



Our Ref: CTS 06143/23

Department of  
**Environment and Science**

8 May 2023

Dr Coral Rowston  
Director  
Environmental Advocacy in Central Queensland  
EnvA.CQ@outlook.com

Dear Dr Rowston

Thank you for your letter of 6 April 2023 to the Honourable Meaghan Scanlon MP, Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs regarding the assessment processes for Blue Energy Gas and Vulcan Coal Complex. The Minister has asked me to respond on her behalf.

As you are aware, it is the role of the Department of Environment and Science (the department) as Queensland's environmental regulator to undertake assessments and make decisions in relation to applications for resource activities such as coal mining and the extraction of petroleum and gas.

In relation to your comments around the level of assessment required to assess resource projects, I note that the environmental assessment requirements for a resource activity do not materially change regardless of the decision to require an environmental impact statement (EIS) or not. The *Environmental Protection Act 1994* (EP Act) sets out a range of environmental standards that apply to resource projects in Queensland, and ensures that a robust environmental assessment be undertaken as part of the environmental approval (EA) application process. When an EIS is required, it replaces the information and notification stage of an EA assessment. The process includes an opportunity for members of the public to make public submissions about the proposal.

In the case of mining projects, the public notification for the EA application and the Progressive Rehabilitation and Closure Plan will occur with the notification for the mining lease application, and will be coordinated by the Department of Resources. Further information about this process can be found here: [Environmental authorities for mining projects | Environment, land and water | Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au/environment/land-and-water/mining-projects).

For petroleum projects, the public notification process is like that required for mining projects. Information about the process can be found here: [Environmental authorities for petroleum projects | Environment, land and water | Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au/environment/land-and-water/petroleum-projects).

In addition to the public notification requirements under the EP Act, and to ensure members of the public are aware of any EA applications that are available for public consultation, but are not part of an EIS, they can subscribe to the department's website for alerts at the following link: <https://www.des.qld.gov.au/our-department/public-notice>.

As you may also be aware, the department has made recent changes to the EIS assessment process due to *Environmental Protection and Other Legislation Amendment Act 2023* (EPOLA Act) amendments to the EP Act. The EPOLA Act commenced on 5 April 2023. The key changes include:

- Enabling the chief executive to refuse to allow a draft terms of reference (TOR) or a submitted EIS from proceeding if it is unlikely the project could proceed under a State or Commonwealth law.
- Providing that EIS assessment reports lapse after three years (with the option for extension).
- Replacing the Ministerial review provisions in the EIS process with internal review and court appeal processes.

These changes will ensure that any completed EIS remains contemporary and fit for purpose, and that any projects that cannot comply with state or federal legislation do not proceed.

In relation to both Blue Energy's application for an EA, and Vitrinite's various applications, I can confirm these have been assessed in accordance with the provisions of the EP Act. Each application is assessed on a case-by-case basis against the EIS trigger guideline, the standard criteria and all other relevant sections of the EP Act. In each case the relevant decision maker decided that an EIS was not required. I can also confirm that the department does not consider that Vitrinite's projects constitute a single integrated operation. Like many coal mining projects in the Bowen Basin, they are in proximity to each other, but are operated independently.

I trust this information has been of assistance. I have requested that Mr Chris Loveday, Director – Technical and Assessment Services, Environmental Services and Regulation of the Department of Environment and Science to contact you to arrange a briefing with departmental staff to further assist with your queries. Should you require any further information, you may contact Mr Loveday, on telephone 0407 671 084 or by email at [Chris.Loveday@des.qld.gov.au](mailto:Chris.Loveday@des.qld.gov.au).

Yours sincerely



Rob Lawrence  
**Deputy Director-General**  
**Environmental Services and Regulation**