

Manager (Assessment)
Energy and Extractive Resources
Environmental Services and Regulation
Department of Environment and Science

energyandextractive@des.qld.gov.au

13 December 2022

Dear Manager (Assessment),

RE: Submission on Environmental Authority Application A-EA-NEW-100196712 in relation to PLs 1034, 1038 and 1045.

Thank you for the opportunity to make this submission in response to the public notification of the Environmental Authority Application A-EA-NEW-100196712 (**the Application**) by Blue Energy Limited (**Blue Energy**) on behalf of titleholder Eureka Petroleum Pty Ltd (**Eureka Petroleum**).

The Application relates to a proposed greenfield coal seam gas (**CSG**) project (**the Project**) in the Moranbah/Glenden region of northeast Queensland which is proposed to be carried out under three petroleum leases, PL1034, PL1038 and PL1045 (**the PLs**), which are held by Eureka Petroleum, a wholly owned subsidiary of Blue Energy.¹

The Application should be refused on the basis of the Project's contributions to greenhouse gas (**GHG**) emissions and consequent climate impacts, the negative impacts of the Project on biodiversity, groundwater and surface water and the unreasonable limitation on human rights which would result from approval of the Project.

ABOUT ENVIRONMENTAL ADVOCACY IN CENTRAL QUEENSLAND

Environmental Advocacy in Central Queensland (**EnvA**) is a Central Queensland association concerned about the risks associated with coal mining, coal seam gas and climate change.

EnvA believes that opening new and expanding coal and gas projects:

- is contrary to meeting Australia's emission targets and Queensland's emission targets,
- is likely to result in irreparable damage to our local landscape and result in stranded assets,
- will put our local community at further risk of extreme weather such as increasing the intensity and frequency of storms, floods, droughts and bushfires,
- will damage our significant coastal resources including our beaches and the Great Barrier Reef through storm surge and increased coral bleaching events,
- will further degrade wildlife habitats of state and national significance through both habitat loss and climate change, and
- rarely take into consideration the views of Traditional Owners and local communities who are concerned about protecting their land from fossil fuel development.

¹ Blue Energy Environmental Authority Updated Supporting Information.



The comments made in this submission have mostly been restricted to the impacts on our local (Central Queensland) environment.

PROJECT SUMMARY

The Project is located on the lands of the Western Kangoulou and Barada Barna People in the Isaac Region of Queensland.

The Application² seeks approval for CSG activities over a 20-year development period at 530 well pad locations. Wells will be drilled vertically, horizontally and laterally to a maximum estimated depth of 1,130m. Blue Energy has not quantified the exact number of wells to be developed for the Project, however, has indicated that generally where multi well pads are developed, each will have between two and six wellheads each. The Project will involve the installation of over 700kms of gas and water gathering lines. The maximum disturbance for the Project is 1,046 ha. Permanent infrastructure which will be left *in situ* on completion of the Project include decommissioned gas wells sealed with cement plugs and buried pipelines.

To be operational, the Project will also require compression facilities, as well as other infrastructure including major gas transmission pipelines to be developed by other proponents in the region. The impacts of these required developments are not addressed in the Application. These include the proposed North Queensland Gas Pipeline, Arrow Bowen Pipeline and compression stations at West of Sapphire.

The impacts of the Project should be considered in light of the compounding effects of resource industry activities on a region. The area surrounding the Project has been significantly impacted by resource and extractive industries developments. There are 25 operating mines in the Isaac Region, including the Isaac Plains Mine, Goonyella Coal Mine, Broadmeadow Mine and Broadlea Mine.³ Arrow Energy also operates the Moranbah Gas Project, one of the largest and oldest CSG projects in Australia. Arrow Energy is further proposing extensive development with the Bowen Gas Project, construction of which has not commenced.

GROUNDINGS FOR REFUSAL

The Application should be refused as the Project is inconsistent with:

1. The standard criteria under Schedule 4 of the *Environmental Protection Act 1994* (Qld) (**EP Act**), particularly the following criteria:
 - (a) the precautionary principle,
 - (b) intergenerational equity,
 - (c) the conservation of biological diversity and ecological integrity,
 - (d) any Commonwealth or State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development,
 - (e) the character, resilience and value of the receiving environment; and
 - (f) the public interest.
2. The protection of human rights under the *Human Rights Act 2019* (Qld) (**HR Act**). This is due to the following inappropriate impacts posed by the Project:
 - (a) contribution to climate change through greenhouse gas emissions,
 - (b) risks to groundwater and surface water,
 - (c) adverse impacts to biodiversity, and
 - (d) impacts on human rights due to these environmental impacts.

² Blue Energy Environmental Authority Updated Supporting Information.

³ <https://www.isaac.qld.gov.au/about-our-region/home>

IMPACTS OF THE PROJECT

Contribution to climate change through GHG emissions

The Project will negatively contribute to climate change and global warming through greenhouse gas (**GHG**) emissions resulting from the proposed activities.

The accretion of GHGs in the atmosphere as a result of human activities has already caused changes in the climate system with tangible impacts, including in Queensland which is increasingly experiencing extreme weather patterns and climate related disasters.⁴

Of particular concern to EnvA, Central Queensland is already experiencing adverse climate change impacts including:

- increased frequency and severity of coral bleaching,
- severe storms,
- prolonged and extreme heat waves,
- unprecedented wildfires, and
- an increase in the number of endangered species and ecosystems.

If warming increases to 1.5°C and above, these impacts will increase in severity.

The scientific consensus is clear. The expansion of fossil fuel production must be stopped to reduce global GHG emissions and avoid the potentially catastrophic impacts of unmitigated global warming and climate change.⁵ Given the need to urgently curb GHG emissions, the Project should be refused as any further new GHG emissions will exacerbate already high levels of dangerous climate change.

Blue Energy recognises that '[e]missions of CH₄ and CO₂ are of a concern due to their potential to contribute to the greenhouse effect and thus climate change'. However, Blue Energy only addresses emissions from the Project in terms of the potential impact on local air quality. Blue Energy therefore fails to provide any assessment of GHG emissions in relation to their contribution to climate change.

Blue Energy has not quantified contributions of the Project to scope 1, 2 and 3 emissions. However, the Project is modelled to access 363 petajoules of reserves and 1,278 petajoules of contingent resources. The Project and the resultant burning of the gas produced will amount to a significant contribution to GHG emissions. Pursuant to the precautionary principle, the Application should not be approved in the absence of this information.

The economic viability of the Project is vulnerable to climate change impacts, including the risk that it may not be able to operate at optimal levels for its full expected lifespan. The risks of any fossil fuel based-development's assets becoming stranded will likely continue to increase throughout the development's lifespan as a result of global policies and international action on climate change.

Further emissions of GHGs into the atmosphere will cause future financial costs of natural disaster remediation which must be set off against any economic benefits or public interest in the Project going ahead. The negative impacts from changes to the climate system, along with future risks and costs will more heavily burden future generations, and therefore in consideration of the principle of intergenerational equity, the Project should not be approved.

⁴ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 82-93.

⁵ UN Environment Programme, *Production Gap Report 2020* (Report, 2 December 2020); Intergovernmental Panel on Climate Change, *Climate Change 2022: Mitigation of Climate Change – Technical Summary* (Report, 2022) 52.

Risks to groundwater and surface water

The Project falls within the Isaac Connors Sub Basin area of the Fitzroy Basin catchment area and Suttor River sub-basin. There are a number surface and ground waterways which traverse the Project area.⁶

Conventional gas mining and CSG activities poses risks to both groundwater and surface water in a range of ways. These include the following activities associated with the Project:

- infrastructure construction (earthworks activities) and clearing,
- drilling and hydraulic stimulation/fracturing activities,
- production operations,
- well control or well head equipment failure,
- well integrity failure,
- spills or leaks of fuels, chemicals or other produced fuels,
- loss of containment and seepage,
- storage and disposal of general waste, chemical and process wastes,
- vehicle and plant movements,
- floods or other natural events.

These sources of risk may result in the following harms to surface and groundwater:

- contamination of groundwater resources,
- crossflow, aquifer contamination or reduction in pressure in aquifers,
- disturbances to natural drainage patterns,
- reduction in surface and groundwater quantity and availability for other users and uses, and
- impacts to surface and groundwater dependent ecosystems.

The risks of the Project to groundwater and surface water are of particular concern given the Project's location in proximity of other extractive industry projects, the compound impacts of which pose increased threats to ground and surface waters.

Given the potential direct and indirect impacts of the Project on groundwater and surface water, and pursuant to the precautionary principle, the Application should not be approved.

Adverse impacts to biodiversity

In its supporting information, Blue Energy identifies threatened ecological communities, flora species, fauna species and migratory species within or near to the Project area which may be affected by the Project. All these species and communities will be directly impacted by the Project through the direct loss and fragmentation of habitat. Other operational activities also have the potential to adversely impact on threatened species and communities.

We note that the assessment of the potential impacts on biodiversity has been based on a desk-top assessment and rapid field assessments with one targeted survey in the Sapphire PL1034. More detailed and targeted surveys are yet to be undertaken which will provide a more thorough understanding of the habitats and species using the Project site.

It is also well recognised that climate change has a significant impact not only the identified species and communities, but nearly all threatened species and communities throughout Australia.⁷ For example, koalas are threatened by the increased frequency and intensity of drought and high temperatures, bushfires and reduced habitable area. Forecasting models

⁶ Blue Energy EA Application Updated Supporting Information, Figures 41 – 43.

⁷ <https://livingwonders.org.au/explore-the-evidence/>

predict that a large area of koala habitat may be lost, accompanied by a large reduction in the koala population, under current climate change projections. Koalas have recently been reclassified as endangered due to both habitat loss and natural disasters exacerbated by climate change.

EnvA believes that the direct impacts on listed threatened species and communities alone is a reason for this Proposed Action to be refused as clearly unacceptable. The cumulative impacts of the Project are further compounded by existing and proposed development in the area surrounding the Project which will have an even greater adverse effect on regional biodiversity.

Impacts on human rights

The administering authority as a public entity must not act or make a decision in a way that is not compatible with human rights.⁸

The adverse impacts of the Project caused by its contribution to climate change, negative impacts on biodiversity and risks to ground and surface waters will limit, beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act, the following rights of people in Queensland protected under that Act:

- right to recognition and equality before the law (s 15),
- right to life (s 16),
- deprivation of property (s 24(2)),
- right to privacy and home (s 25(a)),
- protection of children (s 26(2)), and
- cultural rights of Aboriginal and Torres Strait Islander Peoples (s 28).

In the recent decision of the Queensland Land Court of *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, President Kingham found that the link between the approval of Projects which contribute to climate change and the impact of that harm on human rights is sufficiently connected so as to enliven consideration of the HR Act.⁹ This decision should be given close consideration in the application of the HR Act to the assessment of this Project.

Approval of the Application by the administering authority would on the balance unreasonably limit those human rights, and accordingly should be refused.

CONCLUSION

This Project should be refused as it is clearly unacceptable.

In the alternative and prior to any decision on the Environmental Approval application, the Project must be referred for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). There is insufficient information available for a through assessment of the environmental impacts of the Project and a through environmental impact assessment process is required before any approval is granted.

The Proposed Action's GHG emissions and resulting contribution to climate change will impact on many Matters of State and National Environmental Significance including, but not limited to threatened species and communities, listed migratory species such as dugongs and marine turtles, world heritage sites such as the Great Barrier Reef, wetlands and many of our national parks.

⁸ *Human Rights Act 2019* (Qld), s 58.

⁹ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1703]-[1705].

The federal Environment Minister has recently accepted that the impacts of climate change on Matters of National Significance (MNES) do need to be considered and she is now reconsidering the basis of the assessment of 18 coal and gas projects¹⁰.

EnvA argues that the GHG emissions of this Project and the warming effect of those GHG emissions will have a significant impact on the following Matters of National Significance protected under the EPBC Act:

- (a) World Heritage (ss 12 and 15A),
- (b) National Heritage (ss 15B and 15C),
- (c) Ramsar Wetlands (ss 16 and 17B),
- (d) Listed threatened species and communities (ss 18 and 18A),
- (e) Listed migratory species (ss 20 and 20A),
- (f) Commonwealth marine areas (ss 23 and 24A),
- (g) Great Barrier Reef Marine Park (ss 24B and 24C), and
- (h) Water resources (ss 24D and 24E).

Thank you again for the opportunity to make comment on this proposal.

Yours sincerely,



Dr Coral Rowston

Director

Environmental Advocacy in Central Queensland Inc.

¹⁰ <https://www.abc.net.au/news/2022-11-04/coal-projects-reassessed-after-legal-bid/101617118>