

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

Submitted via the EPBC portal

3 July 2026

Dear Minister,

RE: Submission on Referral – Gemini Rail Loop Project (EPBC 2026/10538)

Thank you for the opportunity to make this submission in response to the referral of the Gemini Rail Loop Project (**the Project**) proposed by Magnetic South Pty Ltd (**the Proponent**) for assessment 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 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.

ENVA'S SUBMISSION

1. EnvA submits that the referral fails to demonstrate that significant impacts on Matters of National Environmental Significance (**MNES**) can be avoided, mitigated or adequately offset. The referral is characterised by inadequate ecological information, uncertainty regarding impacts on threatened species, and an apparent attempt to artificially separate a larger mining development into multiple referrals. In these circumstances, the precautionary principle requires that the Project be refused.



2. Alternatively, the Project should be declared a controlled action due to significant residual impacts on:
 - Listed threatened species and communities (ss 18 and 18A), and
 - Listed migratory species (ss 20 and 20A).
3. We further recommend that if this Project is accepted for assessment, that it be assessed through a comprehensive environmental impact statement (**EIS**) process. An EIS assessment would allow:
 - Public input on the terms of reference,
 - Rigorous assessment of species surveys, habitat fragmentation and cumulative impacts, and
 - Transparency in the evaluation of offsets, mitigation, and alternatives.

Further detail to support our recommendation is provided below.

The proposed action

The Project is a proposed rail loop to enable additional coal transport options for the Gemini Coal Mine which is operated by the proponent. The Project proposes to construct a rail loop connecting to the Blackwater Railway System, within mining lease (**ML**) 700056 or land owned by the Proponent.

The Project would be connected to the Gemini Coal Mine via a product conveyor, crossing over the Capricorn Highway. Access to the Project would be via the existing Red Hill Road, a local road connected to the Capricorn Highway. Red Hill Road would undergo construction to increase its capacity to support the required use for the Project.

The Project is proposed to occur on the northern section of ML 700056 situated between the small rural townships of Bluff and Dingo. The anticipated footprint for the Project is approximately 120ha.

GROUNDINGS FOR SUBMISSION

Staged development

The Gemini Rail Loop cannot properly be considered in isolation. It forms one component of a broader mining proposal comprising the existing Gemini Coal Mine, the proposed Gemini Coal Mine Extension and associated coal transport infrastructure. When considered together, these components constitute a staged development that should be assessed as a single action under the EPBC Act. Assessing each component separately risks substantially underestimating cumulative impacts on Matters of National Environmental Significance and undermines the objects of the Act.

The Proponent argues that the Rail Loop is a stand-alone action because, although it will transport coal from the Gemini Coal Mine, either of the rail loop options previously considered for the Dingo West Coal Project could instead be constructed. EnvA submits that this reasoning is neither factually nor legally persuasive.

EnvA submits that the Proponent cannot legitimately rely upon a referral decision made more than 15 years ago for a different project and a different proponent. The Department has previously advised that the Dingo West referral decision cannot be transferred to Magnetic South¹. Accordingly, reliance on that historic decision appears inconsistent with both the EPBC Act and the Department's own advice.

¹ [Australian Government \(2011\). Referral decision. Dingo West Coal Project.](#)

This project represents a clearly staged development inconsistent with the EPBC Policy for staged developments – split referrals,² which means that all relevant impacts of the broader project are not properly assessed and may circumvent controlling provisions and expose MNES to unacceptable impacts.

The broader Gemini Coal Mine has been split into three stages.

Gemini Coal Mine

The first ‘distinct’ project was the Gemini Coal mine which was not directly referred for EPBC Act assessment but relied on the previous decision for the Dingo West Coal Project (EPBC 2010/5775) that the project ‘could proceed as not a controlled action if undertaken in a particular matter’, despite the Department’s advice that the referral decision could not be transferred.

Correspondence obtained through a freedom of information request clearly provides DCCEEW advice that “there is no mechanism under the EPBC Act to transfer ‘not a controlled action if undertaken in a particular matter (**NCAPM**)’ referral decision from an old project owner to the new project owner. Specifically, as an NCAPM is not an approval, there is no approval to transfer per EPBC Act section 145B.”³

DCCEEW also questioned whether the project was being undertaken consistently with the NCAPM and recommended that Proponent not engage in any action that has, will have, or is likely to have the potential or significantly impact matters of national environmental significance without prior approval.

Despite this, in 2022, the Proponent cleared more than 200ha of land without an EPBC Act approval. This action may have impacted on threatened species and communities including:

- Poplar Box Grassy Woodland on Alluvial Plains (Endangered),
- Weeping Myall Woodland (Endangered),
- Bridled Nail-tail Wallaby (*Onychogalea fraenata*) (Endangered),
- Greater Glider (*Petauroides volans*) (Endangered),
- Koala (*Phascolarctos cinereus*) (Endangered),
- Star Finch (*Neochmia ruficauda ruficauda*) (Endangered),
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) (Vulnerable),
- Fitzroy River Turtle (*Rheodytes leukops*) (Vulnerable), and
- Ornamental Snake (*Denisonia maculate*) (Vulnerable).

Gemini Coal Mine Extension

The proposed Gemini Coal Mine extension has recently been referred for assessment under the EPBC Act. The concerns raised in our submission⁴ on this referral include significant impacts on numerous MNES and demonstrate that the extension forms part of the staged development of the Gemini Coal Mine.

In the referral application, the Proponent argued that this extension is a stand-alone action and not a component of the Gemini Coal Mine for the purposes of section 74A of the EPBC Act. However, the referral acknowledges that the extension will commence approximately seven years after the commencement of the Gemini Coal Mine and will rely on infrastructure constructed for the existing Gemini Coal Mine, including haul roads, the Mining Infrastructure Area (MIA) and the

² [Australian Government. Policy Statement: Staged developments – split referrals: Section 74A of the EPBC Act](#)

³ [Freedom of Information request \(2025\) Gemini Coal Mine](#)

⁴ [EnvA \(June 2026\). Submission on Referral – Gemini Coal Mine Extension Project \(EPBC 2026/10537\)](#)

Coal Handling and Preparation Plant (CHPP). These facts strongly indicate that the proposal forms part of a staged development rather than a genuinely separate project.

Gemini Rail Loop (this project)

This Project has been referred as another component of the larger Gemini Coal Project. While the Proponent claims that this infrastructure is not related to the Project, it is clearly a proposal to enable the transportation of coal product from the Gemini Coal Mine and the proposed mine extension project.

The Proponent's claim that this Project is a stand-alone project from the Gemini Mining Projects, as either of the approved rail loop options under the existing Dingo West Coal Project NCAPM decision can be developed instead, appears to be contradictory to legislation and policy and all advice that has been provided to the Proponent.

The referral application largely duplicates the referral of the Gemini Coal Mine Extension referral and is not specific to the Project. The potential impacts to MNES from this "stand-alone" Project are poorly identified and, in many cases, contradict the information provided in the attached reports related to the Project.

If the Minister accepts this referral, EnvA acknowledges that the EPBC Act does not provide a process for the Minister to request a person to withdraw and re-submit their proposal, but we do recommend that the total impacts of the three sub-projects are taken into consideration when assessing the significant residual impacts of this Project.

Suitability of operator

The Proponent states that it has no current or historical records of proceedings against them under Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources.

Magnetic South and the company executives claim to have adhered to their regulatory responsibilities regarding exploration activities and have not been the subject of any Commonwealth or State environmental legal proceedings and are committed to operating in an environmentally and socially responsible manner during the design, approvals, construction, operation and closure of the Extension Project.

EnvA submits that this statement is inconsistent with publicly available compliance records. Those records indicate that the Proponent has been the subject of multiple investigations relating to vegetation clearing, exploration activities undertaken outside approved areas, and failures in erosion and sediment control. The issue is not whether every investigation resulted in prosecution, but whether the compliance history provides confidence that future impacts can be effectively avoided and managed.⁵

These compliance issues are directly relevant to the Minister's consideration of the credibility of the Proponent's commitments regarding environmental management and mitigation. A history of non-compliance necessarily reduces confidence that future environmental impacts can be effectively managed.

Threatened species and communities

The Project will or is likely to have a significant impact on numerous threatened species and communities listed under the EPBC Act.

⁵ [Queensland Government \(12 January 2023\) Direction Notice issued to Magnetic South Pty Ltd](#)

In addition to a desktop survey, the Proponent's consultant conducted surveys between 2017 and 2020, with some smaller scale assessments outside the Project area undertaken in 2025. This survey effort is inadequate to appropriately identify threatened species and communities in the proposed disturbance area for this Project. The survey efforts presented were related to the entire ML and no detailed surveys are presented in relation to the Project. This is particularly relevant if this is treated as a stand-alone development and not a component of a larger staged project.

Despite the inappropriate survey effort, the Proponent has identified the potential for this Project to significantly impact on the endangered greater glider (southern and central) (*Petauroides volans*) and bridled nailtail wallaby (*Onychogalea fraenata*).⁶

Other species and communities that may be impacted by the Project include:

Threatened ecological communities

- Brigalow (*Acacia harpophylla* dominant and co-dominant)
- Poplar Box Grassy Woodland on Alluvial Plains

Threatened species

- Squatter Pigeon (southern) (*Geophaps scripta scripta*);
- Collard Delma (*Delma torquata*);
- Grey Falcon (*Falco hypoleucos*);
- Red Goshawk (*Erythrotriorchis radiatus*);
- Sharp-tailed Sandpiper (*Calidris acuminata*);
- White-throated Needletail (*Hirundapus caudacutus*);
- Fork-tailed Swift (*Apus pacificus*); and
- Yellow Wagtail (*Motacilla flava*).

The referral provides insufficient information regarding detailed surveys within this 'stand-alone' project to demonstrate that significant impacts on threatened species and ecological communities can be effectively avoided, mitigated or adequately offset.

We further note that the mining lease is directly adjacent to Taunton National Park (Scientific) - the home of the endangered bridled nail-tail wallaby. This is a species that was once thought extinct with Taunton National Park being the only naturally occurring population of the wallaby left.⁷

EnvA is of the strongest view that this Project must be refused on the basis of the unacceptable impacts to threatened species and communities from:

- the direct impacts due to the loss of habitat, and
- the cumulative impacts of the continuing approval of new and expanding coal mines in the Bowen Basin in Central Queensland.

The Project should not be assessed solely by reference to its individual disturbance footprint. Across the Bowen Basin, repeated approvals for coal mining infrastructure have progressively fragmented habitat and reduced landscape connectivity for nationally listed species. The cumulative effect of these developments is substantially greater than the impacts of any one proposal in isolation and should be considered when determining whether the Project is likely to have a significant impact on Matters of National Environmental Significance.

⁶ [Aarc \(May 2026\) Attachment 2: Summary of terrestrial and aquatic ecology surveys undertaken to date in relation to Gemini Rail Loop Project and EPBC Act listed entities](#)

⁷ [EnvA \(2023\) Gemini Coal](#)

The referral provides no meaningful information regarding avoidance measures, rehabilitation outcomes or biodiversity offsets capable of compensating for the proposed impacts. Without this information, neither the Minister nor the public can properly assess whether significant impacts on threatened species can be reduced to an acceptable level.

If the project cannot be refused until further assessments of the impacts on threatened species and communities, and migratory species is completed, we strongly recommend that Listed threatened species and communities (ss 18 and 18A), and Listed migratory species (ss 20 and 20A) are included controlling provisions to enable a Project specific assessment.

For the reasons outlined above, EnvA submits that the referral does not contain sufficient information to demonstrate that significant impacts on Matters of National Environmental Significance can be avoided or appropriately managed.

The Project forms part of a broader staged mining development ,relies upon inadequate and outdated ecological information, and the presents unacceptable risks to nationally listed threatened species and ecological communities.

Accordingly, EnvA submits that the Minister should determine that the action is unacceptable and refuse the Project. Alternatively, the Project should be declared a controlled action requiring assessment through a comprehensive Environmental Impact Statement, with the cumulative impacts of the entire Gemini mining development assessed as a single proposal.

Yours sincerely,



Dr Coral Rowston

Director

Environmental Advocacy in Central Queensland