

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 PRCP schedule.

To: New Oakleigh Coal Pty Ltd
Level 16/175 Eagle Street
BRISBANE CITY QLD 4000

By email transition only.

ATTN: Ashley Sizeland

Email: asizeland@newhopegroup.com.au

Our reference: EPML00350213/101-0007940-001

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

1. Application details

The application for a PRCP schedule was received by the administering authority on 30 September 2021.

The application reference number is: **C-EATPRCP-100142209**.

Land description: ML4699, ML4584, ML50175, ML4698, ML4568, ML4683, ML4675.

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 provided in **Attachment 1: Information Requested (Table)** of 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.

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 3 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 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.

If you require more information, please contact Michael Davis (Senior Environmental Officer) on the telephone number listed below.



Signature

26/11/2021

Date

Chris Wake
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 4987 9320
Email: CRMining@des.qld.gov.au

Attachments

Attachment 1: Information Requested (Table)

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Item	Relevant Section (proposed PRC Plan and PRCP Schedule)	Matter	Information Request
Rehabilitation planning part			
1	Section 3.7 Monitoring and maintenance Table 25 (Rehabilitation milestone management and monitoring measures) Appendix G. Monitoring and Maintenance Plan Section 3 Monitoring Methodology Section 4 Data analysis, interpretation and reporting Schedule Milestone criteria	Under section 126C(1)(j) of the EP Act, the administering authority considers monitoring and maintenance necessary to decide if the PRC plan is consistent with the requirements of the legislation. The rehabilitation planning part must contain a monitoring and maintenance program that identifies and describes the monitoring systems that will be carried out in order to demonstrate a milestone and milestone criteria have been achieved. Section 3.7 and appendix G of the planning part contain general discussion on the proposed management and monitoring for each Rehabilitation Milestone and discuss broadly the methodology for monitoring vegetation and soil surveys, water quality monitoring and cattle grazing trials. Further information is requested about the specific methodology to demonstrate each milestone and milestone criteria have been achieved. This should include additional information relating to sampling design, frequency, replication, analysis methods and location of monitoring. In addition, subsequent items in this information request seek further refinement of some of the milestone criteria in order to meet SMART principles. Where new criteria are developed or existing criteria are further refined, consideration should be given to any consequent changes/updates to the monitoring and maintenance plan.	Provide a revised PRC Plan with additional information in the monitoring and maintenance plan to describe the monitoring system and methodologies that clearly articulate how each milestone and milestone criteria have been achieved.
2	Section 3.5.7.5 Existing water quality monitoring	Section 3.5.7.5 (Existing water quality monitoring) identifies that some parameters periodically exceed the trigger limits for sulfate, pH and TDS.	Provide a revised PRC Plan with additional information that explains and justifies the rationale for the selection

	Schedule: Milestone criteria for RM2 – Stable (Water Storage PMLU) RM3 – Achievement of target PMLU (sustainable) (Water Storage PMLU)	The Milestone criteria for RM2 – Stable (Water Storage PMLU) and RM3 – Achievement of target PMLU (sustainable) (Water Storage PMLU) include criteria that are defined as “high risk”, with respect to the nominated PMLU and also include criteria relating to discharges to the receiving environment. Further information is requested to evaluate and justify the water quality limits that have been selected as milestone criteria.	of water quality limits in the milestone criteria.
3	3.5.1 Rehabilitation objectives and rehabilitation status Section 3.5.4 Final landform design Rehabilitation Areas	Table 11 in Section 3.5.1 provides a breakdown of ‘Available Land’ PMLU and ‘Rehabilitated Land’ PMLU across the three mining areas (West, East and Normanton). Further information is requested to explain how the land identified in table 11 (under each PMLU category and each mining area) has been translated into the rehabilitation areas of the schedule. This will assist in the interpretation of the information presented against each mining area in section 3.5.4 as well as evaluation of the relevant rehabilitation milestones.	Provide a revised PRC Plan that provides additional information to explain how land has been included in the Schedule. Clearly distinguish ‘Available Land’ and ‘Rehabilitated Land’ as presented in Table 11 of the planning part.
PRCP Schedule			
4	Milestone criteria	Milestone criteria are required to be written in a manner that delivers on SMART principles, as per section 4.1 Step 4 and Step 5 of the PRCP Guideline. Several of the milestone criteria could be further refined to ensure they are following the SMART principles. Specific examples include (but are not necessarily limited to): • <i>landform is deemed safe for fauna</i> • <i>Hazard and Safety Assessment demonstrates hazards in rehabilitation areas are of a similar type and not significantly different to hazards in neighbouring similar PMLUs (i.e. low risk)</i> • <i>No recorded erosion classifications of ‘Severe’ or ‘Extreme’</i>	Provide a revised PRCP Schedule that provides Milestone criteria that meets the SMART principles. Provide further justification for the selected erosion categories or provide an alternative erosion criterion.

		• <i>No recorded erosion classifications of ‘Severe’ or ‘Extreme’, or areas requiring continuous maintenance’</i> • <i>Evidence of target germination rates, planting success and recruitment from initial monitoring’</i> In addition, further justification is needed regarding some milestone criteria. For example, the criteria relating to erosion utilise ‘severe’ or ‘extreme’ classifications, but it is not clear why other categories such as ‘minor’ or ‘moderate’ have not been utilised.	
5	Milestone Reference RM 1 Rehabilitation RM2 Stable RM2 – Stable (Native Ecosystem PMLU) RM3 Achievement of target PMLU (sustainable)	Section 4.1 Step 4 of the PRCP Guideline discusses that rehabilitation milestones are required for all rehabilitation areas that have a PMLU and rehabilitation milestones identify each significant event or step necessary to rehabilitate the land to a stable condition. The Schedule has been prepared so that three Milestone References (RM1, RM2 and RM3) are applicable to the relevant Rehabilitation Areas. Currently RM2 and RM3 appear to have a general milestone with criteria in rows 3 and 8 of the schedule in addition to four different occurrences of RM2 and five different occurrences of RM3. The risk to the EA holder is that the Schedule doesn’t provide clarity regarding the relevant Milestone criteria that must be achieved for each Rehabilitation Area. Assigning a sequential Milestone Reference number to each Rehabilitation Milestone, rather than referring to RM2 (continued) and RM3 (continued) will ensure that the Schedule clearly identifies the applicable milestone criteria for each Rehabilitation Area.	Provide a revised PRCP Schedule that assigns a sequential milestone reference number to reflect the currently allocated 12 Rehabilitation Milestones in the Schedule and ensure this covers all required Rehabilitation Milestones.