

Notice

Environmental Protection Act 1994

Information request

This information request is issued by the administering authority under section 140 of the Environmental Protection Act 1994 to request further information needed to assess an amendment application for a site-specific environmental authority.

To: Fitzroy (CQ) Pty Ltd
Level 20, 324 Queen Street
Brisbane City Q 4000

ATTN: Sophie Bereyne
Email: sbereyne@fitzroyoz.com

Our reference: EA00001299

Further information is required to assess an amendment application for environmental authority

1. Application details

The amendment application for a site-specific environmental authority was received by the administering authority on 24 March 2023.

The application reference number is: A-EA-AMD-100405752.

Land description: ML700024.

2. Information request

The administering authority has considered the abovementioned application and is writing to inform you that further information is required to assess the application (an information request).

The information requested is outlined below in **Attachment 1**.

3. Actions

The abovementioned application will lapse unless you respond by giving the administering authority -

- (a) all of the information requested; or
- (b) part of the information requested together with a written notice asking the authority to proceed with the assessment of the application; or

(c) a written notice –

- i. stating that you do not intend to supply any of the information requested; and
- ii. asking the administering authority to proceed with the assessment of the application.

Should the information request require an EIS process or applicant to submit a progressive rehabilitation and closure (PRC) plan then it must be completed and submitted.

A response to the information requested must be provided by 9 November 2023 (the information response period). If you wish to extend the information response period, a request to extend the period must be made at least 10 business days before the last day of the information response period.

The response to this information request or a request to extend the information response period can be submitted to the administering authority by email to CRMining@des.qld.gov.au.

If the information provided in response to this information request is still not adequate for the administering authority to make a decision, your application may be refused as a result of section 176 of the *Environmental Protection Act 1994*, where the administering authority must have regard to any response given for an information request.

4. 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.**

5. 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. Information about your review rights is attached to this notice or search 'DES Internal review and appeals' at business.qld.gov.au. This information is guidance only and you may have other legal rights and obligations.

If you require more information, please contact Hayley Gottke on the telephone number listed below.



Signature

10/05/2023

Date

Ben Byrd
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Coal Business Centre
PO Box 3028, Emerald QLD 4720
Phone: 07 3330 6283
Email: CRMining@des.qld.gov.au

Attachment 1: Additional information required

Item	Issue	Request
1. Subsidence	There is currently no Subsidence Management Plan, Rehabilitation Management Plan or approved PRCP schedule to explain in detail the potential impacts from subsidence (and subsidence repair) of the underground mining operation on environmental values and how these impacts will be avoided, mitigated, managed or offset.	In the absence of these documents, describe in sufficient detail and quantify areas and locations (in figures) where possible, all potential above ground disturbance from the revised underground mine layout including gas drainage activities, subsidence (predicted ponding, cracking etc.), interference with watercourses/drainage lines, vegetation clearing and subsidence rehabilitation/repairs.
2. Subsidence of riparian areas	Condition I1 of the EA currently permits the subsidence of Spade Creek, subject to conditions I1 to I13. The proposed underground mine layout involving longwall mining also occurs under Bullock Creek East and South Spade Creek / Alpha Creek. The EPBC approval requires that all management measures, monitoring, reporting and corrective actions regarding the subsidence of Spade Creek are also applied to Alpha Creek.	Provide further information about the subsidence risk to Bullock Creek East and South Spade Creek / Alpha Creek.
3. MNES and MSES	An ecology report was provided with the supporting documentation; however, it only addressed the ecology impacts associated with the additional surface disturbance areas. No ecological assessment was provided for the surface impacts relating to subsidence of the underground mining area, or for impacts from rehabilitation of subsided areas.	Evaluate the impact of the revised project (both surface infrastructure and surface disturbance—including from rehabilitation activities—from the underground mine) on MNES and MSES and show in a table and figures.
4. Conservation significant species	There is essential habitat (MSES) mapped on the ML for the ornamental snake, which is classified as Vulnerable under the EPBC Act (Cmwth) and NC Act (Qld). There is also a known record for this species within the ML. The supporting ecology report included the essential habitat map and table, however there was no further discussion on how this species may be impacted by the proposed amendment, or whether offsets may be required. There is currently no approved	Provide details about: <ul style="list-style-type: none"> • potential impacts from the proposed amendment on this species • include any documentation provided to DCCEEW regarding this species • any offset requirement.

	clearing for ornamental snake habitat addressed in Table G1 of the EA.	
5. ERA 63 – Sewage treatment	<p>The supporting information states that an ERA amendment is also requested to change the sewage treatment capacity from 20 to 100EP (as currently permitted in the EA) to allow for 400EP.</p> <p>The applicable ERA threshold would be: (b) more than 100 but not more than 1,500EP.</p> <p>This is not considered an administrative amendment.</p>	<p>Provide reference to the relevant sections of the EIS which justify the total daily peak design capacity of 400EP.</p> <p>Further discussion should also be provided regarding the expected volumes of treated sewage, specifications of the STP required and whether the irrigation area is suitable for the increased sewage treatment capacity.</p> <p>Identify if any of the current sewage treatment conditions (e.g. C15) will need to be amended.</p>
6. Groundwater	<p>Fitzroy have responded to an informal information request regarding groundwater queries relating to the application. The below item is outstanding and is required to be addressed.</p> <p>Item 2.2 of the informal IR requested drawdown contours for the Rewan Formation and the Regolith. These maps were provided for the 'Predicted drawdown'. Similar to Appendix C, Figure 7 of the supporting information with the application, DES requires three separate figures for Layer 2 (Revan Formation), titled 'Approved drawdown', 'Proposed drawdown' and 'Incremental drawdown' (showing the difference between the two).</p>	<p>Provide three figures for the drawdown contours for the Rewan Formation, similar to Appendix C, Figure 7 of the application supporting information.</p>