



Cairns and Far North Environment Centre Inc.

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The Coordinator-General
Significant Projects Coordination
Department of Employment, Economic Development and Innovation
PO Box 15517
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30th November 2011

Submission of comments on Waratah Coal's proposed Galilee Coal Project (Northern Export Facility) (also known as China First Coal Project)

Dear Coordinator-General,

On behalf of the Cairns and Far North Environment Centre I would like to submit the following comments on Waratah Coal's Environmental Impact Statement (EIS) for their proposed Galilee Coal Project (Northern Export Facility), formerly known as 'China First'.

We believe that Waratah Coal's (WC) proposed mine and associated rail infrastructure would result in an unacceptable level of negative environmental and social impacts across the region. Our comments on the EIS are summarised below and outlined in more detail in the following pages.

Summary of comments

- **Cumulative health and ecological impacts**
 - This proposal is one of many for the region, and an independent assessment of the cumulative impacts of these mines on people and the environment should be undertaken.
- **Contribution to climate change**
 - Over the life of the proposed mine, the coal extracted would produce around 3 billion tonnes of CO₂-e. Given the urgent need to reduce greenhouse gas emissions, consideration must be given to the lifecycle impacts of the proposed operation and its contribution to the problem of climate change.
- **Destruction of critical habitat at Bimblebox Nature Refuge**
 - The Bimblebox Nature Refuge must be protected due to its high conservation significance and unique demonstration of sustainable agriculture practices.
 - The proposed project would destroy the ecological integrity of the Bimblebox Nature Refuge.
 - The proposed land use is inappropriate for this site, and approval of the mine would be in conflict with the perpetual Nature Refuge Agreement signed with the Queensland Government.
 - Proposed offsets are inadequate and no suitable offset area has been identified.
 - Vegetation offsets would not adequately 'replace' the value of this site as it is a unique refuge area with complex ecological and social values.



Detailed comments on Waratah Coal's Environmental Impact Statement (EIS) for their proposed Galilee Coal Project (Northern Export Facility), formerly known as 'China First'.

1. Cumulative health and ecological impacts

Waratah Coal's proposal for a coal mine in the Galilee Basin is only one of a number of similar new and proposed developments in the region. The scale of such development in such a short time frame is unprecedented in Queensland, and as such the full extent of the likely impacts on communities and the environment is largely unknown.

It is crucial that an independent regional assessment be undertaken. This task should not be left to each mining company in the course of the EIS process, which in large part relies on scrutiny by the public who have limited time and resources. Rather, experts working in conjunction with local people need to thoroughly assess what the cumulative impacts are likely to be on surface and ground water resources, flora and fauna, and community well-being. The time frame for analysis should be at least 50 years, to take account of post-mining-boom scenarios. A regional impact study should also seriously examine the alternatives to the development of the Galilee Basin as a coal province, and determine the costs to non-coal industries.

2. Contribution to climate change

Waratah Coal was obliged in the EIS to describe some possible impacts from global climate change on its proposed coal mine and export operations. One such impact mentioned was 'projected increases in average wind speed' which could result in 'breaches in compliance' of particle pollution (Executive Summary, p.30). This concern for local impacts from climate change is highly ironic given the very sizeable contribution that emissions from the WC coal operation would have on the problem of global climate change. Much more significant than local particle pollution are the emissions that would result from the end use of the coal that WC proposes to dig up and export for power generation in China.

Over the life of the mine, the 1.4 billion tonnes of coal to be produced by WC would result in the emission of around 3 billion tonnes of CO₂-e. While scope 1 and 2 CO₂-e emissions have been estimated for WC's proposal (see Appendix 19, summarised on p.xii), over the life of the mine these amount to a small percentage of the mine's atmospheric impact, if the end-use emissions were also taken into account (as part of a scope 3 assessment).

With evidence of climate change becoming more apparent every year, it is negligent of the Queensland and Federal governments not to require a full life-cycle assessment of such a major fossil fuel project. This badly fails public expectations on the issue of climate change.

3. Impacts on Bimblebox Nature Refuge

Bimblebox Nature Refuge is a peaceful 8000 hectare sanctuary in central-west Queensland. It is composed of remnant semi-arid woodlands with an understorey largely made up of native shrubs, forbs and grasses, and has a rich diversity of birds, reptiles and other animals. This area is a genuine example of how agricultural production and biodiversity conservation can co-exist. A small herd of beef cattle assist in the control of exotic pasture



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grasses, and a number of long-term research projects are aimed at generating knowledge and management practices to improve outcomes for biodiversity across the region.

Bimblebox was purchased in 2000, with the savings of a number of concerned individuals, as well as funding from the Australian National Reserve System program. In 2003, the Bimblebox Nature Refuge Agreement (category VI IUCN protected area) was signed with the Queensland state government to permanently protect the conservation values of the property. Unfortunately, this Agreement does not protect the area from mineral exploration.

Impacts of the proposed project

The EIS clearly states that the mine would have significant negative effects on Bimblebox Nature Refuge. It is apparent that should the project be allowed to proceed, the following impacts will result for the area:

HABITAT DESTRUCTION, SPECIES LOSS & REDUCED CONNECTIVITY

The ecological integrity of Bimblebox would be destroyed, with 52% of the property excavated for an open-cut mine and the remainder subject to long-wall underground mining (Executive Summary, p.35). The open-cut mine would involve the destruction of 3,926 hectares of remnant native vegetation (ES, p.35) to create an open pit, and thus the extant habitat could never be rehabilitated.

ALTERED HYDROLOGY

As stated in the EIS, the land with underground mining is likely to suffer substantial subsidence 'expected to range between 1.3-1.6 m' and interference with the natural hydrology that supports the overlying ecology (Vol 2 Ch 6, p.187).

Social and ecological values of Bimblebox

There are a number of reasons why it is vital that the Bimblebox Nature Refuge remains intact. These are outlined below.

Agricultural and land management significance

The EIS fails to recognise the unique economic, ecological and educational value of Bimblebox Nature Refuge for the region. Bimblebox is a highly significant example of minimal-impact, sustainable grazing. The EIS claims that:

The land [to be effected by the mine] is not considered to have unique agricultural values compared to surrounding areas and as such, the mine would not be expected to have significant impact on agriculture in the region (Vol 2 Ch 4, p.153)

In fact, Bimblebox is deemed worthy of Nature Refuge status for the very reason that it is very different to almost all of the surrounding land, much of which has been cleared and blade-ploughed. In stark contrast with Bimblebox, the surrounding land has been extensively developed and heavily grazed over many decades.



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It is increasingly recognised that large scale conservation outcomes will only be achieved where production and conservation are integrated¹. Bimblebox is a crucial area where this approach is being both trialled and put into practice.

The owners and managers of Bimblebox are committed in their daily work practices and management decisions to conservation outcomes. They also actively host a number of leading research projects. Noteworthy are the fire experiments being conducted by the Queensland Herbarium, which will provide much-needed empirical data on the use of fire as a land management tool for graziers across the Desert Uplands. The significant management and research activities on Bimblebox Nature Refuge are extremely unlikely to be repeated elsewhere in the region, and would be a major loss on top of the loss of the conservation values of the property itself. There is nothing else like it anywhere in the region and currently no prospect that a similar project could ever replace it.

With the above factors considered, Bimblebox Nature Refuge indeed has outstanding agricultural (and specifically pastoral) values. It is highly significant, and in practice irreplaceable, as a working example of integrated conservation and agricultural production in the Desert Upland Region. Its role and impact are not only important in the immediate vicinity and region, but for rangelands across Australia.

Conservation values

The EIS fails to recognise and describe the cluster of factors which give Bimblebox high conservation value and unique status. The history and management of the property, the size and condition of the habitat, as well as the component species, are all important, but most significant is the way these factors have interacted over time at this location. The particular way ecological and management qualities have been combined on Bimblebox is extremely unlikely to be repeated elsewhere. The designation of any offset area/s could never sensibly or adequately compensate for the loss of conservation values specific to this refuge.

The origin of the Bimblebox Nature Refuge is important. The purchase of Glen Innes (later to be entirely covered by the Bimblebox Nature Refuge Agreement) in 2000 was initiated by a group of concerned families who realised that the property consisted of one of the last large tracts of intact remnant woodland in the region. With a clearing permit attached to the title of the property, a large portion of the 8000 hectares of remnant woodland would more than likely have been cleared by other purchasers. The Federal National Reserve System program contributed around \$300 000 for its purchase, in recognition of the biodiversity values of the property, and the initiative shown by a group of private citizens willing to invest in the conservation of Australian rangeland biodiversity.

Bimblebox Nature Refuge is home to a number of significant species. Birds Australia has confirmed the sighting by one of its members of a flock of 'endangered' Black-throated Finch (*Poephila cincta cincta*) (BTF) on Bimblebox Nature Refuge in May 2011. Consultants for Waratah's EIS have recognised that the BTF is 'likely' to occur in the mine area (Vol 2 Ch 6, p.184). A key statement in an EIS appendix emphasises the need for thorough and long-term studies before the true significance of the Desert Uplands for the BTF can be understood:

¹ For instance, see Binning, C. and Fieldman, P., 2000. Landscape conservation and the non-government sector. Environment Australia, Canberra.



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It is apparent from the review of existing information that there have been no systematic or regular surveys in regards to BTF in the Desert Uplands, with most data derived opportunistically and descriptive in nature. In considering the information available at the time of preparing this report, it is clear that there is insufficient information for adequate conservation planning for BTF [in] the bioregion (Appendix 10A, p.21)

It is essential that systematic and regular surveys for the Black-throated Finch and other endangered species be undertaken before any large-scale project is considered for the region. The current EIS is simply inadequate to the task of accounting for the likely and potential impacts on threatened species, as indirectly acknowledged in the above quote.

The vulnerable Squatter Pigeon has also been sighted on Bimblebox, and there is a relative abundance of the near-threatened Black-chinned Honeyeater and Large Podded Tick-trefoil. There have also been fifteen EPBC-listed marine or migratory bird species recorded at the refuge, plus one migratory butterfly species, and fourteen bird, mammal and reptile species of conservation significance for the Desert Uplands, including Koalas.

Bimblebox Nature Refuge provides crucial habitat in a landscape otherwise dominated by cleared grazing land. As well as endangered species, Bimblebox is renowned for its abundance of flora, bird and reptile species more generally. The total bird species count stands at 138. The refuge is in a strong position to ensure that a range of species do not end up on the threatened and endangered lists. Given the number and extent of major coal projects proposed for the vicinity, it is likely that Bimblebox will become an even more important refuge habitat in the future. In fact, it is the prospect of huge coal mines nearby, particularly HPPL's Alpha project, that makes the on-going viability of Bimblebox Nature Refuge even more essential.

Dangerous precedent for the destruction of protected areas

If the WC mine is allowed as proposed in the EIS, it would be the first time that a Queensland property covered by a perpetual Nature Refuge Agreement was destroyed for mineral extraction. This prospect demonstrates a gross inconsistency in the state's land management policies. It would also establish a dangerous precedent for the expedient destruction of conservation areas in Queensland. Nature refuges in particular would be highly vulnerable during rapid mining expansion in the coming decades.

The legal implications of this case are of grave concern. The sacrifice of Bimblebox Nature Refuge for the sake of the WC mine would obviously contravene the land title agreement signed with the Queensland government. It would also be blatantly contrary to the criteria set for conservation areas that make up the federal National Reserve System (NRS) of Protected Areas. The apparent hypocrisy in both state and federal approaches to conserving biodiversity is an issue equally as serious as the mining of prime agricultural land, which has attracted recent legislative revision by both the Queensland and NSW governments.

By signing the Bimblebox Nature Refuge Agreement with the Queensland government, the landholders agreed to become part of the NRS and so agreed to a set of standards recommended by the International Union for the Conservation of Nature (IUCN) for Category IV protected areas. In stark contrast to the WC plans outlined in the EIS, the IUCN recommends that no more than 25% of a protected area may be 'managed for other



purposes' and only when 'these are compatible with the primary objective of the protected area'.² The WC proposal blatantly contradicts these recommendations.

The inadequacy of proposed offsets

Waratah Coal proposes in their EIS that the 'unavoidable' negative impacts from their mine on Bimblebox Nature Refuge could be compensated for by 'offsets' (see Vol2 Ch 6, p.208). The 4000 hectares of remnant vegetation that would need to be cleared for WC's open cut mine would be an obvious negative impact. Also conceded in Appendix 27 (p.23) is the likely very negative impact on the under-mined portion of Bimblebox:

Whilst the underground mining area will not need to be cleared of vegetation, the long-term impacts to the surface vegetation communities are unclear due to potential changes to hydrology and subsidence because of the underground operations. Therefore, Waratah Coal currently propose to provide compensation for the entire area of the [Bimblebox Nature Refuge].

Offsetting would be an entirely inadequate approach to 'compensation' for the loss of Bimblebox Nature Refuge, for a number of reasons:

- *Offsetting would result in a net loss of biodiversity for the region and state.* Since the Vegetation Management Act (1999) put an end to broad-scale land-clearing in Queensland, remnant vegetation is supposedly protected under Queensland law. The critical loophole is that mining companies are exempt from the effect of the Act. This means that by simply 'securing' an area in an offset deal, neither WC nor the State Government would be likely to deliver any more protection than already exists. The offset proposal is a deceptive proposition. It gives the appearance of securing protection while in effect securing no more than the opportunity for a mining company to achieve destruction of a highly valuable protected area. In ecological terms, it is clearly a losing proposition.
- *There is nothing to stop offset areas being mined in the future.* It is claimed in the EIS that 'offset sites could be secured through Nature Refuge conservation agreements or other legally binding mechanisms' (Appendix 27, p.29). However, any offset area could well be mined in the future, and this is likely in the Desert Uplands where there has been an explosion of coal exploration permits granted in recent years. The predicament facing Bimblebox Nature Refuge clearly demonstrates the existing vulnerability of supposedly 'legally binding' mechanisms. The devastating severity of the current threat to Bimblebox has exposed a government propensity to dishonour conservation agreements and support destructive mining proposals. If Bimblebox is destroyed for the WC mine, this will have demonstrated that there is no way to secure such conservation areas from mining. There can be no doubt that this is a critical test case of the laws intended to preserve and protect privately-held conservation areas.
- *The EIS failed to provide any evidence that appropriately comparable offset areas are available.* Waratah Coal has not demonstrated in the EIS that appropriate offset areas exist in the vicinity of Bimblebox Nature Refuge. Appendix 27 describes a desktop study that was made to locate areas of 'remnant vegetation of the dominant

² IUCN, 2008, Guidelines for Applying Protected Area Management Categories, P35, <http://data.iucn.org/dbtw-wpd/edocs/PAPS-016.pdf>



[Regional Ecosystems] found within the [Bimblebox Nature Refuge]' (Appendix 27, p.31). However, without thorough ground-truthing, there is no way of knowing the understory component species, the condition of the habitat, or the willingness of the existing landholders to manage for biodiversity values in the way that Bimblebox is currently managed. When all these aspects are considered, it is very unlikely that appropriate offset areas exist. If regrowth areas are to be targeted for protection, it should be noted the current discussion in the academic literature on this matter is cautious and sceptical, such that:

Accrued biodiversity values should be demonstrated before they can be used to offset biodiversity losses (Bekessy et al 2010).³

- *'Indirect offsets' are no replacement for habitat.* Waratah Coal may attempt to absolve itself of responsibility for destroying Bimblebox and failing to find suitable offset areas, by payments for so-called 'indirect offsets' in the form of plans and programs etc. This proposition was mentioned in their EIS in regards to the likely impact on Black-throated Finch habitat (Appendix 27, p.30). However, it is obvious that this endangered bird, along with every other inhabitant species of Bimblebox, does not need attractively packaged education programs and publicity, but simply an undisturbed habitat. Indirect offsets would amount to a significant and scandalous loss of biodiversity.
- *Offsetting remains a controversial and uncertain option for protected areas.* As stated in the WC EIS, *'no specific offset policy is currently in place for protected areas'* (Appendix 27, p.15). This reflects the fact that both the State and Federal governments are yet to determine how the destruction of protected areas could be appropriately compensated in kind, if at all. Since there has been no adequate or conclusive public discussion of this matter, it would be highly inappropriate to proceed with any action causing significant negative impact on a protected area, including Bimblebox Nature Refuge.

I hope you will consider our concerns on this issue and look forward to hearing from you.

Yours sincerely,

Anna McGuire
Urban Sustainability Officer

³ Bekessy et al. (2010) 'The Biodiversity bank cannot be a lending bank', *Conservation Letters*, 3, 151-158.