

LAND AND ENVIRONMENT COURT
22 SEP 2009
FILED

SUMMONS

COURT DETAILS

Court The Land and Environment Court of New South Wales
Registry 225 Macquarie Street, Sydney
Case number 09/40691

TITLE OF PROCEEDINGS

Plaintiff Rivers SOS Inc
First Respondent Minister for Planning
Second Respondent Helensburgh Coal Pty Ltd

FILING DETAILS

Filed for Rivers SOS Inc
Legal representative Ian Ratcliff, Environmental Defender's Office (NSW) Ltd
Legal representative reference 12886
Contact name and telephone Natasha Hammond-Deakin (02) 9017 3913

HEARING DETAILS

This summons is listed at 9-30am 23 OCT 2009

TYPE OF CLAIM

Planning Law – Other judicial review

RELIEF CLAIMED

- 1 In relation to the major project approval MP 08_0149 for the carrying out of the Metropolitan Coal Project subject to conditions in schedules 2 to 7 of the decision, purportedly granted by the First Respondent on 22 June 2009 under section 75J of the *Environmental Planning and Assessment Act 1979*:
 - a. a declaration that the said major project approval is invalid and of no effect; and
 - b. an order quashing the said major project approval; and
 - c. an injunction restraining the second respondent from taking any action in reliance on major project approval MP 08_0149.
- 2 An order that the respondents pay the plaintiff's costs of the proceedings.
- 3 Such further or other orders as the Court thinks fit.

A copy of this document
must be served
by - 1 OCT 2009
by.....

SIGNATURE OF LEGAL REPRESENTATIVE

This summons does not require a certificate under section 347 of the *Legal Profession Act 2004*.

I have advised the plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on the Record

Date of signature

22 September 2009

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the applicant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

HOW TO RESPOND

Please read this summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the summons from:

- The court registry.
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.

Court forms are available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.

REGISTRY ADDRESS

Street address

225 Macquarie Street Sydney

Postal address

GPO Box 3565 SYDNEY NSW 2001

Telephone

9113 8200

[on separate page]

FURTHER DETAILS ABOUT PLAINTIFF**PLAINTIFF**

Name	Rivers SOS incorporated
	PO Box 73
	55 Eagles Road
	Douglas Park NSW 25692571
	Razorback

Legal representative for plaintiff

Name	Ian Ratcliff
Practising certificate number	37457
Firm	Environmental Defender's Office (NSW) Ltd
Contact solicitor	Natasha Hammond-Deakin
Address	Level 1
	89 York Street
	SYDNEY NSW 2000
DX address	n/a
Telephone	9262 6989
Fax	9262 6998
Email	natasha.hammond.deakin@edo.org.au
Ecourt details	natasha.h sue.higginson@edo

DETAILS ABOUT RESPONDENTS**First Respondent**

Name	Minister for Planning
Address	Department of Planning
	23-33 Bridge Street
	SYDNEY NSW 2000

Second Respondent

Name	Helensburgh Coal Pty Ltd
Address	Bank of Queensland Building
	Level 13
	259 Queen Street
	BRISBANE QLD 4000