



Form of Objection

Sections 71 & 260 Mineral Resources Act 1989

Sections 216 & 217 Environmental Protection Act 1994

This form should be used to make an objection in relation to:

- (a) the grant of a mining lease or mining claim; and/or*
- (b) an environmental authority (mining lease or mining claim) application; and/or*
- (c) a draft environmental authority for an environmental authority (mining lease or mining claim) application; and/or*
- (d) a condition included in a draft environmental authority for an environmental authority (mining lease or mining claim) application.*

When completed, this form should be

- forwarded to the Mining Registrar of the relevant Department of Mines and Energy district in which the proposal is located; and*
 - a copy served upon the applicant for the mining tenement/environmental authority.*
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Date: 7 November 2006

Name: Queensland Conservation Council Inc
Contact details: 166 Ann Street
Brisbane Qld 4000
Telephone: (07) 3221 0188
Facsimile: (07) 3229 7992

Mining Registrar: Nathan Brown, Mining Registrar – Emerald Mining District
Administering authority: Department of Mines & Energy
Address: PO Box 19
Emerald Qld 4720
Facsimile: (07) 4987 9333

Re: **Application for tenement:** mining lease; or mining claim

Application for environmental authority: mining lease; or mining claim

Tenement Number(s): ML 4761

By: Xstrata Coal Queensland Pty Ltd, Itochu Coal Resources Australia Pty Ltd, ICRA NCA Pty Ltd, and Sumisho Coal Australia Pty Ltd.
(applicants' names)

For proposed: Open cut coal mine ML 4761 – application for additional surface area for extension of the Newlands Coal Mine, Wollombi No 2 Surface Area, at Suttor Creek approximately 129 km west of Mackay, known as the Newlands Wollombi No. 2 Project (“the mine”).

On land described as: Lot 1 on CP 905226 and Lot 2 on CP 845104

I / We hereby give notice of objection¹ in relation to:
(tick one or more of the options below)

- the grant of the mining tenement(s) identified above.
- the environmental authority application.
- the draft environmental authority for the application.
- a condition / conditions included in the draft environmental authority for the application².

The objection is as follows:

Grounds of the objection:

Pursuant to the considerations listed in section 269(4)(j)-(l) of the *Mineral Resources Act 1989* and section 223 of the *Environmental Protection Act 1994*:

1. The mine will cause adverse environmental impacts unless conditions are imposed to avoid, reduce or offset the emissions of greenhouse gases that are likely to result from the mining, transport and use of the coal from the mine.
2. The mine will prejudice the public right and interest unless conditions are imposed to avoid, reduce or offset the emissions of greenhouse gases that are likely to result from the mining, transport and use of the coal from the mine.
3. There are good reasons to refuse to grant the mining lease or to impose conditions, namely, to avoid, reduce or offset the emissions of greenhouse gases that the mining, transport and use of the coal from the mine will cause.
4. The mine is not consistent with the principles of ecologically sustainable development due to the contribution that the emissions of greenhouse gases from the mining, transport and use of the coal from the mine will make to global warming unless conditions are imposed to avoid, reduce or offset those emissions.
5. The mine will not comply with best practice environmental management for coal mining unless conditions are imposed to avoid, reduce or offset the emissions of greenhouse gases that are likely to result from the mining, transport and use of the coal from the mine.
6. The mine will not comply with the general environmental duty unless conditions are imposed to avoid, reduce or offset the emissions of greenhouse gases that are likely to result from the mining, transport and use of the coal from the mine.

Facts and circumstances relied upon in support of the grounds:

- A. The mine will produce up to 2.5 million tonnes per annum (Mtpa) of run of mine (ROM) black coal for a nominal annual average of 1.9 Mtpa product coal over a 15 year mine life, or 28.5 Mt of coal in total.
- B. The coal from the mine will be transported to domestic and/or export markets for electricity production (thermal or steaming coal) and/or steel production (coking coal).
- C. The greenhouse gas emissions from the full fuel cycle of the mining, transport and use of the 28.5 Mt of coal from the mine for electricity production or steel production will be approximately 72.26 – 96.44 Mt of carbon dioxide equivalent (Mt CO₂-e).
- D. The total annual greenhouse gas emissions produced directly by Australia are currently approximately 550 Mt CO₂-e, which is approximately 5% of greenhouse gas emissions globally.
- E. The greenhouse gas emissions from the mining, transport and use of the coal from the mine will contribute significantly to global warming and climate change unless offset by conditions to avoid, reduce or offset those emissions.
- F. Unless urgent and major steps are taken to reduce greenhouse gas emissions, global warming and climate change is likely to have severe impacts on the Queensland and global environment, including the Great Barrier Reef and Wet Tropics World Heritage Areas.



Each entity / eligible person who is making this objection:

1. Name: Queensland Conservation Council Inc
Address: 166 Ann Street
Brisbane Qld 4000
- Signature:
Toby Hutcheon
Coordinator, Queensland Conservation Council Inc
- Date: 7 November 2006

Further Information for Objectors

Environmental Protection Act 1994 provisions

¹A properly made objection in relation to an environmental authority (mining lease or mining claim) is one that:

- is written;
- is signed by or for each entity (signatory) who made the objection;
- states the name of and address for each signatory;
- is made to the administering authority;
- is received on or before the last day of the objection period; and
- states the grounds of the objection and the facts and circumstances relied on in support of the grounds.

The administering authority must accept a properly made objection, and may also accept a written objection in relation to an environmental authority (mining lease or mining claim) even if it is not properly made.

²If the application is a standard application for environmental authority, the applicant cannot object to a condition included in the draft environmental authority.

Mineral Resources Act 1989 provisions

An entity may on or before the last date set for the receipt of objections lodge with the mining registrar 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 claim or mining lease must serve upon the applicant, on or before the last objection day, a copy of the objection lodged by the objector.

Amendment or Withdrawal of an Objection

If the administering authority has accepted an objection in relation to an environmental authority (mining lease or mining claim), the entity who made the objection may, by written notice in the approved form:

- (a) within the objection period, amend or replace the objection³; or
- (b) at any time before the objection decision is made, withdraw the objection.

However a notice may be given only as follows:

- (a) before the objection period ends⁴ - by giving it to the authority;
- (b) after the objection period ends⁵ - by filing it with the Deputy Registrar (Additional Office), Land and Resources Tribunal and giving the administering authority a copy.

³Use prepared notice template titled "Notice amending or replacing an objection to an environmental authority (mining lease or mining claim) application.

⁴Use prepared notice template titled "Notice of withdrawal of an objection to an environmental authority (mining lease or mining claim) application - prior to end of objection period"

⁵Use prepared notice template titled "Notice to Tribunal of withdrawal of an objection (after end of objection period) to an environmental authority (mining lease or mining claim) application".