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Director, Queensland Conservation Council
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Attention: The Coordinator-General
c/ Project Manager, Peak Downs Mine Continuation project
Project Evaluation and Facilitation
Office of the Coordinator-General
PO Box 15517
City East Qld 4002 Australia

By email: peakdownsMC@coordinatorgeneral.qld.gov.au

9 June 2023

Dear Coordinator-General,

Re: Peak Downs Mine Continuation Project public comment on Draft terms of reference

Queensland Conservation Council welcomes the opportunity to comment on the draft terms of reference (TOR) for the Peak Downs mine continuation project Environmental Impact Statement (EIS). Queensland Conservation Council is the peak body for environmental groups in Queensland and has been supporting communities to protect their environment since 1969. We believe that Queensland can and must be powered by 100% renewable energy by 2030 to achieve a safe climate future.

We call on you to exercise your powers under s 27AF(1) of the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act) to cancel the coordinated project declaration. This project has huge climate impacts and is therefore not in the public interest¹.

The Peak Downs Mine Continuation will produce up to 18 million tonnes per annum (Mtpa) of coal and extend the life of the existing mine for up to 93 years. The International Energy Agency in 2021 was unequivocal: we cannot build new coal if we are to keep warming below 1.5 degrees².

Queensland communities and iconic environments such as the Great Barrier Reef and Wet Tropics World Heritage Area, are already suffering climate impacts. The Great Barrier Reef has suffered four devastating bleaching events in just seven years, including in a La Nina cycle³. In 2019, at the end of the last El Nino cycle, bushfire penetrated the Wet Tropics⁴. Thousands of

¹ State Development and Public Works Organisation Act 1971 (Qld) (SDPWO Act) s 27AF(1)(c)

² International Energy Agency (2021) [Net Zero by 2050](#)

³ Climate Council (2022) [No region spared](#).

⁴ Guardian (2019) [World Heritage Queensland rainforest burned for 10 days and almost no one noticed](#)

Queenslanders are still rebuilding after destructive floods in 2021 and 2022. The latest Intergovernmental Panel on Climate Change (IPCC) report gathered more evidence about the escalating impacts, particularly to the Great Barrier Reef, likely if we exceed 1.5 degrees of warming. To have a chance of saving the Great Barrier Reef, we need the Queensland Government to reach our international obligations under the Paris Agreement to limit warming to 1.5 degrees.

The project could create over 43 million tonnes of downstream emissions per year⁵ if approved. That's almost as much as the entire Queensland energy industry in 2021 (46.9 Mt CO₂e)⁶. The project will also contribute significantly to Queensland's emissions through the release of methane as fugitive emissions during mining.

Methane is a much more potent greenhouse gas than carbon dioxide, particularly in the short term. Over 100 years, methane is 28 times more potent than carbon dioxide, but the 82 times more potent over 20 years⁷. Methane cannot be offset by traditional carbon offsetting measures. Methane is chronically underreported from Queensland coal mines, as shown in Ember's 2022 research⁸. These fugitive emissions have a massive impact on the global climate and Queensland's domestic emissions.

In the *Waratah Coal Pty Ltd v Youth Verdict Ltd* (2020) judgment, Kingham found that a decision maker could take human rights into account as a matter relevant to the public interest. This project will limit human rights, protected under the Human Rights Act, due to its greenhouse gas emissions leading to dangerous climate change.

It is extremely unlikely that the project would be able to export 48 mtpa of coal beyond 2100, given the rapidly accelerating decarbonisation of the steel industry over the coming decade. This would leave Queensland with a stranded asset that is fundamentally inconsistent with the Queensland Government's commitments to both net zero emissions by 2050, and a resilient, responsible and sustainable Queensland resources industry as set out in the Queensland Resources Industry Development Plan (QRIDP).

The project does not stack up environmentally or economically and we urge you to revoke the coordinated decision declaration.

Despite this, we provide the following comments on the draft TOR to ensure that the impacts of the Peak Downs Mine Continuation are properly assessed including the environmental effects

⁵ Based on carbon production of 2.4 x coal production

⁶ Qld Government (2023) [Emissions and targets](#)

⁷ Ember (2022) [Tackling Australia's methane problem](#)

⁸ *ibid*

under the SDPWO Act, impacts on human rights under the *Human Rights Act 2019* and the cultural heritage of First Nations Peoples under the *Cultural Heritage Act 2003*.

The TOR must do the following:

1. Describe the limitations the project will impose on human rights, protected by the *Human Rights Act 2019* including through increasing impacts of climate change
2. Assess the impact on tangible and intangible cultural heritage of First Nations Peoples both within and outside the project area
3. Conduct a detailed assessment of the total amount of metallurgical and thermal coal available for production; and comment on the quality of coal
4. Provide an assessment of the market for metallurgical and thermal coal until 2116
5. Provide a detailed forecast of fugitive emissions based on real measurements of coal samples and benchmarked against operational data from the existing Peak Downs mine and surrounding mines
6. Assess the impacts of scope 1, 2 and 3 emissions on the environment, including the on the identified Matters of National Environmental Significance (MNES) selected as the controlling provisions for this Project, which includes water resources that will be impacted from coal seam gas development and listed threatened species and ecological communities threatened by climate change; and
7. Provide information on the proponents' Australian and international environmental record,

This project will limit human rights and is incompatible with Queensland's climate action targets. It is demonstrably not in the public interest. We urge you to exercise your powers under s27AF(1) of the SDPWO Act and cancel the coordinated project declaration.

If you allow this project to proceed on its current assessment pathway the TOR must be amended in the ways set out above to ensure that emissions are correctly forecast and the impacts of these are properly assessed, including the limits on human rights.

Yours sincerely,



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