Queensland Government

Department of
Environment and Science

Your Ref: EA0002912
Our Ref: C-EA-100178168

25 November 2022

QUEENSLAND COKING COAL PTY LTD; QLD Coal Aust No.1 Pty Ltd
c/o QUEENSLAND COKING COAL PTY LTD
Suite 2, Level 6
12 Creek Street
BRISBANE CITY QLD 4000

ATTN: Damien Plucknett – Senior Consultant-Environment – METServe
Email: Damien.Plucknett@metserve.com.au
CC: dave.moss@metserve.com.au

Dear Mr Plucknett

Extension of information response period for application to amend EA and PRCP

Thank you for your email dated 23 November 2022, requesting an extension to the period in which to respond to the information request (the 'information response period'), provided in the notice dated 1 March 2022. As per the notice, information responding to the request was required to be provided to the department by 1 December 2022.

Section 147(2) of the *Environmental Protection Act 1994* (EP Act) provides that an applicant may request to extend the information response period if the request is made at least 10 business days before the information is due to be provided.

Your request to extend the information submission period does not strictly satisfy section 147(2), as it was not made at least 10 business days before the last day of the information response period. Despite this, I have taken into consideration your reason for the request, the short duration of the extension being sought, and that the department's assessment would benefit from the information you have committed to submit within the proposed extended information response period.

As such, I have decided to exercise discretion in this circumstance and agree, as a delegate of the administering authority, to the requested extension. As per the extension sought, a response to the information request must now be provided **by 31 December 2022**.

I note that the 31 December 2022 is a Saturday. The *Acts Interpretation Act 1954* provides under section 38(2) that where a due date for a submission falls on an 'excluded day', the due date is to be taken as being the next day later that is not an excluded day. Section 38(5)(b) provides that an excluded day means a day that is not a business day. I also note that The EP Act provides that 'business days' do not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year. In consideration of this, the information to be provided in response to the information request must be received by the department **by 6 January 2023**.

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Should you have any queries in relation to this letter, please contact Angus Broadfoot on telephone number 0436 941 466 or by emailing CRMining@des.qld.gov.au.

Yours sincerely



Ben Byrd
Manager, Assessment
Department of Environment and Science