

15 June 2018

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
Parliament House
Canberra ACT 2601

By email and post

josh.frydenberg.mp@aph.gov.au

Dear Minister

**Request for you to call in an action:
Leigh Creek Energy Project (LCEP) – Underground Coal Gasification Mining**

We act for the William Light Foundation Inc (**WLF**). WLF is a non-profit organisation and an organisation entitled to make an application under the *Administrative Decisions (Judicial Review) Act 1977* for decisions, failure or conduct under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**)

We refer to previous correspondence, sent to both you and the Department of Environment and Energy, dated 11 April 2018 by Clemens Haskin Legal. That letter requested that you exercise your rights and powers to secure a referral for the LCEP.

The LCEP has not been submitted for approval under the EPBC Act. The proponent has concluded that the LCEP will not have a significant impact on the environment and, consequently, has not sought approval under the EPBC Act.

From the information we have, the proposed action should have been referred for a determination as to whether the action is a 'controlled action' for the purposes of the EPBC Act. The controlling provisions for this action are ss 18 and 18A (threatened species or threatened ecological communities) and ss 24D and 24E (protection of water resources from coal seam gas development and large coal mining development).

The proposal is clearly an 'action' falling within the meaning ascribed to that term in s. 523 of the EPBC Act.

On behalf of our client, we formally request that you exercise your power pursuant to s.70 of the EPBC Act to call in the LCEP for decision as to whether or not it is a controlled action. As we are instructed that this activity is likely to proceed imminently, we seek your urgent attention to this matter.

We respectfully request your written response to our request within seven days of the date of this letter so that we are able to consider what further action may be required in a timely manner.

Yours sincerely,
EDO NSW



For David Morris
Chief Executive Officer - Solicitor