

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 application for a proposed PRC plan.

To: Agriflex Pty Ltd
Level 6, 44 Waymouth Street
Adelaide, South Australia 5000

Email: rmencil@centrexmetals.com.au

ATTN: Robert Mencil

Reference: BRMN0037; 101/0023146

Further information is required to assess an application for a PRCP schedule

1. Application details

As required by a statutory notice issued under section 754 of the *Environmental Protection Act 1994*, Centrex Phosphate Pty Ltd (now Agriflex Pty Ltd) submitted a proposed rehabilitation and closure plan (PRC plan) to the administering authority on 29 October 2021.

The reference number is C-EATPRCP-100150654.

Land description: Mining Lease (ML) tenement ML5542

2. Information request

The administering authority has considered the abovementioned submission and is writing to inform you that further information is required to assess the application (an information request). The information requested is specified in Attachment 1 to this notice.

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.

A response to the information requested must be provided by **17 June 2022** (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 ESCairns@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.

If you require more information, please contact the Minerals Business Centre using the telephone number or email address listed below.



Signature

Chris Wake

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

09/12/2021

Date

Enquiries:

Minerals Business Centre
PO Box 7230, Cairns QLD 4870
Phone: (07) 4222 5352
Email: ESCairns@des.qld.gov.au

Attachment 1 – Information requested.

Item #	Relevant section (proposed PRC plan)	Matter	Information Request
Rehabilitation Planning Part			
1	Section 2.1	Appendix D to the PRC plan is a Land & Marine Geological Services Pty Ltd (L&MG SPL) (2018) report '<i>Centrex Phosphate Limited: Feasibility Study – Ardmore Phosphate Project: Tailings Storage Facility Concept and Water Storage Facility Preliminary Concept</i>' (Revision 0, 29/08/2018). The L&MG SPL (2018) report is referenced in section 2.1 of the proposed PRC plan and an appendix (Appendix 4) to the report is referenced in section 6.8.2.2 of the proposed PRC plan. The conceptual structures reported are not approved under the issued EA.	The L&MG SPL (2018) report itself relates to potential future structures (x2) and does not appear to have current relevance to the proposed PRC plan. Therefore, please remove this document from the PRCP submission
2	Section 2.1.12	This part of the proposed PRC plan provides information on the underlying land tenure; however, does not include information regarding the underlying landholders (if relevant).	If relevant, in accordance with section 3.1 (Project planning) of the PRC plan guideline, please identify the underlying landholders of the land on which the project is located. For reference, this information would be considered relevant in the event that Centrex Phosphate has agreement with the landholder for the retention of mine infrastructure (tracks, haul roads, etc) post mining.
3	Section 2.2, Section 4.4 and Section 6	Previous EA application material and aerial imagery identifies existing disturbance areas (including exploration drill holes and costeans) that are not included in the Rehabilitation Planning Part of the PRCP.	In accordance with section 3.1 (Project planning) of the PRC plan guideline, please include information regarding the presence and rehabilitation status of existing exploration disturbance on site, including proposed rehabilitation methodology. Areas subject to exploration activities should be described in text, identified in mapping and details included in a Rehabilitation Area.

4	Section 2.2.9	Section 2.2.9 of the proposed PRC plan indicates that the Start-up Operation disturbance area (approximately 21.50 ha) is unavailable for rehabilitation until operations cease or until the decision is made whether full-scale operations would be pursued. For reference, section 126D of the EP Act provides that land is available for rehabilitation if the land is not being mined, unless— (a) the land is being used for operating infrastructure or machinery for mining, including, for example, a dam or water storage facility; or (b) the land is identified in the proposed PRCP schedule or the application for an environmental authority for relevant activities to which the schedule relates as containing a probable or proved ore reserve that is to be mined within 10 years after the land would otherwise have become available for rehabilitation; or (ba) the land is required for the mining of a probable or proved ore reserve mentioned in paragraph (b); or (c) the land contains permanent infrastructure identified in the proposed PRCP schedule as remaining on the land for a post-mining land use. <i>mined</i> means mined within the meaning of the <i>Mineral Resources Act 1989</i>, section 6A.	Please provide relevant justification of timeframes for land being available for rehabilitation, and for the rehabilitation milestones proposed in the PRC schedule, and/or if applicable alternative timeframe/s may be relevant.
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		probable or proved ore reserve means a probable ore reserve or proved ore reserve mentioned in the listing rules made by ASX Limited (ACN 008 624 691) for the listing of corporations on the Australian stock exchange. In accordance with section 3.1 (Project planning) of the PRC plan guideline, the proposed PRC plan should include relevant justifications for rehabilitation timeframes associated with land being available for rehabilitation.	
5	Section 3.3 Community consultation Plan	The reported advice, that a decision on whether the project would progress to full scale is yet to be determined, is acknowledged. However, the community consultation plan must provide required detail based on the current project authorised by the EA.	In accordance with section 3.5 of the PRCP Guideline, please provide information about the proposed community consultation frequency based on the existing approved project and information regarding how feedback/comments will be considered.
6	Section 6.2 Flooding	It is noted that the tailings material is primarily clay material and that the proposed TSF cover system would comprise subsoil and topsoil layers of unspecified thicknesses. Hence, there is a risk that high flow events may result in the erosion of the cover system and release of tailings material. Figure 9 provides a map of the 1:100 AEP but does not show flood extent, velocity or depth for a PMF event.	In accordance with section 3.6.1 of the PRC plan guideline, please provide assessment of flooding susceptibility and influence across the site.
7	Section 2.1.6 and Section 6.3 Soil and capping material	These sections of the proposed PRC plan provide some information regarding soils on the mining tenure. However, they do not provide the results of soil analysis undertaken (as detailed in Appendix A) and how they are taken into consideration when developing the rehabilitation strategy. Appendix A appears to group soil analysis results together so they range from non-sodic to strongly sodic. It is unclear how these soils will be selectively managed to ensure sodic soils and/or dispersive soils are not used in the TSF bund and ultimately, as cover material for the TSF. Section 6.3 does not provide a soil and capping material assessment that meets all the requirements of Section	Provide information that satisfies the requirements for soil and capping material assessments in Section 3.6.1 of the PRC plan guideline.

		3.6.1 of the PRC plan guideline. Capping material information is required to demonstrate the material proposed to be used in the rehabilitation methodology is suitable and will achieve a stable condition.	
8	Section 6.4.2 Mine Waste	Information about the characterisation specific to the project, how the proposed rehabilitation methodology considers the characterisation results and how a stable condition (particularly relating to stable and non-polluting) will be achieved.	Please provide additional clarification relating to mine waste characterisation and how information has been considered with respect to areas disturbed by activities authorised under the EA.
9	Section 6.5 Landform and Cover design	It is noted that the tailings material (tailings and co-disposed brine from the RO plant) is expected to be high in salts (section 6.8.2) and the cover design does not specify the thicknesses or characteristics of material used in the cover. Hence, it appears there is potential for salt rise through the cover material which may inhibit vegetation establishment and ultimately achieving a stable condition. It is understood that the pit and TSF will be backfilled. However, this section does not address much of the information required under the landform design part of section 3.6.1 of the PRCP Guideline. Therefore, it is unclear what measures have been taken during the development of the design and planned rehabilitation methodology to ensure that a stable condition will be achieved for the landforms.	In accordance with section 3.6.1 and 3.6.2 of the PRC plan guideline, please provide information regarding the proposed TSF landform design and cover system, including relevant supporting information that indicates how the rehabilitation intent is appropriate in respect to the material being covered and how rehabilitation actions would ensure that a stable condition is achieved.
10	Section 6.6 Water management	This section provides information on water management during operation. Section 6.6.2 focusses on hydrocarbon and contaminant spills/leaks during operation. This section does not consider the chemical characteristics (GAI and salt) of the mine waste material (both waste rock and tailings) and does not provide source, pathway, fate analysis for elements that are elevated according to characterisation work undertaken.	Please provide information required by the water management part of section 3.6.1 of the PRC plan guideline as it relates to the rehabilitated site.
11	Section 6.7 Revegetation process	This section provides basic information regarding the proposed revegetation methodology but does not include most of the information required by section 3.6.1 of the PRCP Guideline. Reference sites have not been identified	Please provide information required by the revegetation part of section 3.6.1 of the PRC plan guideline.

		or justified to ensure appropriate comparisons for the final milestone criteria. Specific characteristics of reference sites that will be used for comparison with completed rehabilitation have not been provided.	
12	Section 6.9 Voids	This part states that no void will remain at closure. However, section 6.5 states a void will be developed as a result of the mining activity and it will be partially backfilled with the remaining landform being 5-6m lower than the original land surface. Therefore, a partially backfilled void will remain after closure and section 3.6.3 of the PRCP Guideline applies.	Please provide information required by section 3.6.3 of the PRC plan guideline to demonstrate a stable condition will be achieved. Where it is believed that information requirements do not apply, please provide justification for not including the required information. Note: In addition to the proposed pit void, discussion regarding proposed rehabilitation of exploration costean (trench) areas would be a relevant inclusion.
13	Section 6.11 Built infrastructure	This section provides some information about the infrastructure that will be built to support the project but does not describe the methods for decommissioning, removal and rehabilitation (particularly for the road and pipeline). This section does not provide evidence of landholder agreement for infrastructure to remain and therefore provision must be included for infrastructure removal and rehabilitation of all infrastructure areas.	Provide information required by section 3.6.5 of the PRC plan guideline.
14	Section 7.2 Risk Assessment	The risk assessment will be the primary way to justify any time gaps between when an area is available for rehabilitation and when the milestones are to be achieved. The risk assessment does not appear to consider risks associated with proposed control measures failing, or to consider the risk of milestones not being achieved. For example, it is possible that capillary action will cause salt to rise through the cover system and impact vegetation establishment. However, this risk is not captured in the risk assessment. The geotechnical assessment of the tailings indicates that an extended settling and drying period may be required. However, the risk of tailings not achieving the	Provide an assessment of risks associated with the failure of proposed control measures and failure to meet rehabilitation milestones. The risk assessment needs to identify: - Risks specific to rehabilitation achieving a stable condition for a PMLU. - How the applicant intends to treat the risks through the creation of a risk treatment plan that can be incorporated in the risk assessment table.

		required density to allow capping has not been recognised in the risk assessment. For example, a Golder (2018) report 'Soils Site Assessment: Ardmore Phosphate Rock Project' (1782517-22-R-Rev1, 06/08/2018) includes that soil conservation and erosion and sediment control best practises should be utilised to reduce the risk of soil erosion and reduce the risk of salt and sulfate impacted soils being mobilised into the receiving environment; also noting that minimising the duration of soils stockpiled on site would help reduce the risk of soil erosion occurring.	The risk assessment should support and justify the milestone criteria in the proposed PRCP schedule. Actions identified to control a risk to achieving a milestone should be included as milestone criteria in the PRCP Schedule as the risk assessment identifies these actions as being necessary to achieve a stable condition for a PMLU.
15	Section 8 Monitoring and Maintenance	The monitoring plan set out in section 8.1 proposes monitoring that is limited to photographic evidence that does not provide specific indicators that can be measured over multiple years to demonstrate comparisons with reference sites. The proposed monitoring plan does not: • document the locations and characteristics of the reference sites to allow comparison and determine compliance with milestone criteria. • state the frequency of monitoring. • gather sufficient evidence to demonstrate a stable condition (including achievement of the PMLU) has been achieved and ultimately support a surrender application. Section 8.2 provides for a limited range of contingency strategies that do not necessarily reflect the risks associated with the land achieving a stable condition and do not reflect the risks identified in section 7.2.	In accordance with section 3.8 of the PRC plan guideline, include a monitoring and maintenance program that satisfies requirements and that would gather quantitative information to demonstrate milestone criteria have been achieved.
PRCP Schedule			
16	Final Site Design	Figures titled Post Mine Land Use provide a footprint area of disturbance and the area of mining lease. However, Post Mine Land Uses are not provided for the entirety of the mining tenure and therefore these maps do not meet the requirements of a final site design.	Please include maps that meet the requirements of the final site design in accordance with section 4.1, Step 1 of the PRCP Guideline.

		The following two maps must be included and would form part of the approved PRCP Schedule: - Final site design, which has the purpose of showing the community what the site will look like post surrender, depicting: All Post Mining Land Uses (PMLU) and Non-Use Management Areas (NUMA) for all land within the relevant resource tenures, including undisturbed land; Maximum disturbance footprint; Resource tenure boundaries; Floodplain extent (if relevant). - Reference map(s) which have the purpose of showing the boundary of each rehabilitation area (for PMLUs) and improvement area (for NUMAs). Only areas of disturbance need to be included on these reference maps.	Note: Exploration drill areas and costean (trench) locations should also be depicted, and additionally included in spatial data.
17	Rehabilitation milestones & timeframes	The commencement of the first milestone in the proposed PRCP schedule is shown as 01/12/1931. This timeframe does not appear to be correct. Some of the proposed timeframes for completion of rehabilitation milestones only allow a 1 year period (e.g. for covering of the TSF and achieving the final milestones). These timeframes do not appear to consider relevant risks such as the potential for adverse weather conditions and may result in non-compliance with the schedule.	Review the timeframes proposed in the PRCP schedule in consideration of this item and item 4 above. Amend timeframes as necessary. Provide timeframes in the schedule that account for potential risks to be identified in the risk assessment.
18	Rehabilitation milestone criteria	Some rehabilitation milestone criteria do not appear to meet the SMART principles. For example: • The rehabilitation milestones refer to reference sites to be identified in RM5. However, these must be established and justified in the rehabilitation planning part. Therefore, the criteria are not measurable.	Provide milestone criteria in accordance with Step 5 of section 4.1 of the PRCP Guideline.

		- The species proposed to be used in revegetation has not been provided and does not demonstrate relevance to the PMLU. - The criteria refer to photographs being taken as evidence. These are not quantitative, measurable methods of demonstrating criteria have been achieved. - RM 1 includes a criterion indicating that landholder agreement will be sought for infrastructure to remain. The PRCP must provide for the rehabilitation of all disturbed land unless there is evidence of agreement for the transfer of ownership of any infrastructure. Hence, this is not an appropriate criterion. The criteria for the final milestone do not include measures required to demonstrate a stable condition has been achieved. There are no criteria relevant to vegetation cover, evidence of vegetation being self sustainable and resilient or the vegetation being suitable for the post mine land use.	
19	Rehabilitation Areas	Previous application material and aerial imagery indicates there is exploration disturbance (drilling and costeans) within the mining tenure that are do not appear to be identified within the PRC plan, PRCP schedule and/or included in the RA4. Some of the areas shown in the PRCP schedule do not correlate (e.g. RA4 shows a total rehabilitation area size of 8.8ha but appears to require 13ha of rehabilitation activities be completed.)	Include all existing disturbance in a Rehabilitation Area so that rehabilitation milestones are assigned for the disturbance. Review the total rehabilitation area size and cumulative area achieved information provided in the PRCP schedule and amend as necessary.
Spatial data			
20	Spatial	The provided spatial data does not include all disturbance areas that are related to the project.	Exploration drill areas and costean (trench) locations should also be included in spatial data.