

Date : 20/12/2019 1:20:45 PM

From : "NAYLOR Gillian"

To : "MUNRO Melissa" , "SINCLAIR Alison"

Subject : FW: Galilee Coal Project - Notice concerning the public notice of the EA

Attachment : 191220 - Decision to not allow application to proceed - Waratah Coal.pdf; s.73 Irrelevant information

s.73 Irrelevant information

FYI – I've sent these now. Way later than we discussed, but I was hoping to get the media holding statement side of it sorted before going out. Which has not happened yet.



Gillian Naylor

A/Director (Coal)

Business Centre Coal | Coal and Central Queensland Compliance
Department of Environment and Science

M sch4p4(6) Pe P (07) 4987 9366

E gillian.naylor@des.qld.gov.au

99 Hospital Road, Emerald QLD 4720

PO Box 3028, Emerald QLD 4720

From: NAYLOR Gillian

Sent: Friday, 20 December 2019 1:16 PM

To: Nui Harris

Cc: CR Mining; [sch4p4\(6\)@waratahcoal.com](mailto:sch4p4(6)@waratahcoal.com)

Subject: Galilee Coal Project - Notice concerning the public notice of the EA

Hi Nui,

As per our conversation on Tuesday 17/12, please find attached a notice regarding the decision I made on Monday 16/12 to not allow the application to proceed and to require a substituted way to give or publish the application notice. This notice is in regards to the EA application for EPML00571313 that is under assessment with the department.

As also discussed on Tuesday, please be advised that we will be providing Waratah Coal's statutory declaration to the EDO as per its public register request on Monday next week.

Please don't hesitate to contact me with any further questions.

Kind regards,
Gillian



Gillian Naylor

A/Director (Coal)

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Information Notice

Environmental Protection Act 1994

Decision not to allow the application to proceed and require a substituted way to give or publish the application notice

This notice is issued by the administering authority pursuant to section 215(3)(i), (ii) and (iii) of the Environmental Protection Act 1994 (reprint 9K, effective 5 May 2011) to advise of a substituted way to give or publish the application notice.

To: Waratah Coal Pty Ltd
Level 17, 240 Queen Street
BRISBANE CITY QLD 4000

ATTN: Nui Harris

Our reference: EPML00571313

Decision that the application will not proceed and that public notice is to be published in a substituted way to that prescribed in the *Environmental Protection Act 1994*

1. Application details

The **application for an environmental authority** (mining activities) was received by the administering authority on **30 May 2011**. The application reference number is: **EPML00571313**

Land description: MLA 70454

2. Decision

Under section 215(1) of the *Environmental Protection Act 1994*¹, the administering authority has decided not to allow the application to proceed, and has under section 215(3) fixed a substituted way to give or publish the application notice for the application. The application must:

- (i) be published simultaneously and in the same way as the reissued Mining Lease notice.
- (ii) state the following—
 - (a) a description of each relevant mining activity;
 - (b) the land on which the mining activities are to be carried out;
 - (c) what are the application documents for the application (see Table 1):
 - i. the application (see Table 1: 1);
 - ii. any draft environmental authority for the application (see Table 1: 2);

¹ Reprint 9K, in effect 5 May 2011 – this was the version that was in effect at the time the EA application was made.

Decision to require a substituted way to give and publish the application notice

Notice

- iii. any submitted EM plan for the application (see Table 1: 3);
 - iv. any EM plan assessment report for the application (See Table 1: 4);
 - v. if a relevant mining tenement is, or includes, a significant project—
 - 1. the EIS prepared under that part for the project, including the supplementary EIS (see Table 1: 5); and
 - 2. the Coordinator-General's report evaluating the EIS for the project (see Table 1: 6); and
 - vi. the approval under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, (see Table 1: 7).
- (d) where the application documents may be inspected including at:
- i. Waratah website;
 - ii. DES website; and
 - iii. DES Emerald Office
99 Hospital Road
Emerald QLD 4720;
- (e) where copies of, or extracts from, the application documents may be obtained;
- (f) who has the right to make an objection under section 216;
- (g) the period (the objection period) during which objections may be given: i.e. until the last objection day, being 3 April 2020; and
- (h) how to make a properly made objection.
- (iii) include the correct objection form to be lodged Form EM512 (Attachment 1).

3. Reasons for the decision

- A public notice and objections period for the application ran from 4 October 2019 to 2 December 2019.
- Under section 214 of the *Environmental Protection Act 1994*, the applicant must, within 5 business days after the objection period ends, give the administering authority a statutory declaration declaring whether or not the applicant has complied with the notice requirements under section 211 and 212 (the public notice requirements).
- On 9 December 2019, Waratah Coal advised by way of a statutory declaration that it had not fully complied with the public notice requirements of the *Environmental Protection Act 1994*.
- Under section 215(1) of the *Environmental Protection Act 1994*, the administering authority has decided not to allow the application to proceed.

4. Objection period

The administering authority, under section 215(3), advises that the objection period for the application notice must be aligned with the reissued ML notice objection period ending on 3 April 2020.

This objection period must be stated in the application notice that is published and given for public notification of the application.

Decision to require a substituted way to give and publish the application notice

Notice

5. Declaration of Compliance

The statutory declaration under section 214, declaring compliance with the requirements for public notification as outlined herein, must be provided to the administering authority using Form EM510 (see attachment 2).

6. 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 internal review decision to the relevant 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 in relation to this notice, please contact the department using the contact details provided below.

sch4p4(6) Personal informati Signature	20/12/2019 Date
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Gillian Naylor
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Coal Business Centre
PO Box 3028, Emerald QLD 4720
Phone: (07) 4987 9320
Email: CRMining@des.qld.gov.au

Attachments

Attachment 1: Form EM512

Attachment 2: Form EM510

Attachment 3: Information sheet: internal review and appeal rights

Table 1 List of Application Documents

Document number	Document title
1	EA Application documentation, dated 30 May 2011.
2	Draft EA EPML00571313, signed 4 December 2015, effective upon grant of tenure.
3	EM Plan for the project dated October 2015.
4	EM Plan content approval letter dated 6 November 2015.
5	EIS as publicly notified on 26 September 2011 and Supplementary EIS as publicly notified on 8 April 2013 for the project.
6	Coordinator-General's report evaluating the EIS dated 9 August 2013.
7	Project approval dated 19 December 2013 under the Commonwealth <i>Environmental Protection and Biodiversity Conservation Act 1999</i> .