

Notice

Environmental Protection Act 1994

Assessment level decision

This notice is issued by the administering authority pursuant to section 229 of the Environmental Protection Act 1994 (EP Act) to advise whether a proposed amendment to an environmental authority is a major or minor amendment.

BHP Coal Pty Ltd, Mitsubishi Development Pty Ltd, QCT Mining Pty Ltd, South Blackwater Coal Pty Limited, Umal Consolidated Pty Ltd, QCT Investment Pty Ltd, BHP Queensland Coal Investments Pty Ltd, QCT Resources Pty Limited

cc: The Mining Registrar
Department of Resources
Coal Assessment Hub
coalhub@resources.qld.gov.au

Level 16, 480 Queen Street
Brisbane City, QLD, 4000

By Email Transmission Only

Attention: Michael Vincent, Stacey Gromadzki

Email: michael.vincent1@bhp.com, stacey.gromadzki@bhp.com

Our reference: EPML00717813

Assessment level decision for an application to amend an environmental authority

1. Application details

The application to amend the environmental authority **EPML00717813** was received by the administering authority on **15/12/2023**.

The application reference number is: **A-EA-AMD-100557544**

Land description: ML1759, ML1760, MI1761, ML1762, ML1767, ML1771, ML1772, ML1773, ML1792, ML1800, ML1812, ML1829, ML1860, ML1862, ML1907, ML70091, ML70103, ML70104, ML70139, ML70167, ML70329.

2. Decision

The assessment level decision for this application is that the proposed amendment to the environmental authority is a **major** amendment.



IMPORTANT ACTION REQUIRED

You are required to pay the major amendment fee before the application can progress.

3. Reasons for the decision

Section 223 of the *Environmental Protection Act 1994* defines a major amendment for an environmental authority as an amendment that is not a minor amendment. Section 223 further defines a minor amendment (threshold). The proposed amendment is considered unable to meet the definition of a minor amendment (threshold) parts (b), (c), (d) and (f).

Section 223 **minor amendment (threshold)** for an environmental authority means an amendment that:

(b) does not significantly increase the level of environmental harm caused by the relevant activity, and

(c) does not change the rehabilitation objectives stated in the environmental authority in a way likely to result in significantly different impacts on environmental values than the impacts previously permitted under the authority; and

(d) does not significantly increase the scale or intensity of the relevant activity; and

(f) involves an addition to the surface area for the relevant activity of no more than 10% of the existing area.

Justification

Section 223(b) is unable to be met by the application. The application proposes additional surface disturbance totalling 3,761ha for the expansion of mining activities. The project is anticipated to cause impacts to environmental values including air, noise, groundwater, surface water, and biodiversity. The widespread impact to environmental values is considered to represent a significant increase in the level of environmental harm caused by the activity.

Section 223(c) is unable to be met by the application. The rehabilitation objectives for the final voids associated with SA7 on ML1762 and SA10 on ML1962 are not specified in sufficient detail to determine whether there is a change in the rehabilitation objective. The information provided does not sufficiently demonstrate that the final voids will not cause serious environmental harm to land, surface waters or any recognised groundwater aquifer.

Section 223(d) is unable to be met by the application. The application is proposing to increase the annual extraction rate from 16mtpa to 17.6mtpa. The increase in the production rate represents a significant increase in the scale and intensity of the activity.

Section 223(f) is unable to be met by the application. The application details that the proposed project will disturb an area totalling 3,761ha. The represents an >10% increase in current surface disturbance.

4. Notification stage applies

The notification stage in Chapter 5, Part 4 of the EP Act will apply to this amendment application.

Further information regarding the public notification requirements under Chapter 5, Part 4 can be accessed at www.business.qld.gov.au using the search term 'public notification requirements for environmental authority applications'.

5. Assessment fee

The administering authority has determined that the proposed amendment to the environmental authority is a major amendment therefore further fees for the assessment of this application are required to be paid to the administering authority.

The assessment fee for a major amendment is 30% of the annual fee for the environmental authority that is the subject of the application prescribed under Schedule 15, Part 2, Item 9 of the *Environmental Protection Regulation 2019*.

The assessment fee to be paid is identified on the attached invoice along with payment methods.

Under section 229(2)(b) of the EP Act, the assessment of the amendment application will not proceed until the assessment fee is paid.


6. Human rights

A human rights assessment was carried out in relation to this decision and it was determined that the decision is compatible with human rights.

7. Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this internal review decision to the Land Court. Information about your review and appeal rights can be found via the following link: https://www.des.qld.gov.au/policies?a=272936:policy_registry/era-is-review-appeal.pdf. This information is guidance only and you may have other legal rights and obligations.

Should you have any questions in relation to this notice, please contact the department using the contact details provided below.



Signature

17/01/2024

Date

Emma Burgess
Department of Environment, Science and Innovation
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Coal Business Centre
PO Box 3028, Emerald QLD 4720
Phone: (07) 4987 9320
Email: CRMining@des.qld.gov.au

Attachments

Assessment fee invoice