EnvA - CQ
Environmental advocacy in Central Queensland

The Hon Senator Murray Watt
Minister for the Environment and Water
Australian Government

Mr John Bradley PSM
Chief Executive Officer
National Environmental Protection Agency

By email: Minister.watt@dcceew.gov.au; epbc.referrals@nationalepa.gov.au

4 November 2026

Re: Gemini Coal Mine Extension (EPBC 2026/10537) and Gemini Rail Loop (EPBC 2026/10538) – concerns regarding assessment approach, public interest and split referrals

Dear Minister Watt and Mr Bradley,

Environmental Advocacy in Central Queensland (**EnvA**) writes to express serious concerns about the Commonwealth's decisions to assess the proposed Gemini Coal Mine Extension Project and Gemini Rail Loop Project through preliminary documentation rather than a more comprehensive Environmental Impact Statement (**EIS**) or Public Environment Report (**PER**)[1].

We are also concerned about the apparent conclusion that the projects are likely to attract a low level of public interest and the acceptance of separate referrals for two developments that are closely connected and form part of the broader Gemini coal mining operation.

EnvA considers that these decisions warrant reconsideration. We request that the Minister and the National Environmental Protection Agency (**National EPA**) review the assessment approach and the treatment of the two referrals, having regard to the history of the project, the environmental values at risk, the cumulative impacts and the substantial and longstanding public opposition.

Background – a long history of development proposals and community opposition

The Gemini Coal Project cannot reasonably be considered an isolated or recently conceived mining proposal.

Its origins date back to 2010–2011, when the project was first proposed as the Dingo West Coal Project by Dingo West Coal Pty Ltd, a subsidiary of Bandanna Energy.

The original proposal was subject to a Queensland Government determination requiring an EIS. However, no EIS was submitted, and the project was formally withdrawn from the Queensland EIS process in May 2014[2].

Following changes in ownership, Magnetic South acquired the Dingo West project in 2015 and subsequently developed the proposal under the name Gemini.

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[1] National EPA (30 October 2006) Statement of Reasons for a Decision on Controlled Action Under the *Environment Protection and Biodiversity Conservation Act 1999. Proposed action by Magnetic South Pty Ltd to develop, operate and rehabilitate an open-cut coal mine extension within Mining Lease 700056*.

[2] Queensland Government (April 2014) Dingo West Coal Mine Project (withdrawn)

A separate proposal, the Walton Coal Project, was also advanced in the area by Aquila Resources in 2017. Walton generated considerable opposition from neighbouring landholders, particularly because of its potential impacts on a wildlife corridor known as Wallaby Lane, which connects Walton State Forest with Taunton National Park. The proposal was withdrawn in May 2022.

The Gemini proposal subsequently attracted significant opposition from neighbouring landholders, local businesses, Traditional Owners and conservation organisations.

In particular:

- Allan and Jane Vaughan, owners of Red Rock Park, lodged a formal objection to the Gemini environmental authority and pursued proceedings in the Queensland Land Court. Their concerns included coal dust, noise, impacts on their organic beef operation and potential damage to their tourism business.
- Other local landholders raised concerns about the cumulative impacts of successive mining proposals and the implications for their properties and livelihoods.
- Ghungalu Traditional Owners raised concerns about inadequate consultation, impacts on cultural heritage, sacred sites, songlines, waterways and their ability to care for Country.
- Local tourism operators raised concerns about the impacts of mining and associated rail infrastructure on tourism, visitors and local businesses.

These concerns received national media attention, including an extensive investigation by *The Guardian* in June 2022[3] and ABC Capricornia in July 2022[4].

Importantly, opposition was not confined to individual landholders.

On 1 November 2022, EnvA joined with other conservation organisations, including the Australian Conservation Foundation, Queensland Conservation Council, Mackay Conservation Group, Capricorn Conservation Council and Lock the Gate Alliance, in writing to the Queensland Government seeking a review of the decision not to require an EIS for Gemini.[5]

The joint letter specifically questioned the Department's decision to allow the project to proceed without a comprehensive EIS, noting that its proposed production rate of 1.9 million tonnes per annum was marginally below the commonly applied two-million-tonne threshold. This concern was also raised with the Australian Minister for the Environment.[6]

The organisations also identified concerns about the proximity of the mine to Taunton National Park, impacts on threatened species, vegetation clearing, water resources and the adequacy of the proponent's environmental assessments.

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[3] The Guardian (June 2022) Wallabies, coal and a town called Dingo: the battle over a Queensland mine proposal

[4] ABC (July 2022) Magnetic South's proposed Gemini coal mine near national parks grinds life to a halt for neighbours

[5] Conservation group alliance (November 2022) Joint letter to the Queensland Government

[6] Conservation group alliance (November 2022) Joint letter to the Australian Government

Other conservation organisations have also made representations to the Queensland Government in relation to the presence of a floodplain[7] and wetland which have not been adequately assessed.

More recently, in July 2025, Queensland Conservation Council publicly challenged vegetation clearing at the Gemini site, reporting that approximately 200 hectares of remnant forest had been cleared. Ghungalu Traditional Owners publicly expressed their concerns about the destruction of Country and associated cultural and environmental values.[8], [9]

In October 2025, citizen scientists working with Queensland Conservation Council and assisted by Ghungalu Traditional Owners confirmed the presence of three endangered greater gliders at the proposed mine site.[10]

In 2026, EnvA again raised concerns through its submissions on both the Gemini Coal Mine Extension[11] and Gemini Rail Loop referrals[12]. We understand that other groups also made submissions on these projects.

This history demonstrates that Gemini has been the subject of sustained public concern over many years. It is difficult to reconcile that history with any assessment that the project is likely to attract little public interest.

Preliminary documentation is not an appropriate assessment pathway

EnvA is concerned that the decision to assess both projects through preliminary documentation does not adequately reflect their scale, complexity, duration or potential environmental consequences.

The Gemini Coal Mine Extension proposes a second open-cut pit within the existing mining lease, ML 700056, enabling extraction of up to 1.9 million tonnes of metallurgical coal annually beyond the life of the existing mine.

The extension is anticipated to involve approximately 12 years of production, followed by an estimated five years to complete rehabilitation works and potentially up to 22 years of post-rehabilitation monitoring and maintenance.

The proposal involves substantial additional disturbance, including vegetation clearing, waste rock emplacements, haul roads, dams, levees and other water management infrastructure.

EnvA's assessment of the referral identified the potential clearing of approximately 755 hectares of habitat, including habitat supporting nationally protected species and ecological communities.

The project is located immediately adjacent to Taunton National Park, which protects Australia's last naturally occurring population of the endangered bridled nail-tail wallaby.

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[7] Water Technology – Water, Coast and Environmental Consultants

[8] ABC (8 May 2026) Magnetic South land clearing found not to have breached national environmental law

[9] Queensland Conservation Council (July 2025) Queensland coal mine goes against orders of Federal Government: "Tearing through our Country", Traditional Owners say.

[10] Queensland Conservation Council (October 2025). Confirmation of endangered greater gliders at controversial Gemini coal mine

[11] EnvA (30 June 2026) Submission on Referral – Gemini Coal Mine Extension Project (EPBC 2026/10537)

[12] EnvA (3 July 2026) Submission on Referral – Gemini Rail Loop Project (EPBC 2026/10538)

The proposed development also raises concerns about impacts on:

- The endangered bridled nail-tail wallaby and its surrounding habitat.
- Endangered greater gliders and koalas.
- Threatened ecological communities, including Brigalow.
- Mature woodland and hollow-bearing trees.
- Groundwater-dependent ecosystems and associated vegetation.
- Wetlands, waterways and aquatic ecosystems.
- Habitat connectivity and the cumulative impacts of existing and proposed mining.

These are not minor or readily reversible impacts. The removal of mature trees, destruction of habitat, fragmentation of ecological corridors and disturbance of waterways can have consequences extending well beyond the operational life of the mine.

The fact that the proposed extension is located within an existing mining lease does not diminish the significance of its environmental impacts. Nor does the use of existing infrastructure mean that the extension should be considered a relatively minor development.

The National EPA's published guidance identifies preliminary documentation as an appropriate assessment approach where the impacts are understood, are expected to be medium- or short-term or recoverable, sufficient information is available, and public interest is likely to be low.

The guidance identifies a Public Environment Report or EIS as more appropriate where impacts are complex, uncertain, involve multiple protected matters or are likely to attract moderate to high public interest.

In EnvA's view, the Gemini proposals warrant the latter approach.

The number and significance of the threatened species potentially affected, the extent of proposed habitat disturbance, the proximity of the mine to Taunton National Park and the history of community opposition all point to a need for a more comprehensive assessment.

A preliminary documentation process also places considerable responsibility on the proponent to prepare the assessment material and respond to public submissions. While public consultation is included, it is not an equivalent substitute for the more comprehensive assessment process provided by an EIS or PER.

EnvA therefore requests that the decision to use preliminary documentation be reconsidered and that the Gemini Extension and associated rail infrastructure be assessed through an EIS, or at a minimum a PER, with appropriately comprehensive terms of reference and meaningful public consultation.

The assertion that public interest is likely to be low

EnvA is particularly concerned about the apparent characterisation of public interest as low in the Statements of Reasons for the preliminary documentation assessment decisions.

We question what evidence was relied upon to reach this conclusion.

As outlined above, the Gemini development has generated significant and sustained public opposition, extending over several years and involving different sectors of the community.

This includes:

- Formal objections by neighbouring landholders.
- Proceedings in the Queensland Land Court.
- Public meetings and media coverage.
- Formal representations to the Queensland and Commonwealth governments.
- Joint submissions and correspondence from numerous conservation organisations.
- Public opposition by Ghungalu Traditional Owners.
- Further submissions on the 2026 extension and rail loop referrals.

This is not a case where a development has attracted little community attention or where the environmental consequences are confined to a small, isolated area.

The project has generated considerable concern because of its location, the environmental values at risk and the implications for the surrounding community.

Furthermore, public interest should not be determined solely by the number of submissions received during a short referral consultation period. The history of opposition, the number and diversity of organisations involved, the concerns of Traditional Owners and the potential for long-term environmental impacts should all be relevant considerations.

The fact that the project has been the subject of sustained public scrutiny and formal advocacy for several years should have been apparent to the decision-makers.

We request that the National EPA explain:

1. What evidence was relied upon to determine that public interest in the projects was likely to be low.
2. Whether the history of public opposition, including the 2022 joint letter to the Queensland Government, was considered.
3. Whether the submissions made by EnvA and other conservation organisations on the 2026 referrals were considered when determining the assessment approach.
4. Whether the concerns of Ghungalu Traditional Owners and neighbouring landholders were adequately considered.
5. How the Department or National EPA reconciled the conclusion of low public interest with the documented history of community opposition.

EnvA also requests that the Minister and National EPA recognise that public interest encompasses more than immediate local objections. The protection of nationally significant threatened species, ecological communities and the surrounding environment is a matter of legitimate national public interest.

Separate referrals – potential inappropriate splitting of a larger development

EnvA is also concerned about the acceptance of separate referrals for the Gemini Coal Mine Extension Project (EPBC 2026/10537) and the Gemini Rail Loop Project (EPBC 2026/10538).

Both projects are being advanced by Magnetic South Pty Ltd, relate to the same mining lease, ML 700056, and form part of the broader Gemini coal mining and export operation.

The extension referral proposes a second open-cut pit to enable the extraction of additional coal beyond the life of the existing mine.

The rail loop referral proposes infrastructure to transport coal from the Gemini mine, via a product conveyor and train-loading facility, onto the Blackwater railway system for export through the Port of Gladstone.

The relationship between the proposals is evident from the proponent's own referral documentation.

The extension referral identifies the rail loop as infrastructure supporting the Gemini operation. It also states that the extension would use existing mine infrastructure and that the extension is stand-alone from the Gemini Rail Loop.

The separate rail loop referral, however, expressly identifies its primary purpose as facilitating the transport and export of coal produced by Gemini.

Both proposals are therefore closely related components of the same mining and export operation, even if the proponent considers that they can technically proceed on separate timelines or using alternative transport arrangements.

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.
- Failing to properly assess the combined impacts of the mine, conveyor, rail loop, train-loading facilities and associated transport infrastructure.
- 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 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 and mining lease. The rail loop is expressly intended to transport coal from Gemini for export, while the extension is intended to continue coal production beyond the existing mine's operating life.

The proponent's assertion that the extension is stand-alone from the rail loop does not, in itself, resolve whether the proposals form part of a larger action for the purposes of section 74A.

The fact that an individual component may be capable of proceeding using alternative infrastructure does not necessarily mean that its environmental impacts should be assessed independently of the broader development.

EnvA considers that the relationship between these proposals warranted careful scrutiny under section 74A before separate referrals were accepted.

We request that the National EPA review the basis on which the separate referrals were accepted and provide the Minister with advice on whether they should be treated as components of a larger action.

At a minimum, both assessments must consider the combined and cumulative impacts of the mine extension and associated rail infrastructure, rather than assessing their environmental consequences in isolation.

The continuing reliance on the original Dingo West decision

There is a further issue that reinforces the need for a comprehensive assessment.

The existing Gemini Coal Mine relies on the original Commonwealth decision for the Dingo West Coal Project (EPBC 2010/5775), which determined that the original proposal was not a controlled action if undertaken in a particular manner.

That decision was made in relation to a proposal first referred in 2010, more than 15 years ago.

The project has subsequently changed ownership, configuration and development arrangements.

The original Dingo West proposal was also subject to a Queensland EIS requirement, although that process was never completed.

The subsequent Gemini proposal was not required to undertake a Queensland EIS, and the Commonwealth has accepted that the original Dingo West decision continues to apply to the existing mine.

The current extension and rail loop proposals further expand the development.

EnvA considers that the history of the original referral and subsequent project changes reinforces the importance of ensuring that all current and proposed activities are properly identified and assessed under the EPBC Act.

We are concerned that reliance on the original decision, together with separate referrals for subsequent development components, risks progressively fragmenting the environmental assessment of what is effectively a much larger mining operation.

We request clarification of how the original Dingo West decision has been considered in determining the scope of the two 2026 referrals and whether all relevant impacts of the overall development are being captured.

Requests for action

In light of the above, EnvA requests that the Minister and the National EPA:

1. **Reconsider the assessment approach** for EPBC 2026/10537 and EPBC 2026/10538, and require assessment through an EIS or, at a minimum, a PER rather than preliminary documentation.
2. **Review the conclusion that public interest is likely to be low**, having regard to the longstanding and well-documented opposition from local landholders, Traditional Owners and conservation organisations.
3. **Review the acceptance of the separate referrals** under section 74A of the EPBC Act, including whether the mine extension and rail loop should be considered components of a larger action.
4. **Ensure the combined development is comprehensively assessed**, including the direct, indirect, facilitated and cumulative impacts of mining, vegetation clearing, processing, transport and export infrastructure.
5. **Ensure meaningful public and Traditional Owner participation**, including sufficient time and opportunity for affected communities, conservation organisations and Ghungalu Traditional Owners to review and comment on the assessment material.
6. **Publish the full reasoning and supporting information** underpinning the assessment decisions, including the basis for the low-public-interest conclusion, the consideration of the history of community opposition and the reasoning for accepting the separate referrals.
7. **Clarify the treatment of the original Dingo West referral**, including how the 2010 decision is considered applicable to the current Gemini operation and its subsequent extensions and associated infrastructure.

We would also appreciate confirmation of the respective responsibilities of the Minister and the National EPA in reviewing these decisions, and advice about any available mechanism for reconsideration of the assessment approach and referral decisions.

Conclusion

EnvA recognises the importance of efficient and transparent environmental assessment processes. However, efficiency should not come at the expense of adequate environmental scrutiny, public participation or the protection of matters of national environmental significance.

The Gemini development has a long and contested history. Its environmental implications extend beyond the immediate mining footprint, and its proximity to Taunton National Park and important threatened species habitat makes comprehensive assessment particularly important.

The history of Dingo West, Walton and Gemini demonstrates that concerns about mining in this area have persisted for more than 15 years. These concerns have been raised repeatedly by local landholders, Traditional Owners and conservation organisations, including EnvA.

We do not consider it reasonable to characterise public interest in the project as low, nor do we consider preliminary documentation an adequate assessment pathway for a development of this scale and complexity.

The separate treatment of the mine extension and rail loop also risks obscuring the cumulative environmental consequences of the broader development.

The establishment of the National EPA provides an opportunity to strengthen public confidence in Commonwealth environmental decision-making through independent, transparent and evidence-based assessment.

We urge the Minister and the National EPA to take this opportunity to ensure that the Gemini development receives the level of environmental scrutiny and public participation it warrants.

We look forward to your response.

Yours sincerely,



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