



Queensland
Conservation

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Submission No.1

State Development, Infrastructure and Industry Committee
Parliament House
Brisbane QLD 4000

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Email: sdiic@parliament.qld.gov.au

Date: 6th November 2012

Re: Submission to the Economic Development Bill 2012

Dear Committee Secretary,

As the states peak community environmental organisation, the Queensland Conservation Council (QCC) welcomes the opportunity to provide this submission regarding the above-mentioned Bill on behalf of our member groups.

Due to the impossibly short time frame involved, we have limited our comments to aspects of the Bill regarding the proposed amendments to the *Environmental Protection Act 1994*.

Key issues associated with the proposed amendment to the EPA 1994 include but is not limited to the following:

1. Weakening project planning considerations and requirements.

Since 2008, there has been a significant increase in the frequency and intensity of rainfall events in Central Queensland, which has resulted in a growing number of open cut coalmines becoming affected by floodwaters.

Given this clearly obvious trend, the flooding of open cut coalmines that are located on flood plains and other flood prone areas cannot be realistically claimed as an unforeseen event in future.

The introduction of the proposed Temporary Emissions Licences to enable responses to 'unforeseen' events will inadvertently weaken the requirement for the proponents of proposed development projects to fully consider and plan for natural events such as flooding.

Instead of introducing the proposed amendments to the *Environmental Protection Act 1994*, the Government should be amend existing planning regulations to prohibit open cut coal mines from being constructed in flood prone areas to ensure the envisioned 'emergent' and 'emergency' situations contained in the Bill do not occur in the first place.

2. Decision making criteria

Section 357D of the Bill outlines the criteria the administering authority 'must' have regard to when considering an application for a Temporary Emission Licence.

Along with the listed criteria, the administering authority 'must' also consider whether applications for Temporary Emissions Licences:

- Complies with all relevant water quality guidelines – particularly the Environmental Values and Water Quality Objectives for the Fitzroy Basin established under the *Environmental Protection (Water) Policy 2009*.
- Causes any adverse economic impacts to downstream water allocation holders
- Causes any adverse impacts to town water supply sources
- Causes any adverse impacts to the Matters of National Environmental Significance such as the Great Barrier Reef

3. Deciding applications

Section 357C of the proposed amendment states the administering authority must decide the application as soon as practicable, but no later than 24 hours after receiving the application.

The proposed 24 hour turn around in deciding applications for Temporary Emission Licences will not provide sufficient time to enable the administering authority to fully consider the required decision making criteria under section 357D of the proposed amendment.

As the proposed 24 hour turn around to decide applications will not enable full and detailed assessment of the decision making criteria, there is a very high risk and likelihood that a wide range of 'unforeseen' adverse social, economic as well as environmental impacts will occur as a result.

4. Application of proposed Temporary Emission Licences

Should the proposed amendments to the *Environmental Protection Act 1994* be adopted, Temporary Emission Licences should only be approved for 'emergent' and 'emergency' situations that arise after the Bill has been introduced and not to resolve issues that are still affecting particular Central Queensland coal mines caused by past flooding events.

With regard to the Central Queensland coalmines still affected by past flooding events; as the problems affecting these mines are clearly not an emergent or emergency situation, Temporary Emission Licences should not be utilised to enable the affected coal mines to discharge stored floodwaters to the environment – particularly as the stored floodwater is likely to be highly toxic and could cause a wide range of adverse social, economic and environmental impacts if released to waterways.

Given the toxicity of the stored floodwater and the high risk that a wide range of adverse impacts will occur, operators of affected coalmines should be required to treat stored floodwater using Reverse Osmosis technology to enable water that is discharged to the environment to closely match the water quality of receiving waters.

It is only by treating the stored floodwater to an acceptable level before it is released to the environment that potential adverse social, economic and environmental impacts can be avoided with any degree of certainty.

5. Conclusion

Due to the strong likelihood that a wide range of 'unforeseen' adverse social, economic and environmental impacts will occur, QCC and its member groups do not support the proposed amendments to the *Environmental Protection Act 1994*.

In short, QCC believes the issues the proposed amendments to the *Environment Protection Act 1994* are aimed at resolving can be far better achieved by:

- Amending current planning regulations to prohibit new open cut coal mining from being constructed in flood prone areas
- Requiring existing coal mine operators to improve on-site storm water management infrastructure to better prevent flooding
- Requiring coalmine operators to treat residual floodwater and run of mine wastewater to acceptable standards prior to it being released to the environment.

Please contact Nigel Parratt in our office or on 0407 962 652 should you require any further information or clarification regarding any aspect of this submission.

Regards,



Toby Hutcheon

Executive Director

Queensland Conservation (QCC)

