

Jamie Merrick  
Director-General  
Department of Environment and Science

Via email: [jamie.merrick@des.qld.gov.au](mailto:jamie.merrick@des.qld.gov.au)

6 October 2023

Dear Mr Merrick,

**Re: Concerns about the process for making a decision to not require an Environmental Impact Statement (EIS) for the Blue Energy Gas proposal**

I write to you in relation to what appears to be an inappropriate implementation of section 143 of the *Environment Protection Act 1994* (EP Act) in determining if a proponent is required to prepare an Environmental Impact Statement (EIS) for a project.

Environmental Advocacy in Central Queensland (EnvA) is a Central Queensland association concerned about the environmental and climate risks associated with new and expanding coal and coal seam gas projects. Blue Energy's coal seam gas project (the Project) near Moranbah within our region was of particular concern to us and we have been actively involved in voicing our concerns about the project.

EnvA made a [submission](#) on Blue Energy's application for an Environmental Authority (A-EA-NEW—100196712) on 13 December 2022 in which we raised our concerns about this project. Specifically, we noted that their application was for an Environmental Authority (EA) over three tenements, but an assessment of biodiversity values was only via a desktop and rapid field assessment, with only one targeted survey of one of the three tenements.

On 23 March 2023, the Department of Environment and Science (DES) issued an EA for the Project. A maximum disturbance area of 1046ha, and up to 530 gas wells were approved, despite Blue Energy demonstrated in supplementary information that they could reduce the disturbance and number of wells. The EA also included a condition that Blue Energy needed to confirm biodiversity values prior to clearing native vegetation which from EnvA's perspective, is based on 'trust the proponent' rather than requesting the detail of environmental impacts before providing an approval.

The lack of a thorough environmental assessment before the issuance of an EA was of concern, and hence on 16 May 2023, EnvA applied under the Right to Information Act 2009, for:

*A copy of the Coordinated Assessment Committee decision and Coordinated Assessment Committee report for the department's decision regarding the requirement for an Environmental Impact Statement for Environmental Authority applications for the Vulcan Coal Complex mine, Vulcan South Coal Project and Blue Energy gas project in the Bowen Basin.*

*Time period / date range for request: September 2018 - May 2023.*



EnvA received a Decision Notice on the RTI application on 1 September 2023. This advised us that the decision and report in relation to the requirement for an EIS for the Project was refused on the basis that the document does not exist.

I responded to the RTI Officer, Scott Murray, in relation to the refusal of access to the reasons that Blue Energy was not required to prepare an EIS on the basis the documents do not exist and requested that I was directed to the appropriate DES Officer or respond to my enquiry below:

*From my understanding of the Environment Protection Act 1994 (Qld) and the [EIS Guideline](#), a decision was required to be made by DES regarding whether the Blue Energy project needed an EIS: s 143 EP Act. While there is no legislative requirement regarding who in DES makes this decision, I understand from many meetings with DES officers the usual internal process is for the CAC to make this decision and prepare a report on the need for an EIS.*

*Based on this, it is unclear why a CAC was not required for the Blue Energy project, and hence I am seeking clarification as to why there was no CAC for Blue Energy.*

The RTI Officer contacted the Energy and Extractive Resources Assessment Team which provided the following response:

- *DES assessed this application according to the legislation, policies and procedures in place at the time. This application did not require an environmental impact statement (EIS) as it did not meet the EIS criteria under the EP Act including the EIS guideline.*
- *Projects that are not triggered as an EIS are still required to undergo a detailed assessment of potential impacts to the relevant environmental values in the project area as part of the environmental authority application process.*

This response was extremely disappointing as:

- it provided no detail on why a decision report was not required or made available,
- there was certainly not a detailed assessment of potential impacts of this significant project,
- we are a little tired of the rhetoric that EA applications that do not trigger an EIS still undergo a thorough assessment when it is clear that in many instances, there are significant lackings in the information provided in applications, and
- the lack of public transparency in decision-making is frustrating.

In making a decision if an EIS is required, DES must consider the Standard Criteria (Schedule 4 of the EP Act) which includes:

- (a) the precautionary principle,
- (b) intergenerational equity,
- (c) the conservation of biological diversity and ecological integrity,
- (d) any Commonwealth or State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development,
- (e) the character, resilience and value of the receiving environment; and
- (f) the public interest.

I would appreciate your assistance in providing an explanation as to why no EIS was required and why there is no report available to document the department's decision in this matter. I would further request that you also advise on when a Coordinated Assessment Committee is required in the Department's decision-making process.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Coral Rowston', with a stylized, cursive script.

Dr Coral Rowston

Director

Environmental Advocacy in Central Queensland Inc.