

**From:** [EPBC Referrals](#)

**Sent:** Thursday, October 11, 2012 9:09 AM

**To:** [cheryl.watson5@bigpond.com](mailto:cheryl.watson5@bigpond.com)

**Subject:** FW: EPBC REFERRAL #2012/6558-GLADSTONE DUPLICATION CHANNEL - SUBMISSION FROM GLADSTONE CONSERVATION COUNCIL (GCC) [SEC=UNCLASSIFIED]

Ms Watson

Thank you for your submission, on behalf of the Gladstone Conservation Council concerning the proposed Port of Gladstone Gatcombe and Golding Cutting Channel Duplication, QLD (EPBC 2012/6558). Your submission has been forwarded to the assessment area.

Cheers

Allira Hunnemann

Business Entry Point

**From:** Trevor and Cheryl Watson [mailto:[cheryl.watson5@bigpond.com](mailto:cheryl.watson5@bigpond.com)]

**Sent:** Wednesday, 10 October 2012 4:43 PM

**To:** EPBC Referrals

**Subject:** EPBC REFERRAL #2012/6558-GLADSTONE DUPLICATION CHANNEL - SUBMISSION FROM GLADSTONE CONSERVATION COUNCIL (GCC)

## **Gladstone Conservation Council Inc.**

**Queensland, Australia**

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**10th October, 2012.**

**Referral Business Entry Point (EPBC Act)**

**Department of Sustainability, Environment, Water, Population and Communities,**

**G.P.O. Box 787,**

**CANBERRA. A.C.T. 2601.**

**Dear Sir/Madam,**

**RE: EPBC REFERRAL# 2012/6558 - GLADSTONE DUPLICATION CHANNEL**

The Gladstone Conservation Council (GCC) is a newly incorporated group of citizens who are gravely concerned about the developments that are occurring in the Gladstone Harbour and on Curtis Island, both being part of the GBRWHA.

We are extremely puzzled as to the fact that Minister Burke found "the proposal to re-introduce 400 cattle to graze in Victoria's NATIONAL Heritage listed Alpine National Park clearly unacceptable under National Environmental laws", however he finds it very acceptable to allow the largest industrial development in the world at this present time to proceed in the Great Barrier Reef WORLD Heritage Area. A World Heritage Area, which because of the very development that is occurring in the Gladstone Harbour and on Curtis Island to date, is threatening to put this Heirloom for the World into "A WORLD HERITAGE AREA UNDER WATCH".

Because the GBRWHA is located in an environment which does, from time to time, suffer from Natural Disasters, the onus should be on the Government to be even more cautious when making their decisions regarding the second channel in the Gladstone Harbour or any further development in the Gladstone Harbour which requires extra dredging.

If, as we have been led to believe, this second channel is a crucial part of the LNG and Western Basin sites, shouldn't this channel have been part of the WBDDP back in 2009? When a decision is being made that decision must take into consideration the dredging already taking place.

If the Australian Government holds UNESCO AND THE ACT OF A SITE BEING WORLD HERITAGE LISTED, important and worthy of respect, then no decision on this project can be considered until the Strategic Assessment of the Great Barrier Reef is completed and considered by the UNESCO World Heritage Committee in June, 2015. Unfortunately it was the total dis-regard for the Gladstone Harbour and Curtis Island that initiated the visit by the UNESCO Committee. Is it part of the Government's agenda to make Gladstone Harbour and Curtis Island the sacrificial lambs without any regard for not only its flora and fauna but the well-being of its citizens. Do we not matter?

Minister Burke must take into consideration the cumulative impacts of all projects e.g. the dredging needed by All LNG Companies, Fisherman's Landing Reclamation, WICET as well as any future maintenance dredging. The Western Basin dredging program is only approximately one third completed, the bar has been raised on the turbidity level requirements to enable the dredge to continue operating even when the levels exceed regulation levels. Contrary to the official position being taken, there are still turtles and dugongs dying. Within the last couple of weeks 2 dugongs and 1 turtle have been seen dead by the public.

**Environmental offsets for damage done to the environment from these Companies as well as the dredging program, is an absolute farce. It is proudly stated in an article in the Qantaslink magazine that the GPC were allocating Balaclava Island as an offset for the damage done to the Gladstone Harbour. First of all the GPC have already stated that they want to use part of Balaclava Island for coal berths, secondly Balaclava Island is a completely different ecology to the Gladstone Harbour and thirdly it is already protected as part of the GBRWHA. I have been told by some of these Companies that where they "offset" is commercial in confidence, therefore how do we, the public, know whether one little area is continually being "OFFSET" by different projects? Who evaluates the environmental value of these areas? What criteria are they given to work with, are they independent or is it the Companies or the Government who decides. From what I have seen relating to the previous statements regarding Balaclava Island it is all extremely misleading. Once a particular environment is destroyed it is destroyed and no amount of so called "offsets" can replace it. The Authorities are very fond of stating that the state of the sea grass beds is because of flooding which is partly true however they fail to also state that another reason for the decline in seagrass beds is because of reclamation.**

**Please find following comments from the Capricorn Conservation Council which Gladstone Conservation Council support and request that this also be taken as part of our Submission:-**

## **SUMMARY**

We consider that the proposed action will have significant impacts to the Matters of National Environmental Significance (MNES). CCC therefore requests that Minister Burke considers and decides that the action is "clearly unacceptable" under s74B of the Environmental Protection and Biodiversity Conservation (EPBC) Act and that it CAN NOT proceed. Further details and comments from CCC in relation to each MNES, the referral sections and attachments to the referral, are outlined in this submission (and appropriately titled).

**We request that the precautionary principle be upheld** and the project not be allowed to proceed to the EIS phase. **CCC requests that the Minister reject this project until the Strategic Assessment of the Great Barrier Reef is completed and considered by the UNESCO World Heritage Committee in June 2015.**

CCC fears for the future condition and ecological health of Port Curtis and the GBRWHA and fears the current activities and new project proposals in Gladstone Harbour will put the Reef on the World Heritage in Danger list because the 'highly precautionary approach' that UNESCO has recommended, is not being adhered to.

The proposed duplication channel project would add a further **12 million m3 of seabed floor** to be dredged on top of the already approved **46 million m3 within the Great Barrier Reef World Heritage Area (GBRWHA)**. If Arrow Energy's project (currently in EIS phase) is approved, this will

add a further 1 million m<sup>3</sup> of material to be dredged within Port Curtis and the GBRWHA. **Cumulatively, this equates to approximately 60 million m<sup>3</sup> of dredge material and seabed disturbance in the Port Curtis region of the GBRWHA alone**, which will also result in water quality impacts to the GBRWHA such as increased turbidity, increased nutrient loads (by disturbance of sediment laden with nutrients), and changes to pH and bioavailability of heavy metals and other toxicants in the water column (via disturbance of sediments and sediments containing Acid Sulphate Soils).

**CCC further requests that the Minister reject this project and put a moratorium on any further project proposals in Port Curtis and Gladstone Harbour, until the recommendation of UNESCO WHC (from June 2012 meeting) to implement an "independent review of the management arrangements for Gladstone Harbour" is completed (the independent review is recommendation 9 of UNESCO WHC June 2012 document).**

CCC also notes, and is appalled that the referral documentation and attachments provided/submitted by GPC does not include the **Initial Advice Statement (IAS)**; this has been verified by checking section 7.3 (attachments) of the referral. This is a clear omission by GPC to not provide DSEWPaC with this document (IAS) in their EPBC referral, as our internet research today proved that an IAS document exists and was submitted to the Queensland Government (Department of State Development, Infrastructure and Planning) on the 18 September 2012. This IAS and other info is available at [www.dsdip.qld.gov.au/assessments-and-approvals/port-gladstone-gatcombe-golding-cutting-channel-duplication-project](http://www.dsdip.qld.gov.au/assessments-and-approvals/port-gladstone-gatcombe-golding-cutting-channel-duplication-project), however given the time constraints, CCC is unable to peruse the IAS before finalising our EPBC referral comments.

Given the failure of GPC to provide the IAS to DSEWPaC, and that there are many other omissions of detail or lack of information provided in the referral (as we have identified in our comments in this submission), CCC requests that the Minister reject the referral.

**Q. Should this referral have been considered as part of a larger action with the WBDDP back in 2009 ?**

I have considered the Significant Impact Guidelines 1.1 for EPBC Act. Within these guidelines, the following definition of a 'significant impact' is provided:

**A 'significant impact'** is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

Of particular interest to CCC in relation to this referral are the **items listed on page 5-6 of the guidelines** that should be considered when determining whether an action will have a significant impact or not. The final two bullet points from these pages of the guidelines

are of utmost importance in relation to the current situation in Gladstone Harbour and Port Curtis (that is, the 'cause' of the fish health and disease has not been identified according to Qld government science) and the cumulative impact of further projects (including this referral):

- . existing levels of impact from other sources, and
- . the degree of confidence with which the impacts of the action are known and understood.

## **SPECIFIC COMMENTS ON SECTIONS OF THE REFERRAL IN RELATION TO MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE (MNES)**

### 1.3 Locality and property description

It is stated in this section of the referral that "Both offshore and onshore dredge spoil disposal options will be investigated during the EIS process."

**CCC finds waiting for the EIS process to investigate disposal options and subsequent impacts to MNES to be unacceptable.** Offshore disposal is the first preference identified in section 2.1 of the referral and it is clear this would occur within the GBRWHA, or maybe the GBR Marine Park, according to the figures (maps) provided with the referral. Very limited details of any dredge spoil disposal options, either offshore or onshore, are provided in this referral, rather just a reference to the 'project area' (inclusive of the potential spoil disposal site). Full details of offshore and onshore disposal options and the significance of the impacts for each disposal option must be provided in this referral (and they are not). This lack of detail prevents the Minister from considering the significance of the impacts of the dredge spoil disposal to the GBRWHA, GBR Marine Park and other MNES now, in the referral stage, which is when it must occur (rather than the EIS phase).

**CCC requests that the description of the action (in all relevant sections of the referral) be amended to include a description of dredge disposal options and to provide brief technical and scientific supporting documentation (as appendices or attachments) on disposal options and the significance of their impacts to the MNES.**

It is stated in this section of the referral that "Figure 1 illustrates the Project area and surrounding port infrastructure and facilities."

**Figure 1 and this statement is misleading because it does not provide the full extent of the port infrastructure and facilities (completed or in development). For example, the Western Basin land reclamation area and full extent of the Fisherman's Landing extension (~300 hectares) as identified in annexure 2 of the EPBC conditions (2009/4904) for the WBDDP, should be considered as port infrastructure, yet it is not included in the map (figure 1) of this current referral. This reclamation area is either completed or near completion and should be included.**

## 2.1 Description of the project

The description of the placement, and impacts associated with, the disposal of the 12 million m<sup>3</sup> of dredge spoil material for this project is inadequate for this referral. **CCC requests that the description of the 'action' be corrected to include the details of potential disposal sites and impacts to MNES.**

### **Below is a direct extract of the paragraph that describes the disposal in this section of the referral:**

"Disposal of 12 Mm<sup>3</sup> of dredged material is proposed to occur, either offshore (within a 20 nautical mile radius) and/or onshore (within close proximity to the Port of Gladstone coastline). As part of the EIS process, a range of options will be assessed for suitability for spoil disposal. Offshore disposal is the first preference for spoil disposal locations as there is limited space available onshore. If onshore disposal is necessary for some portion of the spoil, it will depend on space and also the quality of dredged material. Disposal location options will be determined against various criteria, including proximity to the dredge footprint and likelihood of impacting upon the surrounding environment. Options will be assessed and compared during the EIS process, ultimately determining the most preferred disposal location(s)."

There are **NO** initial or preliminary research findings provided in the referral to identify and describe potential locations (rather than an area) for dredge spoil disposal. Rather it has been deferred and deflected to the EIS process to research the options. CCC finds this to be unacceptable (to defer investigation to EIS), **and requests that the Minister asks for preliminary investigation of dredge spoil disposal location within the referral stage, because the disposal of dredge material will have an impact on the GBRWHA and the Outstanding Universal Values (OUV's) of the GBRWHA. CCC strongly believes that the significance of the impact to these and other MNES should be determined or implied in the referral stage.**

The referral goes on to state that a Long Term Sediment Disposal Plan will be produced

"In compliance to this condition it is the intention of GPC to develop, as part of the Port of Gladstone Gatcombe and Golding Cutting Channel Duplication Project, a LTSDP."

## **2.2 Alternatives to taking the proposed action**

**The information provided does not fully describe 'the take no action' option or alternative to the project proposal** (an extract of the description is provided below in italics). Environmental implications and benefits of not taking the action are not described. Only the economic implications and port transport capacity implications are described of the take no

action option. This fails to address requirements to consider environmental and social benefits or implications of no action or alternatives. Furthermore, this fails to address the integration principle of Ecologically Sustainable Development [Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the 'integration principle')] and the other four principles of ESD as identified in section 3A of the EPBC Act. In light of these points, CCC therefore requests for the description of the 'alternatives to taking the proposed action' to be amended and improved, to be a more accurate and considered response with the principles of ESD being addressed.

"Choosing to not proceed with the duplicate shipping channel would result in port traffic congestion / delays and significant limitations to the Port capacity. This will restrict the ability of the Port to meet future import / export requirements, hindering the economic viability of the region. The result of this is a loss of the potential employment opportunities and the local, state and national economic benefits."

### 2.3 Alternative locations, time frames or activities that form part of the referred action

No feasible alternatives to the proposed action were identified or considered in section 2.2 of the referral, so the question has to be asked as to why other existing port facilities at Hay Point, Dalrymple Bay and Abbott Point are even mentioned or considered in this section of the referral? The 'referred action' has a defined area as identified in Figure 1 of the referral, and section 1.2 of the referral; these are within Port Curtis and Gladstone marine areas, not Mackay and Bowen where the other port facilities terminals are located. Below, in italics is an extract of the statement regarding possible consideration of other existing port facilities:

The possibility of upgrading and utilising other existing port facilities along the Queensland coast were considered; these being:

• Mackay, including Hay Point Coal Terminal (HPCT) and Dalrymple Bay Coal Terminal (DBCT) and adjoining area  
• Bowen, including Abbot Point Coal Terminal (ABCT) and adjoining area

**This whole section appears to be multiple paragraphs of information that have no distinct correlation or relationship with each other. It appears the actual referred action has been confused and presented here instead of actual information on alternatives that are part of the action, as a lot of the language and description is identical to the description of the project.**

The statement in this section of the referral that "Alternative locations to dispose of dredge

spoil will be investigated in consultation with relevant regulators during the EIS phase of the Project" is misleading because the actual locations for disposal of the dredge spoil have not at all been identified within this referral, rather the 'project area' has been identified as 'inclusive of potential spoil disposal area' (in Figure 1). So the actual and alternative locations (as opposed to potential areas) for disposal of dredge spoil have not been identified in this referral. **CCC therefore requests that referral action be amended to include identification of potential locations (not just areas).**

## 2.5 Environmental Impact Assessments

"GPC currently undertakes regular public consultation through their Environmental Working Group, a regular community consultative process to create awareness of port activities with regular consultations in relation to management of GPC's dredging project (WBDDP), CCC is not aware of this 'Environmental Working Group' and is certainly not part of it or advised of it, nor do we know of any other community groups included in the working group. This leaves CCC wondering if the working group actually exists and who is included.

2.7 A staged development or component of a larger project GPC describe this project as a 'stand alone project', yet list four other project areas that are dependent on this project for their success. The projects listed include the WBDDP, the Western Basin Reclamation Area (Fisherman's landing extension), Wiggins Island Coal Export Terminal (WICET) and various LNG projects.

Clearly, this duplication channel project should have been considered and referred under the EPBC Act as a larger action with the WBDDP and the Reclamation area projects three years ago in 2009. This staged approach to seeking project approvals appears to be a tactic to downplay the significance of the impacts of a larger plan for port expansion and development. The information provided in this section in regards to the other four projects listed, is misleading and inaccurate because the most up to date details of current project status has not been provided. For example,

. the WICET project is described as "has received approval to commence construction of the WICT" when in actual fact the construction of this project commenced in January 2012 with large earth moving works having rapidly changed Wiggins Island and the intertidal salt marsh and mangrove communities to the north of the Calliope River on the mainland over the past 9 months;

. the Western Basin Reclamation area project is described as "GPC has gained approval" and "reclamation area will be constructed to allow for disposal of dredged material associated with the LNG industry and to provide further land to support construction of new port

infrastructure and industries", yet in actual fact, the Western Basin Reclamation area is either near complete or complete since the approval and completion of a TEP to fix the bund wall of the reclamation area (TEP under Qld EP Act granted 25 June 2012).

. The WBDDP is described as though the project has not commenced yet with language such as "GPC has received approval to undertaking dredging" and there are no facts or figures provided as to the status or extent of the dredging completed to date. In actual fact the dredging project is 37% complete (according to the Western Basin Port Development website on 09/10/12 [www.westernbasinportdevelopment.com.au](http://www.westernbasinportdevelopment.com.au) )

### **3.1 (a) World Heritage Properties Description**

As stated in previous comments, CCC finds it to be totally unacceptable that GPC has not considered nor provided the disposal options in detail as is evident in the statement: "Both onshore and offshore dredge disposal options to be investigated during the EIS process, are likely to be within and/or adjoining the GBRWHA." In fact, it appears that any detail and information that might actually prove the project could have significant or unacceptable impacts to the GBRWHA, is being omitted as a tactic to obtain a controlled action approval.

In this section of the referral, a description of the GBRWHA for the Gladstone and Port Curtis area, where the 'action' is proposed, has not been provided. Only a brief bullet point description of the four 'natural criteria' (as quoted from the referral) that enabled the adoption of the GBR as a WHA is included. The referral fails to identify the OUV directly. CCC request that the description of the WHA be amended to include a local description of the OUV of the Port Curtis region of the GBRWHA property.

### **Impacts**

Considering UNESCO's recommendation to 'ensure that development is not permitted if it would impact individually or cumulatively on the Outstanding Universal Value of the property', this referral must identify how the action will impact (directly and indirectly) and cumulatively upon the OUV of the property and the Gladstone/Port Curtis section of the WHA property, yet it does not.

I refer you to Recommendation 5 of the UNESCO WHC decisions and recommendations (from WHC June/July 2012 36th session document WHC-12/36.COM/7B.Add): Notes with great concern the potentially significant impact on the property's Outstanding Universal Value resulting from the unprecedented scale of coastal development currently being proposed within and affecting the property, and further requests the State Party to not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on

the Outstanding Universal Value of the property; Cumulative impacts: The description provided of the nature and extent of likely impacts to the GBRWHA (and the GBRMP) in the referral does not address cumulative impacts to the WHA from existing projects in operation in Port Curtis (such as the WBDDP and all LNG facilities and associated dredging activities and other impacts to OUV of the WHA), and proposed projects in the EIS phase in Port Curtis (such as Arrow Energy's LNG facility and associated proposed dredging), along with the impacts of this proposed dredging and disposal project.

The proposed duplication channel project would add a further 12 million m<sup>3</sup> of seabed floor to be dredged on top of the already 46 million m<sup>3</sup> within the Great Barrier Reef World Heritage Area (GBRWHA). If Arrow Energy's LNG project (currently in EIS phase) is approved, this will add a further 1 million m<sup>3</sup> of material to be dredged within Port Curtis and the GBRWHA. Cumulatively, CCC calculates this equates to approximately 60 million m<sup>3</sup> of dredge material and seabed disturbance in the Port Curtis region of the GBRWHA alone. Dredging and disposal of 60 million m<sup>3</sup> of sediment/sea bed floor will result in significant water quality impacts to the GBRWHA such as increased turbidity, increased nutrient loads (by disturbance of sediment laden with nutrients via dredging), and changes to pH and bioavailability of heavy metals and other toxicants in the water column (via disturbance of sediments and sediments containing Acid Sulphate Soils).

Given the dredging for the WBDDP project is 37% complete (according to Western Basin Port Development website), and (a), there have been ongoing compliance issues with turbidity levels for this dredging project, and (b), since the commencement of this dredging project there have been fish health and water quality issues that are the subject of ongoing investigation independently and by the Queensland Government, CCC believes the cumulative risk and impact of a further 13 million m<sup>3</sup> of dredging in the Port Curtis region of the GBRWHA will be unacceptable.

**By not providing cumulative impact information in this section of the referral, GPC appear to have failed to implement the Significant Impact Guidelines for MNES and have not addressed the following points (from the guidelines) to determine whether the action will have a significant impact on the GBRWHA:**

- . existing levels of impact from other sources, and**
- . the degree of confidence with which the impacts of the action are known and understood.**

CCC believes that the cumulative impacts of 60 million m<sup>3</sup> of dredging and disposal in the Port Curtis area of the GBRWHA, will risk serious or irreversible damage to the GBRWHA and its water quality, particularly in the Port Curtis region. The lack of scientific evidence provided in the referral about the potential impacts of an action does not itself justify a decision that the action is not likely to have a significant impact on the GBRWHA.

### **Individual impacts:**

The list of individual direct and indirect impacts of the action on the GBRWHA provided in this section of the referral, are not comprehensive enough. For example, there is no mention of the disturbance of Acid Sulphate Soils (ASS) or Potential Acid Sulphate Soils by the dredging and disposal, or what the impacts of this may be upon water quality within the GBRWHA.

**6.1 Does the party taking the action have a satisfactory record of responsible environmental management? GPC claimed yes to this question. CCC disagrees and believes GPC do not have a satisfactory record of responsible environmental management, which is evident from the actions or lack of actions taken in compliance with the WBDDP dredging and disposal.**

Apart from providing their environmental policy in Appendix B, which proves nothing about management actions and compliance of dredging projects, GPC have failed to provide information that supports their statement that they have a satisfactory record. What GPC have not provided, and we believe should have been provided as supporting documentation with this referral, is their environmental management and compliance history with past and current projects and operations. The environmental policy alone is not an accurate reflection of the actions taken by GPC in regards to projects and operations. For example, the WBDDP third party environmental audit provided to DSEWPaC and dated December 2011, clearly identifies one (1) non-compliance and five (5) partial compliances. Please refer to our comments on Appendix B in this submission for further details of the compliance issues.

**Some of the things that give CCC evidence to believe GPC does not have a satisfactory record of responsible environmental management include:**

- . 1 non-compliance and 5 partial compliance issues identified in the December 2011 third party audit of the Western Basin Dredging and Disposal Project (WBDDP) which GPC manage;**

- . GPC have recorded 49 environmental incidents associated with the WBDDP between May 2011 and September 2012 (source of information: [www.westernbasinportdevelopment.com.au/environmental\\_incidents\\_register](http://www.westernbasinportdevelopment.com.au/environmental_incidents_register))**
- . As GPC do not provide the public with the information or detail of what the incidents were and actions taken to mitigate or prevent such incidents from reoccurring in the future, we can not inform you what they are;**
- . Since dredging for the WBDDP project began, the publicly available turbidity levels at a number of monitoring stations in the harbour have been above GPC's environmental licence conditions for more than 48 hours but rarely has any action been taken by the State Department of Environment and Heritage Protection (formerly Department of Environment and Resource Management);**

. One environment protection order was given to GPC on the 10th January 2012 by DERM for dredging above turbidity levels identified in the DERM permit conditions. However similar episodes which included Christmas 2011, Australia day, Easter and Labour Day holidays in 2012, were not enforced by DERM/ DEHP; and

. Approval of a Transitional Environment Program (TEP) by DEHP was granted on 25 June 2012 for the management of and accelerated bund wall sealing of the Western Basin Reclamation Area due to leakages. CCC would like to point out that GPC were aware of the leaking bund wall back in September 2011 (refer to statement below that is sourced from GPC's TEP document page 2, attached with DEHP TEP approval). *Why did it take GPC nine months to do something about the leaking bund wall?*

CCC therefore concludes that the statement provided in this section of the referral ("GPC has been heavily involved in water quality monitoring and has adopted adaptive management techniques to minimise the environmental impacts as part of the Western Basin Project.") is insufficient to give evidence of responsible environmental management.

CCC further requests that the Minister and DSEWPaC staff investigate the compliance issues and environmental incidents associated with the WBDDP, and determine what environmental harm has occurred and whether the action taken to mitigate or prevent further occurrences has been sufficient or effective, before considering this project or future projects/referrals from GPC. Failure to do so would be failing to ensure the OUV of the GBRWHA are being protected in Gladstone Harbour and Port Curtis.

#### **COMMENTS ON FIGURES 1- 7 PROVIDED WITH THE REFERRAL**

All maps (Figures 1 to 7) fail to identify the Bund Wall and Reclamation Area (extension) of Fisherman's Landing. The WBDDP channels and swing basins, existing Channels and the proposed duplication of Golding Cutting and Gatcombe Channels are identified on the maps/figures, however failing to identify the full extent of existing impacts from dredging and disposal upon the MNES in Port Curtis by omitting the Fisherman's landing extension is unacceptable. This omission on all figures/maps in the referral is a failure to identify "existing levels of impact from other sources" as identified in the EPBC Significant Impact Guidelines.

All maps (Figures 1 to 7) display the duplication of Golding Cutting and Gatcombe Channels in a misleading way when compared with the short description of the action (section 1.1 of the referral). The short description states that the duplication 'will run parallel to the existing channel' yet all the figures provided show the proposed duplication channel over

the top of the existing channel rather than in parallel.

**Figure 3: Seagrass communities (2009)**

By utilising the 2009 mapping of seagrass communities in Port Curtis, Seagrass communities were approved for removal/destruction for the Western Basin Dredging and Disposal Project by GPC. The majority of the mapped *Halophila dicipiens* (pink on the map) and *Zostera capricornia* (yellow on the map) communities to the north of Fisherman's Landing (as identified in figure 3 of the referral) no longer exists, because it is now underneath the completed (or near completed) extension of Fisherman's Landing reclamation area. Approval by the Queensland Department of Environment and Heritage Protection for a Transitional Environment Program (TEP) on 25 June 2012 to fix the leaking bund wall of the Reclamation Area has meant that the reclamation has been completed ahead of time (completed on 2 August 2012 under the TEP). As Figure 3 (map of seagrass communities) was produced on 4 June 2012, GPC and Aurecon would have known that the seagrass extent had changed and reduced since 2009 with the approval of 3 LNG facilities and the WBDDP; seagrass behind the bund wall of the reclamation area and that which has been removed by dredging activities no longer exist. **Subsequently, they should have provided an updated and accurate map of the current extent (2012) of seagrass communities in Port Curtis, not the 2009 mapping extent.**

**COMMENTS ON APPENDIX A and B:**

Appendix A contains two EPBC Act Protected Matters Reports; the first report was generated on the 26 May 2011 at 13:28 hours using a 10km buffer for the coordinates of -23.90861 and 151.39778, and the second report was generated on the 10 June 2011 at 13:47 hours using a 10km buffer for the coordinates -23.81014 and 151.29103.

**Providing two reports that were generated some 16 months ago is totally unacceptable.**

Additional or updated data relating to the MNES may well have been added in to the Protected Matters Database since these searches/reports were completed in 2011. Furthermore, GPC themselves have completed numerous investigations and research relating to Migratory Shorebirds,

Appendix B is the GPC's Environmental Policy. I would like to point out that bullet point two (2) of the environmental policy states:

"Maintain compliance with all environmental legislation and other related requirements for all stages of GPC's projects and operations."

We believe that GPC have not maintained compliance requirements under state and federal legislation with the WBDDP since the project commenced. For example, GPC have recorded 49 environmental incidents associated with the WBDDP between May 2011 and September 2012 (source [www.westernbasinportdevelopment.com.au/environmental\\_incidents\\_register](http://www.westernbasinportdevelopment.com.au/environmental_incidents_register)).

**What GPC have not provided, and we believe should have been provided as supporting documentation with this referral, is their environmental management and compliance history with past and current projects and operations. The environmental policy alone is not an accurate reflection of the actions taken by GPC in regards to projects and operations. For example, the WBDDP third party environmental audit provided to DSEWPaC and dated December 2011, clearly identifies one (1) non-compliance and five (5) partial compliances. These are summarised as follows by James Hart, the auditor, on page five (5) to six (6) of the Audit Report (for EPBC 2009/4904):**

One non-conformance was raised during the audit.  
.No evidence was available to verify that the independent auditor had been approved and the audit criteria agreed to by SEWPaC prior to the audit being conducted;

In addition to the one non-conformance, 5 areas of partial compliance were identified.

.While systems to minimise impacts from TSHD have been identified in Table 6.1 (A30), No other mitigation measures have been identified in the plan, although several were observed in practice, e.g. Procedures for fauna sightings during dredging and disposal operations, removal of fauna from WBRA;

.The objectives identified in Section 1.3 of the WQMP do not align with the primary objectives identified by condition 22;

.Description of the water quality monitoring methodology does not include visual techniques;

.The ERMP refers to an adaptive management response as shown in Fig. 1. However, fig. 1 not included in ERMP;

.While plans make reference to the Great Barrier Reef World Heritage Area and National Heritage Place (e.g. WQMP - Section 4 Key Environmentally Sensitive Locations, ASSMP - Site Characteristics) the values of the Great Barrier Reef World Heritage Area and National Heritage Place, and EPBC Act listed species and habitat likely to be impacted by the components of the action have not always been clearly described in all plans and reports.

Given the compliance issues identified and outlined above in an EPBC condition compliance audit (for WBDDP 2009/4904) with the same proponent (GPC), the proposed referral should not be considered until the proponent can

demonstrate that non-conformance (partial and full) identified and outlined above has been fully addressed and rectified.

**Yours truly,**

**GLADSTONE CONSERVATION COUNCIL**

**Cheryl Watson**

**Spokesperson**

**0408727492**