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: The Austral Bricks Co Pty Ltd
105 Gardener Road,
ROCHDALE QLD 4123

ATTN: Jodie Hawley
Email: jodie.hawley@brickworks.com.au

Your reference: EPML00912113 / 101/0021102

Our reference: C-EATPRCP-100262503

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

1. Application details

The application for a proposed PRC plan was received by the administering authority on 28 April 2022.

The application reference is: C-EATPRCP-100262503

Land description: Mining lease (ML) ML1151, ML1152, ML1156, ML50035

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 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

Queensland Government

ii. asking the administering authority to proceed with the assessment of the application.

A response to the information requested must be provided by 16 December 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.

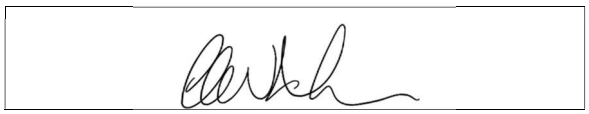
The response to this information request or a request to extend the information response period can be submitted to the administering authority by email to ESCairns@des.qld.gov.au.

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 Sophia Armstrong on the telephone number listed below.



Signature

09/06/2022

Date

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

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

Attachments

Attachment 1: Additional information requested for proposed PRC plan – Austral Bricks Co. Pty Ltd

Attachment 1: Additional information requested for proposed PRC plan – The Austral Bricks Co Pty Ltd

Item	Relevant section (proposed PRC plan and/or PRCP Guideline)	Matter	Information Request
Rehabilitation Planning Part			
1	Spatial Information	A spatial information submission was made on 3 May 2022 along with the PRC plan. This submission did not meet validation requirements by the Spatial submissions team and following this another submission was made on 4 May 2022 which passed initial validation. The information included within the spatial files did not display and label all of the PMLU's for the areas under the resource tenures. A number of points were included within the file which appeared to be sensitive receptors however these were not labelled. Additionally, the rehabilitation and improvement areas that correspond to the proposed PRCP schedule are a requirement of the PRCP guideline to be included.	Provide an updated Rehabilitation Planning Part that includes a reviewed spatial information document and captures all the relevant spatial information requirements including the updates and changes captured within this information request.
2	Post Mining Land Use	The majority of the land covered by ML1156 and ML1151 (Rochedale site) is proposed to be industrial area. However, aerial imagery and the figure on PDF page 113 shows a wetland on the western side of the leases. It is unclear how the wetland will be suitable for industrial use. While it is noted that each site has areas of native ecosystem, and wetland ecosystem, comparable regional ecosystems or reference sites have not been nominated.	Provide an updated Rehabilitation Planning Part that includes further information regarding: • how the wetland ecosystem PMLUs function in the broader landscape, and • reference regional ecosystems types or reference sites that will be used to demonstrate the native ecosystem PMLU.
3	PMLU Rochedale	The pre-approved PMLU for the Rochedale site is industrial. However, the PRCP proposes PMLUs of industrial, wetland and native ecosystem. No information is provided demonstrating how the proposed PMLU is the same or substantially similar to the approved PMLU. Where the proposed PMLU is not pre-approved, community consultation relating to the proposed land uses must be provided and the PRC plan	Provide information that demonstrates the proposed PMLUs are substantially similar to the pre-approved PMLU. Provide additional information relating to community consultation and the extent to

		must state the extent to which the proposed PMLU is consistent with the outcomes of consultation.	which the proposed land uses are consistent with the results of community consultation.
4	3.4.2 Progressive rehabilitation Burbank	This section provides information regarding rehabilitation that has already occurred. The condition of the existing rehabilitation and whether further work is required to achieve a stable condition is unclear. It is unclear where in the schedule these areas are represented. Information demonstrating the proposed species mix is suitable for the site and reflects the adjacent regional ecosystems is not provided.	Provide an updated Rehabilitation Planning Part and updated Schedule that includes the following: • information on the condition of the existing rehabilitation, • where existing rehabilitation areas are represented throughout the schedule, and • information demonstrating the proposed species mix is suitable for the site.
5	6.3 Flooding	This section provides some flood information and states that Burbank and Redland Bay are not subject to flooding. Supporting evidence is not provided. Some figures are provided for the Rochedale site. However, it is unclear from the information provided how proposed drainage measures and detention basins to be implemented will convey water in a range of flood events.	Provide an updated Rehabilitation Planning Part that includes information regarding the location of the floodplain in a range of events for the Burbank and Redland Bay sites. Provide information regarding how these sites will be rehabilitated to a condition that will remain stable in a range of rainfall/flood events up to PMF. Provide an updated Rehabilitation Planning Part that includes further flood modelling that shows the depth and velocity of water through the drainage system proposed for the Rochedale site during a range of flood levels.
6	6.4.1.3 Topsoil requirements	This section does not provide information about topsoil requirements to complete rehabilitation. RM7 indicates that overburden will need to be used to supplement topsoil to provide sufficient growth medium. Section 3.1.9.3 provides a description of soil samples gathered from a number of locations on the Burbank site including existing rehabilitation areas and demonstrates that areas with very high ESP (Rehab 2.1 and	Provide an updated Rehabilitation Planning Part that includes further information regarding: • quantity of topsoil material required to complete rehabilitation at each site,

		2.2) have poor groundcover and vegetation density. This section also suggests the amelioration of soil with lime or gypsum will be required. However, neither section 6.4.1.3 or the PRCP schedule include the incorporation of ameliorant/s into the subsoil or topsoil during or after spreading. Section 6.4.1.3 also states that no topsoil is required for the Rochedale site as all land will be used for industrial infrastructure. However, Figure 29 indicates that the southern portion of ML1156 will not be used for industrial area and has been disturbed by mining activities. Hence, it appears that a rehabilitation method for this area to achieve a stable condition has not been provided. Further, section 6.8.2.1 states that should a development approval not be obtained to use the land for an industrial purpose the land will be rehabilitated using rural residential pasture species mix.	• whether overburden will be used to supplement topsoil material, • the ameliorants and fertilisers that will be used, application rate and method of incorporation, and • the relationships between the proposed topsoil material, vegetation ecosystems for the PMLU and the proposed rehabilitation methodology.
7	6.4.2 Backfill materials	This section proposes that fill material meet NEPM soil contamination guidelines for commercial industrial premises. Soils that meet the contamination requirements for commercial industrial premises may not be suitable for a PMLU of native ecosystem or rural residential. There is no distinguishment between fill for the Rochedale site and fill for the Burbank or Redland Bay sites. RM4 of the PRCP schedule indicates that offsite material will not be used for fill at the Burbank or Redland Bay sites. A clarification statement should be provided in this part of the Rehabilitation Planning Part to clearly establish imported fill material will not be used for any land with a PMLU of native ecosystem, wetland ecosystem or rural residential.	Provide an updated Rehabilitation Planning Part that includes further information regarding how the importation of fill material will be undertaken and managed to ensure that the land will achieve a stable condition.
8	6.6 Water management	In the flooding section, reference is made to the establishment of a drainage channel and detention basins at the Rochedale site. However, a description of the intent of design and function of the drainage channel and detention basin is not provided in this section. This section lists potential contaminants from fuel and chemical storage areas but does not specify which sites it applies to or how this will be rehabilitated to achieve a stable condition.	Provide an updated Rehabilitation Planning Part that includes further information regarding water management at the Rochedale site after the cessation of mining including: • design parameters for drainage channels, and • the intended purpose and function of the detention basin in the water management section.

		While this section states that the sites will be free draining, it does not describe the receiving environment and how surface water flow from the site will discharge to the receiving environment.	Provide an updated Rehabilitation Planning Part that includes further information regarding how the land and groundwater will be rehabilitated to ensure it achieves a stable condition. Provide an updated Rehabilitation Planning Part that includes further information regarding the discharge locations at each site and how surface water flow from the site will be non-polluting and not cause erosion in the receiving environment.
9	6.7.1 Industrial PMLU	This section provides information about previous and future approvals to support the land use, provides a concept plan in figure 29 and states the final landform will be prepared for a development application. Figure 29 includes several detention basins and appears to indicate the current wetland on the western boundary will be filled in. This figure does not indicate the final landform of the southern portion of ML1156. A description of rehabilitation activities needed to achieve the final landform including how the landform will interact with the detention basins, drainage and receiving environment is not provided.	Provide an updated Rehabilitation Planning Part that includes a description of rehabilitation activities needed to achieve the final landform including how the landform will interact with detention basins, drainage and the receiving environment.
10	6.7.2 Native Ecosystem PMLU	This section proposes to leave land with slopes of 17-35 degrees which will then be spread with topsoil. However, section 3.1.9.3 notes that soils on the Burbank site can be highly sodic. Information demonstrating a stable condition can be achieved with the proposed angles on sodic soils has not been provided.	Provide an updated Rehabilitation Planning Part that includes further information to address the requirements of the Landform design part of section 3.6.1 of the PRCP Guideline.
11	6.7.3 Wetland Ecosystem PMLU	It is noted that wetlands are proposed for each of the three sites. However, information regarding how these wetlands have been/will be constructed and will function within the landform and the surrounding PMLU is not provided. Information about the proposed maximum depth of the wetlands, potential overflow points and maximum batter slopes to facilitate riparian vegetation and to achieve a stable and safe condition has not been provided.	

12	6.7.4 Rural residential PMLU	Information regarding the proposed topography of the land, maximum slope angles and discharge points has not been provided.	
13	6.8.2 Revegetation Methods	This section provides a species list for Native Ecosystem PMLU. However, information is not provided to demonstrate how the species mix: • reflects the species composition similar to the pre-mining composition (as required by the Environmental Authority), or • reflects regional ecosystems found in the surrounding environment Seeding and tubestock planting rates are not provided. Information relating to the sourcing of tubestock and relevant seed mixes is absent. Information regarding the application and incorporation of ameliorants and fertilisers is not provided. Information regarding how revegetation of native ecosystem and wetland ecosystem post mining land uses provide for fauna use and habitat has not been included. Information regarding how the wetland ecosystem areas will be rehabilitated is not provided. It is noted that this section also proposes that the land be left to naturally regenerate and that seeding and planting will only be carried out as required. It is unclear how this will achieve a stable condition given existing rehabilitation areas are showing signs of insufficient groundcover and vegetation cover. Throughout table 42 'Proposed Rural Residential Pasture Species Mix' there have been species proposed which are regarded as an environmental weed/invasive species in Queensland.	Provide an updated Rehabilitation Planning Part that includes further information regarding proposed revegetation required by the Revegetation part of section 3.6.1 of the PRCP Guideline. Provide an updated Rehabilitation Planning Part that includes proposed species mixes for native ecosystem and rural residential PMLUs that do not include identified environmental weeds/invasive species. Provide further information regarding revegetation works previously carried out including but not limited to: • timing of previous rehabilitation activities, • monitoring and maintenance, • soil types, and • lessons/successes applicable to future revegetation
14	6.9 Contaminated land remediation	This section does not provide a methodology and commitment to ensure the land is non-polluting and is suitable for the PMLU including rural residential and native ecosystem. This is relevant considering section	Provide an updated Rehabilitation Planning Part that includes further information regarding how each of the sites will be non-polluting and suitable for the PMLU.

		6.4.2 states that material from sites listed on the EMR may be used as backfill for land forming activities.	
15	3.8 (Monitoring and maintenance) of the PRCP Guideline	The Rehabilitation Planning Part provides some information regarding reactive management of rehabilitation that relies on active monitoring and maintenance/intervention. Further, some aspects of the rehabilitation methodology is reliant on monitoring such as sampling and monitoring of backfill material to be used on the Rochedale site. Further information relating to section 3.8 of the PRCP Guideline is required. For example, information regarding proposed monitoring to determine whether intervention is required and demonstrate success of rehabilitation. The monitoring and maintenance section should document a monitoring program to gather data that will be used to demonstrate a stable condition has been achieved and the land is suitable for surrender.	Provide an updated Rehabilitation Planning Part that includes further information regarding monitoring and maintenance in accordance with section 3.8 of the PRCP Guideline.
PRCP Schedule			
16	RA1 Rochedale	RA1 (Rochedale site) includes two different proposed PMLU's of wetland and native ecosystem. In accordance with Step 2 of section 4.1 of the PRCP Guideline, RAs may only contain one PMLU.	Provide an updated PRCP Schedule that proposes a single PMLU for each RA at the Rochedale site.
17	RA2 Burbank and Redland Bay	It appears that RA 2 is an area that has not been disturbed and is not proposed to be disturbed. If this is the case, then it should not be included in the schedule or reference maps and should only be reflected in the final site design.	Provide an updated PRCP schedule including reference maps that only include areas that have been, or will be, disturbed.
18	Reference Areas	It is noted that the PRCP Schedule includes multiple RA1s-RA4s. However, the rehabilitation methodology outlined for the RA differs between each site. In accordance with step 2 of section 4.1 of the PRCP Guideline, each RA may only contain one PMLU and rehabilitation methodology.	Provide an updated PRCP schedule that nominates unique RA numbers for each site.
19	RA3 Burbank Sediment Basin	There appears to be an inconsistency in the PRCP schedule for RA3 – Burbank (sediment basin). The Excel (.xls) template version of the schedule numbers this as RA4 and no area is included in the rehabilitation schedule despite the RA having an area of 0.148877.	Provide an updated PRCP schedule and/or planning part that addresses the inconsistency identified.
20	Areas nominated in Rehabilitation	The areas included in each RA do not appear to be cumulative areas of rehabilitation (for example, see RA1 – Redland Bay). As outlined in Appendix 2 of the PRCP Guideline, progressively rehabilitated areas are	Provide an updated PRCP schedule that provides cumulative areas of rehabilitation as each rehabilitation milestone is achieved.

	Tables for each RA	to be accumulated as each RM is achieved so that at the end of the rehabilitation table, the total area of disturbance is reflected in the final milestone indicating that the entire area has achieved a stable condition.	
21	RM3	It is noted that a PSI is only proposed if land is listed on the EMR. The Rehabilitation Planning Part does not provide advice regarding whether any of the sites are listed on the EMR. Further, the Rehabilitation Planning Part also proposes to allow the use of fill material from sites on the EMR or wastes to be used as backfill material on all 3 sites.	Provide an updated PRCP schedule that includes milestone criteria that reflect the requirement for the land to achieve a stable condition regardless of an EMR listing. For example: a. Contaminated material either mediated in-situ or removed/transported to an approved landfill for disposal and waste tracking information recorded and submitted b. Contaminated land assessment undertaken by an appropriately qualified person indicates that no contamination unsuitable for the post-mining land use is occurring. If required, a site investigation report including a site suitability statement prepared and submitted in accordance with the provisions of Chapter 7, Part 8 of the EP Act.
22	RMs 4-6	Section 6.4.2 states that backfill material will need to be imported for the land to be suitable for the PMLU and achieve a stable condition. There are no criteria in this milestone that reflect the management strategies contained in section 6.4.2.	Provide an updated PRCP schedule that includes criteria that: • reflect requirements for soil amelioration, • specify quality criteria for fill material that is suitable for the PMLU, • refer to the nominated AS 3798-2007 Guidelines on earthworks for commercial and residential developments (Standards Australia 2007, or most recent edition), Level 1 or Level 2 geotechnical supervision and testing, and

			• provide maximum slope angles that reflect the PMLU and achieving a stable condition.
23	RMs8-10	Criteria for these milestones are not specific and some are not measurable. The criteria do not appear to reflect the methodology outlined in the Rehabilitation Planning Part.	Provide an updated PRCP schedule that includes criteria that reflect a specific rehabilitation methodology including but not limited to: • nominated seeding rates of particular species, • planting tubestock, • minimum strike/survival rates, • minimum groundcover rates to be achieved, and • presence/management of weed species.
24	RM14-17	No criteria are provided to demonstrate the land has achieved a stable condition.	Include completion criteria that demonstrate a stable condition has been achieved. For example: • for all PMLUs – criteria regarding erosion and surface water runoff, • for native ecosystem PMLU –criteria regarding species composition, maturity, recruitment, minimum groundcover rates, soil profile development, habitat features, weed presence, etc. • for wetland ecosystem PMLU – criteria nominating water quality parameters and values, criteria regarding species composition of fringing vegetation, habitat features, weed/pest presence, etc. • for rural residential PMLU – criteria regarding species composition, minimum groundcover percentage, recruitment, weed presence, etc.
General			

25	2.2.3 Proposed duration of operation as a whole.	The proposed duration of Redland Bay is 174 years. However, section 2.2.3 does not include information justifying the proposed timeframe.	Provide a detailed explanation for why the proposed duration of operation at Redland Bay is 174 years.