

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION THAT ACTION IS NOT A CONTROLLED ACTION

I, MARK FLANIGAN, Assistant Secretary, Policy and Compliance Branch, Department of the Environment and Heritage, a delegate of the Minister for the Environment and Heritage for the purposes of section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, decide that the proposed action, set out in the Schedule, is not a controlled action.

SCHEDULE

The proposed action to construct and operate an open cut coal mine, northeast of Moranbah, Queensland, and as described in the referral received under the Act on 7 April 2005 (EPBC 2005/2070).

Dated this 6 day of May 2005



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**ASSISTANT SECRETARY
POLICY AND COMPLIANCE BRANCH
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**