

# Notice

## *Environmental Protection Act 1994*

### Assessment level decision

*This amended notice is issued by the administering authority under section 24AA of the Acts Interpretation Act 1954 pursuant to section 229 of the Environmental Protection Act 1994 to advise whether a proposed amendment to an environmental authority is a major or minor amendment.*

To: Fitzroy (CQ) Pty Ltd  
Level 20, 324 Queen Street  
BRISBANE CITY QLD 4000  
*By email transmission only*

ATTN: Sophie Bereyne

Email: [sbereyne@fitzroyoz.com](mailto:sbereyne@fitzroyoz.com)

Your reference: EA0001299

Our reference: C-EA-100405767

### Assessment level decision for an application to amend an environmental authority

#### 1. Application details

The application to amend the environmental authority **EA0001299** for Ironbark No. 1 Coal Mine was received by the administering authority on **24/03/2023**.

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

Land description: **ML700024**

#### 2. Decision

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

#### 3. Reasons for the decision

The proposed amendment does not meet the definition of a minor amendment under section 223(b) of the *Environmental Protection Act 1994* (EP Act), which states:

Minor amendment (threshold) for an environmental authority, means an amendment that – does not significantly increase the level of environmental harm caused by the relevant activity.

The amendment application did not include updated maps of predicted subsidence impacts from the proposed changes to the underground mine layout such as ponding and surface cracking, or an ecological assessment of these impacts on Matters of State Environmental Significance (MSES).

Based on the information provided, the administering authority considers that the proposed amendment has the potential to significantly increase the level of environmental harm and require additional offsets.

**4. Public notification**

The notification stage in Chapter 5, Part 4 of the EP Act will apply to this amendment application as required by section 230 of the *Environmental Protection Act 1994*.

**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 8 of the *Environmental Protection Regulation 2019*.

The assessment fee to be paid is \$33,715.20.

If applying through online services, you can pay the assessment fee by credit card. Alternatively, the assessment fee can be paid by cheque or money order to the Department of Environment and Science.

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 is at [Internal review and appeals \(des.qld.gov.au\)](https://des.qld.gov.au/internal-review-and-appeals). This information is guidance only and you may have other legal rights and obligations.

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**Assessment level decision**

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



Signature

12/04/2023

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

**Enquiries:**  
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