



Objection form for a mining lease application

Sections 260 and 261 *Mineral Resources Act 1989*

Form MRA-20 Version 6

This form should be used to make an objection in relation to an application for grant of a mining lease.

Please use a pen, and write neatly using **BLOCK LETTERS**. Cross where applicable

When completed, this form should be forwarded to the Department at the Mines Lodgement Office in which the mining lease is located, and a copy served upon the applicant for the mining lease and environmental authority.

Please note: business hours for a Mines Lodgement Office are 8.30am to 4.30pm, Monday to Friday (excluding public holidays).

Date: **3 April 2020**

Your name: **The Bimblebox Alliance Inc. (ABN 40 145 809 497)**

Your contact details: **Tel: (07) 3211 4466; Email: edoqld@edoqld.org.au**

To: (Insert address of Mines Lodgement Office) **Coal Assessment Hub**
Department of Natural Resources, Mines and Energy
PO BOX 3679, RED HILL QLD 4701

Email address: **CoalHub@dnrme.qld.gov.au**

Attention: **Melissa Munroe**

(Insert contact officer's name)

I / we hereby make an objection in relation to:

- an application to grant mining lease number 70454

The objection is as follows:

Grounds of the objection:


The grounds of the objection are set out in the attachment to this form.

Facts and circumstances relied on in support of the grounds of the objection:

Facts and circumstances relied on in support of the grounds of the objection are set out in the attachment to this form.

Each entity to this objection must be stated below:

(Note: This is not a petition. If you sign this page you will be required to participate in proceedings before the Land Court regarding your objection).

1	NAME The Bimblebox Alliance Inc. (signed Alison Rose, solicitor for The Bimblebox Alliance Inc.)	SIGNATURE 	DATE 03/04/2020
POSTAL ADDRESS c/o The Environmental Defenders Office Ltd. 8/205 Montague Rd West End 4101		TELEPHONE: (07) 3211 4466 FACSIMILE: E-MAIL: edoqld@edoqld.org.au	
2	NAME	SIGNATURE	DATE
POSTAL ADDRESS		TELEPHONE:	
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3	NAME	SIGNATURE	DATE
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5	NAME	SIGNATURE	DATE
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		E-MAIL:	
6	NAME	SIGNATURE	DATE
POSTAL ADDRESS		TELEPHONE:	
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		E-MAIL:	

Further information for objectors

Objection to the application

An entity may on or before the last date set for the receipt of objections lodge with the Department an objection in writing in the approved form.

An objection must state the grounds of objection and the facts and circumstances relied on by you in support of those grounds.

An objector to any application for a mining lease must serve upon the applicant, on or before the last objection day, a copy of the objection lodged by the objector.

A properly made objection to an application for the grant of a mining lease is one that:

- is in the approved form;
- states the grounds of the objection and the facts and circumstances relied on by the objector in support of those grounds; and
- is an objection lodged under section 260 that has not been withdrawn.

Withdrawal of an objection

An objection to an application for a mining lease may be withdrawn by the objector giving written notice of the withdrawal to -

- a) the Chief Executive; and
- b) if the objection has been referred to the Land Court under section 265 -
 - i. the Land Court; and
 - ii. the applicant

A withdrawal of an objection can not be revoked.

Environmental authority

To make a submission/objection about an application or amendment application for an environmental authority, please refer to the Department of Environment and Science website www.des.qld.gov.au for the appropriate forms.

ATTACHMENT A to ML Objection

OBJECTION NOTICE – GALILEE COAL PROJECT (NORTHERN EXPORT FACILITY)

GROUND OF THE OBJECTION:

1. The Land Court must recommend, or alternatively, should recommend, that the mining lease application be rejected because:
 - 1.1 the Land Court, when exercising the functions in sections 261 to 269 of the *Mineral Resources Act 1989* (MRA):
 - (1) acts in an administrative capacity, within the meaning of section 9(4)(b) of the *Human Rights Act 2019* (the HRA);
 - (2) is therefore a “public entity”, within the meaning of the HRA;
 - (3) has a discretion, under section 269 of the MRA, in making the recommendation required by section 269(1)(b), such that section 58(1) of the HRA is not disapplied by section 58(2) of the HRA; and
 - (4) therefore acts unlawfully if:
 - (a) it makes a recommendation under section 269 of the MRA that is not compatible with human rights; or
 - (b) in deciding what recommendation to make under section 269 of the MRA fails to give proper consideration to a human right relevant to that decision;
 - 1.2 the purpose of the Land Court’s functions in sections 261 to 269 of the MRA are to inform the Minister’s decision under section 271A of the MRA, in the making of which, the Minister:
 - (1) will be a “public entity”, within the meaning of the HRA;
 - (2) will have a discretion, under section 271A(1) of the MRA, such that section 58(1) of the HRA is not disapplied by section 58(2) of the HRA; and
 - (3) will therefore act unlawfully if the Minister:
 - (a) makes a decision under section 271A(1) of the MRA that is not compatible with human rights; or
 - (b) in making a decision under section 271A(1) of the MRA, fails to give proper consideration to a human right relevant to that decision;

1.3 granting the mining lease application will:

(1) limit the human right identified in:

- (a) section 15 of the HRA;
- (b) section 16 of the HRA;
- (c) section 24 of the HRA;
- (d) section 25(a) of the HRA;
- (e) section 26(2) of the HRA;
- (f) section 28 of the HRA;

(collectively, the **relevant human rights**)

(2) limit each of the relevant human rights beyond the extent that is reasonable;

(3) limit each of the relevant human rights beyond the extent that is demonstrably justifiable in accordance with section 13 of the HRA;

1.4 for:

- (1) the Land Court to recommend;
- (2) the Minister to decide;

that the mining lease application should be granted (whether or not subject to conditions) would be not compatible with the relevant human rights.

2. The mining lease application should be refused, on the basis of:

- 2.1 the considerations stated in section 269 of the MRA;
- 2.2 proper consideration of the relevant human rights.

3. Without limiting ground 2 above, the mining lease application should be refused, having regard to the matters there stated, because:

- 3.1 granting the application will limit the relevant human rights beyond the extent that is reasonable and demonstrably justified in accordance with section 13 of the HRA;
- 3.2 the provisions of the MRA have not been complied with (MRA, section 269(4)(a));
- 3.3 the area of land applied for is not sufficiently mineralised and the other purposes for which the lease is sought are inappropriate (MRA, section 269(4)(b));

- 3.4 there is an unacceptable risk that there will not be an acceptable level of development and utilisation of the mineral resources within the area applied for (MRA, section 269(4)(c));
 - 3.5 the land and the surface area of the land are not an appropriate size and shape for the mining activities proposed (MRA, section 269(4)(d));
 - 3.6 the term of the lease applied for is not appropriate (MRA, section 269(4)(e));
 - 3.7 the applicant does not have the necessary financial and technical capabilities to carry on mining operations under the proposed mining leases (MRA, section 269(4)(f));
 - 3.8 the past performance of the applicant has not been satisfactory (MRA, section 269(4)(g));
 - 3.9 the operations to be carried out under the authority of the proposed mining lease will not conform with sound land use management (MRA, section 269(4)(i));
 - 3.10 there will be significant adverse environmental impacts, including social and economic impacts, caused by those operations (MRA, section 269(4)(j));
 - 3.11 the public right and interest will be prejudiced (MRA, section 269(4)(k));
 - 3.12 good reasons can be shown for a refusal to grant the mining lease (MRA, section 269(4)(l)); and
 - 3.13 taking into consideration the current and prospective uses of that land, the proposed mining operation is not an appropriate land use (MRA, section 269(4)(m) of the MRA).
4. Alternatively, if the application is not refused, conditions should be imposed in accordance with the regulatory requirements to address the matters raised in grounds 2, 2 and 3 above.

FACTS AND CIRCUMSTANCES RELIED ON IN SUPPORT OF THE GROUNDS:

The Bimblebox Nature Refuge and locality

5. The Bimblebox Nature Refuge makes up the area of Lot 4 on plan BF22 situated in the County of Beaufort, within the Jericho sub-bioregion in the south of the Desert Uplands bioregion, containing an area of about 7,912 ha (**the Bimblebox Nature Refuge**).
6. The Bimblebox Nature Refuge demonstrates how sustainable grazing, tourism and biodiversity conservation can co-exist, while conserving traditional Australian landscapes, biota and cultures for future generations.

7. It has been managed under a government-approved plan for the last 20 years by a small group of concerned individuals, who purchased the land in 2000 with their savings and funding from the Australian National Reserve System Program.
8. Some of those individuals have spent the last 20 years working to preserve and enhance the biodiversity value of the Bimblebox Nature Refuge.
9. The Bimblebox Nature Refuge is a sanctuary of remnant semi-arid ironbark, poplar box and acacia woodlands with 650 native plant species, including 313 herbaceous species of shrubs, forbs and grasses, and with a rich diversity of fauna species, such as 56 mammal species, 173 bird species (79% of all bird species in the Jericho sub-bioregion), 83 reptile species, 14 amphibian species, and other native animals. Twenty of the fauna and flora species are of conservation significance for the Desert Uplands bioregion.
10. The Desert Uplands bioregion in which the Bimblebox Nature Refuge is situated is classified as a biodiversity hot spot. It is also classified as State Significant under the Queensland government's Biodiversity Assessment and Mapping Methodology. Its ecosystems are rated "high to very high" for ecosystem diversity, condition, habitat quality, species richness, core habitat for priority taxa, taxa at the limit of their geographic ranges, context and connection, and tract size.
11. The values of the Bimblebox Nature Refuge have been recognised by conservation agreements with the Federal and State governments and was gazetted as a Nature Refuge under the *Nature Conservation Act 1992* in 2003 to be managed to conserve the area's significant cultural and natural resources, which included the ironbark and poplar woodlands and the high diversity of its herbaceous species.
12. The conservation agreement with the State of Queensland describes the values of the Bimblebox Nature Refuge as "*The Land is significant because 96% of its original vegetation is still intact, is in excellent condition, and has high biodiversity values. The Land consists primarily of poplar box and silver-leaved iron bark woodlands (Regional Ecosystems 10.3.27, 10.3.28, 10.5.5 and 10.5.12), which are currently the focus of extensive clearing in the bioregion. Both eucalypt woodlands support a wide variety of grasses and fauna species. The Land also contains small areas of moreton bay ash, coolibah, bloodwood, brigalow, blackbutt and heath (Regional Ecosystems 10.3.12 and 10.3.3). The conservation agreement will ensure that management and use of the Land sustains these flora and fauna values in perpetuity.*"
13. The conservation agreement with the State of Queensland allows controlled grazing to continue while protecting existing biodiversity values in perpetuity.
14. The character, resilience and values of the Bimblebox Nature Refuge provide important ecosystem services and functions to the local area, bioregion, and the state, including the local community and broader community. These include providing:
 - 14.1 a flora and fauna refuge;
 - 14.2 a seed bank;
 - 14.3 carbon sequestration;

- 14.4 an oxygen and clear air and rain generator;
 - 14.5 a spiritual place;
 - 14.6 a place that improves psychological and physical health and well-being; and
 - 14.7 a place that promotes art, education and tourism.
15. The Bimblebox Nature Refuge is a scientific research property for conservation, sustainable grazing and fire management research. The Bimblebox Nature Refuge also provides resilience to the regional ecosystem following natural disasters, including drought, and promotes social well-being through the promotion of cultural activities.
 16. The character, resilience and values of the Bimblebox Nature Refuge will continue to be provided in the short and long-term, and to future generations in perpetuity, if the Proposal does not proceed.
 17. The Bimblebox Nature Refuge has value as a place that has both the environmental resources and the human resources necessary to preserve and enhance the matters stated in the previous paragraphs.

The Proposal

18. Waratah Coal Pty Ltd (**the Proponent**) seeks a mining lease (application number 70454) and environmental authority (draft permit number EPML00571313) for the Galilee Coal Project (Northern Export Facility) (**the Proposal**), formerly known as the China First Coal Project.
19. The Proposal seeks to produce 40 million tonnes per annum of thermal coal. The mine lease period sought is 35 years and the mine life is estimated at 25-30 years.
20. The proposed mining lease area encompasses all but 193 ha (<2.5%) of the Bimblebox Nature Refuge.

The provisions of the MRA have not been complied with

21. The applicant has failed to comply with sections 245(1)(h) and 307(4) of the MRA, requiring the applicant to define the boundary of any restricted land for the proposed mining lease (s269(4)(a) MRA).
22. The land and surface area of the land in respect of which the mining lease is sought is not of an appropriate size and shape in relation to the type and location of the activities proposed to be carried out under the lease and their likely impact on the surface of the land, due to the location of restricted lands within the surface area of the proposed mining lease (s269(4)(d) MRA).
23. The past performance of the applicant has not been satisfactory in demonstrating compliance with obligations and consideration for landholders rights, evidenced by the warning notice issued for breach of s39 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (s269(4)(g) MRA)**The past performance of the applicant has not been satisfactory**

24. The mining lease applicant has been issued with a warning notice for breach of notice of entry requirements under section 39 of the *Mineral and Energy Resources (Common Provisions) Act 2014* with respect to the Bimblebox Nature Refuge (Glen Innes).
25. The non-compliance demonstrates that the past-performance of the mining lease applicant has been unsatisfactory when negotiating access to the mining lease application area.

The Bimblebox Nature Refuge is the appropriate use of the land

26. Considering the values set out at paragraphs 5 to 17 above, the Bimblebox Nature Refuge is the appropriate current and prospective use of that part of mining lease application area, for sustainable grazing which conserves traditional Australian biota, landscapes and cultures for future generations in perpetuity.
27. The Proposal would significantly impact the Bimblebox Nature Refuge with approximately half of its area subject to direct clearing and open-cut mining, and the balance undermined with likely impacts from subsidence, threatening the entirety of the Bimblebox Nature Refuge.
28. The Proposal would also cause adverse impacts to the character, resilience and values of the Bimblebox Nature Refuge by reason of greenhouse gas emissions (see paragraphs 44 and 50 below).
29. The Proposal would remove the option to continue to use the Bimblebox Nature Refuge for sustainable conservation grazing in perpetuity.
30. The Proposal would destroy the biodiversity values of the Bimblebox Nature Refuge which cannot be offset or replaced.
31. The Proposal is inconsistent with government agreements to protect the area in perpetuity, and the proposed offsets will be inadequate, incomplete and/or unacceptable.

Local human impacts

32. If the Proposal is allowed to proceed, the destruction of the Bimblebox Nature Refuge will:
 - 32.1 deeply and irreversibly impact on those individuals who have invested their personal time, effort and resources into the Bimblebox Nature Refuge over the past 20 years;
 - 32.2 limit the rights under sections 24 and 25(a) of the HRA of those individuals beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA;
 - 32.3 also adversely impact on present and future generations, including because it will diminish the ability to pass on to future generations conservation-oriented farming practices, and to leave behind a sustainable means of living on the land.

Adverse impacts of the emission and atmospheric accretion of greenhouse gases

33. Since the industrial revolution, human activity has caused the emission into the atmosphere of “greenhouse gases”.
34. Accretion of greenhouse gases in the atmosphere, has caused adverse impacts to:
 - 34.1 the health, life, and way of life, of human beings, individually, in communities and as a species;
 - 34.2 the health, life and survival of other species and ecosystems; and
 - 34.3 other components of the environment.
35. Accretion of greenhouse gases emitted into the atmosphere by human activity has already caused:
 - 35.1 the increase of the global average surface temperature of Earth by 1°C, as compared to pre-industrial levels;
 - 35.2 the average global temperature of Earth in 2015, 2016, 2017, 2018 and 2019 to be higher than any previous year for which human beings have recorded the average global temperature;
 - 35.3 warmer temperatures over most land areas on Earth, including Queensland, with 2019 being Australia’s warmest year on record;
 - 35.4 more frequent high temperatures over most land areas on Earth, including Queensland;
 - 35.5 increases in the frequency, intensity and duration of heat waves in many regions of Earth, including Queensland;
 - 35.6 increase in the frequency, intensity and/or amount of heavy precipitation in many land areas on Earth, including Queensland;
 - 35.7 increases since 1970 in intensity and/or duration of drought in many regions of Earth, including large areas of inland Southeast Queensland;
 - 35.8 increases in heavy precipitation from tropical cyclone activity, including in Queensland;
 - 35.9 increased incidence and/or magnitude of extreme high sea levels, including in Queensland;
 - 35.10 increased extreme fire weather and length of the fire season in some land areas on Earth, including Queensland;
 - 35.11 mass coral bleachings, including in Queensland;
 - 35.12 increased ocean acidity, including in Queensland.

36. Of the greenhouse gases emitted by human activity into, and accreted in, the atmosphere, carbon dioxide (CO₂) has been the most significant cause of those adverse impacts.
37. Until now, about 90% of CO₂ emissions into the atmosphere from human activity have been emitted as the product of burning fossil fuels (coal, oil, and gas), and the remainder has been emitted as the result of land-use change.

Adverse impacts of continuing to emit greenhouse gases into the atmosphere

38. If human beings continue to emit greenhouse gases, then these will accrete in the atmosphere with greenhouse gases already present there, causing increasingly adverse impacts to:
 - 38.1 the health, life, and way of life, of human beings, individually, in communities and as a species;
 - 38.2 the health, life and survival of other species and ecosystems; and
 - 38.3 other components of the environment.
39. The continued emission of greenhouse gases into the atmosphere will, eventually:
 - 39.1 destroy the health, life, and way of life, of many human beings and human communities;
 - 39.2 cause or contribute to the widespread of extinction of many non-human species and ecosystems;
 - 39.3 destroy the ecosystems and environments on which human and other life depends.
40. Recognising that the ongoing risks to human wellbeing of continuing to emit greenhouse gases unchecked are too high to accept, governments around the world have agreed under the Paris Agreement to holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of the harm caused by accretion of greenhouse gases in the atmosphere.
41. If accretion of greenhouse gases in the atmosphere reaches the level where it causes an increase in the global average temperature of 1.5 to 2.0°C, it will also cause:
 - 41.1 high risks to natural ecosystems;
 - 41.2 extreme weather events, far worse than those caused to date;
 - 41.3 an increase of the risk of widespread impacts on the most vulnerable human beings from moderate towards high;
 - 41.4 increased political tensions and instabilities globally;

- 41.5 significant adverse impacts on the global economy;
- 41.6 a risk of crossing important “tipping points”, as explained in the following paragraph.
- 42. In considering the adverse impacts caused by increased accretion of greenhouse gases in the atmosphere, account must be taken of “tipping points”: points at which events are caused that themselves then cause significant increases in the escalation or intensity of adverse impacts. For example, if greenhouse gases accrete in the atmosphere to a level that causes an increase in the global average temperature of 1.5-2.0°C, there is a risk of the Greenland ice sheet melting at an accelerated rate, and driving an unstoppable rise in sea level of up to seven metres.
- 43. Continued accretion of greenhouse gases in the atmosphere will cause, in Australia, worse extreme weather events, resulting in more severe heatwaves, more frequent and intense bushfires, an increase in extreme rainfall, and more frequent and damaging coastal flooding.
- 44. Continued accretion of greenhouse gases in the atmosphere will cause, in Queensland, increasingly adverse impacts on the environment, including the following:
 - 44.1 increased temperature;
 - 44.2 worsening drought conditions, and prolonged droughts;
 - 44.3 longer, more frequent and more intense heatwaves;
 - 44.4 increases in extreme weather events and natural disasters;
 - 44.5 increases in the intensity and frequency of bushfire events;
 - 44.6 more intense rainfall events and storm surges;
 - 44.7 increases in mosquito populations and vector-borne diseases;
 - 44.8 increased intensity of extreme rainfall;
 - 44.9 greater proportion of high intensity storms;
 - 44.10 erosion/loss of productive topsoil;
 - 44.11 desertification;
 - 44.12 mass coral bleachings;
 - 44.13 increased ocean acidity;
 - 44.14 sea level rise;
 - 44.15 decline in ecosystems and habitats;
 - 44.16 decline in terrestrial and marine species populations;

- 44.17 increased rates of species extinction;
 - 44.18 impacts cumulative with other adverse environmental impacts, including land and habitat clearing, destruction of local ecosystems, water usage and pollution.
45. Continued accretion of greenhouse gases in the atmosphere will cause, in Queensland, increasingly adverse impacts on the health, life, way of life and property of human beings, including the following:
- 45.1 the effects stated in paragraph 44 above, and the impacts of those effects on human beings;
 - 45.2 impacts on food availability and affordability;
 - 45.3 increases in vector borne diseases in areas of high humidity and rainfall;
 - 45.4 decline in the amount and quality of land available for productive agriculture;
 - 45.5 loss of property due to sea level rise;
 - 45.6 financial costs in adaptation and increased costs of living — particularly for farmers as a result of reduced agricultural productivity and residents of rural and low socio-economic communities; and
 - 45.7 increases in displacement of individuals and communities;
 - 45.8 increased costs of living;
 - 45.9 consequent deterioration of physical and social security and mental health and wellbeing.
46. As greenhouse gases continue to accrete in the atmosphere, Queensland will become decreasingly capable of supporting human or other life, and will be able to do so in a decreasing number of geographical areas and locations.
47. The relationship between the amount of future greenhouse gas emissions and the rate of increase in the adverse impacts described above is not necessarily linear or predictable. As stated in paragraph 42 above, the level of accretion will reach certain “tipping points”, resulting in exponential and irreversible harms of various kinds.
48. The adverse impacts in paragraphs 44 and 45 above will disproportionately affect:
- 48.1 children who are living now and are born in future, at an ever-increasing level into the future (in particular, present and future children will be at a disproportionately greater risk of poorer health outcomes and premature mortality);
 - 48.2 older people, people living in poverty, other disadvantaged people, and First Nations Aboriginal and Torres Strait Islander peoples.

49. Accretion of greenhouse gases in the atmosphere will also adversely affect First Nations Aboriginal and Torres Strait Islander peoples in specific ways, including by causing:
- 49.1 disruption of traditional cultural practices, including those which depend on connection to place and ecological systems;
 - 49.2 displacement from traditional lands;
 - 49.3 impediments to the continuation, preservation and development of culture into the future and for future generations;
 - 49.4 irreversible harm to their traditional lands and waters;
 - 49.5 other limits on the rights referred to in s 28(2) of the HRA.

The Proposal will cause those adverse impacts

50. If the Proposal is allowed to proceed, then the thermal coal in the mining lease area will be extracted, exported and burned, thereby emitting approximately 3 billion tonnes of greenhouse gas (mostly CO₂) into the atmosphere, where its accretion with the greenhouse gases there will cause adverse impacts of the kind described above.

Approval is incompatible with the relevant rights

51. If the Proposal is allowed to proceed, it will limit the rights under ss 15, 16, 26(2) and 28 of the HRA of human beings in Queensland, beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA.

Economic impacts

52. Further emissions of greenhouse gases into the atmosphere will cause financial, legal, and fiscal risks and costs, which must be set off against any economic benefits of the Proposal.
53. The most robust way to determine the changes in human activity required to meet the aims of the Paris Agreement is to use a “carbon budget” approach. On this approach, the available “carbon budget” is the cumulative amount of additional CO₂ that can be emitted before accreted greenhouse gases in the atmosphere will cause a particular increase in global average temperature, as compared to pre-industrial levels.
54. A 2°C carbon budget requires a rapid phase-out of burning fossil fuels, which must be completed by 2050 at the latest. The 1.5°C carbon budget is smaller, requiring a more rapid and accelerated cessation of burning fossil fuels.
55. A carbon budget covers all greenhouse gas emissions caused by human activity, including but not limited to emissions caused by the burning of fossil fuels.
56. Existing approvals for fossil fuel infrastructure (in particular infrastructure that is operating or under construction, including all approved coal mines), if operated within their design life would result in greenhouse gas emissions that would collectively exceed the 1.5°C carbon budget and 2°C carbon budget.

57. Consequently, no new fossil fuel development is consistent with meeting the Paris Agreement climate targets.
58. The Proposal would remove thermal coal from a stable store in the ground, allowing it to be burned, and to become part of the active carbon cycle. The Proposal will also result in emissions, including methane, from mining and transport of the coal.
59. It follows that the Proposal is inconsistent with the aims of the Paris Agreement.
60. If governments and markets globally align with the actions necessary to limit the increase in global average temperature to less than 2°C above pre-industrial levels, then thermal coal will be the most negatively exposed commodity.
61. The Proposal will be financially exposed to such global and policy market responses. The risks to the Proposal — including that its assets will become stranded as a result of global policies and international action on climate change mitigation increasingly constraining demand and consumption of coal — continue to increase throughout the Proposal’s lifespan.
62. The Proposal assessment failed to consider a full cost-benefit analysis of the Proposal compared with alternatives and including a proper evaluation of the true cost of the adverse impacts of the Proposal (including “externalities”, such as the adverse impacts caused by the burning of the coal).
63. The Proposal assessment failed to consider the economic benefits of protecting the Bimblebox Nature Refuge in perpetuity.
64. The economic benefits of the Proposal are overstated and do not:
 - 64.1 demonstrably justify the limitations on the relevant human rights that the Proposal will cause;
 - 64.2 outweigh the impacts of the Proposal on present and future generations.
65. The economic benefits of the Proposal are also vulnerable to adverse impacts of the continued emission of greenhouse gases, including the risk that the Proposal may not be able to operate at optimal levels for its full expected lifespan due to factors of the kind identified in paragraph 44 above.
66. The Proposal has not adequately demonstrated, for example through sufficient geotechnical bore investigations, that the land below the Bimblebox Nature Refuge is sufficiently mineralised to permit an acceptable level of development and utilisation of any resource within the Bimblebox Nature Refuge.
67. The financial circumstances of the applicant raise significant concerns about the ability of the applicant to carry on the mining operations.