

ISAAC REGIONAL COUNCIL

SUBMISSION TO BLUE ENERGY LTD
APPLICATION FOR ENVIRONMENTAL
AUTHORITY PL1034, PL1038 & PL1045

ISAAC
REGIONAL COUNCIL

HELPING TO ENERGISE THE WORLD

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INTRODUCTION

Isaac Regional Council (IRC) welcomes the opportunity to provide this submission to Blue Energy Ltd's application for a site specific Environmental Authority (EA) for PL1034, PL1038 and PL1045.

ABOUT THE ISAAC REGION

Isaac is a region driven by pure people power and is the powerhouse of Queensland's economy, with an annual economic output of \$18.7 billion. This economic output comes from our long-standing agricultural sectors, service industries, retail, hospitality and our abundance of natural resources. Two-thirds of the Isaac Region's workforce is employed in the mining sector.

Isaac's contribution to the State's economy cannot be understated – per capita, the gross regional product of Isaac Region residents is nearly seven times greater than the Queensland average.

As a local government serving the largest mining region in the state, we are aware that unpredictable cyclic economic conditions impact our communities, businesses and industry. We will continue to strengthen our working relationships to increase investment opportunities and to ultimately deliver better outcomes for the region. Every member of our community is integral in helping us achieve this goal and in shaping a region we are proud to call home.

It is on this basis that Isaac Regional Council has adopted its vision statement: 'Helping to energise the world. A region that feeds, powers and builds communities now and for the future'. Council seeks to be a leader in delivery of sustainable outcomes for its people, ensuring the standard of living, access to services, the wealth of job opportunities and our natural environment is better for generations to come.

SOCIAL SUSTAINABILITY

Council's Social Sustainability Policy sets the required standard for doing business in the Isaac Region. The policy's guiding principles support the policy objective; to promote and apply a contemporary position in social sustainability in dealings on major projects approvals process, works and services and forward planning for infrastructure:

- Adopting best practice definitions, goals and principles of social impact assessment as described by the International Association for Impact Assessment as the global leader in this field.
- Recognising the determinants of social sustainability and community wellbeing extend far beyond the narrow set of concerns prescribed by legislation.
- Prioritising positive sustainable development measures which align with a desired future in preference to negative sustainable development which seeks to just keep things going through negation; reducing the bad effects of previous rounds of development and enabling urban life to continue in a minimal sense.
- Avoiding narrow definitions of social infrastructure which lead to missed opportunities in developing social capital as a determinant of social sustainability.
- Enhancing planning approaches based on demographics and population projections with demand driven principled approaches tailored to the unique characteristics and circumstances of communities.
- Considering normative, felt, expressed and comparative definitions of need in prioritising and forward planning for infrastructure.
- Prioritising measures which address barriers that impact genuine choice for people to permanently reside in the Isaac Region.
- Supporting measures which add value or expand existing local collaborative programs improving social sustainability within the Isaac region in preference to multiple in-silo initiatives.
- Where possible countering political rhetoric which promotes the economic weight of the resource sector and justifies the negative social impacts which arise from the development of major projects.

RESPONSE TO BLUE ENERGY LTD'S SITE SPECIFIC EA APPLICATION

Council is unable to support Blue Energy Ltd's application for an Environmental Authority on the grounds it poses an unacceptable risk to the long-term social sustainability of the Isaac Region in its current form.

KEY ISSUES & GROUNDS FOR OBJECTION

1. Social Impact Assessment

The supporting information provided by the proponent in support of the EA application is silent on the potential social impacts, both positive and negative, arising from the project.

Grounds

While it is acknowledged there is no compliance requirement for consideration of even the narrow range social impacts typically described by legislation, in not doing so the project poses an unacceptable risk of triggering unmanaged negative impacts and lost benefits in the absence of mitigation and enhancement measures. Although the Blue Energy project may be comparatively smaller scale impacts which may be considered negligible in isolation can become significantly magnified in the cumulative context, particularly in relation to impacts on services which may already be strained to capacity. The cumulative impact of numerous 'small' operations for which current legislation does not require social impacts to be assessed should not be underestimated.

A further risk in the Isaac experience is while smaller scale projects such as this do not meet the legislated threshold to trigger a full EIS process, subsequent expansions can lead to an increase in operational capacity which does exceed the threshold. This leads to a situation where the project is now operating at a scale which would normally trigger an EIS process however any potential impacts and opportunities remain unmanaged given the absence of that requirement in the original approval pathway.

Recommendation

The proponent must adequately consider potential positive and negative social impacts, both in isolation and in the cumulative context, which could arise from the projects and develop appropriate mitigation and enhancement strategies prior to being granted an Environmental Authority.

2. Workforce Model

The proponent has provided only minimal information relating to the proposed workforce for both the construction and operational phases of the project.

Grounds

Given workforce arrangements can be one of the key drivers of expected social impacts it is critical these are fully understood prior to granting an Environmental Authority.

While page 229 of Blue Energy Ltd's Revised Site Specific Environmental Authority Application indicates the proponent expects the project workforce to be 'relatively small' and 'easily accommodated in communities' this does not consider workforce impacts in the cumulative context. Further, local housing markets can fluctuate rapidly under growth pressure and to assume there will be little change to existing market conditions as the project matures may prove short sighted.

Although the proponent indicates an intention to develop and 'Employment Strategy' for local and regional employment, there is no guarantee this will be sufficiently robust to address some of the

barriers faced where workers choose to reside locally. Council has consistently advocated for workers to have 'genuine choice' in where they choose to reside. This includes

- avoiding adverse salary or other employment condition impacts
- avoiding systemic discrimination or disadvantage
- ensuring housing affordability
- genuine ability for employees to be home with family each night
- available housing stock and choice
- satisfaction of banking conditions (Loan Valuation Ratio; servicing conditions etc) where employees seek to owner-occupy
- facilitative transport modes (buses to towns rather than camps) and other relevant options.

The greatest incentive (or barrier in its absence) to local employment is the ability for employees to be with their families at the end of each shift; without any disadvantage for doing so. The social dividends in providing this genuine choice in terms of mental health, productive, motivated employees, and community capital far outweigh the effort and innovation needed to deliver them in preference to the cookie cutter models previously promoted by the resources industry.

Recommendation

The proponent must provide comprehensive information regarding proposed construction and operational workforce inclusive of total number of workers, resident worker/non-resident worker ratio, local recruitment targets and strategies and proposed housing and accommodation strategies prior to being granted an Environmental Authority.

3. Traffic Impact Assessment

The proponent has not conducted an adequate Traffic Impact Assessment

Grounds

Council is concerned by the absence of a robust Traffic Impact Assessment in the proponent's application. The costs of unmanaged impacts to the local road network are ultimately borne by the Isaac Region's residents as Council is left to foot the bill for industry development. This serves as a source of socio-economic disadvantage as funds are inevitably diverted from other Council projects and programs.

The proponent's intention to '[engage] with local council on local road use where required' is not sufficient as an effective management measure. Notably PL1034 will require access via Broadlea Road. This road is currently classified as unformed in Council's Register of Roads and upgrade works and ongoing maintenance will be required. The proponent must be required to enter into a Maintenance Deed with Council to ensure Isaac residents do not experience disadvantage as a result of project impacts on the local road network.

Recommendation

The proponent must conduct a Traffic Impact Assessment and enter into an appropriate agreement with Council to manage project impacts on the local road network prior to being granted an Environmental Authority.

4. Community and Stakeholder Engagement

Beyond obligatory engagement with directly affected landowners at the project site no meaningful engagement appears to have occurred with either Council or the broader community.

Grounds

Council places an expectation on proponents deriving wealth from the region's resources to contribute to a positive socially sustainable future for the communities and residents of the Isaac Region which host their operations. Meaningful and authentic engagement with Council and the community is central to fully appreciating and responding to local concerns and aspirations and contributing to a positive future and legacy for the Isaac Region.

Recommendation

It is critical the proponent engage with Council to fully understand and appreciate local concerns and aspirations prior to DES granting an Environmental Authority.

Fw: EA Application Blue Energy A-EA-NEW-100196712

Cate Beresowskyj <Cate.Beresowskyj@isaac.qld.gov.au>

Fri 4/28/2023 10:25 AM

To: Maggi Stanley <Maggi.Stanley@isaac.qld.gov.au>

Cc: Sean Robinson <Sean.Robinson@isaac.qld.gov.au>; Mining <Mining@isaac.qld.gov.au>

Good morning Maggi

GBBO would like to lodge an appeal of this decision on the basis that the decision did not include any conditions relating to road maintenance.

Can we please make arrangements for an appeal and if you would like a short teams meeting with Sean and myself to discuss?

Thank you

Cate Beresowskyj

Galilee & Bowen Basin Operations Officer

Galilee & Bowen Basin Operations | Engineering & Infrastructure | Isaac Regional Council

Mobile: 0437 801 631 | 1300 ISAACS (1300 47 22 27)

PO Box 97 | MORANBAH QLD 4744

cate.beresowskyj@isaac.qld.gov.au | www.isaac.qld.gov.au



HELPING TO ENERGISE THE WORLD

Isaac Regional Council acknowledges the Traditional Owners of lands and waters throughout the Isaac region and their enduring cultural connection to country and community. We pay our respect to the Elders past, present and emerging for they hold the stories, culture and traditions of Aboriginal and Torres Strait Islander Peoples.

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From: Barb Franklin <Barbara.Franklin@isaac.qld.gov.au>

Sent: Monday, 17 April 2023 11:07 AM

To: Maggi Stanley <Maggi.Stanley@isaac.qld.gov.au>

Cc: Daniel Wagner <Daniel.Wagner@isaac.qld.gov.au>; Sean Robinson

<Sean.Robinson@isaac.qld.gov.au>; Beau Jackson <Beau.Jackson@isaac.qld.gov.au>

Subject: FW: EA Application Blue Energy A-EA-NEW-100196712

Morning Maggi, please see below for your information and action if required. Regards Barb



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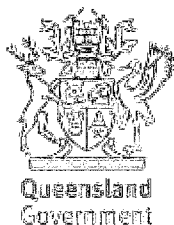
From: Kate Bennink <Kate.Bennink@des.qld.gov.au>
Sent: Friday, April 14, 2023 12:48 PM
To: Barb Franklin <Barbara.Franklin@isaac.qld.gov.au>
Subject: FW: EA Application Blue Energy A-EA-NEW-100196712

You don't often get email from kate.bennink@des.qld.gov.au. [Learn why this is important](#)

Dear Barbara,

I sent the email below to you last week but got a notification that it was undeliverable. I rang your office and was advised that the email system was down, so I am now resending the below email for your awareness.

Regards,



Kate Bennink
Director (Coal)
Business Centre Coal | Coal and Central Compliance
Environmental Services and Regulation
Department of Environment and Science

Phone: 0418 884 972
Email: kate.bennink@des.qld.gov.au

From: Kate Bennink
Sent: Tuesday, 4 April 2023 4:12 PM

To: Energy and Extractive Resources

Subject: EA Application Blue Energy A-EA-NEW-100196712

Dear submitters,

I am writing in relation to the recent decision made for Blue Energy EA application A-EA-AMD-100196712 issued on 23 March 2023 by the Department of Environment and Science under the *Environmental Protection Act 1994* (EP Act).

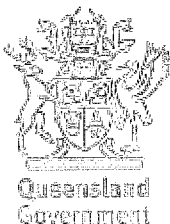
We have received requests asking the department to allow a longer period for a dissatisfied person to make an application for an internal review, which have been supported (considering s.521(2)(a)(ii) of the EP Act) noting that special circumstances apply in this instance.

As such, I would also like to offer you the same opportunity. Dissatisfied persons now have until **12 May 2023** to make an internal review application if they wish.

Information on your review and appeal rights was provided in a previous email advising of the decision to yourself on 23 March 2023.

If you have any questions please don't hesitate to contact the Energy and Extractive Business Centre at EnergyandExtractive@des.qld.gov.au in the first instance.

Regards,



Kate Bennink

Director (Coal)

Business Centre Coal | Coal and Central Compliance

Environmental Services and Regulation

Department of Environment and Science

Phone: 0418 884 972

Email: kate.bennink@des.qld.gov.au

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Notice

Environmental Protection Act 1994

Decision to approve an application for an environmental authority

This statutory notice is issued by the administering authority under section 198(4) of the Environmental Protection Act 1994 to advise you of a decision to approve an application for an environmental authority about which you made a submission.

Barbara Franklin on behalf of Isaac Regional Council
PO Box 97,
Moranbah QLD 4744

Barbara.Franklin@isaac.qld.gov.au

Your reference: A-EA-NEW-100196712

Our reference: P-EA-100196730

Decision about the environmental authority application

1. Environmental authority details

The application for an environmental authority was received by the administering authority on 31/01/2022.

The application reference number is: A-EA-NEW-100196712

Land description: Petroleum Lease (PL) 1034 | PL1038 | PL1045

2. Decision

On the 16/03/2023 the administering authority decided to approve the above mentioned application subject to conditions under section 172(2)(a) of the *Environmental Protection Act 1994*.

3. Reason for the decision

The application was deemed properly made and addressed the site-specific requirements for a petroleum activity. The following items were considered by the administering authority in this decision:

- The application, supporting material and response to information request submitted by Blue Energy Limited to the administering authority;
- All properly made submissions provided to the administering authority during the public notification submission period;
- All matters prescribed under the Environmental Protection Regulation 2019;
- Chapter 5 of the *Environmental Protection Act 1994*;
- The relevant legislation and guidelines including:
 - Environmental Protection (Air) Policy 2019;

Decision to approve an application for an environmental authority

- Environmental Protection (Noise) Policy 2019;
 - Environmental Protection (Water and Wetland) Policy 2019;
 - *Waste Reduction and Recycling Act 2011*;
 - *Human Rights Act 2019*;
 - *Environmental Offsets Act 2014*;
 - Environmental Protection Regulation 2019;
 - Guideline: Application requirements for petroleum activities;
 - Guideline: Application requirements for activities with impacts to air;
 - Guideline: Application requirements for activities with impacts to land;
 - Guideline: Application requirements for activities with noise impacts;
 - Guideline: Application requirements for activities with waste impacts;
 - Guideline: Queensland Environmental Offsets Policy: Significant Residual Impact Guideline;
 - Guideline: Requirements for site-specific and amendment applications— underground water rights; and
 - Streamlined model conditions for petroleum activities (ESR/2016/1989).
- Particular matters considered by the administering authority in the decision of this application include, but are not limited to, the following:

Groundwater

The applicant provided a conceptual hydrogeological model for the Project areas. This model and the associated predicted impacts on groundwater were assessed by the department. The groundwater modelling determined that impacts resulting from the extraction of gas will be within the Rangal and Fort Cooper Coal Measures. The presence of aquitards above the target formations will limit the impact within the shallower water bearing formations.

To ensure that risk to groundwater is minimised the EA has been conditioned to:

- Prohibit the activity from impacting groundwater quality (Condition WS6)
- Prohibit the activity from causing a decline in spring water levels (Condition WS5)
- Require the EA holder to develop and implement a Water Impact Monitoring Program (Condition WS8 and WS9)
- Prohibit stimulation activities (fracking) (Condition WS7)
- Prohibit the activity from causing connection of geological formations (Condition WS3 and WS4).

Surface water

The applicant has not proposed to release any contaminants to surface waters.

To ensure that risk to surface water is minimised the EA has been conditioned to:

- Prohibit the release of contaminants to surface waters (Condition WT1)
- Require sediment and erosion controls to be used and implemented (Condition L3)
- Require infrastructure to be predominantly located beyond 100m of a watercourse (Condition WT4)

Decision to approve an application for an environmental authority

- Ensure that linear infrastructure required to cross a watercourse or wetland or floodplain, is constructed to not interfere with water flows or quality during either the construction or operational phases of the Project (Conditions WT5 – WT12).

Biodiversity

The applicant has not proposed any impacts to prescribed environmental matters. Prescribed environmental matters are any matters of either National, State or Local environmental significance.

To ensure that risk to biodiversity is minimised the EA has been conditioned to:

- Exclude the applicant from undertaking disturbance activities within areas mapped or surveyed to be prescribed environmental matters (Condition B4 and B7).

Air and Noise

The residual risks to environmental values (EVs) associated with Air and Noise were also assessed, and it was determined that the activity is of a low risk, provided it is managed in accordance with the mitigation measures proposed, including the use of buffers, and conducted in line with EA conditions.

To ensure that risk to air and noise is minimised the EA has been conditioned to:

- Limits on dust emissions have been established which align with the objectives of the Environmental Protection (Air) Policy 2019 (Condition A1)
- Limits on noise emissions been established which align with the objectives of the Environmental Protection (Noise) Policy 2019 (Condition N2).

Further considerations:

- Properly made submissions received during the submission period raised concerns with the incompatibility of the application with the standard criteria and human rights. Please be advised that:
 - It is considered that the proposed activity holds no threat of serious or irreversible environmental damage, hence the standard criteria (a)(i) has been considered;
 - It is considered that the associated environmental impacts by the proposed activities are not irreversible and are not expected to impact the use of environmental values by future generations if conducted in accordance with EA conditions, hence the standard criteria (a)(ii) has been considered;
 - If managed appropriately, as per the applicant's proposal and the conditions of the EA, the activity is not expected to unduly impact on conservation of biological diversity and ecological integrity, hence the standard criteria (a)(iii) has been considered;
 - The proposed activity is found to be compatible with Commonwealth and State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development; hence the standard criteria (b) has been considered;
 - The Project is found to be designed in a way that avoids environmentally sensitive areas and has no significant residual impacts on prescribed environmental matters, hence the standard criteria (e) has been considered;
 - The Project is an activity for which any remaining risk to EVs can be managed through the EA conditions. The project has positive economic and social contributions to rural Queensland; hence the standard criteria (i) has been considered.

The administering authority is satisfied that compliance with the conditions of the resulting EA adequately protect the EVs associated with this application.

Decision to approve an application for an environmental authority

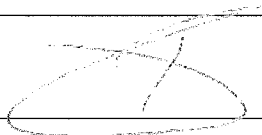
4. Human rights

A human rights assessment was carried out in relation to this decision, and it was determined that the decision is compatible with human rights.

5. Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the Land Court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

Should you have any questions about the notice, please contact the department on the details provided below.



Signature

23/03/2023

Date

Tristan Roberts
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Energy and Extractive Resources
Department of Environment and Science
GPO Box 2454, Brisbane QLD 4001
Phone: 3330 5715
Email: energyandextractive@des.qld.gov.au

Attachments

Environmental authority (reference P-EA-100196730)
Information sheet: Internal review and appeals (ESR/2015/1742)