

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice of decision to refuse an environmental report for an environmental investigation

This notice is issued by the administering authority pursuant to section 326G(4) of the Environmental Protection Act 1994 to advise you that the administering authority has decided to refuse an environmental report for an environmental investigation.

Southern Cross Fertilisers Pty Ltd
Level 8, 28 Freshwater Place
SOUTHBANK VIC 3006

Your reference: STAT901

Our Reference: EPML00885513

1 December 2016

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice of decision to refuse an environmental report for an environmental investigation is issued to Southern Cross Fertilisers Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice of decision to refuse an environmental report for an environmental investigation is issued in respect to the activities at Phosphate Hill Mine, on land described as mining lease ML5542, ML5543, ML5551, ML5556 (the premises).

The decision

The decision to refuse an environmental report about a stated matter is based on the following grounds:

- A notice to conduct or commission an environmental investigation was given to you by the department on 3 March 2015;
- An environmental report was submitted to the department by you on 31 March 2016;
- A request for further information was given to you by the department on 14 April 2016;
- A response was submitted to the department by you on 3 November 2016;
- The department believes that the report does not adequately address requirement 5 of the notice to conduct an environmental investigation. Further investigation is required to fully address this requirement.

Reasons

The facts and circumstances forming the basis of these grounds and the reason for the decision are:

- Southern Cross Fertilisers Pty Ltd did not adequately address requirement 5 as outlined in Environmental Evaluation STAT901; specifically the following items:

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- Background reference water quality of each aquifer and determination of appropriate trigger values and limits (as per item 5(b);
- Appropriate reference bore locations for each aquifer (item 5c);
- A comparison of the results from the reference bore to current and historical monitoring results and consideration of the impact of mining activities at the premises (item 5d).

These items are critical components in understanding the extent and magnitude of impacts of mining activities on groundwater quality.

Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person, who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals refer to the attached Information Sheet - internal review and appeals (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to this notice, please contact Wendy Logan of the department on telephone number 4722 5221.

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Signature

1/12/2016

Date

Rebecca Booker

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Wendy Logan

Environmental Officer

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