



Environmental  
Defenders Office

Factsheet updated August 2021

## Coal Seam Gas: Community Submission and Appeal Rights

These Fact Sheets are a guide only and are no substitute for legal advice. To request free initial legal advice on an environmental or planning law issue, please visit [edo.org.au](http://edo.org.au)

### What is this factsheet about?

This factsheet outlines community submission and appeal rights with respect to CSG activities. It provides a broad overview of Queensland law and how you can have your say (including lodging a Court appeal) on the impacts of a project.

The **key points** you need to be aware of are:

- Only higher risk (site-specific) CSG projects are notified for submissions with rights for merits appeals;
- Only people who make submissions when a project is first notified can appeal the decision to the Land Court; and
- To make your submissions relevant you should refer to independent expert science and try and get an expert to help you understand the relevant risks.

For more detailed information on CSG, you can obtain a copy of EDO's comprehensive Guide to Mining and Coal Seam Gas Law, available here: [Queensland Handbooks - Environmental Defenders Office \(edo.org.au\)](http://Queensland Handbooks - Environmental Defenders Office (edo.org.au))

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## 1. About coal seam gas (CSG) and how it is regulated

### What is CSG?

In order for coal to form underground, a process occurs whereby decomposing plant matter is heated and compressed. As a result of this process, gas (predominately methane) becomes trapped by water in seams within the coal. Resource companies have worked out a technique to extract this gas. This process involves digging a vertical well into the coal seams and extracting the water. This allows for the pressure that has kept the gas in place to be removed and as such the gas is released and can flow. The gas flow is then captured for use as an energy source.

### What are the main laws that apply to CSG?

There are two main Queensland laws that govern CSG:

1. *Petroleum and Gas (Production and Safety) Act 2004 (Qld) (P&G Act)* or *Petroleum Act 1923 (Petroleum Act) (Qld)*;<sup>1</sup> and
2. *Environmental Protection Act 1994 (Qld) (EP Act)*.

Federal Government approval will also be required if there is likely to be a significant impact on water resources or another matter of national environmental significance.<sup>2</sup>

There are also many other laws that may apply to CSG projects relating to, for instance, Native Title,<sup>3</sup> First Nations Cultural Heritage,<sup>4</sup> and Occupational Health and Safety.<sup>5</sup> Generally, the normal planning laws do not apply to CSG activities, meaning Local Councils play very little role in CSG projects and activities.

### What are the main permits required for undertaking CSG activities?

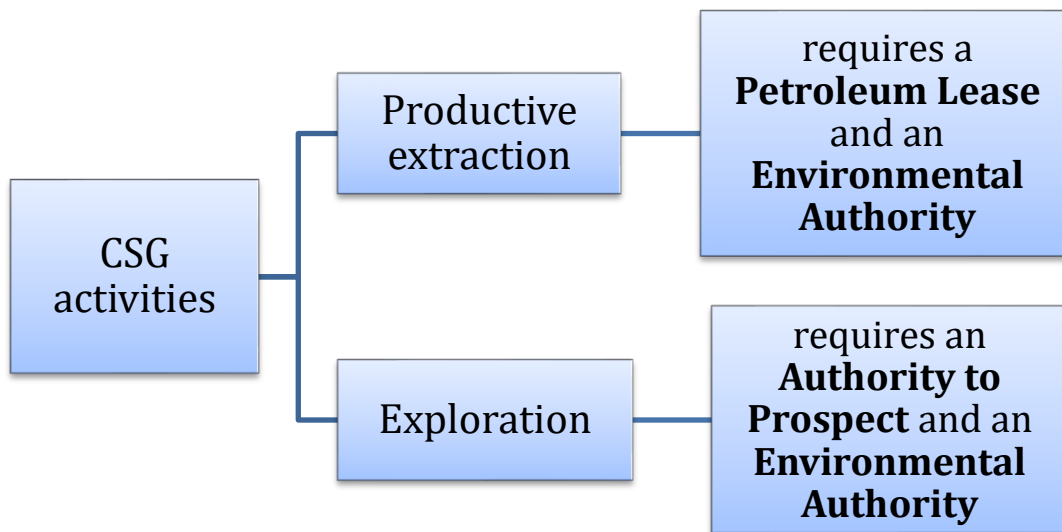
Firstly, to lawfully extract CSG, a resource company must apply for and successfully obtain a 'resource tenure' under the P&G Act or the Petroleum Act. The type of tenure the operator holds will be determined by the type of activities it is allowed to undertake. For example, exploring and preliminary testing of CSG will require a different tenure from extraction (i.e. production) of CSG. To represent these differences, there are two types of tenure a CSG company can be granted by the Queensland Government, being:

1. An Authority to Prospect (**ATP**) - granted for exploration activities; and
2. A Petroleum Lease (**PL**) - granted for production activities.

As mentioned above, you may also hear CSG tenures called 'resource authorities' or 'petroleum tenures'. They are essentially the same thing. Almost always, a company will hold an ATP over an area before they apply for a PL over all or part of the area. Both the ATP and the PL are granted under the P&G Act or the Petroleum Act for older ATPs.

In addition to each resource tenure, a company must obtain an 'Environmental Authority' (**EA**) under the EP Act. The EA is a very important document as it sets out all the ongoing operating conditions for the

project. The EA is an operating licence from the State Government to the company. EAs can be amended upon application by the company or by the Government.



### *What is the process for proponents to move from exploration to production?*

When a proponent is seeking to transition from an exploration activity under an ATP to a PL for production, an EA must be provided for the production activities. A new EA may be applied for afresh. However, this transition can also be undertaken by simply amending the EA for the ATP, rather than having to apply for a new EA. The amendment may be considered a 'minor' or 'major' amendment.

### *Are gas applications publicly notified?*

Only applications for EAs or some major EA amendments may be subject to public notification, no applications for petroleum tenures are notified.

Applications for EAs for exploration activities are typically considered standard applications where they can comply with eligibility criteria and the standard conditions, and no notification is required for these applications.

New EA applications for petroleum lease activities are not subject to eligibility criteria or standard applications and are thus always site specific and required to be notified.

Minor EA amendment applications are not published on a website and are not open to submissions by the public.<sup>6</sup> Whether major EA amendment applications are publicly notified and open for public submissions is at the discretion of the Department.<sup>7</sup>

### *Is an EIS needed for gas proposals?*

Only major amendment EA applications or site-specific applications for new activities require a decision as to whether an EIS is required. Applications to amend an EA for gas activities, whether minor or major, do not usually require an environmental impact statement (**EIS**) as these activities do not typically meet the high threshold set out in the Department Guidelines.<sup>8</sup> Various factors are considered in making this decision, including the standard criteria as well as specific threshold considerations for gas activities. Notably, the threshold for gas activities is high, requiring a 'total disturbance area of greater than 2000 hectares at any one time during the life of the proposed project'.

Environmental assessment is also very rarely subject to the scrutiny of the local community and general public, given the discretion around even notification of major amendment applications.

### *What Government agencies are involved?*

The application for a resource tenure is made to the Department of Resources (**DOR**). The Minister for Resources grants the final permits but DOR handles the administration. The application for the EA is made to the Department of Environment and Science (**DES**). EA applications for ATPs are often processed as 'standard applications' which are typically not assessed by Department officers. Instead, standard applications are self-assessed by the proponent by filling out the eligibility criteria checklist.<sup>9</sup>

If approved, DES is responsible for compliance and enforcement activities with respect to the conditions of the EA.

Federal approval (if required) is issued by the Federal Environment Minister under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**).

### *What other permits might be required?*

Other permits may also be needed for CSG activities such as a Pipeline Licence (to construct and operate a petroleum pipeline outside the area of the petroleum lease), or a Petroleum Facility Licence (for processing, storage or transport facilities not already covered by the petroleum lease or pipeline licence). Both of these are granted under the P&G Act, and both will also require an EA under the EP Act.

## **2. Your rights to lodge a submission**

There are no submission and appeal rights with respect to the company's application for its resource tenure under the P&G Act or Petroleum Act. However, landholders and community members do have the right to make submissions (and bring Court appeals) if the company's EA application fails to meet certain 'eligibility criteria', or there are no applicable eligibility criteria, such that the new EA application is a site specific application.

### *What are 'eligibility criteria?'*

DES has developed eligibility criteria to distinguish between those EA applications which carry a high environmental risk (because of where they are located, or the intensity of activities or methods of extraction etc.) from those applications which carry a low environmental risk.<sup>10</sup> There are different types of eligibility criteria depending on what type of EA is being applied for (e.g. exploration, extraction, pipelines, etc.). You can find the criteria in the ERA standards for each applicable activity on DES's website, here: [Activities suitable for standard applications | Business Queensland](#).<sup>11</sup>

There are no eligibility criteria for EAs for petroleum lease activities, therefore these activities will always be site specific applications.

### *What happens if the application does/doesn't meet the criteria?*

EA applications which meet the eligibility criteria will be automatically approved and receive standard EA conditions (these are referred to as 'standard applications').<sup>12</sup> Standard applications cannot be refused by the Department where the application meets broad eligibility criteria.<sup>13</sup> In other words, the project can then go ahead without any public input, however affected landholders will be personally notified and may have the right to negotiate compensation where their land is impacted.

Variation applications can be made where all proposed environmental relevant activities can comply with the eligibility criteria yet a variation is sought to the standard conditions.<sup>14</sup> The EA will include the standard conditions as modified by any approved variations.

Applications which don't meet the criteria (called 'site-specific applications'), which are high risk,<sup>15</sup> will be publicly notified for submissions.<sup>16</sup>

The public has no notification or submission rights as to whether a project meets the eligibility criteria or not if the application is a standard of variation application.<sup>17</sup>

**IMPORTANT!** On some rare occasions, a site-specific application may not be publicly notified for submissions. If DES determines that adequate public consultation has already taken place through a previous Environmental Impact Statement (EIS) process (e.g. a voluntary EIS already completed), and the environmental risks at the time the EA application is made have not changed, then the application for the EA will not be made public. However, a submission on the EIS will automatically count as a submission on the EA application and later appeal rights will be retained.<sup>18</sup> **It is therefore very important that you make submissions if you see an EIS advertised for comment to maintain any further appeal rights.** Note, this rule includes EISs for 'coordinated projects' for which an EIS is completed under the *State Development and Public Works Organisation Act 1971* (Qld).<sup>19</sup>

### *Where can I find the public notice of the EA application?*

If an application is publicly notified, the applicant must place a copy of the notice in a newspaper "circulating generally in the area where the activity is proposed to be carried out."<sup>20</sup> This could be the Courier Mail or it could be the local newspaper for the region where the activities are located.

Site specific applications must also be notified on the company's website, including the application notice, application documents and the response to any information requests.

Also, DES provide a page where notification opportunities are uploaded, here: [Current environmental authority application or amendment documents | Environment | Department of Environment and Science, Queensland \(des.qld.gov.au\)](https://des.qld.gov.au/current-environmental-authority-application-or-amendment-documents).

### *What will the public notice contain?*

The notice should contain the following:

- a description of the activities proposed;
- the land on which the activities are to be carried out;
- where the application documents may be inspected or accessed;
- where copies of, or extracts from, the application may be obtained;
- that any person may make a submission about the application;
- the submission period during which submissions must be made; and
- how to make a properly made submission.<sup>21</sup>

### *Who can make a submission?*

Any person (landholder or member of the community) may make a submission on an application that is publicly notified. It is very important if you want to maintain appeal rights further down the track that you do make a submission during the public notification period. This is because only 'dissatisfied submitters' have a right to seek an internal review of DES's final decision to approve an EA, and thereafter, have the option of appealing to the Land Court.<sup>22</sup>

### *How long do I have to make a submission?*

Submissions must be made within the nominated submission period. The submission period must be at least 20 business days after the application notice is published or a later date fixed by DES.<sup>23</sup> The public notice should say when the submission period ends.

### *Where can I view the application documents?*

The company must keep copies of the following documents on a website during the public submission period:

- the application notice;
- the application documents (see below); and
- the response to any 'information request'.<sup>24</sup>

In addition, DES must keep the application open for inspection by members of the public during office hours on business days at:

- their head office (400 George Street, Brisbane); or
- a DES office located nearest to the land to which the application relates; or
- another place DES considers appropriate.

**IMPORTANT!** It is a good idea to save copies of documents you find on the internet, as they may be taken down or moved at a later time and you want to make sure you have a copy.

DES must allow a person to take extracts from the application or, on payment of the appropriate fee, give the person a copy of the application, or a part of the application. They must also keep a copy of, or a link to, the application available on its website.<sup>25</sup> You can find current EA applications here: <https://environment.des.qld.gov.au/management/non-mining/current-ea-applications.html>

### *What are the application documents?*

The application documents for a site-specific (i.e. higher risk) coal seam gas project will generally include:<sup>26</sup>

- detailed statements about the quantity of CSG water produced, the flow rate and quality of the water and the proposed management of water disposal and storage;<sup>27</sup>
- a description of the *environmental values* likely to be affected by the project;<sup>28</sup>
- details of any emissions or releases likely to be generated;
- a description of the risk and likely magnitude of impacts on the environmental values;

- details of the management practices proposed to be implemented to prevent or minimise adverse impacts;
- details of how the area will be rehabilitated after the project ceases;
- a description of how the company proposed to manage waste at the site; and
- details of any site management plan that relates to the land where the project is located.

Site-specific applications to extract CSG must also include detailed information about water use at the site including:<sup>29</sup>

- the quantity of CSG water the applicant reasonably expects will be generated;
- the flow rate at which the applicant reasonably expects the water will be generated;
- the quality of the water, including changes in the water quality the applicant reasonably expects will happen;
- the proposed management of the water including, for example, the use, treatment, storage or disposal of the water;
- the measurable criteria (called 'management criteria') against which the applicant will monitor and assess the effectiveness of the management of the water, including, for example, criteria for each of the following:
  - the quantity and quality of the water used, treated, stored or disposed of;
  - protection of the environmental values affected by each relevant CSG activity;
  - the disposal of waste, including, for example, salt, generated from the management of the water; and
- the action proposed to be taken if any of the management criteria are not complied with, to ensure the criteria will be able to be complied with in the future.

In practice, most of the above information will be contained in a detailed EIS already undertaken for the project before the EA is applied for. The information in the application does not need to restate the information in the EIS provided an assessment of the environmental risk would be the same as the assessment in the EIS.<sup>30</sup> In other words, you may find that the application documents are very similar to the EIS. See above note about EIS public consultation processes.

### 3. What to put in your submission and how to lodge it

#### *What form should my submission take?*

There is no set format for a submission on an EA application however it is very important that it is 'properly made' otherwise it may not be accepted. A properly made submission must:<sup>31</sup>

- be in writing or made electronically; and
- be signed by or for each person who made the submission; and
- state the name and address of each signatory; and
- be made to the administering authority i.e. DES; and
- be received on or before the last day of the submission period; and
- state the grounds of the submission and the facts and circumstances relied on in support of the grounds.

Check the address in the public notice to be sure you send your submission to the correct address before the period ends. You should keep a copy of your submission, showing when and how your submission was lodged.

### *What criteria should I address in my submission?*

To be most effective, your submission should address the matters which DES will be looking at when it decides whether or not to approve the company's application. These include:<sup>32</sup>

- the 'application documents' (above) including any EIS completed for the project;
- the 'standard criteria' under the EP Act (explained below); and
- any relevant 'regulatory requirements' (explained below).

### *What are the 'standard criteria'?*

DES must consider the 'standard criteria' under the EP Act when it decides to approve or reject a company's EA application. The words 'standard criteria' have a specific meaning.<sup>33</sup> They include, amongst other things:

- the 'character and resilience' of the receiving environment;
- the public interest;<sup>34</sup>
- the following principles of environmental policy as set out in the Intergovernmental Agreement on the Environment (IGAE):<sup>35</sup>
  - the precautionary principle;
  - the principle of intergenerational equity; and
  - the principle of conservation of biological diversity and ecological integrity.

If you are thinking of making submissions on an EA application, consider referring to the standard criteria under the EP Act. In assessing the application, could DES be satisfied that the application will not adversely affect these criteria? For example:

- Has DES applied the precautionary principle?
- Has DES considered the public interest and the resilience of the receiving environment?
- What is the evidence to back up your concerns?

### *What are 'relevant regulatory requirements'?*

Importantly, in deciding whether to issue an EA for a project, DES must comply with any 'relevant regulatory requirements'.<sup>36</sup> The term 'regulatory requirement' is defined in the EP Act dictionary. It generally includes a reference to one or more of the State Government's 'Environmental Protection Policies' (EPPs) as well other (relevant) regulations made under the EP Act.<sup>37</sup> At the time of writing, the current EPPs are:

- *Environmental Protection (Air) Policy 2019* (Qld);
- *Environmental Protection (Noise) Policy 2019* (Qld);
- *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* (Qld); and

These are all available online. Before you make any submissions, read through the relevant EPPs so you understand what they are trying to achieve. Is there anything that you think DES should specifically focus on when it considers the company's EA application? Will the company's application meet the benchmarks set in these policies?

**IMPORTANT!** In making its decision on the EA application, DES must also comply with the provisions of the *Environmental Protection Regulation 2008 (Qld) (EP Regs)*. Under the EP Regs, DES's decision to approve or reject an EA application is categorised as an 'environmental management decision'. There are very specific matters that DES needs to comply with when making an environmental management decision. Specifically, it must carry out an 'environmental objective assessment' against specified environmental objective and performance outcomes. The environmental objective and performance outcomes are listed in Schedule 5 of the EP Regs. Consider the objective and performance outcomes in Schedule 5 and whether the EA Application will satisfy those objectives. For example, in relation to water impacts from CSG projects, DES must consider whether activities will be consistent with DES's CSG Water Management Policy.

Take the time to read through the objective and performance outcome in Schedule 5. Do you think the EA application will satisfy these objectives? Why or why not? What is the scientific evidence for your concerns?

### *Amending your submission*

You may amend or replace your submission by writing to DES before the submission period ends.<sup>38</sup>

## **4. How to supercharge your submission**

### *Relevance*

- Read the application carefully and highlight any deficiencies in the application.
- Try to address the criteria the decision maker will use (see list above).
- Try and include maps and photographs showing key features to be affected by the proposal.
- If you know of them, refer to publications about the ecology of the area or about relevant creeks or ground water that may be affected.
- If you can afford to hire an expert to assist you with a key concern, then you can submit that experts report as an attachment to your submission.
- It might be helpful to suggest conditions of approval including monitoring, rehabilitation or limiting the amount of emissions such as noise, dust and light, although you will need to balance the benefits of such suggestions against total opposition to the proposal. In other words, don't just point out problems, try and find solutions. If there are no solutions, then you are within your rights to say the project should not go ahead.

### *Communication*

- It is important to try to be scientific and precise about your concerns if at all possible.
- It is vitally important that you include a concise summary of your points on the front page of your submission so readers don't get lost in the detail.

- If you have time, talk to the media about the issue and send copies of your submission to relevant Ministers and other politicians. Request meetings and seek commitments.
- Ask to meet with the company applying for the EA.
- Ask to meet with the public servants at DES to ask questions and to put forward your views (details are at the back of this fact sheet). The CSG company will meet with them, so this is only fair that DES meet with you too.

## 5. Appealing a decision to approve CSG activities

### *Finding out about the decision*

If DES decides to approve a site specific EA application, it must, within 10 business days after the decision is made, give any person who made a properly made submission an information notice about the decision.<sup>39</sup>

Anyone can appeal DES's decision to issue a site-specific EA, provided they have made an earlier properly made submission on the application for the EA or the EIS.<sup>40</sup> The correct process is firstly to apply for an 'internal review' of DES's decision.<sup>41</sup>

### *Asking DES to review its decision*

A dissatisfied submitter for an EA application may apply for an internal review of a decision to approve an EA. The application must be made using the correct form and within 10 business days after the decision.<sup>42</sup> The correct application form for review can be found on [DES' website](#) (Form ESR/2015/1573). In the form, you must set out your grounds of appeal (i.e. why you think DES made the wrong decision, based on the issues you raised in your submissions). It should not be just an attack on the original decision.

When you make the application, you must send a notice of your application and a copy of your application and supporting documents to the CSG company and any other person (i.e. other submitters) who were given notice of DES's decision. If you are unsure who to send a copy to, contact DES for a complete list.

After you file your application, the CSG operator will then have an opportunity to make submissions to DES. DES will then review its decision, consider all arguments and decide to either confirm or revoke its original decision. It can also vary its decision in any way it considers appropriate, for example, by including new conditions in the EA which may satisfy your concerns.<sup>43</sup>

Section 521 of the EP Act contains further details about that review process.

**IMPORTANT!** An application for review does not automatically 'stay' the decision so work can start on the activity. To halt the CSG activities until your review is heard, a separate application must be made to the Land Court.<sup>44</sup>

### *Appealing to the Land Court*

If you are dissatisfied with DES's internal review decision, you also have appeal rights to the Land Court.<sup>45</sup> The appeal to the Land Court must be filed with the Court within 22 business days after you received notice of DES's internal review decision.<sup>46</sup>

The Land Court will rehear all of the issues, unaffected by the review decision.<sup>47</sup> In deciding the appeal, the Land Court has the same powers as DES in relation to issuing, refusing or amending the EA.

There may be costs risks involved in any CSG appeal and it is very complex. Consult a lawyer for advice on your prospects of success before making the decision to appeal. If your case is being brought in the public interest, EDO may be able to assist you. Please contact us for further information.

## 6. Water rights and obligations of CSG operators

The *Water Act 2000* (Qld) (**Water Act**) provides that the extent of a resource activity's interference with a water flow or watercourse is determined by the conditions imposed in an EA.<sup>48</sup> The Water Act deals with the allocation, flow and competing uses of water as a 'resource', whereas EA conditions (issued under the EP Act) deal with the pollution, contamination and overall quality of water.

Issues around brine and salt management, flood mitigation, contamination or pollution of groundwater (or surface water) will additionally be covered almost exclusively in the EA and administered by DES. If you want to make submissions about these water-related issues you should do so during the EIS stage and/or when the application for the EA is advertised. On the other hand, issues around the interference with other water user's rights (for instance, interfering with water from an existing bore owner) will fall under the Water Act and be administered by DOR.

### *Do CSG operators need a water licence under the Water Act?*

Generally speaking, CSG companies must comply with the underground water management framework detailed in the Water Act, which obliges resource tenure holders to:

- (i) to monitor and assess the impact of exercise of underground water rights on water bores and to enter into make good agreements with the owners of the bore;
- (ii) prepare underground water impact reports that establish underground water obligations; and
- (iii) manage the cumulative impacts of the exercise of two or more resource tenure holders' underground water rights on underground water.<sup>49</sup>

### *What are the 'make good' obligations?*

Effects on underground water of existing users are a key concern of many landholders. The Water Act imposes 'make good' obligations on CSG operators in an attempt to ensure that impacted water bore owners are able to maintain access to a reasonable supply of quality water.<sup>50</sup> The make good obligations for a CSG operator include; undertaking regular bore assessments; negotiating make good agreements with bore owners; and complying with any make good agreements.

If water extraction by a CSG operation is adversely affecting an existing water bore, then the bore owner and the CSG operator may need to come to an agreement on how best to restore the water (i.e. a make good agreement). Restoration measures may include, for example:

- improving the pressure at the bore head;
- efficiency drilling a new bore;

- providing an alternate water supply;
- agreeing on financial compensation to the bore owner.

If you are a landholder and find that a CSG operation is affecting your underground water supply you should contact a lawyer about your rights. If contamination has occurred, there may also be an issue with the company's compliance with its EA.

### *The Independent Expert Scientific Committee (IESC)*

The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (**IESC**) has been created under the EPBC Act<sup>51</sup> which as part of a referral act requested by the Queensland Government will provide scientific advice to the Federal Environment Minister in relation to proposed coal seam gas developments or large coal mining developments that are likely to have a significant impact on water resources, including any impacts of associated salt production and/or salinity.<sup>52</sup> Issues that the IESC often look at include the use, storage and disposal of CSG water; the potential impacts on ground and surface water, and; groundwater modelling. DES is required to 'take account' of the IESC's advice in a transparent way. If you are concerned, contact DES and see how they have handled the IESC's advice. You may also want to contact the IESC if you think there is a discrepancy between their advice and what DES has done. Ask for a statement of reasons. Looking through previous IESC advices may help you understand some of the issues that CSG activities often involve.

## 7. Useful contacts and further information

### Environmental Defenders Office Ltd

Ph: 07 3211 4466  
Fax: 07 3211 4655  
Post: Unit 3, 28 Donkin Street, West End 4101  
Email: [Brisbane@edo.org.au](mailto:Brisbane@edo.org.au)  
Web: [www.edo.org.au](http://www.edo.org.au)

**NOTE!** The EDO's *Mining and CSG Law in Queensland; a guide for the community* (EDO Qld, 2019) is a comprehensive guide to assessment and approval of mining and CSG projects including example submissions, diagrams, flow charts and checklists. The guide is available for purchase through EDO's website: [www.edo.org.au](http://www.edo.org.au). Community and landholder discounts apply.

### Department of Environment and Science (DES)

Ph: 13 25 23 CSG Hotline or alternatively, phone (07) 3330 5715 for further information on specific CSG projects  
Ph: Pollution Hotline 1300 130 372 if you wish to report a breach of conditions of approval.  
Ph: 13 QGOV to find out where your local DES Business Centre is (or search <http://www.environment.des.qld.gov.au/contactus/businesscentres.html>) so that you can search the public register under the EP Act for environmental authorities, environmental reports, monitoring reports etc. A fee may be charged for copies of documents.  
Post: Department of Environment and Science, GPO Box 2454, Brisbane, QLD, 4001 for your submissions and other correspondence but check the public notice that this is correct address before sending submissions  
Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) (for general licence and permit enquiries)  
Web: General information about CSG: <https://environment.des.qld.gov.au/management/activities/non-mining/coal-seam-gas>  
Search for current CSG Environmental Authorities:  
<https://apps.des.qld.gov.au/public-register/>  
Approval guidelines for CSG water as beneficial use:  
<https://environment.des.qld.gov.au/management/activities/non-mining/water/csg-water>  
Search for CSG projects undergoing an EIS process:  
<https://www.qld.gov.au/environment/pollution/management/eis-process/projects/current-projects>

### Department of Resources

Web: You can view resources tenures (which have been granted) on a map using DoR's MinesOnlineMaps online: <https://www.business.qld.gov.au/industries/mining-energy-water/resources/online-services/minesonlinemaps> or you can find a summary of each tenure by requesting a free 'public enquiry report' to be emailed to you from DNRME's website: <https://www.business.qld.gov.au/industries/mining-energy-water/resources/online-services/searches>

### Federal Government

Web: The Independent Expert Scientific Committee on CSG and Large Coal Mining Development (**IESC**) provides advice to the State Government on CSG projects during the impact assessment stage:  
<http://www.environment.gov.au/coal-seam-gas-mining/>.

## 8. Example submission on an application for an Environmental Authority

John G. Citizen and Mary M. Citizen

Address: 123 Acacia Road, Smithfields, QLD 4357

Tel: (07) 4662 398600, Email: [john.citizen@mail2meplease.com.au](mailto:john.citizen@mail2meplease.com.au)

5 February 2020

The Chief Executive

Department of Environment and Science

GPO Box 2454, BRISBANE QLD 4000

Dear Sir/Madam,

**Re: Application for Environmental Authority  
by Petroleum Products Pty Ltd**

### **THIS IS AN EXAMPLE ONLY!**

If you want to make a submission, you must cover any issues YOU are concerned about. Your submission must be in writing, signed, contain a return address and should attach good evidence to support your concerns.

My wife and I are landholders in Smithfields. Our property is located within a coal seam gas exploration tenure (ATP123) which has been held by *Petroleum Producers Pty Ltd* since 2008. The company has recently lodged an application for an Environmental Authority (EA) to accompany a proposed Petroleum Lease over the area. The application for the EA was advertised for public submissions on 1 July 2013. I have discussed the project with the company at length. The application proposes that we will have 6 gas wells over our property spaced at 800 metres apart. Pipelines are also proposed to run down the Western edge of our property. A brine management dam is proposed some 900 metres from our crops.

We are opposed to this application as there is an unacceptable risk to our land and livelihoods if the project goes ahead. Our first concern is with the possible impacts on groundwater - specifically contamination of the *XYZ Alluvial Aquifer* which we currently draw bore water to irrigate our 42 hectares of crops - chickpea, sorghum and cotton. In addition to this concern, other concerns are:

1. Potential for flooding from the high hazard dam given its location on a flood plain;
2. Impacts of salinity on soil. This is predominately an agricultural area – the special high quality soils of our area would suffer if there were any elevated concentrations of salt;
3. Erosion caused by the installation of the pipelines.

### **We attach the following documents in support of our submission:**

- Further detailed explanation of each of the risks described above including relevant photos and maps of our property and the proposed coal seam gas operations (18 pages).
- Preliminary report from Professor Soil D. Scientist which shows the good quality agricultural land we reside on and how an increase in salinity levels can adversely affect it (9 pages).
- Preliminary report from Dr G. Hydrologist which shows the irreversible effects contamination could have on the *XYZ Alluvial Aquifer* (7 pages).

We don't want coal seam gas wells or pipelines on our land. Our family have lived here since 1936 and we wish to keep farming this area long into the long future. The project should be moved elsewhere or not approved at all.

Yours sincerely,

*John G. Citizen* *Mary M. Citizen*

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- <sup>1</sup> Even though CSG is a 'gas', under the law it is referred to as 'petroleum'.
- <sup>2</sup> For more information on Federal Government approval, see EDO's factsheet: EPBC Act Referrals: Opportunity for Comment and Legal Action found [here](#). Note, some existing CSG projects and assessments will be covered by the EPBC Act water trigger amendments that came in force in July 2013. See: <http://www.environment.gov.au/epbc/about/water-trigger.html>
- <sup>3</sup> See for instance the *Native Title Act 1993* (Cth) and *Native Title Act 1993* (Qld).
- <sup>4</sup> See for instance the *Aboriginal Cultural Heritage Act 2003* (Qld) and the *Torres Strait Islander Cultural Heritage Act 2003* (Qld) particularly section 23 of those Acts – the cultural heritage 'duty of care.' You can search the cultural heritage register here: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-database-register>.
- <sup>5</sup> The P&G Act will largely apply to safety of operating plants, but so may parts of the *Work Health and Safety Act 2011* (Qld), *Public Safety Preservation Act 1986* (Qld) and other laws.
- <sup>6</sup> *Environmental Protection Act 1994* (Qld) ss 223, 240.
- <sup>7</sup> *Environmental Protection Act 1994* (Qld) ss 230, 232(2)(b).
- <sup>8</sup> See Queensland Government, Guidelines 'Criteria for environmental impact statements for resource projects under the Environmental Protection Act 1994' (November 2020) [https://environment.des.qld.gov.au/data/assets/pdf\\_file/0025/208078/eis-gl-eis-criteria.pdf](https://environment.des.qld.gov.au/data/assets/pdf_file/0025/208078/eis-gl-eis-criteria.pdf).
- <sup>9</sup> *Environmental Protection Act 1994* (Qld) ss 122, 125(1)(j), 170(2)(a).
- <sup>10</sup> Prior to April 2013, this distinction in the EP Act used to be between level 1 and level 2 activities. You may still see references to level 1 (i.e. higher risk) and level 2 activities (i.e. lower risk) in permits, Government documents, websites, Court decisions etc.
- <sup>11</sup> <https://www.ehp.qld.gov.au/licences-permits/compliance-codes/>.
- <sup>12</sup> *Environmental Protection Act 1994* (Qld) s 170(2). See *Environmental Protection Act 1994* (Qld) s 122 for explanation of a 'standard application'.
- <sup>13</sup> *Environmental Protection Act 1994* (Qld) s 170(2)(a).
- <sup>14</sup> *Environmental Protection Act 1994* (Qld) s 112.
- <sup>15</sup> See *Environmental Protection Act 1994* (Qld) s 124 for explanation of a 'site-specific application'.
- <sup>16</sup> *Environmental Protection Act 1994* (Qld) s 149.
- <sup>17</sup> *Environmental Protection Act 1994* (Qld) ss 54, 175.
- <sup>18</sup> *Environmental Protection Act 1994* (Qld) s 150(3).
- <sup>19</sup> *Environmental Protection Act 1994* (Qld) s 150(1)(b).
- <sup>20</sup> *Environmental Protection Act 1994* (Qld) s 152(2)(b). Note that an EA for a CSG pipeline may be advertised together with the 'pipeline licence' application under the P&G Act.
- <sup>21</sup> *Environmental Protection Act 1994* (Qld) s 153(1).
- <sup>22</sup> *Environmental Protection Act 1994* (Qld) ss 519-530.
- <sup>23</sup> *Environmental Protection Act 1994* (Qld) s 155.
- <sup>24</sup> *Environmental Protection Act 1994* (Qld) s 156.
- <sup>25</sup> *Environmental Protection Act 1994* (Qld) s 157.
- <sup>26</sup> *Environmental Protection Act 1994* (Qld) s 125(1)(l).
- <sup>27</sup> See *Environmental Protection Act 1994* (Qld) s 126 for full list.
- <sup>28</sup> For the meaning of 'environmental value' see *Environmental Protection Act 1994* (Qld) s 9.
- <sup>29</sup> *Environmental Protection Act 1994* (Qld) s 126(1).
- <sup>30</sup> *Environmental Protection Act 1994* (Qld) s 125(3).
- <sup>31</sup> *Environmental Protection Act 1994* (Qld) s 161.
- <sup>32</sup> *Environmental Protection Act 1994* (Qld) s 176.
- <sup>33</sup> See the definition of 'standard criteria' in *Environmental Protection Act 1994* (Qld) Schedule 4 (dictionary). Also see this case: *Burtenshaw & Ors v Dunn* [2010] QLC 70 (13 April 2010) at paragraphs [38] and [69] available for download from the Land Court's website.
- <sup>34</sup> See the definition of 'standard criteria' in *Environmental Protection Act 1994* (Qld) Schedule 4 (dictionary). Note 'public interest' is not defined in the EP Act.
- <sup>35</sup> You can find a copy of the intergovernmental agreement here: <http://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement>. The principles of Environmental Policy are at section 3.
- <sup>36</sup> *Environmental Protection Act 1994* (Qld) s 176(2)(a).
- <sup>37</sup> *Environmental Protection Act 1994* (Qld) Schedule 4 (dictionary).
- <sup>38</sup> *Environmental Protection Act 1994* (Qld) s 162.
- <sup>39</sup> *Environmental Protection Act 1994* (Qld) s 198(4).

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<sup>40</sup> Or, if the application for the EA was not publicly notified for submissions, but the project was site-specific (i.e. ineligible), then a submission on an EIS (under the *Environmental Protection Act 1994* (Qld)) will be taken to be a submission on the EA application and appeal rights will still exist. See *Environmental Protection Act 1994*, s 150(3). This rule does not apply to an EIS under the *State Development and Public Works Organisation Act 1971* (Qld), (e.g. a coordinated project).

<sup>41</sup> *Environmental Protection Act 1994* (Qld) s 521(1).

<sup>42</sup> *Environmental Protection Act 1994* (Qld) s 521(2).

<sup>43</sup> *Environmental Protection Act 1994* (Qld) s 521(5).

<sup>44</sup> *Environmental Protection Act 1994* (Qld) s 521(6).

<sup>45</sup> *Environmental Protection Act 1994* (Qld) s 524.

<sup>46</sup> *Environmental Protection Act 1994* (Qld) s 525(1).

<sup>47</sup> *Environmental Protection Act 1994* (Qld) s 527.

<sup>48</sup> *Water Act 2000* (Qld) s 98.

<sup>49</sup> *Water Act 2000* (Qld) s 361.

<sup>50</sup> *Water Act 2000* (Qld) ss 420 and 421.

<sup>51</sup> *Environment Protection and Biodiversity Conservation Act 1999* (Cth), s 505C.

<sup>52</sup> *Environment Protection and Biodiversity Conservation Act 1999* (Cth), s 505D.