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cc. Vitrinite Pty Ltd, [melissa@vitrinite.com.au](mailto:melissa@vitrinite.com.au)

6 July 2023

Dear Coal Assessment Hub,

**RE: Proposed Coal mining operation – Mining Lease Application Number 700073**

Thank you for the opportunity to make this submission in response to the Mining Lease Application by Queensland Coking Coal Pty Ltd and Qld Coal Aust No.1 Pty Ltd (**the Proponent**) for the Vulcan South Coal Project (**the Project**). Please also find attached our submission on Proponents application for an Environmental Authority related to this submission.

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 or expanding existing 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.

**The Vulcan South coal proposal**

Queensland Coking Coal Pty Ltd and Qld Coal Aust No.1 Pty Ltd (**the Proponent**) proposes to develop an open cut coal mining development and a smaller highwall mining trial area. The project would be located approximately 33 km south-east of Moranbah, within the Isaac Regional Council in Central Queensland.

The Project Mining Lease Area (MLA 700073) covers an area of approximately 3800 ha and is situated over multiple underlying prerequisite tenures (EPC 1732, 1233 and 1234).

The project disturbance footprint is approximately 1745 ha.



The proposed Project will operate for approximately nine years, including primary rehabilitation works, following a two-year construction period. Approximately 13.5 Mt of ROM coal will be extracted consisting predominately of hard coking coal (with an incidental thermal secondary product) at a rate of up to 1.95 million tonnes per annum (Mtpa).

The project includes:

- three separate open cut mines identified as Vulcan North, Vulcan Main and Vulcan South,
- a highwall mining trial involving the establishment of four highwall mining benches across a number of hillsides,
- a mine infrastructure area,
- a modular coal handling and preparation plant,
- a rail loop and train load-out facility,
- out-of-pit waste rock dumps,
- ancillary infrastructure including offices, roads and surface water management infrastructure, and
- the realignment of the existing Saraji Road and services infrastructure.

### **EnvA's comments on the Mining Lease application**

EnvA is strongly opposed to the Project and recommends that Mining Lease Application Number 700073 be refused for the following reasons:

#### **Flaws in the assessment process**

##### Background

This is a coal proposal which is evidently using the loopholes in the Queensland assessment processes to avoid proper environmental scrutiny.

The Proponent, is progressively expanding the Vulcan Coal Complex in steps which the Department of Environment and Science (DES) has decided do not meet the Queensland government guidelines to require an EIS based on the triggers listed in Appendix B to the [Criteria for environmental impact statements for resource projects under the Environmental Protection Act 1994 \(EP Act\)](#).

EnvA is of the strongest view that this proposal must be either refused, or at least required to do a thorough environmental and social impact assessment, and prepare an Environmental Impact Statement (EIS).

The Vulcan Complex project has been separated into three separate projects:

- Vulcan Coal Mine,
- Vulcan Coal Mine Matilda Pit and ancillary infrastructure, and
- Vulcan South Coal mine

In 2022, a mining lease application (MLA 700073) and EA (A-EA-NEW-100265025) for the Vulcan South coal mine was lodged. The Proponent plans to produce 13.5 million tonnes of ROM coal at a rate of 1.95 Mtpa. The DES made the decision that this mine was not required to produce an EIS which EnvA assumes the decision was based on 1.95 Mtpa being just under the 2Mtpa threshold.

EnvA also notes that this project has not yet been referred for assessment under the EPBC Act which is essential given that the first two components of the 'Vulcan Complex' project have

been referred, and this third component impacting on a far greater area of threatened ecosystems and species as identified in the request for further information response. We understand that the proponent will refer the project for federal assessment, but it appears that the Proponent is again attempting to secure or significantly progress the lax Queensland government approval process before referring it for assessment under the EPBC Act.

### Recommendation

EnvA strongly believes that the mining lease must be refused. In the alternative, the bilateral agreement process is followed and no decision on a mining lease is provided until an approval (or otherwise), and any conditions are determined by the Australian government.

## **Greenhouse gas emissions**

### Background

The Queensland government has committed to a transition to renewable away from fossil fuels to a renewable energy future. The government has also set emission reduction target of 30% by 2030 and net-zero by 2050. Australia's targets are more ambitious at 43% by 2030 and net-zero by 2050. Both of these targets are insufficient if we are to reverse the current climate change impacts that we are experiencing in Queensland, Australia and around the world.

The proposed Project will operate for approximately nine years, including primary rehabilitation works, following a two-year construction period. Approximately 13.5 Mt of ROM coal will be extracted consisting predominately of hard coking coal (with an incidental thermal secondary product) at a rate of up to 1.95 million tonnes per annum (Mtpa).

There is no mention of GHG emissions, including scope 1, 2 or 3 carbon dioxide and methane emissions in the assessment documentation lodged by the Proponent, meaning the impact of GHG emissions have not been considered by the Proponent and cannot therefore be assessed properly.

It is estimated that the Project would produce an average of at 2.59 million tonne of carbon dioxide (**CO<sub>2-e</sub>**) greenhouse gas (**GHG**) emissions over the life of the mine.<sup>1</sup>

These unnecessary greenhouse gas emissions (GHG) emissions are contributing to accelerated climate change which is already impacting on our local communities through<sup>2</sup>:

- exacerbation of heatwaves;
- long-term increase in extreme fire weather and length of the fire season;
- changes in rainfall patterns resulting in severe flooding events;
- mass bleaching of the Great Barrier Reef; and
- worsening drought conditions.

If Queensland (and Australia) is serious about meeting emission reduction targets, there is sensible reason to continue to allow new or expanding fossil fuel projects. With the new safeguard mechanism requirements to be implemented, these new unnecessary fossil fuel projects place additional onus on emerging and future new-economy industries to make up for the high emissions from the fossil fuel industry.

The scientific consensus is clear that expansion of fossil fuel production must be stopped in order to reduce global GHG emissions and avoid the potentially catastrophic impacts of unmitigated global warming and climate change.<sup>3</sup>

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<sup>1</sup> Determined using an estimate of for Scope 3 emissions is coal volume x 0.192 (coking coal) = total Co2e

<sup>2</sup> Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021)

<sup>3</sup> 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.

The relationship between GHG emissions and climate change in Australia was recognised in the 2021 State of the Environment Report, which stated that:<sup>4</sup>

*“Warming of the Australian climate, and associated changes in the climate system, are driven by increased concentrations of greenhouse gases in the atmosphere. Changes to the climate are inevitable, based on greenhouse gases that have already been emitted, but further changes in the second half of the 21st century will depend on the level of future global emissions.”*

On current trajectories, the impacts of the changes in the climate system will be significantly exacerbated. The Federal Court in *Sharma v Minister for the Environment* accepted evidence put forward in respect of the future impacts of climate change and found:<sup>5</sup>

*“It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecasts for the Children ... The physical environment will be harsher, far more extreme and devastatingly brutal when angry. As for the human experience – quality of life, opportunities to partake in nature’s treasures, the capacity to grow and prosper – all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next.”*

The economic benefit of any development is also vulnerable to climate change impacts itself, including the risk that it may not be able to operate at optimal levels for its full expected lifespan due to factors including increased frequency of extreme weather events and changes to water availability as a result of prolonged droughts. 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.

### Recommendations

EnvA strongly believes that the mining lease must be refused on the basis that the impacts of the emissions on the local, Queensland and national environment have not been adequately assessed or considered in the justification for this project in relation to environmental, social and economic grounds.

## **Human rights**

### Background

The Department of Resources, as a public entity, must not act or make a decision in a way that is not compatible with human rights.<sup>6</sup>

The contribution of this Project to the continued accretion of GHGs in the atmosphere and the resulting impacts of climate change 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:

- (a) the right to life of people in Queensland (s 16);<sup>7</sup>
- (b) the rights of First Nations Peoples (s 28);

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<sup>4</sup> Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 85.

<sup>5</sup> *Sharma v Minister for the Environment* [2021] FCA 560 at [293].

<sup>6</sup> *Human Rights Act 2019* (Qld), s 58.

<sup>7</sup> *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1452].

- (c) the rights of children (s 26);
- (d) the right to property (s 24);
- (e) the right to privacy and home (s 25(a)); and
- (f) the right to enjoy human rights without discrimination (s 15(2)).

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 require consideration of the HR Act.<sup>8</sup> Specifically, the President considered the listed human rights relevant to that decision, as per footnotes above.

The Project presents risks to human rights due to its contribution to climate change, as well as risks posed to biodiversity and ground and surface water.

### Recommendations

EnvA strongly believes that the mining lease must be refused as the Project would, on the balance, unreasonably limit human rights.

In conclusion, we strongly recommend that the mining lease is refused on the basis that:

- the resulting coal product may not have any economic value before the end-of-mine and may result in stranded assets when the Proponent is no longer realising the current economic benefits;
- it will be a 'new' fossil fuel development that will force greater emission restrictions on necessary industries of the future;
- the impacts, both locally, nationally and internationally will impact on human rights.

In the alternative, no decision on this mining lease application should be made until an environmental authority has been granted, and that an assessment at the federal government level is completed and considered.

Kind regards



**Dr Coral Rowston**

Director

Environmental Advocacy in Central Queensland

Att. Objection to the application for an Environmental Authority for the Vulcan South coal project

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<sup>8</sup> *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1703]-[1705].