

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

By email: [Minister.Plibersek@dcceew.gov.au](mailto:Minister.Plibersek@dcceew.gov.au)  
CC: [environment.compliance@dcceew.gov.au](mailto:environment.compliance@dcceew.gov.au)

24 February 2025

Dear Minister Plibersek and the Environmental Compliance Unit,

**RE: Vulcan South Coal mine – clearing and activity outside approved disturbance area**

I refer to:

- concerns we raised on 8 August 2024 about Vitrinite's clearing of threatened species habitat for their Vulcan South Coal project (EPBC 2023/09708) without appropriate *Environment Protection and Biodiversity Conservation Act* (EPBC Act) referral or approval<sup>1</sup>,
- our follow up email on 28 August with images of the clearing<sup>2</sup>,
- further correspondence of 23 October 2024 in relation to the continued operation of the 'bulk sample project' without EPBC referral or approval, and the clearing of habitat and within an area identified as an avoidance and protection area in the application material for the Vulcan South coal mine<sup>3</sup>

While Environmental Advocacy in Central Queensland (EnvA) is appreciative that the Department of Climate Change, Energy, the Environment and Water (DCCEEW) has commenced an investigation into our allegation that Vitrinite Pty Ltd has illegally cleared threatened species habitat<sup>4</sup>, we are concerned that it has been well over six months since this clearing was brought to your attention and yet no compliance actions have been taken.

Subsequent to this, an EPBC approval was granted. Paragraph 322 of the recommendation report<sup>5</sup> states, "The department acknowledges the concerns relating to the alleged clearing, raised through public comments following publication of the PER, but the department recommends that you do not consider this matter part of the proponent's environmental history as it involves an ongoing investigation", and paragraph 323 states "Therefore, as the matter is currently under investigation, and a contravention of the EPBC Act may not be found, the department recommends that you do not consider the matter in determining if the proponent is a suitable person to be granted approval".

<sup>1</sup> [EnvA correspondence to the Federal Environment Minister 8 August 2024](#)

<sup>2</sup> [EnvA email to Environment Minister and DCCEEW 28 August 2024](#)

<sup>3</sup> [EnvA correspondence to the Environment Minister and Compliance branch 23 October 2024](#)

<sup>4</sup> [DCCEEW response to allegations of illegal clearing](#)

<sup>5</sup> [Recommendation report – Vulcan South coal mine](#)



We express our dismay at the slow response in commencing an investigation of the clearing of a significant area of threatened species habitat, that the history of environmental breaches has not been thoroughly considered in the assessment of the suitability of the operator, and that a decision to grant an approval was based on “no reasonably foreseeable time by which the outcome [of the compliance action] will be known”.

### A further breach requiring investigation

EnvA now brings to your attention that the proponent of this mine, Queensland Coking Coal (trading as Vitrinite) may have breached the conditions of the newly granted authority to operate the Vulcan South coal mine<sup>6</sup>.

This matter was raised in our previous correspondence of 23 October 2024<sup>3</sup>, but given the recent EPBC approval, we draw to your attention the Clearing Limits outlined in the Notification of approval decision<sup>6</sup>:

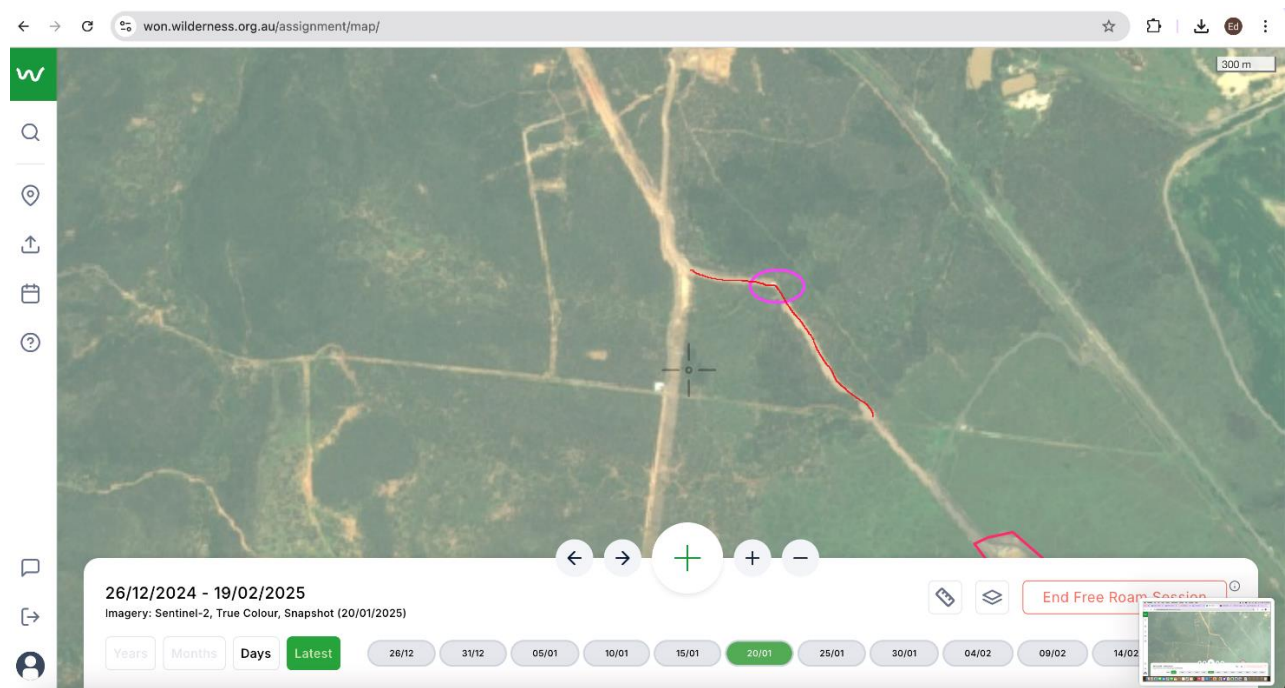
- 1) The approval holder must not:
  - a) take the Action outside of the **Action area**,
  - b) **clear** outside of the **Disturbance footprint**.

Attachment A provides a map of the disturbance footprint and the avoidance area.

Attachments C – E provides the mapping of threatened species and ecosystems.

EnvA considers that the haul road access has already cleared this unauthorised area which is subject to the potential infringement currently under investigation. Of note, this avoidance area has continued to be used by heavy vehicles since the EPBC approval was granted.

The below map shows in the red line, the haul road traversing areas outside of the “approved” disturbance footprint, and the pink oval shape identifies the use of this road after approval (imagery from 20 January 2025).



<sup>6</sup> [2023-09708 Approval Decision 9 January 2025](#)

In conclusion, EnvA requests that you:

- Use your powers under Section 475 of the EPBC Act to seek an urgent injunction from the Federal Court to halt works at the Vulcan South coal mine until your investigations have concluded on the criminal investigation currently being undertaken in respect to the Vulcan Bulk Sampling project, and this new evidence that there has been a further breach of the recently provided EPBC approval for the mine, and
- Take appropriate action against Vitrinite for any confirmed breaches of the EPBC relating to the commencement of an action without referral and/or approval and breaches of their subsequent EPBC approval.

We would also appreciate an update on the investigation and advice on any action you intend to take to prevent further destruction of threatened species habitat.

Thank you in anticipation for your urgent attention to this matter.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Coral Rowston', written in a cursive style.

Dr Coral Rowston  
Director  
Environmental Advocacy in Central Queensland Inc.