



Objection form for a mining lease application

Sections 260 and 261 *Mineral Resources
Act 1989*
Form MRA-20
Version 5

This form should be used to make an objection in relation to an application for grant of a mining lease.

Please use a pen, and write neatly using **BLOCK LETTERS**. Cross where applicable ☒

When completed, this form should be forwarded to the Department at the Mines Lodgement Office in which the mining lease is located, and a copy served upon the applicant for the mining lease and environmental authority.

Please note: business hours for a Mines Lodgement Office are 8.30am to 4.30pm (AEST), Monday to Friday (excluding public holidays).

Date: 30 June 2015

Your name: Oakey Coal Action Alliance Inc.

Your contact details: c/- Environmental Defenders Office (Qld) Inc.
30 Hardgrave Road, West End QLD 4101
Tel: (07) 3211 4466; Fax: (07) 3211 4655; Email: edoql@edo.org.au

To: Mines Lodgement Office - Rockhampton
Department of Natural Resources and Mines
PO Box 3679
RED HILL QLD 4701

coalhub@dnrm.qld.gov.au

Attention: Melissa Munro

(Insert contact officer's name)

I / we hereby make an objection in relation to:

- applications to grant mining leases ML50232 and ML700002

The objection is as follows:

Grounds of the objection:

The mining lease applications should be refused because:

- a) there is an unacceptable risk that there will not be an acceptable level of development and utilisation of the mineral resources within the area applied for;
- b) the land and the surface area of the land are not an appropriate size and shape for the mining activities proposed;
- c) the terms of the leases applied for are not appropriate;
- d) the applicant does not have the necessary financial and technical capabilities to carry on mining operations under the proposed mining leases;
- e) the past performance of the applicant has not been satisfactory;

- f) the operations to be carried out under the authority of the proposed mining lease will not conform with sound land use management;
- g) there will be significant adverse environmental impacts, including social and economic impacts, caused by those operations;
- h) the public right and interest will be prejudiced;
- i) good reasons can be shown for a refusal to grant the mining lease; and
- j) taking into consideration the current and prospective uses of that land, the proposed mining operation is not an appropriate land use.

If the applications are not refused, conditions should be imposed to address the matters raised above.

Facts and circumstances relied on in support of the grounds of the objection:

Mine and application process

1. The New Acland Coal Mine Stage 3 Project includes the expansion of an existing open-cut coal mine, located 14 km north-west of Oakey, and the construction of associated infrastructure.
2. The mine currently operates on Mining Lease (ML) 50170 and ML 50216 and produces 5.2 million tonnes per annum (Mtpa) of thermal product coal, which is forecast to be depleted by 2017.
3. The proposed expansion involves extending the mine's operating life to approximately 2029 and increasing production up to 7.5 Mtpa by including open-cut mining of the Manning Vale and Willeroo resource areas within mining lease application (MLA) 50232.
4. Approximately 1,466 hectares of MLA 50232 will be disturbed by the proposed expansion's open-cut mining activities. 1,361 hectares of this area is designated as strategic cropping land.
5. New Acland Coal Pty Ltd (the Proponent) originally lodged MLA 50232 in April 2007. The term of lease for which the Proponent applied is 40 years.
6. In May 2007, the Coordinator-General declared the proposed expansion a coordinated project under the *State Development and Public Works Organisation Act 1971*, for which an environmental impact statement (EIS) was required.
7. In October 2007, the Coordinator-General released terms of reference for the EIS. From 14 November 2009 to 3 February 2010, the Proponent's EIS was published and public submissions invited.
8. On 28 March 2012, the incoming Queensland Government declared that it would not support the expansion as it was then proposed. In November 2012, the Proponent submitted a revised proposal.
9. In March 2013, the Coordinator-General released new terms of reference for the EIS. From 18 January 2014 to 3 March 2014, a new draft EIS was published and public submissions invited.
10. During September 2014, additional information to the EIS (AEIS) and the final EIS were published and public submissions again invited.
11. In December 2014, the Proponent provided a final clarification to the AEIS and, on 19 December 2014, the Coordinator-General's report on the final EIS was released. The Coordinator-General recommended that the proposed expansion be approved subject to conditions.
12. The proposed associated infrastructure involves construction and operation of a new 8km-long rail spur line and balloon loop from Jondaryan onto MLA 50232 (MLA 70002, lodged on 15 January 2015).
13. In April 2015, the Proponent applied under the *Environmental Protection Act 1994* to amend its environmental authority for the mine (EPML00335713) to include the proposed expansion.

14. The public notice of the applications for the mining leases and environmental authority was issued in May 2015.
15. In mid-June 2015, the Proponent replied to an information request from the Department of Environment and Heritage.

Groundwater

16. If the project proceeds, drawdown of groundwater levels, and potential groundwater contamination, will have an unacceptable impact on other water users and environmental values, including in times of drought. It will also adversely affect social values and regional economics due to the resulting impacts on agriculture.
17. The groundwater assessments done for the project were inadequate to appropriately determine the extent of those impacts.
18. The adverse environmental and related impacts to groundwater support grounds (f),(g),(h),(i) and (j) above.

Air quality

19. If the project proceeds, it will have an unacceptable impact on air quality and therefore on human and environmental health, both local to the mine and regionally from rail transport. This will also adversely affect social values of the region.
20. The air quality modelling done for the project was inadequate to appropriately determine the extent of those impacts.
21. The adverse impacts on air quality support grounds (b),(f),(g),(h),(i) and (j) above.
22. The past performance of the proponent with regards to air quality has not been satisfactory (ground (e) above).

Noise

23. If the project proceeds, it will have unacceptable noise impacts on human and environmental health, including wildlife. This will also adversely affect social values of the region.
24. The noise modelling done for the project was inadequate to appropriately determine the extent of those impacts.
25. The adverse impacts of noise supports grounds (b),(f),(g),(h),(i) and (j) above.
26. The past performance of the proponent with regards to noise has not been satisfactory (ground (e) above).

Light Pollution

27. If the project proceeds, it will have unacceptable light pollution impacts on human and environmental health, including wildlife and stock. This will also adversely affect social values of the region.
28. The light pollution assessment done for the project was inadequate to appropriately determine the extent of those impacts.
29. The adverse impacts of light pollution support grounds (b),(f),(g),(h),(i) and (j) above.
30. The past performance of the proponent with regards to light pollution has not been satisfactory (ground (e) above).

Surface water

31. If the project proceeds, it will have an unacceptable impact on other users of surface water and on the environmental values of those waters, which include Lagoon Creek. This includes potential discharges from the mine.
32. The surface water assessments done for the project were inadequate to appropriately determine the extent of those impacts.
33. The adverse environmental and related impacts to surface water support grounds (f),(g),(h),(i) and (j) above.

Biodiversity

34. If the project proceeds, it will have an unacceptable impact on biodiversity.
35. The ecological assessments done for the project were inadequate to appropriately determine the extent of those impacts.
36. Species that will be severely impacted by the mine include, but are not limited to, the koala. A population of koalas is located within the mine lease area. No confidence can be placed in species impact mitigation measures, such as the Koala Management Plan, which are inadequate.
37. The adverse impacts to biodiversity support grounds (f),(g),(h),(i) and (j) above.

Economic and social matters

38. If the project proceeds, it will have adverse economic and social impacts on local, regional, and State economies and communities, including but not limited to:
- a. displacement and/or loss of agricultural enterprises;
 - b. loss of businesses and jobs servicing those lost agricultural enterprises;
 - c. inconsistency with the expansion of rural tourism;
 - d. decrease in local property values; and
 - e. expense to authorities from necessary upgrades and maintenance to public infrastructure.
39. The assessments done for the project were inadequate to appropriately determine the extent of those economic and social impacts. This included a failure to demonstrate a net economic benefit from the mine.
40. The economic return to Queensland will be significantly limited by the relevant royalty regime for the land within the lease application areas.
41. The project is at risk of not being economically viable during the terms of the leases because of factors such as the high costs of production and transport of the product coal, the low global thermal coal price for the foreseeable future, and uncertainties regarding domestic and international energy policies. Therefore, the project's adverse environmental and social impacts may be felt with no, or limited, economic benefit to the State being realised.
42. The adverse economic and social impacts, and lack of net economic benefit to Queensland, support grounds (a),(c),(d),(g),(h),(i) and (j).

Each entity to this objection must be stated below:

(Note: This is not a petition. If you sign this page you will be required to participate in proceedings before the Land Court regarding your objection).

1	NAME OAKLEY COAL ACTION ALLIANCE INC.	SIGNATURE <i>A. Lock</i> (President)	DATE 30/6/2005
POSTAL ADDRESS c/- Environmental Defenders Office (Qld) Inc. 30 Hardgrave Road West End QLD 4101		TELEPHONE: (07) 3211 4466 FACSIMILE: (07) 3211 4655 EMAIL: edoqld@edo.org.au	
2	NAME	SIGNATURE	DATE
POSTAL ADDRESS		TELEPHONE: FACSIMILE: E-MAIL:	

3	NAME	SIGNATURE		DATE
POSTAL ADDRESS		TELEPHONE: FACSIMILE: E-MAIL:		
4	NAME	SIGNATURE		DATE
POSTAL ADDRESS		TELEPHONE: FACSIMILE: E-MAIL:		
5	NAME	SIGNATURE		DATE
POSTAL ADDRESS		TELEPHONE: FACSIMILE: E-MAIL:		
6	NAME	SIGNATURE	DATE	
POSTAL ADDRESS		TELEPHONE: FACSIMILE: E-MAIL:		

Further information for objectors

Objection to the application

An entity may on or before the last date set for the receipt of objections lodge with the Department an objection in writing in the approved form.

An objection must state the grounds of objection and the facts and circumstances relied on by you in support of those grounds.

An objector to any application for a mining lease must serve upon the applicant, on or before the last objection day, a copy of the objection lodged by the objector.

A properly made objection to an application for the grant of a mining lease is one that:

- is in the approved form;
- states the grounds of the objection and the facts and circumstances relied on by the objector in support of those grounds; and
- is an objection lodged under section 260 that has not been withdrawn.

Withdrawal of an objection

An objection to an application for a mining lease may be withdrawn by the objector giving written notice of the withdrawal to -

- a) the Chief Executive; and
- b) if the objection has been referred to the Land Court under section 265 –
 - i. the Land Court; and
 - ii. the applicant

A withdrawal of an objection can not be revoked.

Environmental authority

To make a submission/objection about an application or amendment application for an environmental authority, please refer to the Department of Environment and Heritage Protection's website www.ehp.qld.gov.au for the appropriate forms.