

Patricia O'Callaghan  
Director General  
Department of the Environment, Tourism, Science and Innovation

By email: [directorgeneral@des.qld.gov.au](mailto:directorgeneral@des.qld.gov.au)  
CC: [DESIESRDDG.Corro@des.qld.gov.au](mailto:DESIESRDDG.Corro@des.qld.gov.au)

5 March 2025

Dear Ms O'Callaghan,

**RE: Lake Vermont Meadowbrook EA amendment (A-EA-AMD-100781430 – request for public notification)**

Environmental Advocacy in Central Queensland (**EnvA**) is a Central Queensland association with an interest in ensuring that all land use is sustainable and does not significantly impact on the environment. We are particularly concerned about the risks associated with coal mining, coal seam gas and climate change.

EnvA has been actively following the progress of the Lake Vermont Meadowbrook coal project and made a submissions on [the draft Environmental Impact Assessment \(EIA\) for the Lake Vermont Meadowbrook coal project](#). In addition to this submission, we have also:

- [Made a submission to the Federal Environment Minister in support of the reconsideration of the project](#), and
- [Contributed to a group letter to the Federal Ministers for Environment, Climate Change, Energy and Water](#).

Just recently, we noticed that Bowen Coking Coal Pty Ltd (**the Proponent**) has made application for an Environmental Authority (**EA**) amendment as notified on the Department of the Environment, Tourism, Science and Innovation (DETSI) '[Current environmental authority application or amendment documents](#)' webpage. We have also noted that the Proponent in section 2.3 of the [EA Amendment Supporting Information](#) has suggested that:

"While a major amendment will generally require public notification, it is noted that a major amendment application may be exempt from public notification under Schedule 150 of the EP Act, where:

- an EIS process has previously been notified covering each relevant activity the subject of the amendment application if, since the EIS process was notified:
  - the environmental risks of the relevant activity and the way it will be carried out have not changed.

This is the scenario with this amendment application, with no changes to the Project design, execution or environmental risks proposed. As such, public notification of this amendment application is not currently considered to be required."

EnvA has an alternative view that the EA amendment should, and must, be made available for public notification.



[Section 150 of the Environmental Protection Act 1994](#) (EP Act) addresses the circumstances when notification is not required for particular applications. There are two clauses which EnvA believes have not been met in respect to excluding further public notification:

**Section 150(c)**

*Section 150(c) for an application for an environmental authority, since the EIS mentioned in paragraph (a) or (b) was notified—*

*(i) the environmental risks of the relevant activity and the way it will be carried out have not changed; or*

*(ii) if the application proposes a change to the way the relevant activity will be carried out—the administering authority is satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.*

EnvA argues that we have had not opportunity to make any comment on the changes to the proposed conditions. In commenting on the draft EIS, we had the opportunity to make comment on the conditions proposed by the Proponent, but our view at the time was that the project should be refused and that Proponent-led conditions could not address the key concerns raised in our [submission](#). We only became aware of the Department's proposed conditions when in receipt of the recommendation report and have not had any opportunity to make comment on these decisions.

Furthermore, there is limited ability (that we are aware of) to enable our democratic right to challenge the proposed approval and conditions following our submission on the draft EIS which was also was the subject to approval under the federal *Environment Protection and Biodiversity Conservation Act 1999*.

In relation to EP Act 150(C)((ii), we can confirm that that the application would attract a submission objecting to the change to the EA based on information contained in the assessment report for which we were not provided when making comment on the draft EIS.

We further note that there was no opportunity for comment on the revised EIS through this bilateral assessment process.

**Section 150(d)**

*Section (d) for a proposed PRC plan notified with an EIS mentioned in paragraph (a) or (b) since the EIS was notified—*

*(i) a post-mining land use or non-use management area has not changed; or*

*(ii) the day by which rehabilitation of land to a stable condition will be achieved has not changed.*

EnvA is of the view that the DETSI EIA [recommendation report](#) makes it clear that the PRC plan was deficient as noted in the following sections of the recommendation report

**7.2 PRCP schedule**

*The EIS included a proposed PRCP schedule for the project. As discussed in section 6.6 Rehabilitation, the proponent proposes to amend the Lake Vermont EA to include this project. As the project PRC plan will need to be developed as an amendment to the not yet approved Lake Vermont PRC plan, in order to avoid pre-empting this statutory process, a draft PRCP schedule has not been included in this Assessment Report.*

To elaborate, the EIS assessment report states at **6.6 Rehabilitation** (referenced above):

*The draft PRC plan provided with the EIS includes a PRCP schedule. As identified in the EIS, the proponent proposes to amend the Lake Vermont EA to include this project. As the Lake Vermont Mine EA pre-dates the requirement for the inclusion of a PRC plan with an EA application, the proponent is required to transition to a PRC plan. The decision due date by DESI for the Lake Vermont Mine PRC plan is 28 June 2024. As the project PRC plan will need to be developed as an amendment to the not yet approved Lake Vermont PRC plan, a draft PRC plan has not been included in this Assessment Report in order to prevent miscommunication.*

*In support of a yet-to-be completed PRC plan for Lake Vermont Mine and subsequent amendment for the project, I recommend that rehabilitation requirements are conditioned in an amended EA for the project as per section 7.1 (G1 to G9) and will be further developed during the major EA and PRC plan amendment post-EIS for the Meadowbrook project, based on the outcomes of the PRCP Schedule for the existing Lake Vermont Mine.*

Section 3.5 of the Progressive Rehabilitation and Closure Plan (**PRC Plan**) [Statutory Guideline](#) notes that public notification is an important part of the overarching decision-making process required to approve an activity such as a new mine. Public notification informs members of the public of the proposal and allows them the opportunity to make submissions that must be considered before the EA is decided.

In this project, EnvA believes that we have not been provided with the opportunity to make comment on the relevant PRC Plan.

### **Final recommendation**

We trust that a decision has not yet been made on the requirement for this major EA amendment to be publicly notified (we have tried to make contact directly with the department but have not received a response at the time of writing this letter).

Our strong recommendation is that the EA amendment along with a detailed PRC Plan is publicly notified to allow public comment:

- to meet the requirements for community engagement to comply with section 126C(1)(c)(iii) of the EP Act, and
- noting that the department's recommendation report outlines that this matter will be addressed during the "*major amendment to the EA and PRC plan amendment post-EIS for the Meadowbrook project*".

Thank you in anticipation for your urgent attention to this matter and providing us with the opportunity to make further comment on the proposed conditions and PRC Plan which we have not had to opportunity to make submissions on to date.

Kind regards,



Dr Coral Rowston  
Director  
Environmental Advocacy in Central Queensland Inc.