

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

8 May 2024

Dear Minister,

RE: Comment on Referral: Kestrel West Coal Mine Extension (EPBC 2024/09792)

Thank you for the opportunity to make this submission in response to the referral of the Kestrel West coal mine extension (**the Project**) proposed by Kestrel Coal Resources Pty. Ltd. (**the Proponent**) under the *Environment Protection and Biodiversity Conservation Act 1999* (**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 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.

The proposed action

The proposed Project is an extension to the Kestrel South coal mine, approximately 40km northeast of Emerald within the Central Highlands Regional Council local area. The intent is to access available resources located within part of MDL 182 which is a 11,651ha block immediately west of Mining Lease (ML) 70301 and ML 70481.

The Project comprises:

- Mining in part of MDL 182 for which a new ML will be required
- Mining in part of existing approved mining leases ML 70301 and ML 70481
- A potential co-disposal area (**CDA**) expansion of an existing approved CDA located on ML 1978.



In total, the proposed ML and, the disturbed areas within ML 70301, ML 70481 and ML 1978, will be 5644 ha, of which 4330ha will be disturbed (the disturbance footprint) due mainly to subsidence from the proposed longwall mining activity, and the potential expansion of the existing CDA.

The current Kestrel Mine operations and approvals enable production to continue to 2036. This Project seeks to maintain production of between 6.0 and 8.8 mtpa of product coal (from a removal rate of between 8.0 and 11.5 mtpa of ROM coal), and extend the operating life of the Kestrel Mine until around 2050.

If approved, the mine extension would prolong the life of the Kestrel mine for another 14 years and could lead to an additional 140 million tonnes of ROM coal being extracted, if an average ROM coal extraction rate of 10 million tonnes per annum is assumed.

The Proponent acknowledges that this mine expansion will impacts matters of national environmental significance (**MNES**) and identifies the MNES which will be significantly impacted as:

- (a) Listed threatened species and communities (ss 18 and 18A),
- (b) Listed migratory species (ss 20 and 20A), and
- (c) Water resources (ss 24D and 24E).

ENVA'S SUBMISSION

1. EnvA recommends that the Minister decides that this project will have **clearly unacceptable impacts on protected matters**, most notably the direct impact on threatened species and communities, migratory species, water resources and the significantly increased greenhouse gas emissions resulting from increasing production rates and extending the life of the mine leading to impacts to MNES.
2. In the alternative, EnvA recommends that this is considered a controlled action due to significant residual impacts on:
 - (a) Listed threatened species and communities (ss 18 and 18A),
 - (b) Listed migratory species (ss 20 and 20A), and
 - (c) Water resources (ss 24D and 24E).

Due to the impacts on water resources and the significantly increased greenhouse gas emissions on MNES, we further recommend that the following controlling provisions are applied to this Project:

- (a) World Heritage (ss 12 and 15A),
 - (b) National Heritage (ss 15B and 15C),
 - (c) Ramsar Wetlands (ss 16 and 17B),
 - (d) Commonwealth marine areas (ss 23 and 24A),
 - (e) Great Barrier Reef Marine Park (ss 24B and 24C), and
3. We further recommend that if this Project is accepted for assessment, that it be assessed through a bilateral environmental impact statement (EIS) process.

Further recommendations are provided in our grounds for submission below.

GROUNDINGS FOR SUBMISSION

Significant impact on threatened species and communities

The project would impact on a number of threatened species and communities listed under the EPBC Act:

- King blue-grass (*Dichanthium queenslandicum*) (Endangered)
- Bluegrass (*Dichanthium setosum*) (Vulnerable)
- Squatter pigeon (southern) (*Geophaps scripta scripta*) (Vulnerable)
- Ornamental snake (*Denisonia maculata*) (Vulnerable)
- Koala (*Phascolarctos cinereus*) (Endangered)
- Two threatened ecological communities (TEC) were identified within the Project Area:
 - Brigalow (*Acacia harpophylla* dominant and co-dominant) (Endangered), and
 - Natural Grassland of the Queensland Central Highlands and Northern Fitzroy Basin (Endangered).

The referral documentation for this Project acknowledges significant impacts on up to 154ha of king blue-grass habitat, 'potentially significant' impacts on the TECs due to the loss of up to 39 ha of brigalow and 94.7 ha of natural grassland, and significant impacts on up to 578.5ha of potential koala habitat.

The proponent indicates that offsets will be used to address these impacts. We are deeply concerned about the lack of demonstrated effectiveness of offsets in maintaining biodiversity and consider that the impacts of this Project are clearly unacceptable.

EnvA believes that the direct and indirect impacts on all the identified threatened species and communities must be considered as significant in a region which has already been subject to significant habitat clearing and fragmentation.

We appreciate that the Proponent has identified that this project will be considered a controlled action on the grounds of significant residual impacts on threatened species and communities, and migratory species.

Significant Impact on Water Resources

The referral does not provide an assessment of the impacts on water resources.

Kestrel Coal claim to have an annual wet season plan to ensure they can contain water onsite¹. However, following the heavy rainfall events in Central Queensland in January 2023, the Kestrel mine was releasing the equivalent of an Olympic-sized swimming pool of water every eight seconds into Crinum Creek².

As the climate change induced severe weather events become more frequent, EnvA considers that these heavy rainfall events are likely to become more frequent and mine water releases into the Great Barrier Reef catchment will also become more frequent.

We also consider that an underground mine of this size is obviously going to have large impacts on groundwater resources which adds to the overall unacceptability of this proposal.

Given this coal mine's history of polluting creeks within the catchment of the Great Barrier Reef, EnvA recommends that the Minister should be satisfied that the Project is likely to have a significant impact on water resources and include the further controlling provisions:

¹ Kestrel Coal Resources – Sustainability

² Central QLD flood exposes flaws with coal mine water releases

- (a) World Heritage (ss 12 and 15A);
- (b) National Heritage (ss 15B and 15C);
- (c) Commonwealth marine areas (ss 23 and 24A); and
- (d) Great Barrier Reef Marine Park (ss 24B and 24C).

These controlling provision were recently applied to the Blackwater Mine – North Extension Project³ and should also be applied in this case.

Significant impact of Greenhouse Gas (GHG) emissions on MNES

The proposed Project would extend the life of the mine from 2036 until 2050 and result in the extraction of an additional 140 million tonnes of coal.

The GHG emissions, both annually and over the life of the mine from the Project are estimated to be significant over the life of the mine, although there appears to be no assessment of these emissions in the documentation provided.

EnvA contends that the GHG emissions from the Proposed Action constitute an ‘impact’ as defined by s 527E of the EPBC Act⁴. The Project involves the direct emissions of GHG emissions 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 Project will emit GHGs which cumulatively will increase global temperature and result 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 this Project, and the warming effect of those GHG emissions, will have a significant impact on all the following MNES which need to be included as controlling provisions on the following MNES:

- (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).

Subsidence issues

There has been subsidence at the Kestrel coal mine. The area over the mines is mainly agricultural land. Subsidence is where the ground sinks after coal mining has cleared an underground void and the rock roof is allowed to fall in, causing disruption at ground level.

³ [Blackwater Mine – North Extension Project \(2023/09723\)](#)

⁴ <https://www.dcceew.gov.au/environment/epbc/publications/epbc-act-policy-statement-indirect-consequences-action-section-527e-epbc-act>

At the Kestrel mine there is recorded subsidence of 1.6m to 2 m down the centre of the 250 m wide panels. These panels are approximately 4km long. At the Kestrel site this affects the hydrology of the area and may impact on the ability to rehabilitate the land to a future agricultural use similar to that which exists at present.

Project justification

There is no convincing justification for this project.

Rapid reductions in CO²-e emissions from the coal and steel industry are critical to meeting the Paris agreement targets. For example, the International Energy Agency notes that CO²-e emissions from steel must reduce by 1.8GtCO₂ by 2030 and 0.2GtCO₂ by 2050⁵. As carbon capture and storage technology fails to deliver⁶, these reduction targets can only be achieved by switching from coal to other energy sources.

Continuing to approve coal production capacity in period may also hinder the transition to renewable energy and achieving Queensland and Australia's emission reduction targets.

The Proponent details the economic benefits of royalties and taxes, but does not address the costs of the environmental and social impacts. The recovery from climate-related weather events is becoming more-and-more costly to government and the community's impacted, the impacts on our iconic wildlife (like the koala) and special places (like the Reef) are likely to significantly impact on tourism revenue, and the loss of agricultural land will impact on our future food-security.

EnvA considers that this is a clearly unacceptable Project at a time when the world is needing and wanting to transition to a clean energy future, there are sufficient coal resources already approved to supply the domestic and international demand, and the desperate need to reduce emissions and slow the impacts of climate change.

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

Yours sincerely,



Dr Coral Rowston and Dr Claire Gronow

On behalf of Environmental Advocacy in Central Queensland

⁵ [NetZeroBy2050-A Roadmap for the Global Energy Sector](#)

⁶ [Net Zero Roadmap: A global pathway to keep the 1.5°C goal in reach](#)