

## Notice of EIS decision for application for an Environmental Authority (Mining Activities) Non Code Compliant Level 1 Mining Project

This statutory notice is issued by the administering authority pursuant to section 162 of the Environmental Protection Act 1994 to advise you of the EIS decision regarding your application for an environmental authority (mining activities).

Colton Coal Pty Ltd  
s.73  
GPO Box 5283  
BRISBANE QLD 4001

The Mining Registrar  
Department of Employment, Economic  
Development and Innovation  
PO Box 1475  
COORPAROO QLD 4151

Dear s.73

Our Reference: 248999

**Re: Application for An Environmental Authority for Non Code Compliant Level 1 Mining Project,  
(ML50273 and ML50274)**

The Department of Environment and Resource Management (DERM) has assessed the application received on 3 February 2010 for an environmental authority in respect of the abovementioned mining leases.

The DERM wishes to advise you that the assessment level decision for the application is that the level of environmental harm is likely to be significantly increased. The application is to be assessed as a Non-code Compliant Level 1 mining project and an Environmental Impact Statement (EIS) is **not** required but an Environmental Management Plan will be required.

The EIS decision was made by the DERM in accordance with section 162 of the *Environmental Protection Act 1994* (EP Act).

In light of the regional interest in the proposed mining operations, DERM is likely to seek public comment on the draft Environmental Management Plan and Environmental Authority under section 556 of the *Environmental Protection Act 1994*.

Your application has been forwarded to the Maryborough Office of the DERM for assessment. If you require further information please contact Tim Brain, Project Director on 07 4121 1813.

Yours sincerely

sch4p4(6) Personal information

Cathy Birt  
Delegate  
Department of Environment and Resource  
Management  
24 March 2010

RECEIVED

26 MAR 2010

DEPT OF ENVIRONMENT  
& RESOURCE MANAGEMENT  
MARYBOROUGH

**Enquiries:**

Department of Environment and Resource  
Management  
PO Box 101  
MARYBOROUGH QLD 4650

Ph. (07) 4121 1800

Fax. (07) 4121 1650

COPY

**Margaret Jones**

**From:** Cathy Birt  
**Sent:** Thursday, 11 March 2010 9:40 AM  
**To:** Margaret Jones  
**Subject:** FW: Colton supporting information  
**Importance:** High

Hi Marg,

Please note comments below and follow with Tim this afternoon.

Cathy

Cathy Birt  
 Acting Manager, Permit and Licence Management  
 Implementation & Support Unit, Regional Service Delivery  
**Telephone** 07 3137 4241 **Facsimile** 07 3896 3342  
**Email:** cathy.birt@derm.qld.gov.au  
**www.derm.qld.gov.au**

Department of Environment and Resource Management  
 4/41 George St, Brisbane Q 4001  
 PO Box 15155, City East Q 4002

**From:** Tim Brain  
**Sent:** Tuesday, 9 March 2010 7:21 PM  
**To:** Cathy Birt  
**Cc:** Daniel Cohen; Jon Womersley; Lindsay Delzoppo; Stuart Cameron; Ian Wilson; Maureen Rose; Glen Brown  
**Subject:** RE: Colton supporting information

Hi Cathy

I note that this was received over one week ago. Daniel obtained a copy of it last week after we chased it up.   
 sch4p4( 6) Personal information will be in Bundaberg all day tomorrow.

Given the time frames you suggest, it is unlikely that a full CAC report will be available by Thursday at 2 pm, however I have attached some quick notes about the IAS having just read it quickly.

In short, there are several ERA's that provide a trigger for an EIS. There are HEV waters downstream, although the report does not mention EV's. The general area contains extensive referable wetlands but there is no reference to these or any mention of the potential effects of the extensive dewatering required. (Water is considered from a supply perspective rather than from an environmental viewpoint.) There is mention of acid generating material. The conservation values of the area are dismissed but no mention has been made of biodiversity planning assessments that have identified the area as being a bioregional corridor. Local conservation officers consider that area of USL has significant conservation value and I think would have a different view than that expressed in the report.

The Wide Bay Burnett Conservation Council has recommended to the minister that the application be refused. The level of interest expressed so early in the process (from Community Cabinet – August 2008 to the present) provides opportunity for a considered decision to be made about the most appropriate assessment process to deal with clearly articulated opposition to the project.

11/03/2010

Given that there is a trigger for an EIS and a clearly expressed opposition to the project from a recognised community group my recommendation is that an EIS be required.

If possible I'll try to put this into a formal report, but given the timeframe this is not likely.

Regards

+-----+

Tim Brain  
Manager (Wide Bay Burnett)  
Environmental Services North  
South East Region  
Department of Environment and Resource Management

**Telephone:** (07) 4121 1813 **Facsimile:** (07) 4121 1650 **Mobile:** (6) Personal information  
[www.derm.qld.gov.au](http://www.derm.qld.gov.au)

Department of Environment and Resource Management  
Cnr of Alice and Lennox Streets, MARYBOROUGH, Q 4650  
PO Box 101, MARYBOROUGH Q 4650

email: [Tim.Brain@derm.qld.gov.au](mailto:Tim.Brain@derm.qld.gov.au)

**From:** Cathy Birt  
**Sent:** Tuesday, 9 March 2010 5:30 PM  
**To:** Tim Brain  
**Cc:** Daniel Cohen  
**Subject:** FW: Colton supporting information  
**Importance:** High

Good afternoon,

Please note Jon's comments below. Please forward your recommendation by 2.00PM Thursday to ensure it can be addressed at CAC on Friday.

Regards

Cathy.

Cathy Birt  
Acting Manager, Permit and Licence Management  
Implementation & Support Unit, Regional Service Delivery  
**Telephone** 07 3137 4241 **Facsimile** 07 3896 3342  
**Email:** [cathy.birt@derm.qld.gov.au](mailto:cathy.birt@derm.qld.gov.au)  
[www.derm.qld.gov.au](http://www.derm.qld.gov.au)

Department of Environment and Resource Management  
4/41 George St, Brisbane Q 4001  
PO Box 15155, City East Q 4002

**From:** Jon Womersley  
**Sent:** Tuesday, 9 March 2010 2:35 PM

11/03/2010

**To:** Cathy Birt  
**Cc:** Ian Wilson; Stuart Cameron; Lindsay Delzoppo; Maureen Rose  
**Subject:** FW: Colton supporting information

Cathy

This needs to come back to CAC on Friday with a reassessment and recommendation from the region in the light of the IAS.

Thanks

**Jon Womersley**  
Director Regulatory Support & Practice  
Environment and Natural Resource Regulation  
**Email:** [jon.womersley@derm.qld.gov.au](mailto:jon.womersley@derm.qld.gov.au)  
**Telephone:** 07 3330 5749 **Facsimile:** 07 3330 5754  
NEW Mobile: [REDACTED] 4 (6) Personal information  
<http://www.derm.qld.gov.au/www.derm.qld.gov.au>  
Department of Environment and Resource Management  
Floor 8, 400 George Street, Brisbane, Q 4000  
GPO Box 2454, Brisbane Q 4001

**From:** Stuart Cameron  
**Sent:** Tuesday, 9 March 2010 8:57 AM  
**To:** Jon Womersley; Lindsay Delzoppo  
**Cc:** Cathy Birt  
**Subject:** FW: Colton supporting information

Jon/Lindsay,  
Looks like Ian and I received a copy direct. I think it is somewhere on my desk, but haven't read it yet.

Regards

Stuart Cameron  
Director EIS Assessment  
Environment and Natural Resource Regulation  
Department of Environment and Resource Management  
Level 7 400 George Street  
ph 3330 5630  
[REDACTED] 4 (6) Personal information

**From:** [REDACTED] s.73  
**Sent:** Monday, 1 March 2010 10:12 AM  
**To:** Stuart Cameron; Ian Wilson  
**Subject:** Colton supporting information

Hi Stuart and Ian,

Please see the attached Initial Advise Statement prepared for the Colton Project as supporting information for the EA application. The Project is nearing submission of its EM Plan and both AARC and the proponent strongly believe that the Project still does not constitute an EIS.

Regards

s.73

11/03/2010

s.73

AustralAsian Resource Consultants  
Suite 5B, 1 Swann Road  
Taringa QLD 4008

s.73

RTI DL RELEASE - EHP

11/03/2010

## Extension of decision period – Mining Activities

*This notice is issued by the Department of Environment and Resource Management pursuant to Section 555 of the Environmental Protection Act 1994 to extend the decision period for an application for or in relation to an environmental authority; or a TEP submission.*

Colton Coal Pty Ltd  
GPO Box 5283  
BRISBANE QLD 4001

CC: Queensland Mines and Energy  
Department of Employment, Economic  
Development and Innovation  
Tenure Support Unit  
PO Box 1475  
COORPAROO QLD 4151

Attention: s.73

Our reference: 248999 / MBH3120

Dear s.73

**Re: Application for a Non Code Compliant (Level 1) Environmental Authority to carry out Mining Activities (Mining Lease) by Colton Coal Pty Ltd - MIN101122010 for ML50273 and ML50274**

The Administering Authority requires a further extension of time to make the Environmental Impact Statement (EIS) decision for the above-mentioned application. The EIS decision has been extended to 16 April 2010.

The reason for the extension of time to make the EIS decision is to allow time for a formal Initial Advice Statement (IAS) to be submitted to DERM detailing the extent of the project.

You may apply to the Administering Authority for a review of this decision within 14 days after receiving this notice.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Yours sincerely

sch4p4( 6) Personal information

Cathy Birt  
Delegate  
Department of Environment and Resource Management  
26 February 2010

Enquiries:  
Wide Bay Burnett Region  
Environmental Services  
Environmental Protection Agency  
PO Box 101  
MARYBOROUGH QLD 4650  
Phone 07 4121 1800  
Fax 07 4121 1650

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service.

## Extension of decision period – Mining Activities

### Extracts from the Act Regarding Reviews and Appeals

#### Procedure for review

#### 521.

- (1) A dissatisfied person may apply for a review of an original decision.
- (2) The application must-
  - (a) be made in the approved form to the administering authority within-
    - (i) 14 days after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the "review date"); or
    - (ii) the longer period the authority in special circumstances allows not later than the review date; and
  - (b) be supported by enough information to enable the authority to decide the application.
- (3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision-
  - (a) notice of the application (the "review notice");
  - (b) a copy of the application and supporting documents.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 7 days after the application is made to the authority.
- (5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within 14 days after receiving the application-
  - (a) review the original decision;
  - (b) consider any submissions properly made by a recipient of the review notice; and
  - (c) make a decision (the "review decision") to-
    - (i) confirm or revoke the original decision; or
    - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) The application does not stay the original decision.
- (7) The application must not be dealt with by-
  - (a) the person who made the original decision; or
  - (b) a person in a less senior office than the person who made the original decision.
- (8) Within 14 days after making the decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- (9) The notice must-
  - (a) include the reasons for the review decision; and
  - (b) inform the person of their right of appeal against the decision.
- (10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.
- (11) Subsection (7) applies despite section *Acts Interpretation Act 1954*, section 27A.
- (12) This section does not apply to an original decision made by-
  - (a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
  - (b) for another matter-the chief executive personally.



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Extension of decision period – Mining Activities

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## Stay of operation of original decisions

## 522.

- (1) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to-
  - (a) for an original decision mentioned in schedule 1, part 1 - the tribunal; or
  - (b) for an original decision mentioned in schedule 1, part 2 - the Court.
- (2) The tribunal or Court may stay the decision to secure the effectiveness of the review and any later appeal to the tribunal or Court.
- (3) A stay may be given on conditions the tribunal or Court considers appropriate and has effect for the period stated by the tribunal or Court.
- (4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the tribunal or Court allows the applicant to appeal against the review decision.

## Who may appeal

## 531.

- (1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1 applies, may appeal against the decision to the Court.
- (2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- (3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

RTI DL RELEASE EHP



**Extension of decision period – Mining Activities**

*This notice is issued by the Department of Environment and Resource Management pursuant to Section 555 of the Environmental Protection Act 1994 to extend the decision period for an application for or in relation to an environmental authority; or a TEP submission.*

Colton Coal Pty Ltd  
GPO Box 5283  
BRISBANE QLD 4001

CC: Queensland Mines and Energy  
Department of Employment, Economic  
Development and Innovation  
Tenure Support Unit  
PO Box 1476  
COORPAROO QLD 4151

Our reference: 248999 / MBH3120

Attention: s.73

Dear s.73

**Re: Application for a Non Code Compliant (Level 1) Environmental Authority to carry out Mining Activities (Mining Lease) by Colton Coal Pty Ltd - MIN101122010 for ML50273 and ML50274**

The Administering Authority requires an extension of time to make the Environmental Impact Statement (EIS) requirement decision for the above-mentioned application. The EIS requirement decision has been extended by 10 business days to a revised date of 3 March 2010.

You may apply to the Administering Authority for a review of this decision within 14 days after receiving this notice.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Yours sincerely

Tim Brain  
Delegate  
Department of Environment and Resource Management  
17 February 2010

Enquiries:  
Wide Bay Burnett Region  
Environmental Services  
Environmental Protection Agency  
PO Box 101  
MARYBOROUGH QLD 4650  
Phone 07 4121 1800  
Fax 07 4121 1650

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service.

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    - (ii) the longer period the authority in special circumstances allows not later than the review date; and
  - (b) be supported by enough information to enable the authority to decide the application.
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- (12) This section does not apply to an original decision made by-
  - (a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
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Extension of decision period – Mining Activities

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**Stay of operation of original decisions****522.**

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**Who may appeal****531.**

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- (3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

RTI DL RELEASE EHP



## CAC Detail Report

|                    |                             |
|--------------------|-----------------------------|
| <b>Project Ref</b> | <b>Project Office</b>       |
| 248999             | ES-RSD-SER-Wide Bay Burnett |

|                         |                        |                         |
|-------------------------|------------------------|-------------------------|
| <b>Application Date</b> | <b>CAC Review Date</b> | <b>Application Type</b> |
| 03-FEB-2010             | 01-JUL-2008            | Application             |

### Primary Applicant/s

|                   |                     |
|-------------------|---------------------|
| <b>Client ref</b> | <b>Client name</b>  |
| 641079            | Colton Coal Pty Ltd |

### Location/s

|                      |                             |                      |
|----------------------|-----------------------------|----------------------|
| <b>Location name</b> | <b>Location description</b> | <b>Location type</b> |
| ML50273              | Northeast of Maryborough    | Mining Tenure        |
| ML50274              | Northeast of Maryborough    | Mining Tenure        |

### Permit/s

|                      |                                                                                  |
|----------------------|----------------------------------------------------------------------------------|
| <b>Permit type/s</b> | Environmental Authority (Mining Lease) Non Code Compliant Level 1 Mining Project |
|----------------------|----------------------------------------------------------------------------------|

### Activity/ies

|                     |                                                        |
|---------------------|--------------------------------------------------------|
| <b>Activity/ies</b> | Mining activity - schedule 6, item 5 mining black coal |
|---------------------|--------------------------------------------------------|

### Interest/s

|                                                                 |                   |                |
|-----------------------------------------------------------------|-------------------|----------------|
| <b>Type</b>                                                     | <b>Rating</b>     | <b>Comment</b> |
| Heritage - Aboriginal and Torres Strait Islander cultural sites | Unknown (default) |                |
| Biodiversity - riparian buffer zones                            | Unknown (default) |                |
| National and International - national estate                    | Unknown (default) |                |

### Recommendations

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommending officer</b> | Rhonda Zande                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Project Director</b>     | Ahmad Rahman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Project Manager</b>      | Tim Brain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Decision Level</b>       | Level 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>EIS Required</b>         | N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Comments</b>             | <p>An application for Mining Lease and Environmental Authority for coking coal mine and processing plant in the Maryborough Basin within EPC923.</p> <p>The Maryborough Coking Coal Project site covers an area of 430ha and is located approximately 15km to the north of Maryborough Queensland. The project proposes to open cut mining using truck and excavator techniques. An estimated 1.5 million tonne (Mt) coking coal resource is contained within thinly bedded seams and drilling and blasting of some overburden maybe a requirement of the project. A coal handling And preparation plant and other associated infrastructure will also be constructed on the site.</p> <p>Recent use of the land of the project site includes selective logging and coal exploration. Associated infrastructure on the site includes access tracks and clearing for drill pads. In April 2008 a wet season flora and fauna assessment was completed. No listed</p> |

## CAC Detail Report

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>species of conservation significance and no endangered regional ecosystems were identified on the site.</p> <p>Air quality monitoring has commenced and noise modelling is currently underway for the site. No other environmentally sensitive areas exist on the site.</p> <p>Consultation with Ergon Energy has commenced with a view to obtaining power from the local grid.</p> <p>Wide Bay Water Corporation has indicated to NEC it can supply water from a local reservoir. Coal transport options currently include coal to the Port of Bundaberg and rail transport to the Port of Gladstone. Consultation with all parties has commenced and both options are currently under consideration.</p> |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## CAC Outcome

|                         |              |
|-------------------------|--------------|
| <b>Project Director</b> | Ahmad Rahman |
| <b>Project Manager</b>  | Tim Brain    |
| <b>Decision level</b>   | Level 2      |
| <b>EIS Required</b>     | N            |

| Date        | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01-JUL-2008 | It was advised at CAC that Maryborough staff suggest a 556 - "exposure to public" and that Port issues be addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 01-JUL-2008 | <p>An application for Mining Lease and Environmental Authority for coking coal mine and processing plant in the Maryborough Basin within EPC923.</p> <p>The Maryborough Coking Coal Project site covers an area of 430ha and is located approximately 15km to the north of Maryborough Queensland. The project proposes to open cut mining using truck and excavator techniques. An estimated 1.5 million tonne (Mt) coking coal resource is contained within thinly bedded seams and drilling and blasting of some overburden maybe a requirement of the project. A coal handling and preparation plant and other associated infrastructure will also be constructed on the site.</p> <p>Recent use of the land of the project site includes selective logging and coal exploration. Associated infrastructure on the site includes access tracks and clearing for drill pads. In April 2008 a wet season flora and fauna assessment was completed. No listed species of conservation significance and no endangered regional ecosystems were identified on the site.</p> <p>Air quality monitoring has commenced and noise modelling is currently underway for the site. No other environmentally sensitive areas exist on the site.</p> <p>Consultation with Ergon Energy has commenced with a view to obtaining power from the local grid.</p> <p>Wide Bay Water Corporation has indicated to NEC it can supply water from a local reservoir. Coal transport options currently include coal to the Port of Bundaberg and rail transport to the Port of Gladstone. Consultation with all parties has commenced and both options are currently under consideration.</p> |

|                            |            |
|----------------------------|------------|
| <b>Chairperson:</b>        | Cathy BIRT |
| <b>Signature of Chair:</b> |            |
| <b>Date:</b>               |            |

## Coordinated Assessment Committee Report

*This report is prepared by an assessment officer for consideration by the Coordinated Assessment Committee (CAC). Upon determining the next appropriate course of action, the Chair of the Committee completes the 'CAC Recommendation' section of the report and returns it to the assessment officer for action.*

Date prepared: 11 March 2010

### Project details

Permit No.: MIN101122010  
Project No: 248999  
EPA Administering District: Wide Bay/Burnett, Environmental Services North, SE Region  
EPA Region: South-East  
Project Name: Colton Coal Mine  
Project type (may be more than one): Level 1 non-code compliant mining project  
Applicant(s): Colton Coal Pty Ltd (a wholly owned subsidiary of Northern Energy Corporation Limited).  
Project location: Proposed mining leases ML50273 and 50274; 2.5km north of Aldershot near Maryborough.  
Project Description: Open cut coal mine with coal washing plant mining an estimated 850,000t per annum of coal to produce on average 500,000t per annum of export quality coking coal. Expected project production life is 8-10 years.  
Permit Application type(s): Level 1 non-code compliant mining EA  
Application date: 03/02/2010  
Decision required: Decision on EIS requirement  
Decision Due: 21/04/2010  
Recommended Decision: EIS required.  
Recommended Project Director: Stuart Cameron, Manager, Environmental Services Assessment Branch.  
Assessing Officer: Daniel Cohen

### Additional processes required: (attach details where necessary)

- ☐ None
- ☐ Other applications received by EPA for project
- ☐ Referral Coordination under Integrated Planning Act 1997
- ☐ An EIS process under any Queensland Act
- ☐ A process under the State Development and Public Works Organisation Act 1971;
- ☐ Major works under the Marine Parks Act 1982;



## Checklist Coordinated Assessment Committee Report

- ? Commonwealth processes under the Environmental Protection and Biodiversity Conservation Act 1999.  
☐ Other <details>

### Special circumstances: (attach details where necessary)

- ☐ None  
☒ Affects a sensitive area  
☐ Involves a large number of individual decisions;  
☐ Is likely to generate significant community concern;  
☐ Needs policy change for approval;  
☐ Applicant suitability;  
☐ Involves a make or break issue;  
☐ Involves significant issues with another State/Commonwealth Agency; and  
☐ Another special circumstance which significantly elevates environmental, social or economic risks beyond those usual for this type of project.  
☐ Other <details>

There has been significant community interest in the proposal. The Wide Bay Burnett Conservation Council has recommended to the minister that the application be refused. Interest in this project has been expressed since a Community Cabinet held in Bundaberg in August 2009.

Whilst the proposed mining tenements do not include any mapped Category A, B or C environmentally sensitive areas, they are wholly within a mapped terrestrial biodiversity corridor. The vegetation within the proposed tenements is referable wetlands, is listed as non-core habitat for threatened frog species *Crinia tinnula* and *Litoria freycineti*, and the long-nosed potoroo (*Potorous tridactylis*); and core habitat for the koala (*Phascolarctos cinereus*).

### Indicate the level of impact or significance for each of the following EPA/QPWS

interests: [if impact is indicated, notes must be included to describe how]

#### Biodiversity

Unknown Rare and threatened species and ecosystems  
 High Vegetation clearing  
 N/A Marine systems  
 N/A Sustainable use of wildlife  
 N/A Riparian buffer zones

#### Notes:

The mine proposal involves clearing remnant vegetation within an area that is a declared bioregional terrestrial corridor under the SEQ Biodiversity Planning Assessment. The area where the mine is to be located is covered by two separate terrestrial corridors of state significance; the Kroombit to Maryborough corridor, and the Maroochy River to Elliot Heads corridor; both of which link EPA estates and intersect other regionally significant terrestrial corridors.

#### National and international

N/A World heritage  
 N/A RAMSAR listed wetlands  
 N/A Migratory species  
 N/A National estate  
 N/A Commonwealth marine areas  
 N/A Radioactive materials

#### Notes:



Checklist  
Coordinated Assessment Committee Report

**Resource allocation**

Low Mining  
N/A Dredging  
N/A Occupancy of marine lands (marinas etc)  
N/A Commercial opportunities on national parks and marine parks  
N/A Allocation of public resources (e.g. physical and natural resources environmental capacity),  
N/A National competition policy

**Notes:**

An application has been made to DEEDI for a mining lease for the project.

**Tenure Issues**

N/A Protected areas  
Medium Native title interests  
N/A Offshore jurisdiction  
N/A Commonwealth jurisdiction  
N/A Inter-State jurisdiction

**Notes:**

There is a native title claim over the area by the Butchulla people.

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## Checklist Coordinated Assessment Committee Report

### Water Issues

High Quality  
High Discharges  
High Stream flows (effects in ecology)  
N/A Waterways management  
Unknown Hydrology  
High Impacts on freshwater and marine systems  
High Ground water

#### Notes:

There are several potential impacts of the proposed mining operation on waters. The mine will require dewatering of the pit, which could potentially have relatively widespread impacts on the regional groundwater system. This groundwater, as well as stormwater that requires removal from the site, will be released to either the surrounding drainage courses which feed the Susan River, part of which is scheduled under the *Environmental Protection (Water) Policy 2009* as High Environmental Value (HEV) waters, and which discharges into a section of the Mary River that has also been declared as HEV waters. Alternatively, discharges will be pumped to a nearby waterway (Saltwater Creek) that a short distance downstream also flows through the section of the Mary River that has been declared as HEV. No assessment has been provided of the impact of these discharges on environmental values. Discharges into Susan River or Saltwater Creek have the potential to impact the environmental values of the creek, and potentially the Mary River. The exact quantity and quality of groundwater to be dewatered is not known, though the IAS states that modelling showed that at least 300ML of water would be generated (stormwater and pit dewatering combined) initially, and over time approximately 1000ML of water could be produced per annum. The proponent indicates that the operation of the mine would use up to 270ML of water per year; leaving a surplus of up to 730ML per year for disposal. Concern has also been raised by members of the local community about impacts on surrounding wetlands (see attached figure of EPA referrable wetlands) from dewatering, and impacts on a water supply dam providing water to Hervey Bay.

### Air Issues

N/A Air shed management  
N/A Pollution  
N/A Health  
Unknown Nuisance  
N/A Ecological impacts

#### Notes:

There is potential for the generation of dust emissions from the mining (open cut mine) and coal handling operations. The nearest house is around 1.4km from the nearest edge of the lease boundary, and the nearest township (Aldershot) is around 2.2km from the nearest edge of the lease boundary.

Section 51(1) of the revised EP Regulation now required consideration of greenhouse gas emissions, for which again no information has been provided.



## Coordinated Assessment Committee Report

### Noise Issues

N/A Community noise

N/A Transportation noise

Unknown Industrial noise

Unknown Ground vibration

Unknown Airblast overpressure

#### Notes:

The IAS states that it is not anticipated that blasting of overburden will be required, but that blasting of interburden may be required as mining progresses. The nearest house is approximately 1.4km from the nearest edge of the lease boundary, and the nearest town (Aldershot) is approximately 2.2km from the lease boundary. It is anticipated that blasting noise and vibration could have potential impacts for the surrounding residents over these distances. A noise assessment has not been provided to describe the existing noise environment or potential noise impacts from the proposed mining activities.

### Waste Issues

Medium Solid waste

Unknown Liquid waste

N/A Gaseous waste

N/A Dredge spoil disposal

N/A Energy

N/A Best practice environmental management

#### Notes:

The information provided in the IAS indicates that proposed mining will generate an initial overburden stockpile and that subsequent overburden will be disposed of in pit. Rejects (coarse and fine) from the CHPP will be dewatered and disposed of in spoil.

RTI DL RELEASE - EHP



## Checklist Coordinated Assessment Committee Report

### Land Issues

Low Contaminated land  
Medium Acid sulphate soils  
Low Erosion/stability  
N/A Landscapes  
Unknown Effects on hydrology  
N/A Sustainable use  
High Clearing  
N/A Land use history  
N/A Compliance with planning schemes  
Medium Rehabilitation and subsequent use

#### Notes:

There is potential for the project to have impacts related to the disturbance of acid sulfate soils. Peter Wilson (Principal Scientist) from the xNRW's Natural Resources Sciences has indicated that mining in the given location may have potential for disturbance of acid sulfate soil either through overburden removal and/or dewatering of the ground water table where potential acid sulfate soils are located. The IAS indicates that a "small portion" of reject material has been identified as potentially acid forming. No further quantification of this has been provided.

Dewatering the open cut pit may have impacts on the local groundwater regime, and groundwater dependant ecosystems that are known to exist in the area (wetlands) may be impacted by this. No information has been provided in relation to the potential impacts of dewatering; from groundwater drawdown or disposal of surplus water.

The IAS indicates that approximately 350 hectares of mining disturbance, and 70 ha of disturbance associated with infrastructure, roads, etc is expected over the life of the project (i.e. 8 – 10 years). This will involve a significant amount of vegetation clearing. The entire project site is mapped as referable wetlands and is located within a terrestrial biodiversity corridor identified by SEQ Biodiversity Planning Assessments.

### Heritage Issues

Medium Aboriginal and Torres Strait Islander cultural sites

N/A Historic buildings and locations

N/A Designated landscape Area

#### Notes:

The IAS indicates that the project land is within the Butchulla Land and Sea native Title claim, and acknowledges that an ILUA or RTN process will need to be developed /followed prior to grant of a mining lease in the area. The information states that a CHMP will be developed.

### Coastal Issues

N/A Erosion

N/A Structures

N/A Reclamation

N/A Strategic planning

#### Notes:

**Impacts on surrounds Issues**

Low Transportation  
Unknown visual impacts  
Unknown compatibility with surrounding uses and activities  
Unknown neighbours opinions

**Notes:**

The proponent intends to transport product coal from the site via rail to Gladstone for export.

No information in relation to visual impacts has been provided.

The local area is currently undeveloped and there are concerns in the local community in relation to impacts the mining operation will have on environmental values of the area.

**Social issues**

N/A Amenity  
N/A displacement of use  
High community views  
N/A public safety  
N/A politics/policy

**Notes:**

It is likely that the application will generate significant public interest. The proposal has been subject to local media coverage including several front page headline articles in the Fraser Coast Chronicle.

The proposal has also been subject to enquiries to the Minister from representatives of the Wide Bay Burnett Conservation Council, including questions as to why mining should be allowed within an area that has been declared as a bioregional terrestrial corridor under the SEQ Biodiversity Planning Assessment.

**Pre-lodgement Advice:** [indicate who gave advice and when]

An initial pre-design conference was held on 27 June 2008 with [redacted] s.73 of Northern Energy Corporation Limited, Colton Coal's parent company) and [redacted] s.73 of AARC consultants present for the proponents. Bill Dixon (then Manager of Integrated Assessment), Tim Brain (then Regional Manager Wide Bay Region), and Daniel Cohen (Environmental Officer Wide Bay Region) represented the Department. Advice was given on the approvals process, and also that the proposal as outlined would not likely trigger the requirement for an EIS. At the time of the initial pre-design conference, the existence of the SEQ Biodiversity Planning Assessment bioregional terrestrial corridor was not discussed.

The project was placed on hold by the applicant due to the downturn in the coal market, but has since been renewed since the review of additional Mines and Energy exploration data that has led to increased inferred resource estimates for the proposed mine. This has led to an increase in the annual production estimate as well as an increase in the area of the mining lease that has been applied for. Some of the information that was presented by the client, and subsequently the initial advice that was given by the Department to the client (ie the advice that an EIS would most like not be required) is now out of date and no longer accurate since this initial pre-design conference occurred.

The Department has been conducting ongoing consultations with Northern Energy Corporation in relation to the proposal, including meetings with [redacted] s.73 with Northern Energy Corporation Limited in August 2008 and August 2009. These meetings were to provide the Department with a brief update on the project proposal as the company continued to conduct their feasibility studies into the project.

The client has also forwarded a draft water management strategy that was prepared by Streamline Hydro Consultants to the Department for review. This was basically a summary of groundwater quality that was measured in the lease area by the applicant and an estimate of the quantity of water that may need to be discharged from the mine site, and a broad strategy overview of Northern Energy Corporation's plan to release the water into Saltwater Creek (as outlined in the water issues section of this report). This report (and an enhanced data set of groundwater quality data the report was based on that was subsequently requested by the Department) has been reviewed under a work request by Dr Ian Ramsay (Chief Scientist, DERM Water Quality & Aquatic Ecosystem Health) in January this year. Ian's advice was that the client would be best to reconsider the proposal to discharge the minewater into Saltwater Creek, as there were technical and environmental impediments to the proposal as presented in the report.



**Other issues**

The applicant has not yet supplied an Environmental Management Plan (EM Plan) detailing all of the potential environmental impacts of the proposed mining activity.

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**General comments and additional information:**

Officers have referred to 'Guideline 4 – Deciding the Level of Impact Assessment for the Mining Industry' in making a recommendation for the EIS requirement for this proposal.

It is recommended that the EIS decision for this application be that an EIS is required. The attached checklist details EIS triggers for mining applications. The 5<sup>th</sup> criteria on this checklist is relevant for this application. The Initial Advice Statement provided by the proponent indicates that several ERAs are to be carried out for the mining project. Of these, several have an annual fee exceeding \$4000, including mineral processing, fuel burning, waste disposal, and sewage treatment plant (100-1500EP).

Given a number of other factors described throughout this report, including those listed below, the requirement for an EIS is considered to be justified.

- The vegetation communities within the lease are mapped as referrable wetlands;
- The area is wholly within terrestrial biodiversity corridors of state significance;
- The project site includes core and non-core habitat for threatened species, including the koala, two species of frogs and a species of potoroo.
- There is up to 730ML per annum of surplus water that is expected to be generated during later stages of the project, which the proponent suggests may be released to nearby waterways; all of which flow to prescribed high environmental value waters. Dewatering may also impact on hydrological systems and dependent ecosystems (eg. wetlands); and
- There has been significant community interest and concern regarding this project.

**CAC Recommendation**

|                            |              |
|----------------------------|--------------|
| <b>CAC Recommendation:</b> |              |
| <b>Project Director:</b>   |              |
| <b>Assessment Office:</b>  |              |
| <b>Project Risk Level:</b> |              |
| <b>Signature of Chair:</b> | <b>Date:</b> |

- ☐ Please attach a contextual map showing the location of the proposed activity.
- ☒ If EIS decision to be made, attach EIS trigger checklists.
- ☐ If other decisions to be made by Agency attach CEDP decision risk table.



# Checklist

## Coordinated Assessment Committee Report

*This report is prepared by an assessment officer for consideration by the Coordinated Assessment Committee (CAC). Upon determining the next appropriate course of action, the Chair of the Committee completes the 'CAC Recommendation' section of the report and returns it to the assessment officer for action.*

**Date prepared:** 22 Nov 2010

### Project details

Permit No.: MIN101122010  
Project No: 345271  
EPA Administering District: Environmental Services, Brisbane North, Wide Bay Burnett Office  
EPA Region: Southern  
Project Name: Colton Coal Mine  
Project type (may be more than one): Open cut coal mine for export coking coal  
Applicant(s): Colton Coal Pty Ltd (a wholly owned subsidiary of Northern Energy Corporation Limited)  
Project location: ML 50280 and ML50273 and ML50274, 2.5km north of Aldershot near Maryborough  
Project Description: Open cut coal mine with coal washing plant producing an estimated 500,000t per annum of export quality coking coal  
Permit Application type(s): Level 1  
Application date: 10/11/2010  
Decision required: EIS Requirement  
Decision Due: 24/11/2010  
**Recommended Decision:** Non-Standard, EIS required  
**Recommended Project Director:** Other: Tim Brain, Manager, Wide Bay Burnett Office, Environmental Services, Brisbane North  
**Assessing Officer:** Daniel Cohen, Environmental Officer, Wide Bay Burnett Office, Environmental Services, Brisbane North

### Additional processes required: (attach details where necessary)

- ☐ None
- ☐ Other applications received by EPA for project
- ☐ Referral Coordination under Integrated Planning Act 1997
- ☐ An EIS process under any Queensland Act
- ☐ A process under the State Development and Public Works Organisation Act 1971;
- ☐ Major works under the Marine Parks Act 1982;
- ☐ Commonwealth processes under the Environmental Protection and Biodiversity Conservation Act 1999.





☐ Other

**Special circumstances: (attach details where necessary)**

- ☐ None  
☒ Affects a sensitive area  
☐ Involves a large number of individual decisions;  
☒ Is likely to generate significant community concern;  
☐ Needs policy change for approval;  
☐ Applicant suitability;  
☐ Involves a make or break issue;  
☐ Involves significant issues with another State/Commonwealth Agency; and  
☐ Another special circumstance which significantly elevates environmental, social or economic risks beyond those usual for this type of project.  
☐ Other

**Indicate the level of impact or significance for each of the following EPA/QPWS**

**interests:** [if impact is indicated, notes must be included to describe how]

**Biodiversity**

High Rare and threatened species and ecosystems  
Medium Vegetation clearing  
N/A Marine systems  
N/A Sustainable use of wildlife  
N/A Riparian buffer zones

**Notes:**

The mine proposal involves clearing remanent vegetation that exists in an area that is a declared bioregional terrestrial corridor under the SEQ Biodiversity Planning Assessment. The area in where the mine is to be located is actually covered by two separate terrestrial corridors (the Koombit to Maryborough terrestrial corridor and the Maroochy River to Elliott Heads terrestrial corridor).

**National and international**

N/A World heritage  
N/A RAMSAR listed wetlands  
N/A Migratory species  
N/A National estate  
N/A Commonwealth marine areas  
N/A Radioactive materials

**Notes:**

**Resource allocation**

Low Mining  
N/A Dredging  
N/A Occupancy of marine lands (marinas etc)  
N/A Commercial opportunities on national parks and marine parks  
N/A Allocation of public resources (e.g. physical and natural resources environmental capacity),  
N/A National competition policy

**Notes:**

Tenure has not yet been granted. DEEDI Mines and Energy (Brisbane Office) currently have a pending mining lease application for the coal mine's lease.

**Tenure Issues**

N/A Protected areas  
N/A Native title interests  
N/A Offshore jurisdiction  
N/A Commonwealth jurisdiction  
N/A Inter-State jurisdiction

**Notes:**



## Coordinated Assessment Committee Report

### Water Issues

|      |                                          |
|------|------------------------------------------|
| High | Quality                                  |
| High | Discharges                               |
| High | Stream flows (effects in ecology)        |
| N/A  | Waterways management                     |
| N/A  | Hydrology                                |
| High | Impacts on freshwater and marine systems |
| High | Ground water                             |

#### Notes:

There are several potential impacts of the proposed mining operation in water. The mine will require dewatering of the pit, which could potentially have relatively widespread impacts on the regional groundwater system. This groundwater, as well as stormwater that requires removal from the site, will be released to either the surrounding drainage courses which feed the Susan River which discharges into a section of the Mary River that has been declared as High Environmental Value, or will be pumped to a nearby waterway (Saltwater Creek) that a short distance downstream also flows through the section of the Mary River that has been declared as High Environmental Value. Discharges into Susan River or Saltwater Creek have the potential to impact the environmental values of the creek, and potentially the Mary River.

Concern has also been raised by members of the local community about impacts on surrounding wetlands (see attached figure of EPA referable wetlands). We are not able to make an assessment of the potential for these impacts due to the lack of supporting information provided by the client.

### Air Issues

|        |                     |
|--------|---------------------|
| N/A    | Air shed management |
| Low    | Pollution           |
| N/A    | Health              |
| Medium | Nuisance            |
| Medium | Ecological impacts  |

#### Notes:

There is potential for the generation of dust emissions from the mining (open cut mine) and coal handling operations. The nearest house is around 1.4km from the nearest edge of the lease boundary, and the nearest township (Aldershot) is around 2.2km from the nearest edge of the lease boundary.

Section 51(1) of the revised EP Regulation now required consideration of greenhouse gas emissions, for which again no information has been provided.



### Noise Issues

High Community noise  
High Transportation noise  
Medium Industrial noise  
Medium Ground vibration  
Medium Airblast overpressure

#### Notes:

Blasting will be employed for either overburden and/or intermediate seam fracture during the mining process. The client has indicated during past pre-design conference meetings that it is not likely that blasting of overburden will be required, and that blasting of interburden *may* be required. The nearest house is around 1.4km from the nearest edge of the lease boundary, and the nearest township (Aldershot) is around 2.2km for the nearest edge of the lease boundary. It is anticipated that blasting noise and vibration could have potential impacts for the surrounding residents over these distances (especially under 2km).

The proposal also will include a rail loading loop that will create noise from shunting operations, as will other general mining related activities. Given the relatively level terrain, any such noise generated could impact on the township of Aldershot and at least one other resident in areas outside the township close to the mine.

### Waste Issues

High Solid waste  
Unknown Liquid waste  
N/A Gaseous waste  
N/A Dredge spoil disposal  
N/A Energy  
Unknown Best practice environmental management

#### Notes:

The EM Plan that was previously submitted failed to provide enough information in terms of spoil characterisation and the final design placement and landform for the spoil piles. From initial pre-design conference discussions that the mining proposal will generate an initial overburden pile, from the initial cut. Subsequent overburden will be placed into the mined areas of the pit as mining progresses. Coarse reject material will be generated during the washing project that will be placed in the mining void under the replaced overburden.

The client has indicated that the coal washing operations will not generate a tailings stream. However, the lack of supporting information supplied to date has made this difficult to positively determine, and this was one of the factors that the EM Plan was also determined to not have enough information on to comply with section 203 of the EP Act.

Generally coal washing operations result in not only coarse reject solid waste material, but also coal middlings (dense media cyclone residues) and tailings (fines circuit floatation cell residues). Tailings generally either require disposal as thickened slimes into a tailings pond for dewatering, or are dewatered on a belt filter following thickening, which generates a waste material known as coal wash cake. This residue is generally disposed of into landfill or suitable mine voids.

The client's intentions in relation to the disposal of this waste stream, and the suitability of the site for any such disposal proposal, is that it will be dewatered and placed in the spoil. The Department has determined that more information in relation to how this process will be conducted will need to be provided.

The coal processing plant (washery) also has potential to create waste water discharge streams. The potential impacts from this activity are again not quantified/modelled in enough detail in the previously submitted EM Plan.



## Checklist Coordinated Assessment Committee Report

### Land Issues

Unknown Contaminated land  
High Acid sulphate soils  
N/A Erosion/stability  
N/A Landscapes  
Unknown Effects on hydrology  
N/A Sustainable use  
N/A Clearing  
N/A Land use history  
N/A Compliance with planning schemes  
N/A Rehabilitation and subsequent use

#### Notes:

There is also potential for the project to have impacts related to the disturbance of acid sulfate soils and underlying overburden and interburden material. Peter Wilson (Principal Scientist) from the xNRW's Natural Resources Sciences has indicated that mining in the given location may have potential for disturbance of acid sulfate soil either through overburden removal and/or dewatering of the ground water table where potential acid sulfate soils are located. This impact has the potential to extend off lease.

Disposal of solid coal waste residues could create contaminated land issues, but this cannot be determined at this stage due to the lack of information in relation to the disposal of tailings etc from the operation.

Dewatering of the open cut pit may have impacts on the local groundwater regime, and groundwater dependant ecosystems that are known to exist in the area may be impacted by this. No information has been provided in relation to the potential impacts of dewatering operations.

### Heritage Issues

N/A Aboriginal and Torres Strait Islander cultural sites  
N/A Historic buildings and locations  
N/A Designated landscape Area

#### Notes:

### Coastal Issues

N/A Erosion  
N/A Structures  
N/A Reclamation  
N/A Strategic planning

#### Notes:

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**Impacts on surrounds Issues**

Low      Transportation  
Unknown      visual impacts  
Unknown      compatibility with surrounding uses  
and activities  
Unknown      neighbours opinions

**Notes:**

Transport of the washed coal product is to be via a dedicated rail loading loop that will be developed on site, with the coal then being carried via rail to the Port of Gladstone. Initially, road transportation of the final product via rail to be shipped out of the Port of Bundaberg was proposed (which generated much community concern when announced). The client's intention to now use the rail to Gladstone has not however been confirmed in writing as supporting information.

No information in relation to visual impacts has been provided with the application.

The local area is currently undeveloped (see Biodiversity issues section) and there are concerns in the local community in relation to impacts the mining operation will have on the environmental values of the area.

**Pre-lodgement Advice:** [indicate who gave advice and when]

Multiple Pre-lodgement meetings have been held with a range of representatives from Colton Coal over the course of the past two years in relation to pre-lodgement meetings and also review meetings to discuss a strategy for resubmission of the next version of the EM Plan so that it is more likely to be compliant with section 203 of the EP Act. These company representatives have included:

**Social issues**

N/A      Amenity  
N/A      displacement of use  
High      community views  
N/A      public safety  
N/A      politics/policy

**Notes:**

The application has to date generated significant public interest. The proposal has been subject to local media coverage including several front page headline articles in the Fraser Coast Chronicle.

The proposal has also been subject to enquiries to the Minister from representatives of the Wide Bay Burnett Conservation Council, including questioning why a mining operation should be allowed in an area that has declared as a bioregional terrestrial corridor under the SEQ Biodiversity Planning Assessment.

s.73

#### Other issues

The client has previously submitted an application for a Level 1 NCC environmental authority for this project in March this year. This application had an EIS decision made on (no EIS required was the outcome, Ecotack proj ref#248999).

The applicant subsequently submitted an EM Plan in August this year, which was assessed by the department and a determination made that the EM Plan did not contain enough information in relation to several issues to be fully compliant with the requirements of section 203 of the EP Act, and a notice was issued to Colton Coal in September this year advising them of this. Meetings have subsequently been held with Wide Bay Burnett office staff and the Colton Coal team and several of their specialist consultants in relation to resubmission of the EM Plan and ensuring it is compliant.

The applicant has also advised that they now also require a new thin strip of land to be added to the two existing mining leases to put a northern direction rail spur into the main northern rail line adjoining the two existing mining leases. To do this, a new thin strip of land had to be subject to a new mining lease application, and the client requested that this new lease be "added" to the existing EA application.

The client was advised that the only way to do this was to submit a new application for environmental authority covering the two existing mining lease applications (ML50273 and ML50274) as well as the latest mining lease (ML50280). The client submitted the application, and that is the subject of this referral to CAC for an EIS decision on the new application, which is essentially unchanged from the original application. The new thin strip of mining lease is relatively small compared to the two other leases, and does not contain any area that is any more (or any less) environmentally sensitive than the adjoining pending lease areas for which the EIS decision was already made in March this year.

RTI DL RELEASED

**General comments and additional information:**

In terms of EIS triggers for the operation, while the mine will clearly be below the 2Mt per annum threshold, it is also clear that the proposal will include a coal preparation plant to wash the whole of the intended Run of Mine production figure of 200,000 – 500,000 tonnes per annum of coal. This is interpreted to represent an activity that would otherwise be ERA 31(2)(b) Mineral processing, which now carries an AES of 280. Under the superseded *Environmental Protection Regulation 1998*, this ERA would have carried an annual fee of \$16,340, which is above the EIS requirement trigger value of the mining activity including what would otherwise be a Level 1 ERA that carried an annual fee greater than \$4000.

It is requested that CAC decide if this above factor and the public interest that has to date been generated by the proposal is enough to make the EIS decision upon, and therefore make the decision that an EIS will be required.

This previous application relating to this project that has now been withdrawn had an EIS decision made on (no EIS required was the outcome, Ecotack proj ref#248999).

**CAC Recommendation**

|                            |              |
|----------------------------|--------------|
| <b>CAC Recommendation:</b> |              |
| <b>Project Director:</b>   |              |
| <b>Assessment Office:</b>  |              |
| <b>Project Risk Level:</b> |              |
| <b>Signature of Chair:</b> | <b>Date:</b> |

- ☒ Please attach a contextual map showing the location of the proposed activity.
- ☒ If EIS decision to be made, attach EIS trigger checklists.
- ☐ If other decisions to be made by Agency attach CEDP decision risk table.