



WHITSUNDAY CONSERVATION COUNCIL

Caring for the future is in our nature

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Contact: Secretary 0407 207 441

Manager (Assessment)

12 December 2022

Energy and Extractive Resources

Environmental Services and Regulation

Department of Environment and Science

By email: energyandextractive@des.qld.gov.au

Dear Manager (Assessment),

**RE: SUBMISSION on ENVIRONMENTAL AUTHORITY APPLICATION
A-EA-NEW-100196712 in relation to PLs 1034, 1038 and 1045.**

This submission is in response to the public notification of the Environmental Authority Application A-EA-NEW-100196712 (**the Application**) by Blue Energy Limited (**Blue Energy**) on behalf of titleholder Eureka Petroleum Pty Ltd (**Eureka Petroleum**).

The Application relates to a proposed greenfield coal seam gas (CSG) project (**the Project**) in the Moranbah/Glenden region of northeast Queensland which is proposed to be carried out under three petroleum leases, namely PL 1034, PL 1038 and PL 1045 (**the PLs**), which are held by Eureka Petroleum, a wholly owned subsidiary of Blue Energy.¹

The Application should be refused on the basis of the Project's contributions to greenhouse gas (**GHG**) emissions and consequent climate impacts, the negative impacts of the Project on biodiversity, groundwater and surface water and the unreasonable limitation on human rights which would result from approval of the Project.

About the Whitsunday Conservation Council (WCC)

The WCC is an incorporated association and ACNC registered charity.

The Whitsunday Conservation Council is a large group of like-minded people who are concerned about our environment – its future and in all its forms – from the reef on our doorstep to the unique tropical rainforests and endangered fauna.

WCC is a member of the following organisations: Queensland Conservation Council Inc, Queensland Water and Land Carers Inc and Tourism Whitsunday Ltd.

¹ Blue Energy EA Updated Supporting Information, p 1.

In December 2022 it reached over 1,500 members and supporters. An amazing achievement for such a small regional population base.

PROJECT SUMMARY

The Project is located on the lands of the Western Kangoulu and Barada Barna People in the Isaac Region of Queensland.

The Application seeks approval for CSG activities over a 20-year development period at 530 well pad locations. Wells will be drilled vertically, horizontally and laterally to a maximum estimated depth of 1,130m.² Blue Energy has not quantified the exact number of wells to be developed for the Project, however, has indicated that generally where multi well pads are developed, each will have between two and six wellheads each.³ The Project will involve the installation of over 700kms of gas and water gathering lines.⁴ The maximum disturbance for the Project is 1,046 ha.⁵ Permanent infrastructure which will be left *in situ* on completion of the Project include decommissioned gas wells sealed with cement plugs and buried pipelines.⁶

To be operational, the Project will also require compression facilities, as well as other infrastructure including major gas transmission pipelines to be developed by other proponents in the region. The impacts of these required developments are not addressed in the Application.⁷ These include the proposed North Queensland Gas Pipeline, Arrow Bowen Pipeline and compression stations at West of Sapphire.⁸

The impacts of the Project should be considered in light of the compounding effects of resource industry activities on a region. The area surrounding the Project has been significantly impacted by significant development by resource and extractive industries. There are 25 operating mines in the Isaac Region, including the Isaac Plains Mine, Goonyella Coal Mine, Broadmeadow Mine and Broadlea Mine.⁹ Arrow Energy also operates the Moranbah Gas Project, one of the largest and oldest CSG projects in Australia. Arrow Energy is further proposing extensive development with the Bowen Gas Project, construction of which has not commenced.¹⁰

GROUNDINGS FOR REFUSAL

The Application should be refused as the Project is inconsistent with:

1. the standard criteria under Schedule 4 of the *Environmental Protection Act 1994* (Qld)

² Blue Energy EA Updated Supporting Information, p 13.

³ Blue Energy EA Updated Supporting Information, p 16.

⁴ Blue Energy EA Updated Supporting Information, p 15.

⁵ Blue Energy EA Updated Supporting Information, p 13.

⁶ Blue Energy EA Updated Supporting Information, p 30.

⁷ Blue Energy EA Updated Supporting Information, p 26.

⁸ Blue Energy EA Updated Supporting Information, p 27.

⁹ <https://www.isaac.qld.gov.au/about-our-region/home>

¹⁰ Blue Energy EA Updated Supporting Information, p 9.

(**EP Act**), particularly criteria (a)(i)-(iii), (b), (e) and (i), namely;

- (a) the precautionary principal;
- (b) principals of intergenerational equity;
- (c) the conservation of biological diversity;
- (d) Commonwealth and State plans;
- (e) the character, resilience and value of the receiving environment; and
- (f) the public interest.

2. the protection of human rights under the *Human Rights Act 2019* (Qld) (**HR Act**).

This is due to the following inappropriate impacts posed by the Project, which are each detailed below:

- (a) contribution to climate change through greenhouse gas emissions;
- (b) risks to groundwater and surface water;
- (c) adverse impacts to biodiversity; and
- (d) impacts on human rights due to these environmental impacts.

IMPACTS OF THE PROJECT

Contribution to climate change through GHG emissions

The Project will negatively contribute to climate change and global warming through greenhouse gas (**GHG**) emissions resulting from the proposed activities.

WCC represents a Reef community and we are very concerned the current and future impacts of climate change on the Great Barrier Reef. The Reef has suffered numerous mass coral bleaching events that have happened at an unprecedented frequency — four out of six occurred in the last seven years. These bleaching events are driven by underwater heatwaves which are fuelled by the burning of fossil fuels, especially coal and gas. This pattern certainly bodes ill for the future.

The scientific consensus is clear. The expansion of fossil fuel production must be stopped in order to reduce global GHG emissions and avoid the potentially catastrophic impacts of unmitigated global warming and climate change.¹¹ Given the need to urgently curb GHG emissions, the Project should be refused as any further new GHG emissions will exacerbate already high levels of dangerous climate change.

¹¹ UN Environment Programme, *Production Gap Report 2020* (Report, 2 December 2020); Intergovernmental Panel on Climate Change, *Climate Change 2022: Mitigation of Climate Change – Technical Summary* (Report, 2022) 52.

Blue Energy recognises that emissions of CH₄ and CO₂ are of a concern due to their potential to contribute to the greenhouse effect and thus climate change'.¹² However, Blue Energy only addresses emissions from the Project in terms of the potential impact on local air quality. Blue Energy therefore fails to provide any assessment of GHG emissions in relation to their contribution to climate change.¹³

Blue Energy has not quantified contributions of the Project to scope 1, 2 and 3 emissions. However, the Project is modelled to access 363 petajoules of reserves and 1,278 petajoules of contingent resources.¹⁴ Once burnt by the end user, the gas extracted will amount to a not insignificant contribution to GHG emissions. Fugitive emissions resulting from petroleum production and transportation processes also pose a further unquantified risk of GHG contributions from the Project. Pursuant to the precautionary principle, the Application should not be approved absent this information.

The accretion of GHGs in the atmosphere as a result of human activities has already caused changes in the climate system with tangible impacts, including in Queensland, which is increasingly experiencing extreme weather patterns and climate related disasters.¹⁵

The economic viability of the Project is vulnerable to climate change impacts, including the risk that it may not be able to operate at optimal levels for its full expected lifespan. The risks of any fossil fuel based-development's assets becoming stranded will likely continue to increase throughout the development's lifespan as a result of global policies and international action on climate change.

Further emissions of GHGs into the atmosphere will cause future financial, and legal risks and costs, which must be set off against any economic benefits of, or public interest in the Project going ahead. The negative impacts from changes to the climate system, along with future risks and costs will more heavily burden future generations, and therefore in light of considerations of principals of intergenerational equity, the Project should not be approved.

Risks to groundwater and surface water

The Project falls within the Isaac Connors Sub Basin area of the Fitzroy Basin catchment area and Suttor River sub-basin.¹⁶ There are a number of surface and ground waterways which traverse the Project area.¹⁷

Conventional gas mining and CSG activities poses risks to both groundwater and surface water in a range of ways.

¹² Blue Energy EA Updated Supporting Information, p 195.

¹³ Blue Energy EA Updated Supporting Information, p 195 and Chapter 8 generally.

¹⁴ Blue Energy EA Updated Supporting Information, p 31.

¹⁵ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 82-93.

¹⁶ Blue Energy EA Application Updated Supporting Information, p 101.

¹⁷ Blue Energy EA Application Updated Supporting Information, Figures 41 – 43.

These include the following activities associated with the Project:

1. infrastructure construction (earthworks activities) and clearing;
2. drilling and hydraulic stimulation/fracturing activities;
3. production operations;
4. well control or well head equipment failure;
5. well integrity failure;
6. spills or leaks of fuels, chemicals or other produced fluids;
7. loss of containment and seepage;
8. storage and disposal of general waste, chemical and process wastes;
9. vehicle and plant movements;
10. floods or other natural events.

These sources of risk may result in the following harms to surface and groundwater:

1. contamination of groundwater resources;
2. crossflow, aquifer contamination or reduction in pressure in aquifers;
3. disturbances to natural drainage patterns;
4. reduction in surface and groundwater quantity and availability for other users and uses;
and
5. impacts to surface and groundwater dependent ecosystems.

The risks of the Project to groundwater and surface water are of particular concern given the Project's location in proximity of other extractive industry projects, the compound impacts of which pose increased threats to ground and surface waters.

Given the potential direct and indirect impacts of the Project on groundwater and surface water, and pursuant to the precautionary principle, the Application should not be approved.

Adverse impacts to biodiversity

In its supporting information, Blue Energy identifies threatened ecological communities, flora species, fauna species and migratory species within or near to the Project area which may be affected by the Project.¹⁸

The Project involves a number of activities which will result in impacts to biodiversity, including:

1. land and vegetation clearing which will generally reduce habitat;

¹⁸ Blue Energy EA Application Updated Supporting Information, Chapter 5.

2. construction of gathering lines, pipelines, and access tracks which contributes to habitat loss as well as the fragmentation of the landscape;
3. ecological impacts from vehicle and human traffic in and around the Project area;
4. waste disposal, chemical and process wastes, oil spills or leaks of fuels, chemicals or other produced fluids, along with other risks such as the risk of proposed activities to ground and surface waters, which in light of the Project's location within close proximity to the Eromanga Basin is of added concern;
5. the spreading of weeds and other noxious species via increased vehicle and human movement; and
6. light spill and noise from the Project site during night-time works which could disrupt foraging and breeding behaviour of nocturnal fauna, cause avoidance of ecological corridors or displacement from habitat.

The cumulative impacts of the Project, are further compounded by existing and proposed development in the area surrounding the Project, will have an adverse effect on biodiversity. Accordingly, in light of the principals of the Application, it should not be approved.

Impacts on human rights

The administering authority as a public entity must not act or make a decision in a way that is not compatible with human rights.¹⁹

The adverse impacts of the Project caused by its contribution to climate change, negative impacts on biodiversity and risks to ground and surface waters will limit, beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act, the following rights of people in Queensland protected under that Act:

- right to recognition and equality before the law (s 15);
- right to life (s 16);
- deprivation of property (s 24(2));
- right to privacy and home (s 25(a));
- protection of children (s 26(2));and
- cultural rights of Aboriginal and Torres Strait Islander Peoples (s 28).

¹⁹ *Human Rights Act 2019 (Qld)*, s 58.

In the recent decision of the Queensland Land Court of *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, President Kingham found that the link between the approval of Projects which contribute to climate change and the impact of that harm on human rights is sufficiently connected so as to enliven consideration of the HR Act.²⁰

This decision should be given close consideration in the application of the HR Act to the assessment of this Project.

Approval of the Application by the administering authority would on the balance unreasonably limit those human rights, and accordingly should be refused.

CONCLUSION

We thank you for the opportunity to make these submissions and look forward to receipt of your response.

Yours sincerely,



Faye C Chapman
WCC Secretary

For further information or clarification please contact:

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²⁰ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1703]-[1705].