Summary of and Responses to Stakeholder Submissions

Issue Category	Issue	Submission #	Response
Flooding	Proposal seeks to locate development in hazardous flood prone land with 'very high' and 'extreme' flood hazard ratings.	5, 7, 11, 14	Detailed design will include consideration of flood compatible materials for all buildings or structures located below the flood planning level. - High voltage transformers, and where possible, electrical outlets and fittings will be located above the 1:100 year event flood level. - Water sensitive elements of the sand storage and transfer system, and compressors, will be located above the 1 in 50 year event flood level, plus 150 mm free board. Flood risks have been considered as part of the Safety in Design Risk Assessment process for the project. The Safety in Design Risk Assessment is provided in **Appendix N**. A Flood Emergency Response Plan will be prepared and implemented.
	TSF fills land which functions as an important flood storage basin and will impact upon the hydrology of the Hexham Swamp. The import of fill onto the site will create additional flooding issues lower in the catchment area which are not accounted for in the EA.	9	An updated Flood Impact Assessment Report has been prepared by BMT WBM and is provided in **Appendix D**. It demonstrates that the re-designed vertical alignment of the TSF will result in negligible changes to the current flooding regime.
	TSF will increase local flooding impact upon Old Maitland Road and restrict access.		An updated Flood Impact Assessment Report has been prepared by BMT WBM and is provided in **Appendix D**. It demonstrates that the re-designed vertical alignment of the TSF will result in negligible changes to the current flooding regime.
	TSF will increase flooding in nearby residential and business properties.	8, 18	An updated Flood Impact Assessment Report has been prepared by BMT WBM and is provided in **Appendix D**. It demonstrates that the re-designed vertical alignment of the TSF will result in negligible changes to the current flooding regime.
Ecology	The proposal will encroach on the Hexham Wetlands.	4	The amount of wetland vegetation impacted by the project is small in the context of the surrounding area, and much of it is in a degraded state. The Offset Strategy provides for the protection and management of a much larger amount of wetland

Issue Category	Issue	Submission #	Response
			vegetation under a Conservation Agreement.
	The proposal will impact upon native threatened and endangered bird species.	4, 8, 11	No threatened species or communities are considered likely to be significantly affected by the proposal. Whilst the project will have ecological impacts, those impacts are to disturbed vegetation and habitat. The provision of an on-site conservation outcome more than adequately mitigates this impact.
	Clearing of endangered ecological communities (EECs)	4, 14	No threatened species or communities are considered likely to be significantly affected by the proposal. Whilst the project will have ecological impacts, those impacts are to disturbed vegetation and habitat. The provision of an on-site conservation outcome more than adequately mitigates this impact.
	Proposal will impact upon protected migratory bird habitat wetlands which are protected by international treaties.	4, 5, 9, 11	No threatened species or communities are considered likely to be significantly affected by the proposal. A referral was submitted to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999*. The proposed development was deemed to not be a controlled action and no further approval from the Commonwealth is required in relation to potential impacts on migratory species.
	The proposal will encroach on the 'Stockton to Watagans Green Corridor' identified in the Lower Hunter Regional Strategy, and impact upon the connectivity of this corridor which cannot be mitigated by biodiversity offsets.	4, 5, 7, 9, 11	The Stockton-Watagan Corridor in the LHRS is a broad conceptual corridor linking these major conservation areas. The subject site sits within the corridor in a location where there is already significant infrastructure in place (highway, rail lines) that cause a break in the corridor for ground and tree dwelling mammals. The project has a negligible effect on the existing connectivity for other species such as birds and bats as these species can still move through the landscape using the existing vegetation as stepping stones. The project will improve the quality of the link via improvement to 53 hectares of vegetation in the corridor.
	Proposal will result in the emission of pollution into the Hexham Wetlands. Proposal undermines recent investment in restoring the Hexham Wetlands.	5, 9, 11, 14	Changes to hydrology and potential impacts on water quality have been assessed in the revised Stormwater Management Plan (provided in **Appendix E**) prepared by Worley Parsons and are considered in the revised Ecological Investigations Report prepared by ELA (provided in **Appendix G**). The proposed stormwater management system exceeds to targets for water quality controls by the Newcastle DCP and treatment of stormwater will result in an improvement in the discharge of key pollutants (Gross Pollutants, Nitrogen, Phosphorus, and Suspended Solids).

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			The development is therefore not expected to have negative ecological impacts due to stormwater discharge.
	The proposed Biodiversity Offsets are already protected and as a result there is no net increase in protected ecological communities.	6	Zoning doesn't by itself ensure management and maintenance of ecologically significant areas. Inclusion of the nominated areas as offsets will result in improvements in the ecological qualities of these areas.
	Destruction of a SEPP14 wetland is a significant loss and cannot be compensated for through an offset.	5, 7, 11, 14	4.5 ha of SEPP 14 will be impacted. The wetland is poor condition Swamp Oak Forest with a lack of trees. The Offset Strategy provides for the protection and management of a much larger patch of Swamp Oak Forest under a Conservation Agreement.
	Use of Smiths Creek as a stormwater drainage outlet will impact upon the ecological value of this system.	5	The proposal will result in increased flows of freshwater into the saltmarsh area to the south of the site. During such events, the receiving environment is likely to be dominated by freshwater run-off from the broader Hexham Swamp area. Such events in themselves are unlikely to have an impact on the EEC provided discharges velocities are managed by the detention basins and appropriate outlet structures. Of more relevance to species composition is the low-flow run-off from minor rainfall events. Over time, increases in freshwater from such events may lead to minor changes in species composition within the existing drainage channel that stormwater discharges to, but is not expected to change the composition of the broader saltmarsh area as it receives tidal flushing and freshwater run-off from the broader Hexham Swamp area. The ecological assessment has assumed an impact to 0.35 ha of saltmarsh which is more than adequately offset by the protection and management of 7.48 ha.
	Biodiversity Offset process is flawed and does not adequately mitigate the impact of wetland destruction.	7	An evaluation of the impacts and offsets has been undertaken using the Biobanking Assessment Methodology. The submission from the Office of Environment and Heritage indicates that it is satisfied that the development's impacts have been appropriately assessed under Biobanking Assessment Methodology. The offsets are also consistent with the OEH Principles for Offsetting as described in the Ecological Investigations Report provided in **Appendix G**. In conclusion the Offset Strategy is considered to represent a positive outcome.

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	EA does not acknowledge the loss of benefits provided by the wetlands in CO2 absorption and long-term carbon sequestration.	7	The amount of wetland vegetation impacted by the project is small in the context of the surrounding area, and much of it is in a degraded state. The Offset Strategy provides for the protection and management of a much larger amount of wetland vegetation under a Conservation Agreement.
	The location of a large fuel storage facility next to the Hexham Wetlands creates an undue and avoidable ecological risk.		The fuel storage facility has been relocated to the east, so it is located further away from the Hexham Swamp and is located between the access road and the rail tracks. Diesel storage will be within self-bund tanks and in accordance with AS 1940 – The storage and handling of flammable and combustible liquids. The tanker unloading area shall be covered with a roof which extends to, and over the bunded pump station. This will minimise rainwater entering the spill containment area and bund, and provide cover for the operator during the unloading procedures. The unloading area will be designed for the containment of a spill at the tanker unloading point and pump station. The capacity of the containment is sized to allow for a 12,000 litre spill which is the largest road tanker compartment size envisaged to operate on the site. Any storm water or wash down from the spill containment area will be captured, with runoff directed to a sump and then pumped to an adjacent tank. Provision will be made for the removal of waste fuel/water from the tank by a trade waste removal vehicle without interfering with the unloading of tankers at the bulk facility.
Traffic	The TSF will increase traffic congestion on Maitland Road and the New England Highway.	6	The Traffic Impact Assessment provided in Appendix O of the EAR identifies that approximately 106 traffic movements (inbound and outbound combined) would occur during operations of the TSF. Spread over a 16-hour day this would have an inconsequential impact on the broader traffic network which caters for over 50,000 vehicles per day (New England Highway).
	Tarro Interchange access point will increase queuing in peak periods, and result in queue lengths extending beyond the railway line crossing.	6, 8	The Traffic Impact Assessment provided in Appendix O of the EAR identifies that approximately 106 traffic movements (inbound and outbound combined) would occur during operations of the TSF. SIDRA analysis concluded that this would have a negligible impact on the safety and level of service of the Tarro Interchange.
Noise	The proposal will increase noise from trains braking, and no mitigation measures are proposed.	6, 8	Shunting of trains on the TSF site has been included in the Noise Impact Assessment prepared by SLR and provided in Appendix P of the EAR. A revised Noise Impact Assessment has been prepared by SLR (**Appendix L**) taking into

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			account the changes in the design of the TSF, which again indicates that the TSF will comply with project specific noise levels under all operational scenarios.
Air Pollution	The proposal will increase air pollution from the diesel exhaust of coal trains.	4, 11, 14	The Air Quality Impact Assessment included at Appendix Q of the EAR and prepared by SLR included modelling of air quality impacts resulting from site emissions, including from diesel exhaust from on-site locomotives. The modelling identified that the air quality impacts were minimal and well below EPA air quality criteria under all scenarios.
	The proposal will generate hazardous dust emissions during construction.	4, 6, 8	Emission of dust during construction was addressed by SLR in the Air Quality Impact Assessment included at Appendix Q of the EAR. An addendum to the Air Quality Impact Assessment has been prepared by SLR (**Appendix M**) taking into account the changes in the construction activities for the TSF. SLR has nominated bets practice dust control measures to prevent the emission of unacceptable levels of dust during construction works.
	The proposal will increase air pollution from coal dust.	11, 14	No coal-loaded trains will access the TSF.
Visual Impact	The TSF will impact upon the visual quality of the area and this is not consistent with the preservation of the regions scenic quality as outlined in the LHRS.		The site has long been associated with train infrastructure and industrial activities, and includes remnant structures in evidence of this, including the balloon loop and coal tailings stockpiles, as well as an existing wastewater treatment plant. Further, the site is located immediately adjacent to several infrastructure corridors, including the existing Mainline, the Pacific Highway (including the bridge over the Hunter River), and an industrial area, is currently crossed by a number of utilities easements (electricity, water mains, and gas mains), and will be the location of the F3 extension in the future. As such, the project is not incongruous with the current visual context of the site. Notwithstanding this, the project includes for the management, maintenance and improvement of much of the ecologically significant vegetation at the site and so will contribute to the visual quality of these areas in the future.
Economy	The proposal is required to support the ongoing operation of the coal industry in the Hunter region and NSW, and by virtue of this will have a positive economic impact.	1, 2, 12	Noted.
	Construction and operation of the TSF will provide	1, 2, 12	Noted.

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	additional employment opportunities within Hunter region.		
	The damage to the Hexham Wetlands will reduce the economic productivity of the wetlands for local fisheries.	4, 5, 7, 11, 14	No threatened species or communities are considered likely to be significantly affected by the proposal. Whilst the project will have ecological impacts, those impacts are to disturbed vegetation and habitat. The provision of an on-site conservation outcome more than adequately mitigates this impact. Indirect impacts arising from changes to hydrological regimes were also assessed, however surface and groundwater analysis indicates that there will be only very minor changes away from the areas being filled for development and therefore it is not expected that there will be changes to the remaining GDEs. In particular, whilst there may be minor changes in species composition within the existing drainage channel that stormwater discharges to (due to the increased discharge of freshwater), it is not expected to change the composition of the broader saltmarsh area as it receives tidal flushing and freshwater run-off from the broader Hexham Swamp area. Further, the proposed stormwater management system exceeds to targets for water quality controls by the Newcastle DCP and treatment of stormwater will result in an improvement in the discharge of key pollutants (Gross Pollutants, Nitrogen, Phosphorus, and Suspended Solids). As such, there is unlikely to be any impact to the productivity of local fisheries in the vicinity of the Hexham Swamp as a result of the project.
	Proposal is not an economic use of money given limited timeframe for coal extraction.	19	The project is financially viable and will improve the efficiency of the Hunter Valley Coal Chain.
Newcastle Port Operations	TSF is a necessary infrastructure development to support ongoing operation and capacity upgrades around the Port of Newcastle for coal exports.	1, 2, 10, 12, 15	Noted.
	TSF is required to support growth in rail movements associated with increased coal exports.	2, 10, 16, 17	Noted.
	TSF is required to reduce bottlenecks and congestion around key logistic chain infrastructure.	2, 3, 10, 12, 13, 15, 16, 17	Noted.
	Rail facilities released at Newcastle coal terminals as	16	Noted.

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	a result of the TSF should be used to ensure that Hunter Valley coal supply chain congestion is reduced.		
Land Use	The proposal is inconsistent with land uses and objectives for the E2 Environmental Conservation zoning which applies to the bulk of the site and much of the TSF.	7	The project is permissible with consent in the IN3 and E2 Zones and is consistent with the objectives of these zones. The project is not permissible with consent in the E2 Zone, and is generally not consistent with the objectives of the zone. The project has been designed to minimise the impacts on the E2 zoned land. Further, the project includes significant offset proposals which will enhance and improve much of the ecologically significant vegetation within the E2 Zone.
Site Suitability	Alternative sites are more suitable. Site selection has been based purely on cost and has not adequately considered environmental impacts	4, 5, 7, 9, 11, 14, 19	Section 5 of the EAR includes a detailed analysis of alternative sites. Hexham was the most suitable site for the TSF based on a multi-criteria analysis which took into account a number of factors including socio-economic factors, environmental factors, topography, accessibility, logistics and services. Factors that were beneficial in the selection of the Hexham site included: - Pre-existing impacts from industrial activity associated with coal processing and rail transport facilities. - Strategically located between coal mines and the Newcastle Coal Terminals immediately adjacent to the Mainline. - Flat topography and little vegetation cover. - Separation from the main residential areas of Tarro and Hexham minimising potential issues associated with noise, dust and vibration. - Close proximity to the Newcastle area workforce. - Direct access to the New England Highway for fuel deliveries. Many of these factors have environmental attributes and benefits, as well as socio-economic and cost implications.
	Rail infrastructure such as the TSF should be co-located and made available to all operators, rather than duplicating facilities.	7	Noted.
	The site is suitable as it is located adjacent to the	13	Noted.

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	main line and represents a location which is efficient within the rail network,		
	The site is suitable as it has a long association with coal and rail transportation.	17	Noted.
Cumulative Impact	The cumulative impact of the TSF, ARTC relief lines and the F3 extension has not been adequately considered and will result in significant environmental impacts.	6, 7	The project has been assessed cumulative with the Hexham Relief Roads as follows: - A joint Flood Impact Assessment Report (**Appendix D**) was prepared by BMT WBM to address cumulative flooding impacts. This joint report has resulted in design changes to both the TSF and the Hexham Relief Roads Projects in order to prevent significant flood impacts on adjoining properties. - SLR considered cumulative construction noise impacts in Appendix P of the EAR. An updated Noise Impact Assessment Report is provided in **Appendix L** of this PPR which includes a cumulative operational noise impact assessment and an updated construction noise impact assessment. No significant noise impacts have been predicted. - The Air Quality Impact Assessment provided in Appendix Q of the EAR modelled cumulative air quality impacts from operational activities of both projects. No significant noise impacts have been predicted. The project has not been assessed cumulatively with the F3 extension as the RMS has not released sufficient design for its future development to support a cumulative assessment. Notwithstanding this, an indicative corridor has been identified. In order to prevent future conflicts, the vegetation proposed by Aurizon for ecologically offsets has deliberately avoided any vegetation that is within this corridor.
	The proposal does not consider the cumulative impact of wetland habitat loss in NSW.	9	The OEH's off-setting principles specify that the project should achieve an 'improve or maintain' outcome in relation to biodiversity and ecological values. A biodiversity offsets package has been prepared which will deliver the 'improve or maintain' outcome, based on the analysis of ecological values calculated by the OEH's BioBanking calculator. As such, the project is not expected to contribute to a cumulative loss of wetland habitat in NSW.
Consultation	Community consultation activities have been poorly	5	The project has been subjected to the statutory exhibition and consultation process

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	advertised and run.		set out in the EP&A Act. In addition to this Aurizon carried out a project specific community information session (24/11/2012) and established a phone-line where interested members of the community could obtain additional information or make a representation.
Environmental Assessment	'Ecologically Sustainable Development' has not be appropriately addressed in the EA as required by the DGRs.	5	Section 10 of the EAR includes an assessment of the project against the principles of Ecologically Sustainable Development.
Other	Development will result in land locking of adjoining property		Aurizon will provide continued 3rd party access to all landowners who currently take their access through the site.

	Submission	Objects/Supports
1	Hunter Business Chamber	Supports
2	Australian Rail Track Corporation (ARTC)	Supports
3	BHP Billiton	Supports
4	John Hayes, Correct Planning & Consultation for Mayfield Group	Objects
5	Dennis Hirst, Hexham Swamp Rehabilitation Project Committee	Objects
6	Glenn Lynch, Max Lynch Motor Vehicle Repairs Pty Ltd	Objects
7	Tom Clark, Green Corridor Coalition	Objects
8	Helen Lynch	Objects
9	Hunter Bird Observers Club	Objects
10	Hunter Valley Coal Chain Coordinator	Supports
11	Islington Village Community Group	Objects
12	NSW Minerals Council	Supports
13	Name withheld	Supports
14	Name withheld	Objects
15	Newcastle Port Corporation	Supports
16	Pacific National	Supports
17	Peabody Energy	Supports
18	Ron Smith	Objects
19	Caroline Graham	Objects
20	Steve Phillips	Objects