that:
- A. All wagons are thoroughly washed inside and out, so that they do not contain any carry back coal, for their outward journeys back to the mines
- B. That all wagons have bottom doors that close correctly and tightly, so that no daylight can bee seen in the cracks; and so that no carry back coal could escape though badly closing bottom doors.
- C. Refuse to allow any locos, towing these unloaded wagons, to leave their Terminal if they are blowing excessive diesel fumes (some being unburnt diesel) in its exhaust output.
- 4. Until all these conditions in 2 & 3 above are complied with, that the Planning Assessment Commission order the Environmental Planning Authority (EPA) to:

Suspend the Australian Rail Track Corporation (ARTC)
Environmental Protection Licence (EPL),
which will have the effect of
halting all coal train movements.

Slide 6 – Would the PAC like a guided tour?

5. Dealing with item 4 first let me tell you that:

A. In late 2013 / early 2014 CPCFM lodged formal complaints to: the EPA, under Environmental Legislation; and to Transport for NSW, and the ARTC, under Transport Legislation

These complaints, and follow up complaints, were accompanied by about 60 graphic photos that demonstrated Coal falling off Trains, and out the bottom of trains, and locos blowing excessive diesel in their exhausts.

These infringements are causing a very significant build up of Coal on the rail tracks; and other Air Pollution Problems

The Coal is waiting to be washed into waterways, from normal rain, and more worryingly, from severe storms that are becoming more frequent;

and

the finer coal particles on the rail Tracks are being stirred up and distributed by natural wind currents, and by passing trains.

B. and let me show you about 20 coal train photos that will shock you.

C. No genuine changes have been implemented to deal with the items complained of, and shown in the photos, and all

the problems still exist in Newcastle and the Hunter Valley Coal Chain as at 13th July 2015.

6. CPCFM notes that the Planning Assessment Commission has had a tour of the T4 site - guided by executives of PWCS.

We expect that the executives of PWCS did not draw to the attention of the Commissioners, any of the Infringements that we refer to in this submission.

So that the Commissioners have a true picture of these current infringements, which are likely to be repeated if T4 is approved and actually built, CPCFM urges the Commissioners to look at these infringements first hand,

and

CPCFM would be happy to proved the PAC a guided tour.

Now let's proceed to the Shocking Train Photos.

Slide 7

The "Empty wagon line

Slide 8

Carry Back Coal inside the wagon

Slide 9

Diesel emissions

11. In 2006 / 07, representing Climate Action Newcastle (CAN), I appeared in Newcastle before an expert panel set up to advise the Government / NSW Planning on the **Application** by NCIG for approval of a third Coal Loader in Newcastle, known as T3. The Application was approved.

CAN was opposed to T3 because of an increase in Environmental and Climate Harm, caused by more and more Mining, Transporting and Burning of Coal.

Those risks were well identified then, and amongst other evidence I relied on included:

- 12. The UK H M Treasury Stern Review on the Economics of Climate Change 30th Oct 2006 still valid, and still referred to ever since, including in 2015;
- 13. Al Gore's book and film "An Inconvenient truth ". Arguments around the edges on Gore's exposé exist, but the basic tenants are still valid.
- 14. The evidence of rising tides then identified here and in other parts of the world, and now more readily accepted by scientists around the world today. An interesting side note is that NCIG raised its Base Height above the Hunter River as a result of an exchange at this Expert Panel Hearing between me and executives of NCIG, in 2007.
- 15. As a footnote please see:

Photos of the Pacific Warriors in Newcastle Harbour in Nov 2014;

And

Now in June 2015, a statement by the leader of one of the Pacific Atoll Countries:

"Whatever is agreed within the United States today, with China [the two largest sources of CO₂ emissions], it will not have a bearing on our future, because already, it's too late for us ... And so we are the canary.

- 16. Other areas where CPCFM is in good company, or has identified major Problems relating to non compliance, and bad effects on Planning, The Environment, Health, etc include:
- 17. The Planning Assessment Commission refusal of the Bickham Coal mine in May 2010
- 18. Professor Ross Garnaut's Draft Report on Climate Change Review in 2008, which he has updated in 2011.
- 19. My opposition, with dozens of others, to the **Drayton South Mine Expansion. In 2013 the PAC found against Anglo American Coal**; and Anglo have lost Court appeals against this decision since.
- 20. PAC Decisions in favour of **Bulga Milbrodale Progress Association Inc. against Rio expansion plans**; and subsequent Court decisions in favour of B / M.

Slide 19 - MN Website address and Transition speakers

21. <u>Transition to Renewable Energy Public Forum</u> held in Newcastle on June 10 2015, including Dr Mark Diesendorf on Science of Climate Change, and Sustainable Energy solutions;

And Prof Peter Sainsbury on Coal and Health in the Hunter. Prof Sainsbury will be addressing you today on this topic.

All the Speakers notes from the Forum are on the Maitland Newcastle Catholic Diocese Website: http://www.mn.catholic.org.au/church-community/social-justice

22. Laudato Si' – Pope Francis' Encyclical on Care for Our Common Home published on 18th June 2015.

The Pope has called on the whole world to take more care with our Mother Earth, and stronger action in the Dec 2015 Paris Climate talks.

I know two other speakers will address you on this Encyclical, so I will leave it to them to give you more details.

23. Top Railroad Executive Mathew K Rose of major US Coal railway BNSF "gave a bearish assessment of coal's future, warning changing energy policies will leave his company with 'stranded assets' ".

ECT Co Op, a Publication by National Rural Electric Cooperative Assoc. Staff writer Michael W Kahn, 22 June 2015 Article attached.

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24. <u>President Obama</u> and famous Natural History observer and commentator <u>David Attenborough</u> televised White House Discussion on Climate, Environment, etc. in June 2015.

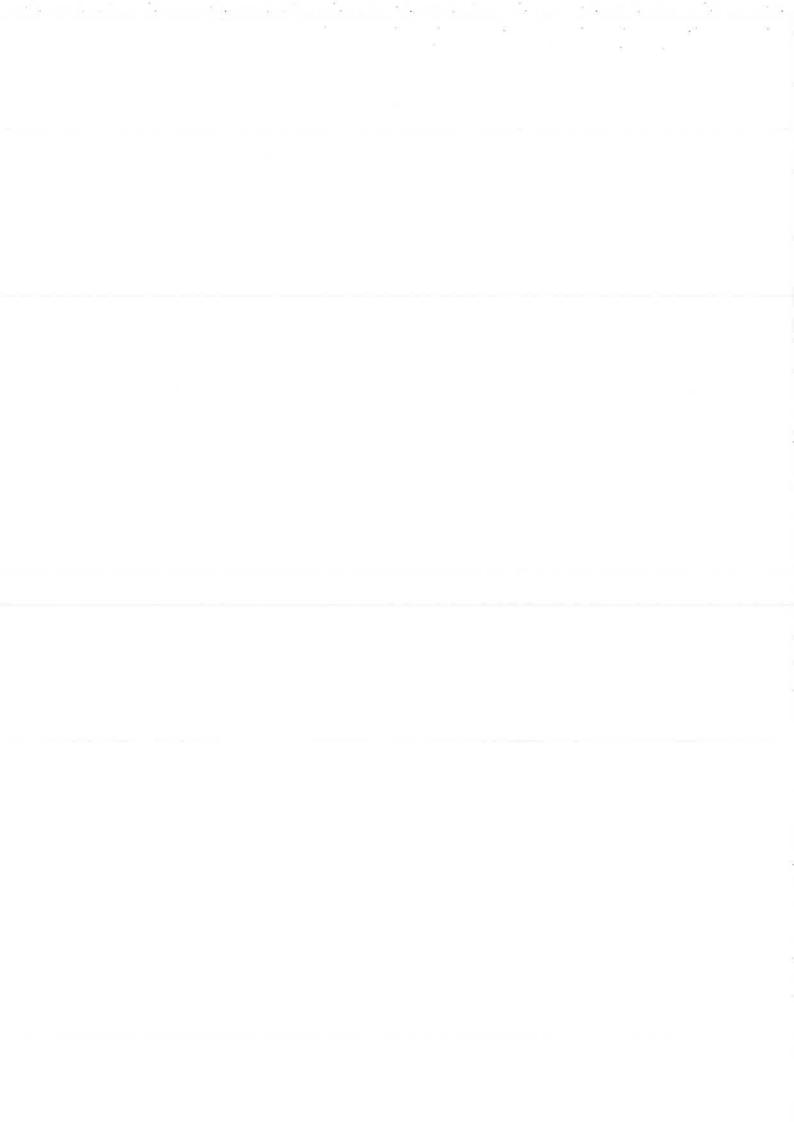
Slide 20. Closing Statement 25. So we repeat our request as detailed in our opening Statement that:

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D



REGENTATION

This from the US re Rail Stranded Assets because of downturn in Coal

BNSF Sees 'Stranded Assets' on Coal Lines

ECT Co Op Publication by the National Rural Electric Cooperative Association

By Michael W. Kahn | Staff Writer Pyblished: June 22nd, 2015

A top railroad executive gave a bearish assessment on coal's future, warning that changing energy policies will leave his company with "stranded assets" on Powder River Basin lines.

Matthew K. Rose of BNSF offered a bearish assessment of coal's future at the 2015 EIA Energy Conference. (Photo By: Michael W. Kahn)

Matthew K. Rose, executive chairman of BNSF Railway Company, said that in 2006, his railroad moved about 287 million tons of coal out of the Powder River Basin (PRB) in Wyoming and Montana.

"It was a time of heavy coal demand. We had a severe weather disruption in the basin that constricted deliveries going into the summer," Rose told the June 15 opening session of the 2015 EIA Energy Conference in Washington.

"The administration and Capitol Hill strongly believed that our investment in our coal network was insufficient and that much more investment was needed if we were to meet the forecast of demand going forward. We invested heavily and now the capacity and the operations of the PRB lines are very, very impressive," Rose said.

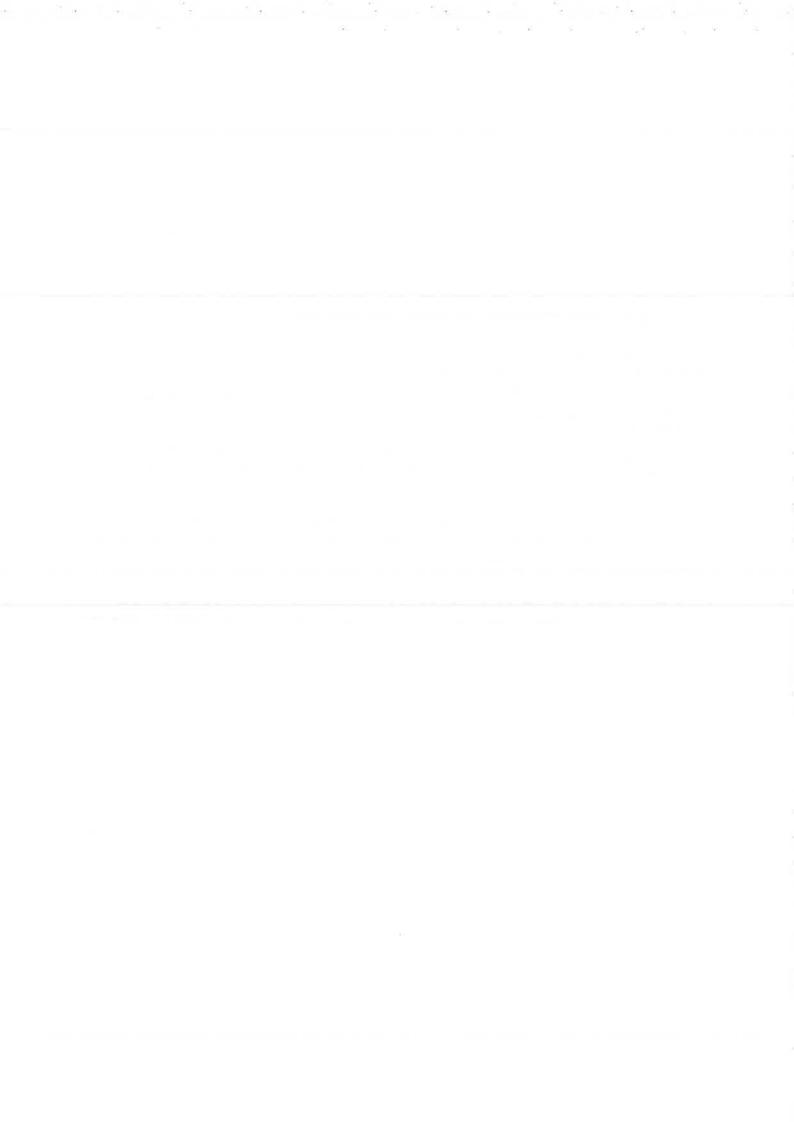
But he believes times have changed.

"Less than 10 years later, I don't anticipate that we'll see that level of coal volume again. That leaves us with millions of dollars in investment in what will eventually be stranded assets," Rose said. He also doubted that will be the case with crude oil "because other commodities benefit from the expansion of these crude routes."

At NRECA, Paul Gutierrez, senior legislative affairs principal, said, "We certainly understand BNSF's concerns about potential stranded assets due, in large part, to EPA's Clean Power Plan regulations." As he noted, "Our members and the electricity industry will be first to feel the impact, which will have a ripple effect on rest of the economy."

Rose said PRB coal is now about 20 percent of BNSF's traffic. "It's traditionally been about 25 percent of the railroad industry's revenues. This is the fastest changing story in railroading, thanks to cheap natural gas and EPA regulations," he said.

"Last year's coal share of U.S. electricity was a little less than 40 percent. While PRB coal is extremely cost competitive against any other U.S. coal producing region, due to the inefficiency of the mines and the rail, we don't see further growth," Rose added. "Given the regulatory landscape, we see significant volume disruption.





T 4 PAC Presentation

Correct Planning and Consultation for Mayfield

1 July 2015

CPCFM



the seven new Mayfield whanfs Trains not trucks for

"The impact of coal mines extends beyond the coal terminal"

CPCFM

The PAC has the responsibility for;-

- Ensuring a quality planning process
- community are considered and protected Ensuring the people of the immediate
- **Ensuring that the Hunter Valley receives sound** environmental treatment
- Ensuring the community health is not harmed
- That the World is treated with great care.

CPCFM Opening Statement

- We stand with over 90% of speakers at this hearing, opposed to the Port Waratah Coal Services Terminal Project.
- The PWCS application for T4 should be refused for the following major reasons
- A. It is not needed
- B. It creates a new carbon bomb
- C. It destroys opportunity for port diversification

CPCFM

Formal Coal Train Complaint

 Coal trains operate under an EPL and that has been consistently breached with little or no action being taken by the operators and regulators.

movement of coal from the mine to the port is done in a manner that is safe to How will the PAC ensure that the the environment and health?

CPCFM

Typical coal wagons in operation on the Hunter Coal lines.

Would the PAC like a guided tour?

The "empty" wagon line

