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Ref No: DGC17/628

COORDINATOR-GENERAL – BRIEF FOR STATUTORY DECISION

Date: 5 July 2017

SUBJECT: Request to state a later time for declaration to lapse - China Stone Coal project**RECOMMENDATION:**

That you **approve** the later time of 9 March 2018 for the coordinated project declaration to lapse for the China Stone Coal project and give written notice to MacMines Austasia Pty Ltd (MacMines), in accordance with section 27(A)(3) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

That, subject to your decision, you:

- **sign** the attached decision notice to the proponent, MacMines, stating the later time for the declaration to lapse (**Attachment 1**)
- **note** the website will be updated to inform the general public of this decision.

BACKGROUND:

On 31 October 2012, the China Stone Coal project was declared a coordinated project for which an environmental impact statement (EIS) is required, pursuant to section 26(1)(a) of the SDPWO Act. On 9 January 2013, you issued the final terms of reference (TOR) for the EIS. Pursuant to the then section 27A of the SDPWO Act, the declaration lapses if within 18 months of the TOR being finalised, an EIS is not given to the Coordinator-General, unless the Coordinator-General fixes a later time for the declaration to lapse.

You have previously fixed four later times for the lapse date, as follows:

- On 8 June 2014, you gave written notice to the proponent stating the later time for the declaration to lapse as 9 July 2015, in accordance with section 27A(4) of the former SDPWO Act.
- On 26 May 2015, you gave written notice to the proponent stating the later time for the declaration to lapse as 8 July 2016, in accordance with section 27A(3) of the SDPWO Act.
- On 30 June 2016, you gave written notice to the proponent stating the later time for the declaration to lapse as 8 February 2017, in accordance with section 27A(3) of the SDPWO Act.
- On 3 February 2017, you gave written notice to the proponent stating the later time for the declaration to lapse as 10 July 2017, in accordance with section 27A(3) of the SDPWO Act.

KEY ISSUES:

The declaration of the China Stone Coal project will lapse under section 27A of the SDPWO Act on 10 July 2017 if the Coordinator-General does not notify the proponent before 10 July 2017 that the revised draft EIS is accepted as the final EIS or advises of a later time for the declaration to lapse.

Sch. 4(3)(2) - Prejudice affairs of entities,, Sch. 4(4)(7)(1)(b) - Disclosing trade secrets, business affairs or research

APPROVED / NOT APPROVED

Sch. 4(3)(3) -
Prejudice protection
of privacy, Sch.
4(4)(6) - Disclosing
personal information
Barry Broe
Coordinator-General

Date: 5-7-17

Author: Amber Cripps Position: Senior Project Officer Telephone: Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing	Endorsed by: Russell Davie Position: Director Telephone: Sch. 4(3)(3) - Prejudice protection	Endorsed by: Michele Bauer Position: ACG Telephone: Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing
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Sch. 4(3)(2) - Prejudice affairs of entities., Sch. 4(4)(7)(1)(b) - Disclosing trade secrets, business affairs or research

It is recommended that you approve a later time of 9 March 2018 to allow time for:

- the Coordinator-General to consider the draft EIS and additional information (the revised draft EIS), properly made submissions and other material relevant to the project, and decide if the revised draft EIS is acceptable as a final EIS for the project under section 34C(5) of the SDPWO Act.
- the proponent to address matters raised by the Coordinator-General, should the Coordinator-General decide that the revised draft EIS is not acceptable, and provide a further revised draft EIS to the Coordinator-General under section 34C.
- the Coordinator-General to determine if public notification is required.

The proposed later time of 9 March 2018 was discussed with the proponent on 21 June 2017 (with the Executive Director and project manager), and the proponent agreed with the proposal. The proposed date has since been confirmed in writing with the proponent.

Section 27A(3) of the SDPWO Act allows the Coordinator-General, by written notice to the proponent, to state a later time for the declaration to lapse, provided this occurs before the declaration lapses. It is recommended that you provide written notice of your decision (**Attachment 1**) before the current lapse date of 10 July 2017.

MacMines has paid the extension request fee.

RESULTS OF CONSULTATION:

The project is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) and is being assessed under a once-off accredited process under the EPBC Act. Coordinated Project Delivery (CPD) consulted with the Department of the Environment and Energy (DEE) regarding the application for a later time for the declaration to lapse. DEE advised CPD on 26 June 2017 that the department had no concerns with an extension to 9 March 2018 for the project declaration lapse date.

ATTACHMENTS:

- Attachment 1: Decision notice to MacMines regarding China Stone Coal project lapse date extension
- Attachment 2: Letter of 16 June 2017 from MacMines requesting China Stone Coal project declaration lapse date extension.

COORDINATOR-GENERAL'S COMMENTS:

✓ 5/7/17
 Email & post letter
 Bebe 5/7
 Copy letter to Mo ✓
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Queensland
Government

Office of the
Coordinator-General

Our ref: DGC17/628

05 JUL 2017



MacMines Austasia Pty Ltd
Unit 26, 89 Lambert Street
KANGAROO POINT QLD 4169

Email: Sch. 4(3)(3) - Prejudice protection
of privacy, Sch. 4(4)(6) -
Disclosing personal information

Dear

Decision Notice: Approval of request for extension to declaration lapsing date

Thank you for your letter of 16 June 2017, requesting an extension to the lapse date for the declaration of the China Stone Coal project in accordance with section 27A of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

In accordance with section 27A(3) of the SDPWO Act, I have decided to state a later time of 9 March 2018 for the declaration to lapse.

In accordance with Schedule 1B of the State Development and Public Works Organisation Regulation 2010, a fee of \$14,488.00 is now payable for the continuing administration of the EIS assessment process. A tax invoice for this fee has been sent separately.

Yours sincerely

Sch. 4(3)(3) - Prejudice
protection of privacy, Sch.
4(4)(6) - Disclosing
personal information

Barry Broe
Coordinator-General

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ABN 29 230 178 530

MacMines Austasia Pty Ltd

Mr Barry Broe
Coordinator General
1 William Street, Queensland 4000

16th June 2017

Dear Barry,

Project China Stone EIS Project Declaration Lapse Date Extension Request

MacMines has been in regular discussion with you team since the submission of the Response to Submissions Volume 6 on 23rd December 2016. We have reached an agreed position with your team on how to go forward and our consultants, Hansen Bailey are in the process of carrying out edits to Volume 6. We are aiming to submit the revised document to OCG by the end of June 2017. Russ Davie advised that, unless we submitted the revised document on 16th June, there would be insufficient time for them to assess the document before the lapse date of 10th July 2017.

Sch. 4(3)(2) - Prejudice affairs of entities., Sch. 4(4)(7)(1)(b) - Disclosing trade secrets, business affairs or research

If the current timing does not seem to be possible to reach the position that the EIS and Supplement as submitted is accepted as final and to keep the project valid within the Terms of Reference, we request that you extend the lapse date within the relevant section 27A (3) of the SDPWO Act.

Yours faithfully,

Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information

[Redacted Signature]
CEO - MacMines Austasia Pty Ltd.

Mobile: [Redacted]
Sch. 4(3)(3) - Prejudice protection of privacy, Sch. 4(4)(6) - Disclosing personal information

CC: Michele.Bauer@coordinatorgeneral.qld.gov.au

Russell.Davie@coordinatorgeneral.qld.gov.au