

Hon Tanya Plibersek MP
Minister for the Environment and Water
c/- Department of Climate Change, Energy, the Environment and Water

19 October 2022

Dear Minister,

RE: Comment on Referral – Peak Downs Mine Continuation Project – EPBC 2022/09350

Thank you for the opportunity to make this submission in response to the referral of the Peak Downs Mine Continuation Project (**the Proposed Action**) by BM Alliance Coal Operations Pty Ltd (**BMA**) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**).

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's believes that opening new and expanding coal and gas projects:

- are contrary to meeting Australia's emission targets and Queensland's emission targets – both are far too low to prevent continued harm to our environment,
- are 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.

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

The proposed action

BM Alliance Coal Operations Pty LTD (BMA) proposes to develop the Peak Downs Continuation Project (PDCP) located within the Isaac Regional Local Government Area (LGA), approximately 30 kilometres south-east of Moranbah, within the Bowen Basin mining region. The PDCP seeks to extend the life of the BMA Peak Downs mine until 2116, extending the planned life of the existing Peak Downs mine by 93 years.

This proposed mine extension will cover approximately 4,062ha of land and would include, but not be limited to, the following actions:

- open cut mining (dragline and truck and shovel methods) of ROM coal from the coal measures in ML 70411, ML 1885 and part of ML 1775;
- relocation of various third-party infrastructure to facilitate the open cut mining extension, including the Peak Downs Mine Road and associated rail level crossing, a section of the



Moranbah 132 kilovolt (kV) No. 2 Transmission Line, Ergon Single Line Earth Return, a 132 kV substation feeder, and the Eungella Water Pipeline Southern Extension;

- diversion of Ripstone Creek, relocation of the low-flow Ripstone Creek infrastructure and Boomerang Creek levees; and
- construction and operation of new infrastructure in support of open cut mining.

The referral does not contain information about the planned volume of coal production. The project area is similar in size to the existing Peak Downs mine which has approvals to produce 12.5 million tonnes of coal per annum.

The Proposed Action will produce significant greenhouse gas (GHG) emissions annually once fully operational and mining activities continue over the 93 year life span, it is expected to produce billions of tonnes of GHG emissions over its lifetime.

This Proposed Action should be refused as it is clearly unacceptable

For the reasons that are set out below, EnvA is strongly opposed to the Proposed Action and requests that the Minister exercise the power under s 74B of the EPBC Act to decide that the Proposed Action is clearly unacceptable, on the basis of the information in the referral, because it would have unacceptable impacts on matters of national environmental significance (**MNES**).

In the alternative, the Minister should decide under s 75(1) of the EPBC Act that the Proposed Action is a controlled action with the following controlling provisions:

- (a) World Heritage (ss 12 and 15A);
- (b) Listed threatened species and communities (ss 18 and 18A);
- (c) Listed migratory species (ss 20 and 20A);
- (d) Great Barrier Reef Marine Park (ss 24B and 24C); and
- (e) Water resources (ss 24D and 24E).

The Proposed Action needs to be thoroughly assessed through an Environmental Impact Statement by an Independent Expert Scientific Committee.

GROUNDINGS FOR SUBMISSION

Significant impact of GHG emissions on MNES

The Proposed Action's projected GHG emissions and the contribution of those emissions to global warming is a key matter that underpins the submission that the Proposed Action should either be determined clearly unacceptable, or in the alternative, determined to be a controlled action.

The GHG emissions from the Proposed Action constitute a significant impact on MNES. This submission can be broken down into two component parts: firstly, whether the GHG emissions constitute an impact, and secondly, whether the impact is significant.

Impact of GHG emissions

The GHG emissions from the Proposed Action constitute an 'impact'. The term 'impact' is defined by [s 527E of the EPBC Act](#).

The Proposed Action involves the direct emissions of GHGs and the warming effect of those GHG emissions fall into the category of impact in s 527E(1)(a), as they are an event or circumstance that is a direct consequence of the action.

The Proposed Action will emit GHGs which, cumulatively will increase global temperature, resulting in adverse impacts to MNES.

Australia, and of particular concern to EnvA, Central Queensland (where this mine is proposed), is already experiencing climate change impacts that include an increased frequency and severity of

coral bleaching, storms, heat waves and 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.

Therefore, it is our submission that the GHG emissions of the Proposed Action, and the warming effect of those GHG emissions, will have a significant impact on the following MNES:

- (a) World Heritage (ss 12 and 15A);
- (b) Listed threatened species and communities (ss 18 and 18A);
- (c) Listed migratory species (ss 20 and 20A);
- (d) Great Barrier Reef Marine Park (ss 24B and 24C); and
- (e) Water resources (ss 24D and 24E).

The specific details and context of the direct and indirect impacts the Proposed Action will have on each relevant MNES in Central Queensland is detailed further below.

Significant Impact on Declared World Heritage Properties

The Proposed Action's GHG emissions and resulting contribution to climate change will have a significant impact on the World Heritage values of declared World Heritage Properties. Therefore, the Proposed Action should be refused as clearly unacceptable, or in the alternative it should be determined to be a controlled action with sections 12 and 15A of the EPBC Act as controlling provisions.

By contributing to climate change, the Great Barrier Reef World Heritage Property will be significantly and adversely impacted by the Proposed Action. Climate change is the greatest [threat facing the Reef](#).

The Minister should be satisfied that the Proposed Action will have a significant impact on Great Barrier Reef World Heritage Property and should decide that the Proposed Action is clearly unacceptable, or in the alternative that sections 12 and 15A of the EPBC Act are controlling provisions.

Significant impact on listed threatened species and communities

BMA anticipates that the project will be assessed as a controlled action due to direct impacts on the koala, greater glider, southern squatter pigeon, Australian painted snipe and the ornamental snake. In addition, three EPBC listed ecological communities will be directly impacted by the Proposed Action.

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, or in the alternative it should be determined to be a controlled action with sections 18 and 18A of the EPBC Act as controlling provisions.

The Proposed Action's GHG emissions and resulting contribution to climate change will also have a significant impact on these and other threatened species and communities. These need to be adequately addressed in an Environmental Impact Statement assessment process.

Koalas are threatened by the increased frequency and intensity of drought and high temperatures, bushfires and reduced habitable area. Forecasting models 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.

The Minister should be satisfied that the Proposed Action will have a significant impact on listed threatened species and communities and should decide that the Proposed Action is clearly unacceptable, or in the alternative that sections 18 and 18A of the EPBC Act are controlling provisions.

Significant Impact on listed migratory species

BMA anticipates that the project will be assessed as a controlled action due to direct impacts on the fork-tailed swift, rufous fantail and Caspian tern.

EnvA believes that the direct impacts on listed migratory species is a reason for this Proposed Action to be refused as clearly unacceptable, or in the alternative it should be determined to be a controlled action with sections 20 and 20A of the EPBC Act as controlling provisions.

The Proposed Action's GHG emissions and resulting contribution to climate change will also impact on many listed migratory species.

Climate change threatens 147 migratory species protected in Australian waters under international agreements, including mammals such as dugongs, whales and dolphins, migratory birds, reptiles such as marine turtles, and sharks – many of which occur in Central Queensland.

The Minister should be satisfied that the Proposed Action will have a significant impact on listed migratory species through both direct loss of habitat and impacts to a broader number of migratory species outside of the proposed mine site due to climate change.

Significant Impact on the Great Barrier Reef Marine Park

The Proposed Action's GHG emissions and resulting contribution to climate change will have a significant impact on the environment in the Great Barrier Reef Marine Park (**GBRMP**).

Please also refer to our comments under "Significant Impact on Declared World Heritage Properties" above.

More specifically, the impacts on the Great Barrier Reef of global warming increasing above 2°C have been predicted with very high confidence to include annual bleaching which will result in 'widespread decline and loss of structural integrity'.¹

The Minister should decide that the Proposed Action is refused as the impacts on the GBRMP are clearly unacceptable, or in the alternative it should be determined to be a controlled action with sections 24B and 24C of the EPBC Act as controlling provisions.

In addition, the submission that the Proposed Action will have a significant impact on the environment in the GBRMP is strongly supported by the State Party Report on the state of conservation of the Australia's Great Barrier Reef, as well as by a Position Statement released by the Great Barrier Reef Marine Park Authority in 2019, which notes that:

"Climate change is the greatest threat to the Great Barrier Reef. Only the strongest and fastest possible actions to decrease global greenhouse gas emissions will reduce the risks and limit the impacts of climate change on the Reef. Further impacts can be minimised by limiting global temperature increase to the maximum extent possible and fast-tracking actions to build Reef resilience".

Significant Impact on Water Resources

BMA notes that the Proposed Action has the potential to impact surface water resources through direct disturbance associated with open cut mining, diversion of drainage features, creation of new temporary and permanent landforms that affect flood waters and (if required) through release of water to the surrounding environment.

Impacts to surface water resources may include: changes to catchment areas and flow characteristics due to the construction of (for example) water storage dams, mine infrastructure, waste rock emplacements, flood levees, open cut pits, upstream diversions and final voids; impacts to other water users in the region; and potential extraction and/or discharge of water as part of the

¹ IPCC, 2022: Technical Summary. In *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, p 25.

on-site water management system.

The Proposed Action also has the potential to impact groundwater resources through direct interaction with aquifers by open cut mining and indirect take from adjacent aquifers due to changes in hydraulic gradients. Potential impacts to groundwater resources may include: potential drawdown of groundwater aquifers, alteration of groundwater flow directions and decrease in baseflow to surface water systems; localised effects on groundwater quality; and long-term changes to groundwater levels and flow direction in the vicinity of final voids.

The Proposed Action's GHG emissions and resulting contribution to climate change will have a significant impact on water resources. Climate change threatens Australia's water resources, as rainfall patterns are shifting, and the severity of floods and droughts has increased.

Droughts are becoming more severe due to drier, hotter conditions, leading to declines in soil moisture due to increased water loss from plants and soils. Reduced rainfall and hotter conditions have led to less runoff into streams, rivers, lakes and dams, which results in a loss of freshwater and riparian habitat and a loss of connectivity between waterways. The consequences for freshwater species and threatened species that reliant on riparian vegetation (particularly in drought times) are projected to be severe.

The Minister should be satisfied that the Proposed Action may have a significant impact on water resources and should decide that the Proposed Action is clearly unacceptable, or in the alternative that sections 24D and 24E of the EPBC Act are controlling provisions.

CONCLUSION

The GHG emissions and resulting climate change impacts of the Proposed Action are likely to have a significant impact on a number of MNES. Therefore, the Minister should find that the Proposed Action is clearly unacceptable.

In the alternative, the Minister should find that the Proposed Action is a controlled action with the following applicable controlling provisions, and an Environmental Impact Statement required for assessment:

- (a) World Heritage (ss 12 and 15A);
- (b) Listed threatened species and communities (ss 18 and 18A);
- (c) Listed migratory species (ss 20 and 20A);
- (d) Great Barrier Reef Marine Park (ss 24B and 24C); and
- (e) Water resources (ss 24D and 24E).

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

Kind regards



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