

Prepared by: Ken Goodwin Title: Senior Mining Registrar Region: Southern, MAPO Telephone: 4669 0821 Date Prepared: 16/02/2015	Endorsed by: Mark Kelly Title: Regional Director Region: Mineral & Petroleum Operations Telephone: 3199 7757 Date Endorsed:	Endorsed by: Luke Croton Title: Executive Director Division: Mining & Coal Operations Telephone: 3199 8086 Date Endorsed:	Approved by: Rachael Cronin Title: Deputy Director-General Division: Service Delivery Telephone: 3199 7393 Date Approved:
Date Received in MO	MO clearance by:	Date Cleared:	

Ref MO/15/01664
CTS 00716/15

Mr George Houen
Landholder Services Pty Ltd
13 Cottesloe Street
TOOWOOMBA QLD 4350

Dear Mr Houen

Thank you for your letter of 6 January 2015 about the proposed mining leases for the Wandoan Coal Mine.

Your comments and concerns regarding the length of time taken for the application process for the Wandoan Project's mining lease applications have been noted. The length of time taken to complete processes for the environmental impact assessment, hearings by the Land Court on objections and recommendations to the proposed mining leases, and determination of compensation by the Land Court and the Land Appeal Court, has resulted in certain commitments made in the original applications by the applicants (Glencore) becoming outdated.

The Department of Natural Resources and Mines has concerns regarding the originally stated commitments and has raised those concerns with the mining lease applicants. Glencore has sought to address those concerns by lodging information proposing alternative commitments. The receipt and satisfactory assessment of this information by the Department will then allow me, taking into account all pertinent factors, to give consideration to the applications for the mining leases pertaining to the proposed Wandoan Coal Mine.

I can advise that this information is anticipated to be lodged very shortly and when lodged, assessment of this information by the Department will be promptly undertaken.

If you have any questions about my advice to you, Mr Ken Goodwin, Senior Mining Registrar, Mining and Petroleum Operations, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4669 0821.

Yours sincerely

Dr Anthony Lynham MP
Minister for Natural Resources and Mines



Queensland
Government

Department of
Natural Resources and Mines

Ref MO/15/1664
CTS 00716/15

27 JAN 2015

Mr George Houen
13 Cottesloe Street
TOOWOOMBA QLD 4350

Dear Mr Houen

Thank you for your letter of 6 January 2015 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines concerning the Mining Lease Applications forming the Wandoan Coal Project.

As you may be aware, a General Election of the Legislative Assembly of Queensland has been called for 31 January 2015. By convention, the Government assumes a caretaker role from the time that an election is called.

Due to the nature of your request, it is not possible at this time to provide a substantive reply to your letter. Your correspondence will be provided to the incoming government for consideration and reply as soon as possible.

Yours sincerely

s78B(2) - Privacy

Rachael Cronin
Deputy Director-General
Service Delivery
Department of Natural Resources and Mines

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Queensland 4003 Australia
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Facsimile + 61 7 3405 5347
Website www.dnrm.qld.gov.au

NATURAL RESOURCES and MINES

SPMCO

CARETAKER JANUARY 2015

Ministerial Correspondence Action Sheet

MINISTERIAL REFERENCE MO/15/1664	DEPT REFERENCE
--	-----------------------

DATE RECEIVED MINISTER'S OFFICE 12 JAN 2015

Ministerial Response Letter (circle appropriate)

For reply under MIN / COS / SPA / PA signature

Director-General Caretaker response

- Hold for incoming government response
- Noted response
- Full Response



CTS 00216/15

Deputy Director-General Caretaker response

- Hold for incoming government response
- Noted response
- Full Response

RTI/DL RELEASE - DNRM

Briefing note

Dot points

FYI/No reply

Dept to contact author

Copies given to

Minister

COS

SPA

DLO Comments

LANDHOLDER SERVICES

Pty Ltd ACN 056 205 693 ABN 94 056 205 693

13 Cottesloe Street
Toowoomba Q'ld 4350

Phone 07 4632 1024

Fax 07 4632 1768

Email: georgehouen@gmail.com

Mobile 0407 716 968

MobileSat 0145 110 576

The Hon. Andrew Cripps MP
Minister for Natural Resources and Mines
PO Box 15216
CITY EAST QLD 4002

6 January 2015

Dear Minister,

RE: WANDOAN COAL PROJECT

I refer to previous correspondence and the submissions I have made to you on behalf of my landholder clients who are either directly affected by, or are immediate neighbours of the Project. As you know, our submissions seek prompt grant or rejection of the mining lease applications for the Project, being numbers 50229, 50230 and 50231.

It is now almost eight years since my clients' properties were encumbered by these applications. Their businesses and lifestyles have been and will continue to be in limbo and burdened with uncertainty until the leases are either granted or rejected. The owners will receive no compensation until grant. Meanwhile the properties are rendered effectively unsaleable, potentially placing the owners' standing with their lending institutions under duress.

Your Policy Advisor Matthew Van Horen advised by letter dated 29th August 2015 that you were awaiting information from the mining lease applicants and, once received, that information would allow you to give consideration to the lease applications.

My searches through Right to Information reveal that Glencore, on behalf of the lease applicants, agreed with your department on the form of amendments to the Initial Development Plan (IDP) to allow for the expected delay in commencement of construction and mining. Revision of the IDP was the only outstanding issue.

On about 17th October last your department advised Glencore that it wished to have the revised IDP incorporating that agreed form of amendment by mid-November, to allow you to give consideration to grant of the leases by the end of the year. However, a register search today shows no decision on the lease applications yet recorded.

All statutory approval and compensation processes for the lease applications have been completed. Mutually agreed amendments to the IDP were settled and as of mid-October were only awaiting written confirmation.

As I have previously emphasised, lease applications are not holding tenures. I submit, with respect, that as Minister you have a responsibility to recognize the landholders' third party interest and to ensure that the decision process is completed as quickly as is reasonably possible. If through circumstances - including the state of the coal market - it is not appropriate to grant the leases then the applications should promptly be either rejected or converted to the appropriate holding tenure, which is the mineral development licence.

My clients would appreciate your advice as to what action is being taken to complete the decision process, and a date by which you expect your decision will be completed.

Yours faithfully

s78B(2) - Privacy

G.T. Houen

Landholder Services Pty Ltd

Copy: Mr Mike Carrucan, Glencore

RTI DL RELEASE - DNRM

Department of Natural Resources and Mines
MINISTER'S BRIEFING NOTE

CTS 02078/15

To: Dr Anthony Lynham MP
Minister for Natural Resources and Mines

From: Steven Jacoby 17/3
A/Deputy Director-General
Service Delivery

Copy: Dr Brett Heywood 18/3
Director-General

Endorsed: Peter Donaghy, Executive Director, Mineral and Coal Operations
Mark Kelly, Regional Director, Mining and Petroleum Operations

Date: 9 March 2015

Snr Policy Advisor.....	OK
Chief of Staff	OK
Approved / Not Approved / Noted Further information required	
Minister.....	
Dated	

Action Officer: Ken Goodwin
Telephone: 4669 0821

 COPY

Proposed Wandoan Coal Mine – Correspondence from Mr George Houen, Landholder Services Pty Ltd

RECOMMENDATION

1. It is recommended that the Minister:
 - **note** the correspondence previously sent by Landholder Services Pty Ltd to the former Minister;
 - **note** the actions the Department of Natural Resources and Mines (the department) is currently undertaking to finalise the mining lease applications at Wandoan; and
 - **sign** the attached letter to Mr George Houen, Landholder Services Pty Ltd (**Attachment 1**).

TIMING

2. **Routine:** There is no critical date associated with this brief, however noting of brief and signing of letter is requested by 27 March 2015 to allow the issue to be finalised.

KEY ISSUES

3. Mr George Houen of Landholder Services Pty Ltd represents the interests of several property owners in and around the proposed Wandoan Coal Mine. He has lodged a Right to Information request and sent correspondence to the department and the former Minister, requesting the applications be decided as quickly as possible to settle compensation.
4. In early 2014, the department became aware that the mine plan attached to the Wandoan Co-Development Area Coordination Arrangement (Coordination Arrangement) quoted a commencement date for mining of 2014/2015. This commencement date was seen as ambitious, given that the relevant Mining Lease Applications (MLA's) were not yet granted, thermal coal prices had dropped, and the principal applicant, Glencore Coal Queensland Pty Limited (Glencore) had announced that the proposed commencement of mining had been put on hold.
5. The former Minister expressed discomfort with approving the Coordination Arrangement with a projected start-up date that was unlikely to be met.
6. To address the department's concerns of discrepancies between existing documentation and Glencore's revised planning horizon, department officers met with Glencore on the issue. Subsequently in May 2014, Glencore met with one of the key gas parties, QGC Pty Limited (QGC), and agreed to update the co-development agreement (CDA) as required by the Coordination Arrangement.
7. To further address these concerns and progress the MLA's, department officers and Glencore held a further meeting on 14 August 2014, and subsequently Glencore agreed to submit a revised version of the proposed Initial Development Plan (IDP) for the MLA's, which would also be reflected in the CDA and Coordination Arrangement.
8. It is understood that Glencore and the gas parties have agreed on the amendments to the CDA and Coordination Arrangement and will submit the revised IDP as soon as is commercially feasible. This is tentatively anticipated to be no later than 30 June 2015.

BACKGROUND

9. On 24 May 2007, Mining Lease Applications (MLA's) 50229, 50230 and 50231 were lodged with the department by Glencore for the proposed Wandoan Coal Mine.
10. In December 2008 and August 2009, an initial and a supplementary environmental impact statement were provided to the Coordinator-General, respectively. On 12 November 2010, the Coordinator-General released a report recommending the project proceed, subject to certain conditions.
11. On 14 December 2010, the Mining Registrar issued Certificates of Public Notice for the MLA's and on 18 January 2011, extended the close of objections' day until 25 February 2011 due to the 2010/2011 Queensland floods. Objections were lodged by 22 landowners, most of which were represented by Mr Houen.
12. On 27 March 2012, following the objections' hearings, the Land Court of Queensland (LCT) handed down the objections' decision and recommendation that the mining leases be granted and the environmental authority be issued—both subject to recommendations detailed in the LCT order.
13. The recommendations with respect to the *Environmental Protection Act 1994* were that the environmental authority be modified to include:
 - a. a condition requiring a ground water monitoring program for the Hutton and Precipice Sandstone Aquifers; and
 - b. that, as a pre-requisite to the grant of the environmental authority, the applicants reach mutually suitable make-good agreements with landholders with respect to availability and quality of groundwater.
14. On 31 July 2012, the Minister for Environment and Heritage Protection decided to grant the application for environmental authority (mining lease) in respect of the three MLA's for the Wandoan project.
15. On 19 November 2012, the LCT commenced a determination of compensation hearing, pursuant to section 281 of the *Mineral Resources Act 1989*, where compensation between the mining lease applicants and the remaining landowners had not been agreed between the parties. The remaining landowners are some of the landowners that are mentioned in the correspondence.
16. Separately, on 29 November 2012, all of the landowners mentioned in the correspondence lodged a Statutory Order of Review in the Supreme Court of Queensland in relation to the decision to grant the application for environmental authority. The landowners have not taken the required actions to progress the Statutory Order of Review to trial and it is uncertain when this matter will be heard by the Supreme Court. The Queensland Government will give due consideration to the MLA's in light of the prevailing state of this court process.
17. On 19 June 2013, the LCT made a determination on compensation for each remaining landowner, which establishes the quantum of compensation that each landowner is entitled to be paid by the applicant, within 30 days of grant of the relevant MLA.
18. On 16 July 2013, the mining lease applicants lodged an appeal about those determinations of compensation. The Land Appeal Court heard the appeal on 6 September 2013 pursuant to section 282 of the *Mineral Resources Act 1989*, and dismissed the appeal on 7 May 2014.
19. On 23 December 2013 and 14 May 2014, the department wrote to Glencore proposing special conditions be attached to MLA 50229 and MLA 50230 on grant in light of the LCT recommendations. Glencore advised of their verbal agreement at that time, and on 7 November 2014, provided written agreement to the proposed special conditions.
20. The remaining processes to be finalised prior to the consideration of the granting of these MLA's include:
 - a. approval of the Coordination Arrangement; and
 - b. approval of the IDP for MLA 50229, MLA 50230 and MLA 50231, subsequent to the Coordination Arrangement approval.

CONSULTATION

21. Petroleum Assessment Hub: To progress the approval of the coordination arrangement for your consideration.

ATTACHMENTS

22. **Attachment 1:** Reply letter to Mr George Houen, Landholder Services Pty Ltd.

NEXT STEPS

23. Minister to sign the letter at **Attachment 1**, to Mr George Houen, Landholder Services Pty Ltd.

sch4p4(6) Personal information

Steven Jacoby
A/Deputy Director-General
Service Delivery

Minister's Comments

RTI DL RELEASE - DNRM

To: Dr Anthony Lynham MP
Minister for Natural Resources and Mines

From: Steven Jacoby *mls*
A/Deputy Director-General
Service Delivery

Copy: Dr Brett Heyward *18/3*
Director-General

Staff Policy Advisor	Sch 4p4 (6) Personal information
Chief of Staff	OK
Approved / Not Approved / Noted Further information required	
Minister	<i>[Signature]</i>
Dated	<i>9/3/15</i>

Action Officer: Ken Goodwin
Telephone: 4669 0821

Endorsed: Peter Donaghy, Executive Director, Mineral and Coal Operations
Mark Kelly, Regional Director, Mining and Petroleum Operations

Date: 9 March 2015

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NEXT STEPS

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Steven Jacoby
A/Deputy Director-General
Service Delivery

Minister's Comments

RTI DL RELEASE - DNRM



The Hon Dr Anthony Lynham MP
Minister for State Development and
Minister for Natural Resources and Mines

Ref MO/15/1664
CTS 00716/15 and CTS 02078/15

Level 17 QMEC Building
61 Mary Street Brisbane QLD 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3199 8215
Email sdnrm@ministerial.qld.gov.au

10 JUN 2015

Mr George Houen
Landholder Services Pty Ltd
13 Cottesloe Street
TOOWOOMBA QLD 4350

Dear Mr Houen

Thank you for your letters of 6 January 2015 and 16 February 2015 about the proposed mining leases for the Wandoan Coal Mine.

Your comments and concerns regarding the length of time taken for the application process for the Wandoan Project's mining lease applications have been noted. The length of time taken to complete processes for the environmental impact assessment, hearings by the Land Court on objections and recommendations to the proposed mining leases and determination of compensation by the Land Court and the Land Appeal Court, has resulted in certain commitments made in the original applications becoming outdated.

The Department of Natural Resources and Mines (the department) has concerns regarding the originally stated commitments and has raised those concerns with the mining lease applicants. Glencore Coal Queensland Pty Ltd has sought to address those concerns by lodging information proposing alternative commitments. The receipt and satisfactory assessment of this information by the department will then allow me, taking into account all pertinent factors, to give consideration to the applications for the mining leases pertaining to the proposed Wandoan Coal Mine.

I can advise that this information is anticipated to be lodged very shortly and when lodged, assessment of this information by the department will be promptly undertaken.

If you have any questions about my advice to you, Mr Adrian Noon, Acting Chief of Staff will be pleased to assist you and can be contacted on telephone 3719 7365.

s78B(2) - Privacy

Dr Anthony Lynham MP
Minister for State Development
Minister for Natural Resources and Mines

Minister for State Development and Minister for Natural Resources and Mines
EXECUTIVE CORRESPONDENCE ACTION SHEET - NATURAL RESOURCES AND MINES

MO REF <i>MO/15/1167</i>	DEPT REF	<input type="checkbox"/> Consult DSD
DATE RECEIVED MO	DATE RECEIVED DEPT	<input type="checkbox"/> Consult Other:

RESPONSE/ACTION REQUIRED

- For reply under Minister's signature
- For reply under Chief of Staff's signature
- For referral under Chief of Staff's signature
- For courtesy and final under Chief of Staff's signature
- For reply under Policy Advisor's signature
- For referral under Policy Advisor's signature
- For departmental response under Director-General / Deputy Director-General signature

CONTACT PROVIDED IN LETTER

- Departmental Rep (Default) Chief of Staff Policy Advisor

TIMING

- Urgent response Required by:
- Routine response
- Briefing note - Noting/Decision
- Briefing note - Meeting
- No response required
- Department to contact and resolve
- Complaint

COPY (Internal action within Minister's Office)

- Minister Chief of Staff
- SPA SMA
- Policy Advisor Caucus Liaison
- Personal Assistant/Office Manager
- Director-General
- Other

MINISTER'S OFFICE COMMENTS:

This was previously sent in by post but we have no record of it being received. Can we please provide a response + a briefing note on the history of these MLAs and their current status. Please ensure response is not a replica of previous responses



DEPARTMENTAL ALLOCATION (Departmental Liaison Officer to complete)

- Director-General
- PPS SD *MPO*
- MSH BCP

DLO COMMENTS:
SEE 2078/15

ORIGINAL RELEASE - DNRM

CTS 11507/15

LANDHOLDER SERVICES

Pty Ltd ACN 056 205 693 ABN 94 056 205 693

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Toowoomba Q'ld 4350
Email: georgehouen@gmail.com

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Fax 07 4632 1768

Mobile 0407 716 968
MobileSat 0145 110 576
Website: www.landholderservices.com.au

Hon Dr Anthony Lynam MP
Minister for Natural Resources and Mines
PO Box 15216
CITY EAST QLD 4002

16 February 2015

Dear Minister,

RE: WANDOAN COAL – GRANT OF LEASES

My clients, whose properties are within the Project (Cowan and Helen Keys, John Erbacher and Tom and Janice Edmonds) plus adjoining owners Pat and Helen Devlin and Bert Bruggemann and family, ask that you act promptly to:

- a. grant the mining leases; or
- b. otherwise, reject the applications.

May I sum up the history and circumstances of this matter as follows:

- My clients, whose farms and livelihoods and lifestyles have been kept on hold by the Project for about 8 years without any compensation, need and are entitled to finality.
- Compensation for grant of MLA's 50239, 50230 and 50231 was finally determined with the Land Appeal Court rejecting Glencore's appeal 10 months ago on 7th May 2014.
- The Court-determined compensation will only be paid upon grant of the leases.
- It is public knowledge the Wandoan Coal project is on hold due to coal market circumstances. But the applicant, Glencore, has consistently told us since compensation was finalised that it is ready to accept grant of the leases and that it knows of no reason why grant need be delayed. Two Right to Information searches have confirmed that all remaining issues between your department and Glencore were resolved some months ago. There has been adequate time to complete the related paperwork.
- Mining lease applications are not holding tenures and we trust you will not allow these applications to be used that way – it is grossly unfair to the affected landholders and contrary to the intent of the Mineral Resources Act.

- We earlier requested that grant of the mining leases be conditional upon Glencore entering into groundwater make good agreements. However, in the light of the Newman Government's amendments to the Water Act in respect of mine dewatering my clients no longer press that claim - but they believe the Water Act make good scheme is technically unsound and they reserve their right to support requests to your Government to upgrade that scheme.

I wrote three times to the then Minister the Honourable Andrew Cripps with this same request – in case it is helpful I attach copies including the replies.

If I can assist with any further information, would you please let me know. My clients trust you will be able to bring this long saga to an end very soon.

Yours sincerely

s78B(2) - Privacy

George Houen

Landholder Services Pty Ltd

COPY: Mr Mike Carrucan, Glencore

RTI DL RELEASE - DNRM



Queensland
Government

Department of
Natural Resources and Mines

Ref MO/15/1664
CTS 00716/15

27 JAN 2015

Mr George Houen
13 Cottesloe Street
TOOWOOMBA QLD 4350

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Due to the nature of your request, it is not possible at this time to provide a substantive reply to your letter. Your correspondence will be provided to the incoming government for consideration and reply as soon as possible.

Yours sincerely

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Rachael Cronin
Deputy Director General
Service Delivery
Department of Natural Resources and Mines

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LANDHOLDER SERVICES

Pty Ltd ACN 056 205 693 ABN 94 056 205 693

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Toowoomba Q'ld 4350

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Email: georgehoun@gmail.com

Mobile 0407 716 968
MobileSat 0145 110 576

The Hon. Andrew Cripps MP
Minister for Natural Resources and Mines
PO Box 15216
CITY EAST QLD 4002

6 January 2015

Dear Minister,

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My clients would appreciate your advice as to what action is being taken to complete the decision process, and a date by which you expect your decision will be completed.

Yours faithfully

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G.T. Houen
Landholder Services Pty Ltd

Copy: Mr Mike Carrucan, Glencore

RTI DL RELEASE - DNRPM



Hon Andrew Cripps MP
Minister for Natural Resources and Mines

Level 17 QMEC Building
61 Mary Street Brisbane QLD 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3199 8215
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

Ref MO/14/01120
CTS 19331/14

29 AUG 2014

Mr George Houen
Landholder Services Pty Ltd
13 Cottesloe Street
TOOWOOMBA QLD 4350

Dear Mr Houen

I refer to your letter dated 6 August 2014 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines concerning the proposed mining leases for the Wandoan Coal Mine. The Minister has asked me to respond on his behalf.

Your comments and concerns regarding the grant of the mining leases for the Wandoan Project have been noted. I can advise that the Minister is awaiting information from the mining lease applicants relevant to the proposed coal mine. On receipt of this information, it will allow the Minister, taking into account all pertinent factors, to give consideration to the applications for the mining leases pertaining to the proposed Wandoan Coal Mine.

If you have any questions about my advice to you, Mr Ken Goodwin, Senior Mining Registrar, Mining and Petroleum Operations, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4669 0821.

Yours sincerely


Matthew Van Horen
Policy Advisor

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Submission to Minister Cripps and Minister Powell

The Honourable Andrew Cripps MP
Minister for Natural Resources & Mines
PO Box 15216
BRISBANE QLD 4002

The Honourable Andrew Powell MP
Minister for Environment & Heritage
GPO Box 2454
BRISBANE 4001

6 August 2014

Dear Ministers,

RE: WANDOAN COAL – MAKE GOOD & GRANT OF MLA's 50229, 50230 & 50231

Ministers, I am writing on behalf of my landholder clients affected by Wandoan Coal:

Cowan & Helen Keys who own 'Langowan' and 'Avon View')
John Erbacher who owns 'East Lynne' and 'Tamara') directly affected, and
Thomas & Janice Edmonds who own 'Turraden')

Patrick & Helen Deylin of 'Carmody Downs')
Herbert Bruggemann of 'Alcheringa') immediate neighbours.

Compensation for grant of the leases (to clients Keys, Erbacher and Edmonds) was finally determined when, on 7th May 2014, the Land Appeal Court rejected an appeal by the applicant, Glencore Coal, against the Land Court's determination. The leases are therefore awaiting grant and at last this seven year long saga can be, and should be, brought to a swift and just conclusion.

I previously wrote on 3rd October 2013 to the Honourable the Minister for Natural Resources and Mines, foreshadowing that once compensation was resolved, my clients would be making submissions that the leases be granted without delay.

Ministers, as foreshadowed my clients' submission is that you jointly take the necessary action to ensure that -

- 1. subject to Glencore first entering into make good agreements, the mining leases are granted promptly (ie. by 31st December 2014)**

2. those make good agreements be with all owners served by the Juandah and Grosmont community bores.

Grazing and domestic water users throughout the Wandoan district depend very heavily on community bores such as Juandah and Grosmont. These are deeper bores into the Hutton and Precipice sandstone, from which water is reticulated to properties through a piping network.

You may recall that all five of my clients seek to protect their water supply through groundwater make good agreements. Also that the Land Court, in its judgement upon the objections hearing on 27th March 2012, recommended that as a prerequisite to grant of the environmental authority the applicant enter into make good agreements with landowners whose groundwater supplies would potentially be adversely affected by the impacts of mining. A copy of the Court's orders is attached as Annexure 'A'. That recommendation was not adopted in granting the environmental authority.

Since Glencore's acquisition of the project I have met with and maintained communication with Glencore's Manager Business Development Mike Carrucan, who advises me:

- a. that Glencore is willing and able to accept grant of the mining leases – he says it has already accepted special conditions, it knows of no impediments to the grant and it awaits action by the department; and
- b. that Glencore intends to offer groundwater make good agreements to the landholders served by the Juandah and Grosmont community bores but has set no time limit for settling those agreements.

That is, what we now request is compatible with Glencore's stated intentions. But, we ask you as the responsible Ministers to be involved to ensure that the rights of affected landholders under the Act are upheld by prompt granting of the leases, and that you ensure that the make good agreements are in place prior to granting the leases – that will help set a level playing field and give a specific timeframe for negotiation of those agreements, consistent with the Land Court's recommendation.

Clients Keys, Erbacher and Devlin are served by Juandah Bore, together with Glencore itself as it now owns several of the farm properties on the Juandah system. Collectively as the landholders they have recently established a make good agreement for Juandah Bore with a CSG company. Clients Edmonds and Bruggemann are served by Grosmont Bore along with several more properties now owned by Glencore. A plan showing the district's community bores and the service area of each is attached as Annexure 'B'.

Extensive work on make good terms was also done in negotiations lasting more than a year between myself representing my clients and the then applicant Xstrata, commencing at Xstrata's request in September 2011. Xstrata discontinued those negotiations without explanation.

In my letter to Minister Cripps of 3rd October last year I reported that Glencore, having recently acquired Xstrata, had officially and publicly deferred the Wandoan Coal project and stated it has no development timetable. I submitted that mining lease applications are not holding tenures and urged that the leases be granted promptly or otherwise they must either be converted to a mineral development licence (the only legitimate holding tenure) or rejected.

I gave reasons why, as those mining leases are now ready for grant, the Government has a responsibility to ensure that they are not left in limbo at the expense of those who own the land.

So long as those leases remain recommended but ungranted the compensation remains unpaid. Meanwhile the affected properties are rendered unsaleable, with potentially catastrophic effects on the owners' borrowing arrangements. The uncertainty and disruption of the past seven years is intensified. The owners cannot deal with their asset or manage and plan their grazing and cropping businesses or their family's succession planning or other affairs.

Should you have any reservations or queries about the request made in this submission, I hope you will give my clients and I an opportunity to discuss them with you.

Yours sincerely

s78B(2) - Privacy

G.T. Houen

Landholder Services Pty Ltd

Copy: Mr Mike Carrucan, Glencore

LAND COURT OF QUEENSLAND

CITATION: *Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth - Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management* [2012] QLC 013

PARTIES: Xstrata Coal Queensland Pty Ltd, ICRA Wandoan Pty Ltd and Sumisho Coal Australia Pty Ltd (applicants)

v.

Friends of the Earth - Brisbane Co-Op Ltd

and

Barry Raymond Rich and Helen Maxine Rich

and

Roy Anderson, Bimbadeen Water Group, Herbert Bruggemann, Patrick Michael Devlin and Helen Joyce Devlin, Thomas Edmonds and Janice Edmonds, John Gerard Erbacher, Juandah Water Board, Cowan Keys and Helen Keys, Laurence Henry Peake and Gwenyth Alison Peake

and

Sally Maud Philp (objectors)

and

Department of Environment and Resource Management (statutory party)

FILE NOS: MRA092-11 and EPA093-11
MRA098-11 and EPA099-11
MRA105-11 and EPA106-11

DIVISION: General Division

PROCEEDING: Applications for mining leases and objections; objections to application for environmental authority, the draft environmental authority and conditions included in the draft environmental authority.

DELIVERED ON: 27 March 2012
DELIVERED AT: Brisbane
HEARD AT: Brisbane, Dalby
PRESIDENT: CAC MacDonald

ORDER: **1. I make the following recommendations, pursuant to s.269(1) of the *Mineral Resources Act*, to the Honourable the Minister administering the *Mineral Resources Act 1989* -**

(a) Subject to the following recommendations in relation to the mining leases and the draft environmental authority being adopted, I recommend that the mining leases 50229, 50230 and 50231 be granted over the application area, other than over the land identified in Recommendation 1(b) below, for the term and purpose sought by the applicants, with the exception of the areas occupied by the proposed Woleebee South and Glen Haven Pits.

(b) In accordance with s.238(2) of the *Mineral Resources Act 1989*, the following areas of restricted land be excised from the lease areas -

(i) The land shown as restricted land on Drawing No. 921703 attached to the mining lease application, and the following land to the extent that it is not included in that drawing -

a. Mr and Mrs Edmonds' land: land within 100m laterally of the two residences and five sheds; land within 50m laterally of each of the two stockyards, two turkeys nests, the bore, those stock water troughs connected to a water supply and seven dams;

b. Mr Erbacher's land: land within 100m laterally of the residences, sheds and the piggery; land within 50m laterally of the stockyards, turkeys nest, water storages, bore, those stock water troughs connected to a water supply, tanks and dams;

c. Mr and Mrs Keys' land: land within 50m laterally of the stock water facilities connected to a water supply.

(ii) The land occupied by the water pipelines

providing water supply to the water storage facilities identified in a., b., and c. above and within 50m laterally of those water pipelines be excluded from the grants.

(c) I recommend that any leases granted over the areas of land occupied by the proposed Wolcebee South and Glen Haven Pits be limited to infrastructure purposes associated with the mining activities on the balance of the lease areas.

(d) I recommend that the applicants must provide continuing access via public roads to the same standard as currently exists to the Edmonds and Erbacher properties, while those properties remain in the ownership of persons and entities other than the applicants.

2. I make the following recommendations, pursuant to s.222(2)(b) of the *Environmental Protection Act 1994*, to the Honourable the Minister administering the *Environmental Protection Act 1994* -

(a) Subject to the following recommendations in relation to the mining leases and the draft environmental authority being adopted, I recommend that the environmental authority be issued in the terms of the draft environmental authority issued on 10 December 2010.

(b) I recommend that the draft environmental authority be amended to include a condition that a monitoring program for the Hutton and Precipice Sandstone Aquifers, using the existing deep bores, be designed and implemented in consultation with DERM for the following purposes -

(i) to establish the base line yield and water quality of the supply from those bores; and

(ii) to regularly monitor the bores to identify any change in the yield and quality of the water supply from aquifers in accordance with parameters to be set by DERM.

(c) I recommend that, as a pre-requisite to the grant of the environmental authority, the applicants are to reach mutually suitable make-good agreements with landowners potentially affected by adverse impacts on the availability and quality of groundwater as a result of the mining operations.

3. I direct the Registrar of the Land Court to provide a copy of these reasons to the Honourable the Ministers administering the *Mineral Resources Act 1989* and *Environmental Protection Act 1994* and to direct the Ministers' attention specifically to my observations in [606] - [610].

CATCHWORDS:

Mining - applications for mining leases - objections - functions and powers of the Land Court - *Mineral Resources Act 1989*, ss.268, 269

Mining - application for environmental authority - objections - functions and powers of the Land Court - *Environmental Protection Act 1994*, ss.216, 219, 222, 223

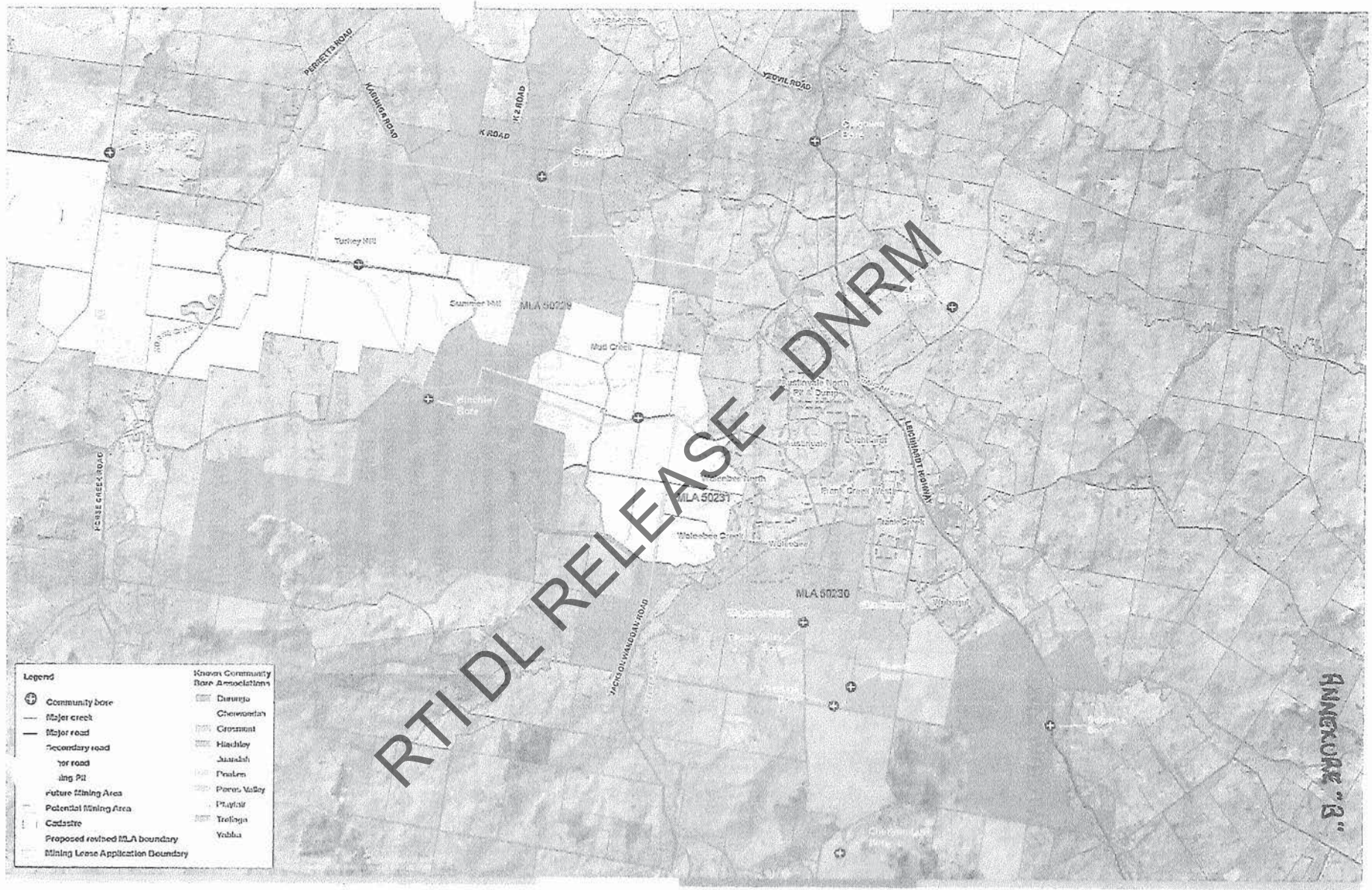
Mining - significant project - effect of Coordinator-General's conditions - statutory limits on the powers of the Land Court - *State Development and Public Works Organisation Act 1971*, ss.45(1), 46, 49(1) - *Environmental Protection Act 1994*, s.222(2) - extent Court can recommend conditions that are inconsistent with Coordinator-General's conditions - meaning of "inconsistency" - principles of statutory interpretation - ordinary and natural meaning

Mining - objections to draft environmental authority - limitations under the *Environmental Protection Act 1994* - Coordinator-General's conditions can not be objected to by anyone - power of the Land Court to hear "new" objections - *Environmental Protection Act 1994*, ss.216(2), 222(2)

Mining - inclusion of environmental buffers and exclusion zones in lease areas - inclusion of mining pit areas not intended to be mined during the life of the leases - whether acceptable level of development and utilisation of the mineral resources within areas applied for - whether leases sought an appropriate size and shape - whether leases sought for appropriate purposes - public interest - whether the proposed mining operation an appropriate land use - *Mineral Resources Act 1989*, ss.234(1), 269(4)(b), (c), (d), (i), (k), (l), (m)

Mining - whether improvements properly identified in mining lease applications - restricted land (category B) - "artificial water storage" - water troughs - water pipelines - *Mineral Resources Act 1989*, ss.238(2), 245(1)(g), Schedule 2 (Dictionary)

Jurisdiction of the Land Court - statutory limits on Court's powers to make recommendations under the *Mineral Resources Act 1989* and the *Environmental Protection Act*



Legend	
	Community base
	Major creek
	Major road
	Secondary road
	Tertiary road
	Mining Pit
	Future Mining Area
	Potential Mining Area
	Cadastral
	Proposed revised MLA boundary
	Mining Lease Application Boundary
Known Community Base Associations	
	Dawson
	Chewonah
	Crosscut
	Hickley
	Juarah
	PeeLem
	Peeus Valley
	Pitayir
	Trelliga
	Yabba

RTI DL RELEASE - DNRM

ANNEXURE "B"



Figure 10-6-SV1.3
Mining Lease Application Areas

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The Honourable Andrew Cripps MP
Minister for Natural Resources and Mines
PO Box 15216
CITY EAST QLD 4002

3 October 2013

Dear Minister,

RE: WANDOAN COAL PROJECT

Minister, my clients are three landholder families whose properties are within the proposed Wandoan Coal Project. For over six years since the lease applications were lodged, their lives and businesses have endured severe uncertainty and disruption because of the project. They are:

Cowan and Helen Keys who own "Langowan" and "Avon View"

John Erbacher who owns "East Lynne" and "Tamara"

Tom and Janice Edmonds who own "Turaden"

As I expect you are aware, Glencore at its Investor Day in London on 10th September 2013, publicly confirmed it has shelved the Wandoan Coal Project.

That action is part of "portfolio rationalisation" arising from Glencore's merger with Xstrata. Wandoan Coal is now a "Project on Hold" for which Glencore, as joint venture leader, has no development timetable. Glencore's presentation on coal, including video coverage of the addresses by its spokespersons, is available on the website: www.glencorextstrata.com.

I am writing to foreshadow a submission by my clients asking that you either grant or reject the Wandoan mining lease applications. My clients intend to make that submission as soon as the Land Appeal Court has determined the appeal by Glencore and the joint venture against the amounts which the Land Court awarded as the compensation to my clients for grant of mining leases 50229 and 50231.

In related decisions, Glencore earlier announced it was abandoning the planned Balaclava Island coal terminal, while in late 2012 Surat Basin Rail, in which Xstrata was the major partner, allowed acquisition of the rail corridor to lapse. The rail line and coal mine proposals are entirely dependent on each other.

In fact, it was widely known well before the merger that Xstrata was simply pushing through the approvals process with no timeframe for actually starting the mine. But, so as to avoid compromising its position in the

objections and compensation processes, Xstrata refused to acknowledge the project was actually on hold. It claimed to be seeking finance for the project and pursuing the approvals.

Each of my clients was prepared, throughout the protracted negotiations, to sell to Xstrata if reasonable offers were received. The stand they took about the value of their properties was subsequently supported by the Land Court's determinations, against which Glencore and the joint venture are now appealing.

My clients assume that Glencore is asking, or will ask, that you allow the mining lease applications for this shelved project to also be shelved indefinitely. In that case, the compensation determined by the Court would likewise be shelved – ie. it would only be paid if and when the mining leases were granted.

Besides being unlawful, that would extend the long-running, grossly unjust disruption and uncertainty imposed on my clients. The five properties are and would remain unsaleable, their collateral value would be severely jeopardised, the owners could not plan their businesses, they could not justify making further improvements nor even maintaining existing improvements, and these owners and their families could still not work through their succession planning.

A mining lease application is not a holding tenure – Glencore should not be allowed to keep the lease applications "shelved" especially when it is at the expense of my clients and their grazing and cropping businesses. If the mining lease applications are not granted or rejected, the only tenure under which Glencore and partners can legitimately retain rights to the coal is the mineral development licence.

As mentioned, my clients will formally make these submissions to you following the Land Appeal Court's decision on Glencore's appeal. At that time, my clients will be asking for an opportunity to meet you and discuss the matter.

Yours sincerely

G.T. Houen
Landholder Services Pty Ltd

RTI DL RELEASE - DNRM