

# Submission form

*Environmental Protection Act 1994*

## Application or amendment application for environmental authority

*This form should be used to make a submission in accordance with sections 160 and 161 of the Environmental Protection Act 1994 (EP Act).*

**Please tick the subject to which the submission relates (only select 1)**

- Application for an environmental authority for a mining activity relating to a mining lease
- Site-specific application for an environmental authority for a petroleum activity, geothermal or greenhouse gas storage activity
- Amendment of environmental authority for a mining activity relating to a mining lease
- Amendment of an environmental authority for a petroleum, geothermal or greenhouse gas storage activity

This submission form must be completed and lodged with the correct office<sup>1</sup>, on or before the last day of the submission period.

Date: 16 June 2014
Submitter name: Land Services of Coast and Country Inc
Submitter contact details: c/o Environmental Defenders Office (Qld) Inc, 30 Hardgrave Road, West End, Qld 4171 ph: 3211 4466 email: edoqld@edo.org.au

<p>To: Mines Lodgement Office</p> <p>Department of Natural Resources and Mines</p> <p>Building E, 25 Yeppoon Road, Parkhurst, Queensland, 4702</p> <p>(Insert address of Department of Natural Resources and Mines or Department of Environment and Heritage Protection )</p>
<p>Attention: Laura Muller, Project Officer, Department of Environment and Heritage Protection</p> <p>(Insert contact officer's name)</p>

<sup>1</sup> The address details of where to lodge this submission form can be found in the published application notice.

## Application or amendment application for environmental authority

I / we hereby make a submission<sup>2</sup> in relation to:

Project name:	Proposed Carmichael Coal Mine
Name of environmental authority holder or applicant:	Adani Mining Pty Ltd
Permit reference number:	Environmental authority for Mining Lease Application Numbers 70441, 70505, 70506
Tenure:	<p>Mining Lease Application Number 70441:</p> <p>Lot 662 on PH1491 Leasehold, Lot 1 on AY35 Leasehold, Lot 633 on SP228220 Leasehold, Lot 1 on SP164918 Leasehold, Moray Carmichael road reserve, Carmichael River Road reserve, and unnamed road reserves stock route U385BELY01 and stock route U303BELY01.</p> <p>Mining Lease Application Number 70505:</p> <p>Lot 662 on PH1491 Leasehold, Lot 5091 on PH1882 Leasehold, Lot 1 on SP164918 Leasehold, Moray Carmichael road reserve, Carmichael River road reserve and unnamed road reserves and stock route U303 BELY01 across Lot 5091 on PH1882 and unnamed road reserves and stock routes U385BELY01 and U303BELY01 across Lot 662 on PH1491.</p> <p>Mining Lease Application Number 70506:</p> <p>Lot 662 on PH1491 Leasehold.</p>

The submission details are as follows:

<sup>2</sup> According to the provisions of the EP Act, a properly made submission in relation to an environmental authority is one that:

- is written or made electronically
- states the name of and address of each submitter
- is made to the administering authority
- is received on or before the last day of the submission period
- states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

The administering authority must accept a properly made submission, and may also accept a written submission in relation to an environmental authority even if it is not a properly made submission.

**Submission form**

**Application or amendment application for environmental authority**


Grounds for the submission:

The grounds of the submission are stated in Attachment A

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

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

**Each entity to this submission must be stated below:**

1	Name Land Services of Coast and Country Inc.	 <i>Derek DAVIES</i>
Postal address c/o Environmental Defenders Office (Qld) Inc, 30 Hardgrave Road, West End, Qld 4101		Telephone: 3211 4466 Facsimile: 3211 4655 Email: edoqld@edo.org.au

**Further information for submitters:*****Amendment of a submission***

If the administering authority has accepted a submission, the entity that made the submission may, by written notice, amend or replace the submission. This must be given to the administering authority before the submission period ends.

***Submissions apply for later applications***

Any properly made submission for a withdrawn environmental authority application is taken to be a properly made submission for a later application if the later application is applied for within 1 year of the withdrawal and is the same or substantially the same application.

***Objection to the application***

This submission on the application is not considered to be an objection under the EP Act. The submitter will have the opportunity to request by written notice (the objection notice) that its submission be taken as an objection to the environmental authority application. The objection notice must be given to the administering authority within 20 business days after the notice of decision is given and state the grounds for the objection.

## ATTACHMENT A

### GROUNDINGS OF OBJECTION

The application for the environmental authority for the Carmichael Coal Mine (the mine) should be refused under the *Environmental Protection Act 1994* (Qld) (EPA) on the basis of the considerations stated in ss 3, 5, 171 and 191 of the EPA and the other relevant considerations having regard to the subject-matter, scope and purpose of the EPA:

1. Approval of the mine is contrary to the object of the EPA stated in s 3 because approval and construction of the mine will not protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).
2. Approval of the mine would be contrary to the requirement in s 5 of the EPA for the administering authority and the Land Court to perform a function or exercise its power under the Act in the way that best achieves the object of the Act.
3. Approval and construction of the mine would be contrary to the precautionary principle, which is a principle of environmental policy as set out in the *Intergovernmental Agreement on the Environment* and, therefore, part of the standard criteria for the decision.
4. Approval and construction of the mine would be contrary to intergenerational equity, which is a principle of environmental policy as set out in the *Intergovernmental Agreement on the Environment* and, therefore, part of the standard criteria for the decision.
5. Approval and construction of the mine would be contrary to the conservation of biological diversity and ecological integrity, which is a principle of environmental policy as set out in the *Intergovernmental Agreement on the Environment* and, therefore, part of the standard criteria for the decision.
6. Approval and construction of the mine will cause environmental harm to the character, resilience and value of the receiving environment.
7. Approval and construction of the mine would be contrary to the public interest.
8. Approval and construction of the mine will cause material and serious environmental harm.
9. In the alternative to grounds 1-8 above, if the application is not refused, conditions should be imposed to address the matters raised in grounds 1-8 above.

## 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 situated 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 predominantly used 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 product coal.
6. The Coordinator-General declared the mine and 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 Project 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 serious and material environmental harm to groundwater and dependent 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 environmental harm to groundwater and dependent species and ecosystems cannot be particularised by the objector due to the inadequate information provided by the Applicant in the application, EIS and SEIS.
14. It has not been adequately demonstrated that the mine will not cause unacceptable environmental harm to groundwater and dependent species and ecosystems. In particular:
  - (a) The impacts on groundwater present a threat of serious and irreversible environmental damage, yet full scientific certainty regarding those impacts is absent due to inadequate provision of scientific information. Given the scale of the mine, the environmental authority application should be refused considering the precautionary principle and other principles of environmental policy set out in the *Intergovernmental Agreement on the Environment*;
  - (b) It has not been adequately demonstrated that the mine will not cause unacceptable environmental harm to the character, resilience and values of the receiving environment by changes to the quality and quantity of groundwater.

## Surface water

15. If the mine proceeds, it will cause serious and material environmental harm 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 serious and material environmental harm 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 application, EIS and SEIS.
17. It has not been adequately demonstrated that the mine will not cause unacceptable serious and material environmental harm on the quantity and quality of surface water and dependent ecosystems and species that have not been adequately assessed. In particular:

- (a) The impacts on surface water present a threat of serious and irreversible environmental damage, yet full scientific certainty regarding those impacts is absent due to inadequate provision of scientific information. Given the scale of the mine, the environmental authority application should be refused considering the precautionary principle and other principles of environmental policy set out in the *Intergovernmental Agreement on the Environment*;
- (b) It has not been adequately demonstrated that the mine will not cause unacceptable environmental harm to the character, resilience and values of the receiving environment by changes to the quality and quantity of surface water.

### **Biodiversity**

- 18. If the mine proceeds, it will cause serious and material environmental harm 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 surface water and groundwater dependent 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 requirements 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 application, EIS and SEIS.
- 24. It has not been adequately demonstrated that the mine will not cause unacceptable serious and material environmental harm on biodiversity, including threatened species, and ecosystems. In particular:
  - (a) The environmental authority applied for would authorise environmental harm to biodiversity that would otherwise be unlawful under ss 437, 438 and 493A of the EPA;
  - (b) The proposed mining operations will present a threat of serious and irreversible adverse environmental impacts on biodiversity; and
  - (c) There is inadequate scientific information about potentially severe and long term adverse impacts on biodiversity.



## Climate change

25. If the mine proceeds, it will cause serious and material environmental harm by contributing to climate change and ocean acidification.
26. The full extent of the serious and material environmental harm that the mine will cause by contributing to climate change and ocean acidification cannot be particularised by the objector due to the inadequate information provided by the Applicant in the application, EIS and SEIS.
27. It has not been adequately demonstrated that the mine will not increase the likelihood, severity and longevity of the environmental harm that will result from climate change and ocean acidification. In particular:
- (a) The environmental authority applied for would authorise environmental harm that would otherwise be unlawful under ss 437, 438 and 493A of the EPA.
  - (b) The environmental harm that would be authorised is defined in s 14 of the EPA as:
    - 14 Environmental harm**
    - (1) **Environmental harm** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
    - (2) **Environmental harm** may be caused by an activity—
      - (a) whether the harm is a direct or indirect result of the activity; or
      - (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.
  - (c) The relevant considerations that the administering authority and the Land Court must consider in assessing the application include the amount of environmental harm that would be authorised by the grant of the environmental authority applied for, including the indirect and direct results of the activity and the combined effects of the activity and other activities or factors.
  - (d) In respect of the application for the environmental authority this includes:
    - (i) the environmental harm from emissions of greenhouse gases from the transport and use of the coal which are a direct or indirect result of the mining activity; and
    - (ii) the environmental harm from climate change and ocean acidification resulting from the combined effect of the mining activity and other activities and factors.
  - (e) The emissions from the mining, transportation and use of the coal will increase the likelihood, severity and longevity of climate change with significant and long term adverse impacts on the environment, which warrant refusal considering the combined effect of ss 3, 14, 171, 191, 437, 438, 493A and Schedule 4 (Dictionary) of the EPA and the subject-matter, scope and purpose of the Act.

### **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.
- (b) The adverse economic impacts of the mine have not been adequately assessed.
- (c) A net economic benefit from the mine has not been demonstrated.
- (d) There is not sufficient economic need for the mine to justify the impacts and risks set out above.

### **Public Interest**

29. The serious and material environmental harm that the mine will cause to groundwater, surface water, biodiversity, and climate change and ocean acidification, and the economic and social matters described above collectively outweigh the purported benefits of the mine and justify refusal on the basis that it would not be in the public interest.

– END OF ATTACHMENT A –