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

17 November 2026

RE: Submission on Referral: Foxleigh Mine – Pipeline Pit Expansion (EPBC 2026/10690)

Thank you for the opportunity to make this submission in response to the referral of the Foxleigh Mine – Pipeline Pit Expansion (**the Project**) proposed by Foxleigh Coal Pty Ltd, a wholly owned subsidiary of QMetco 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 including 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 documentation is limited in detail, and that the proposed action is likely to have unacceptable impacts on Matters of National Environmental Significance (**MNES**) which cannot presently be avoided, mitigated or offset.
2. The project is an example of a split proposal, with two separate extension proposals submitted just weeks apart.
3. EnvA strongly recommends this Project be declared a controlled action due to significant residual impacts on:
   - Listed threatened species and communities (ss 18 and 18A), and
   - Water resources (ss 24D and 24E),

Further detail to support our recommendation is provided below.

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The proposed action[1]

The proposed Project is an extension of the existing Foxleigh Coal Mine which is located in the Bowen Basin approximately 12 km south-east of the town of Middlemount and 270 km by road north-west of Rockhampton in Central Queensland.

The proposed Project involves approximately 73 ha of disturbance on ML70470. It includes a minor (2 ha) extension of the existing Pipeline Pit, construction of a flood protection landform (approximately 7.8 ha) and construction of a waste rock dump on approximately 34 ha of land undergoing rehabilitation. The remaining disturbance is required for supporting infrastructure, including the realignment of a 605 mm clean water pipeline that supplies neighbouring coal mining operations.

Approximately 0.8 Mt of run-of-mine (**ROM**) coal will be mined from the MDL over a 5 year period using the same conventional truck and excavation processes, fleet and workforce used elsewhere at the Foxleigh Mine. Coal from the Project area will be transported from the Project's ROM coal pad to the existing coal handling and processing plant (CHPP) located on ML70171.

GROUNDS FOR SUBMISSION

Split referral

The Proponent acknowledges that the Project is part of a staged development and makes reference to Expansion of One Tree Pit & Pipeline Pit and diversion of Cockatoo Creek Stage 1 & 2 (EPBC 2013/6841) and Foxleigh Coal Mine Extension (EPBC 2010/5421).

The Proponent considers the Project is a separate action to these projects, as operations at the Foxleigh mine commenced in 1999 and the mine is not dependent on the Project.

The Proponent further identifies that the Project materially changes the previous Projects in that there will be impacts that are contrary to previous assessments in that:

- It will re-establish the Cockatoo Creek diversion,
- Amend the flood protection landform,
- Construct a waste rock dump on 34ha of existing rehabilitation.

These amended impacts have not been assessed and should form a component of the current Project.

We also note that the Proponent has also recently referred a further expansion Project for assessment under the EPBC Act. The Foxleigh Mine Extension – Roper Creek Expansion (2026/10683) is an independent project as it is not dependent on this Project. EnvA considers that these are related projects as they both extend the current Foxleigh mine and rely on the same operational infrastructure and staffing.

The separation of the proposals raises concerns about whether the environmental impacts of the overall development are being adequately assessed. In particular, separate assessments risk:

- Failing to adequately consider the cumulative impacts of mining, vegetation clearing and associated infrastructure.
- Underestimating the overall disturbance footprint and impacts on threatened species and ecological communities.

[1] Foxleigh Coal Pty Ltd (2026) Referral Application No 03677 - Foxleigh Mine Extension – Pipeline Pit Expansion

- Fragmenting the assessment of impacts on waterways, groundwater, vegetation and habitat connectivity.
- Reducing the opportunity for the community and Traditional Owners to understand and comment on the overall development.

Section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* provides a mechanism for the Minister or delegate to refuse to accept a referral where the proposed action forms part of a larger action.

The Commonwealth's policy statement on staged developments and split referrals[2] recognises that separate referrals can result in relevant impacts not being assessed, or impacts being considered insignificant when assessed individually, despite the possibility that the larger development would have significant impacts. The policy also identifies whether the same person is proposing the related actions, whether the actions are co-dependent and whether the referred action can genuinely stand alone as relevant considerations.

In this case, both referrals involve the same proponent, the same coal mine, similar impacts to the environment, and both extension projects are intended to continue coal production beyond the existing mine's operating life.

The proponent's assertion that the Project is stand-alone from the Roper Creek extension does not resolve whether the proposals form part of a larger action for the purposes of section 74A.

EnvA considers these to be related projects, as they both extend the existing Foxleigh mining operation and rely on shared operational infrastructure and staffing. Their combined environmental impacts should therefore be considered as part of a comprehensive assessment of the proposed expansion of the mine.

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.

Ecological assessments were undertaken between 2009 - 2011 and supplemented by a preliminary desktop assessment in 2026. There has not been a recent comprehensive assessment to identify threatened species and communities, but rather than undertaking a recent comprehensive ecological assessment, the Proponent has relied on a likelihood-of-occurrence evaluation to identify threatened species and communities that may be impacted. Given the age of the original surveys, contemporary field investigations are necessary to establish the current presence, distribution and condition of threatened species and their habitats within the proposed disturbance area.

Despite this, the Proponent has identified that the following species and communities are likely to be significantly impacted by the Project[3]:

<u>Threatened ecological communities</u>

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

<u>Threatened species</u>

- Squatter pigeon (*Geophaps scripta scripta*: vulnerable)
- Koala (*Phascolarctos cinereus*: endangered)

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

[3] Aarc (October 2026) MNES Ecological Assessment – Pipeline Pit Extension

- Greater glider (*Petauroides volans*: endangered)
- Ornamental snake (*Denisonia maculata*: vulnerable)
- White-throated Needletail (*Hirundapus caudacutus*: vulnerable)

EnvA notes that the list of species and communities that may be impacted are regularly identified in coal mine applications in the Bowen Basin. The Project cannot be considered in isolation. The Bowen Basin has experienced decades of incremental habitat clearing, groundwater extraction and river modification through successive coal mine approvals. Each individual project has contributed to cumulative impacts that now threaten ecological function across the region.

EnvA is of the view that this Project is likely to result in unacceptable impacts to threatened species and communities from:

- the direct impacts due to the loss of habitat,
- the cumulative impacts of the continuing approval of new and expanding coal mines in the Bowen Basin in Central Queensland, and
- the increasing impacts of extreme weather events on these species and communities due to greenhouse gas emissions.

We strongly recommend that Listed threatened species and communities (ss 18 and 18A) are included as controlling provisions. It is noted that the Proponent has also suggested that Listed threatened species and communities will be a controlling provision.

Water Resources

The Project lies within the Cockatoo Creek catchment, a tributary of the Mackenzie River within the Fitzroy Basin. The Project area is traversed by an ephemeral watercourse.

The Proponent does not consider that the Project is likely to have a significant impact on water resources, although notes that without mitigation, there are potential direct impacts to surface water, ground water and groundwater dependent receptors. The Proponent further notes that the Project may add to cumulative changes in groundwater drawdown, catchment runoff and water quality from existing and approved mining operations, including Foxleigh Mine and the separately referred Roper Creek Expansion. These cumulative impacts could extend to Cockatoo Creek, Roper Creek, the Mackenzie River and associated aquifers.

The proposed re-establishment of the Cockatoo Creek diversion also raises concerns about potential changes to natural drainage patterns, stream flows, erosion, sedimentation and downstream water quality. These impacts should be assessed in the context of existing and proposed mining activities within the catchment, rather than being considered in isolation.

However, the Proponent considers that the Project's contribution is expected to be immaterial compared with the approved Foxleigh Mine operations.

EnvA notes that the referral documentation does not provide adequate investigations into the potential impacts on water resources. Given the Proponent's acknowledgement that the Project may contribute to cumulative impacts on groundwater, surface water and water quality, EnvA considers that the precautionary principle must be invoked.

There may be a significant impact on water resources which have not been adequately addressed in the current Project application and therefore recommend that Water resources (ss 24D and 24E) are included as controlling provisions. This is particularly relevant to our comments above in relation to split approvals.

Conclusion

The lack of contemporary ecological surveys and incomplete groundwater and surface-water investigations mean that the full extent of the Project's environmental impacts has not been adequately established. Furthermore, the cumulative impacts of successive coal mine approvals across the Bowen Basin, together with the Project's splitting of referrals for the two proposed coal mine expansions, must be considered when assessing its environmental acceptability.

The Proponent has not demonstrated that impacts can be adequately avoided, mitigated or offset.

Environmental Advocacy in Central Queensland (EnvA) considers that the Project should not proceed based on the justification provided.

While EnvA considers that the Project should not proceed, at a minimum it strongly recommends that the Project be declared a controlled action, with controlling provisions including listed threatened species and ecological communities and water resources. The assessment must include contemporary ecological surveys, rigorous groundwater and surface-water investigations, consideration of cumulative impacts and meaningful public consultation.

The Minister should not make any decision to approve the Project until its environmental consequences have been comprehensively assessed, and it has been demonstrated that unacceptable impacts on Matters of National Environmental Significance will not occur.

Thank you again for the opportunity to make comments on the referral of the Foxleigh Mine – Pipeline Pit Expansion.

Yours sincerely,



Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland