



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: 16 June 2014

Your name: Land Services of Coast and Country Inc

Your contact details: c/- Environmental Defenders Office (Qld) Inc
30 Hardgrave Road, West End QLD 4171
Tel: (07) 3211 4466; Fax: (07) 3211 4655; Email: edoqld@edo.org.au

To: (Insert address of Mines Lodgement Office)

Mines Lodgement Office
Department of Natural Resources and Mines
Building E, 25 Yeppoon Road, Parkhurst, Queensland, 4702

Attention: Laura Muller, Project Officer, Department of Environment and Heritage Protection

(Insert contact officer's name)

I / we hereby make an objection in relation to:

- an application to grant mining lease numbers: **Mining Lease Application Numbers 70441, 70505 and 70506 (Proposed Carmichael Coal Mine in the Emerald Mining District)**

The objection is as follows:

Grounds of the objection:

The grounds of the objection are stated in Attachment A.

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

The facts and circumstances relied on in support of the grounds of the objection are stated in Attachment A.

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: Land Services of Coast and Country Inc	SIGNATURE	DATE 16 June 2014
POSTAL ADDRESS c/- Environmental Defenders Office (Qld) Inc 30 Hardgrave Road West End QLD 4101		TELEPHONE: (07) 3211 4466 FACSIMILE: (07) 3211 4655 E-MAIL: edoqld@edo.org.au	

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.

ATTACHMENT A

GROUND OF OBJECTION

The applications for the mining leases under the *Mineral Resources Act 1989* (Qld) (MRA) for the Carmichael Coal Mine Project (the mine) should be refused on the basis of the considerations stated in section 269(4)(c), (f), (i), (j), (k), (l) and (m) of the MRA:

1. If the mine proceeds, there will be severe and permanent adverse environmental impacts caused by the operations carried out under the authority of the proposed mining leases.
2. If the mine proceeds, the public right and interest will be prejudiced.
3. Good reason has been shown for a refusal to grant the mining leases due to the risk of severe environmental impacts and the lack of scientific certainty regarding those impacts.
4. Taking into consideration the current and prospective uses of that land, the proposed mining operation is not an appropriate land use.
5. 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 because the mine, if it proceeds at all, is likely to cease to be economically viable within the term of the lease, resulting in some or all of the environmental impacts without realising the full economic benefits predicted.
6. The Applicant does not have the necessary financial capabilities to carry on mining operations under the proposed mining leases.
7. If the mine proceeds, the operations to be carried on under the authority of the proposed mining leases will not conform with sound land use management.
8. In the alternative to grounds 1-7 above, if the applications are not refused, conditions should be imposed to address the matters raised in grounds 1-7.

FACTS AND CIRCUMSTANCES

Mine and application process

1. The Carmichael Coal Mine (the mine) is a proposed open-cut and underground coal mine 160 km north-west of the town of Clermont, in Central Queensland.
2. The proposed mine is located in the Galilee Basin in the catchment of the Burdekin River, which flows into wetlands and the Great Barrier Reef, and the area of the mine and its surroundings is currently used predominantly for agriculture, particularly grazing.
3. The thermal coal deposits for the proposed mine are located within Mining Lease Applications (MLAs) 70441, 70505 and 70506. Approximately 28,000 hectares of the mining lease area is proposed to be disturbed by the open-cut and underground mining operations and related activities.
4. Adani Mining Pty Ltd (the Applicant) lodged MLA 70441 for a mining lease under the *Mineral Resources Act 1989* (Qld) (MRA) on or about 8 November 2010 and subsequently applied for MLAs 70505 and 70506 on or about 9 July 2013.
5. According to the mining lease applications, the mining lease term applied for is 30 years with an annual extraction rate of around 60 million tonnes per annum of product coal.
6. The Coordinator-General declared the mine and its associated rail line a significant project for which an environmental impact state (EIS) was required under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWOA) by gazettal notice on 26 November 2010.
7. The Applicant's EIS was published and public submissions invited from 15 December 2012 to 11 February 2013. A Supplementary EIS (SEIS) was published and public submissions invited from 25 November 2013 to 20 December 2013.
8. The Applicant made an application for an environmental authority under the *Environmental Protection Act 1994* (Qld) (EPA) on or about 11 April 2014.
9. The Coordinator-General's report on the mine and the associated rail line under the SDPWOA was delivered on 7 May 2014. The Coordinator-General recommended that the mine be approved subject to conditions.
10. The public notice of the application for the mining lease and environmental authority was issued in April 2014.

Groundwater

11. If the mine proceeds, it will cause severe adverse environmental impacts to groundwater and dependent users, species and ecosystems.
12. If the mine proceeds, it will impact groundwater dependent springs and systems that are important for human use, agriculture and biodiversity, including but not limited to:
 - (a) the Doongmabulla Springs Complex - including Moses, Little Moses and Joshua; and
 - (b) the Mellaluka Springs Complex - including Mellaluka Spring, Lignum Spring and Stories Spring.
13. The full extent of the adverse environmental impacts to groundwater and dependent species and ecosystems cannot be particularised by the objector due to the inadequate information provided by the Applicant in the applications, EIS and SEIS.
14. It has not been adequately demonstrated that the mine will not have an unacceptable adverse impact on groundwater and dependent species and ecosystems. In particular:
 - (a) It has not been adequately demonstrated that the mine will not have an unacceptable adverse impact on the environment by changes to the quality and quantity of groundwater considering s 269(4)(j) of the MRA;
 - (b) The absence of adequate scientific information about a potential impact with severe and long term impacts is good reason to refuse the mining lease applications considering s 269(4)(l) of the MRA; and
 - (c) The adverse environmental impacts and potentially severe adverse environmental impacts caused by these proposed mining operations on groundwater make it an inappropriate use of the land when current land use does not pose a similar threat considering s 269(4)(m) of the MRA.

Surface water

15. If the mine proceeds, it will cause severe adverse environmental impacts to surface water and dependent users, species and ecosystems on and associated with the area of the mine and downstream.
16. The full extent of the adverse environmental impacts to surface water and dependent users, species and ecosystems cannot be particularised by the objector due to the inadequate information provided by the Applicant in the applications, EIS and SEIS.

17. It has not been adequately demonstrated that the mine will not have unacceptable adverse impacts and potentially severe and long term adverse impacts on the quantity and quality and surface water and dependent ecosystems and species that have not been adequately assessed. In particular:
- (a) The mine will have an unacceptable adverse impact on the environment by adverse impacts on surface water quality, quantity and ecology (including dependent species) considering s 269(4)(j) of the MRA;
 - (b) The absence of adequate scientific information about potentially severe and long term impacts is good reason to refuse the mining lease applications considering s 269(4)(l) of the MRA; and
 - (c) The adverse environmental impacts and potentially severe adverse environmental impacts caused by these proposed mining operations on surface water by the creation of a permanent final void, alienating the land from current and future productive use, make it an inappropriate use of the land when current land use does not pose a similar threat considering s 269(4)(m) of the MRA.

Biodiversity

18. If the mine proceeds, it will cause severe adverse environmental impacts to biodiversity and ecosystems on, and associated with, the area of the mine.
19. The species that will be severely impacted by the mine include, but are not limited to, the Black throated finch (*Poephila cincta*) (BTF).
20. A nationally significant population of BTF is located within the mine lease area and will be severely and permanently adversely impacted by the mine through impacts such as the direct clearing of habitat and diminution of spring ecosystems.
21. The exact extent of the impacts cannot be known as the application, EIS and SEIS did not adequately assess the presence of BTF or its habitat requirements.
22. No confidence can be placed in proposed offsets for the BTF as its requirement are insufficiently known to select any offset areas.
23. The full extent of the adverse environmental impacts to biodiversity and ecosystems cannot be particularised by the objector due to the inadequate information provided by the Applicant in the applications, EIS and SEIS.
24. It has not been adequately demonstrated that the mine will not have unacceptable adverse impacts on biodiversity, including threatened species, and ecosystems. In particular:
- (a) The mine will have adverse impacts on the environment by adverse impacts on biodiversity and ecosystems considering s 269(4)(j) of the MRA;

- (b) The absence of adequate scientific information about potentially severe and long term adverse impacts on biodiversity is good reason to refuse the mining lease applications considering s 269(4)(l) of the MRA; and
- (c) The adverse environmental impacts and potentially severe adverse environmental impacts caused by these proposed mining operations on biodiversity and ecosystems is an inappropriate use of the land when current use does not pose a similar threat considering s 269(4)(m) of the MRA.

Climate change

- 25. If the mine proceeds, it will cause severe adverse environmental impacts due to direct and indirect emissions of greenhouse gases contributing to climate change and ocean acidification from the mining, transport and use of the coal from the mine.
- 26. The full extent of the adverse environmental impacts due to direct and indirect emissions of greenhouse gases contributing to climate change and ocean acidification from the mining, transport and use of the coal from the mine cannot be particularised by the objector due to the inadequate information provided by the Applicant in the applications, EIS and SEIS.
- 27. It has not been adequately demonstrated that the mine will not increase the likelihood, severity and longevity of the environmental harms that will result from climate change and ocean acidification, considering the combined effect of s 269(4)(j) and (l) of the MRA.

Economic and social matters

- 28. It has not been adequately demonstrated that the mine will not have adverse economic and social impacts. In particular:
 - (a) The mine will have adverse economic impacts and potentially severe adverse economic impacts caused by these proposed mining operations on local, regional, State and global economies and communities considering s 269(4)(j) of the MRA; and
 - (b) The adverse economic impacts of the mine have not been adequately assessed.
- 29. 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, considering s 269(4)(c) of the MRA. In particular, if the mine proceeds at all, it is likely to cease to be economically viable within the term of the lease due to factors including:
 - (a) the high costs of production and transport of the product coal; and
 - (b) the low global thermal coal price for the foreseeable future.

30. The Applicant does not have the necessary financial capabilities to carry on mining operations under the proposed mining lease considering s 269(4)(f) of the MRA, due to factors including its high levels of debt relative to its assets and incomes.
31. The failure to demonstrate a net economic benefit from the mine, through an assessment of the adverse economic impacts, is a good reason to refuse the mine considering s 269(4)(l) of the MRA.
32. The adverse economic impacts and the potentially severe adverse economic impacts caused by these proposed mining operations make it an inappropriate use of the land when current land use does not pose a similar threat.
33. There is not sufficient economic need for the mine to justify the impacts and risks set out above.

Public Interest

34. The adverse impacts and risks of the mine to groundwater, surface water, biodiversity, climate change, economy and society described above collectively outweigh the purported benefits of the mine and justify refusal on the basis that it would prejudice the public right and interest considering s 269(4)(k) of the MRA.

– END OF ATTACHMENT A –