

LAND AND RESOURCES TRIBUNAL

REGISTRY: Brisbane
NUMBERS: AML 207/2006
 ENO 208/2006
TENURE IDENTIFIER: 4761 – ASA 2

Applicant: XSTRATA COAL QLD PTY LTD AND OTHERS

AND

Respondents: QUEENSLAND CONSERVATION COUNCIL INC,
MACKAY CONSERVATION GROUP

AND

Statutory Party: ENVIRONMENTAL PROTECTION AGENCY

ORDER

Before: President Koppenol

Date: 27 November 2006

THE ORDER OF THE TRIBUNAL IS THAT:

1. The Tribunal is constituted to hear this matter by President Koppenol sitting as a single presiding member.
2. There will be a joint hearing of the application for the grant of the mining tenement, the environmental authority application, the draft environmental authority and objections to these and any conditions included in the draft environmental authority for this application.
3. All evidence in chief is to be in affidavit form.
4. The Queensland Conservation Council Inc is to file and serve by 10 December 2006 further particulars of:
 - a. the conditions it would seek to have imposed pursuant to grounds 1 to 6 of the objection;
 - b. the significance of the contribution of the mine to global warming and climate change, as referred to in paragraph E of the facts and circumstances relied upon in support of the grounds of the objection;and

- c. the calculation of emissions of 72.26 to 94.44 Mt in paragraph C of the facts and circumstances set out in the Queensland Conservation Council's notice of objection.
5. The Applicants disclose documents that are directly relevant to the greenhouse gas emissions that may be produced from the proposed mining activities within the surface area the subject of this application by 10 December 2006.
6. The parties file and serve all affidavits they seek to rely on by 15 January 2007.
7. Experts within similar fields of expertise confer by 18 January 2007 with a view to resolving or narrowing any matters upon which they disagree.
8. The experts within similar fields of expertise file a joint report by 22 January 2007 setting out the matters upon which they agree and any matters upon which they disagree, and the reasons for any disagreement.
9. The matter is set down for hearing before the President of the Tribunal over three days, commencing 31 January 2007.
10. Each party is at liberty to apply to the Tribunal on the giving of two days notice.

Signed:



Raimund Heggie
Registrar



For the Registrar