Checklist

Environmental Protection Act 1994

Amendment application - assessment level decision and public notice

This checklist is to be used to decide whether a proposed amendment to an environmental authority is a major amendment or minor amendment (threshold) (the assessment level decision) as required under section 228 of the Environmental Protection Act 1994. *If a major amendment, this checklist is also used to determine whether public notice is required under sections 230, 233 or 152 of that Act (Note, this checklist is not relevant for condition conversion applications as these applications are automatically treated as minor amendments and do not require an assessment level decision).*

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1. APPLICATION DETAILS

EA NO:	EPPR01865014	**Project No:**	199614
Applicant:	Tablelands Mining Group Pty Ltd	**File No:**	101/0010133
Tenure:	Mourilyan Boat Harbour 254/SP117968, 554/SP117968 and 557/SP117968	**Received Date:**	9/2/17
Project Name:		**Checklist Due:**	17/2/17
Amendment Application Description:	Application to: • remove an air quality monitoring point (HiVols for PM10 & PM 2.5), • relocate a dust deposition gauge, • remove a covered depositional dust gauge as a blank for an adjacent open gauge, • reduce the frequency of water quality monitoring from monthly to quarterly, • increase the water quality contaminant limit in the receiving environment for aluminium from 0.5 ug/L to 57 ug/L, and • remove an upstream water quality monitoring point.		

2. ASSESSMENT CONSIDERATIONS

An assessment level decision must be made within 10 business days from receipt of the amendment application (section 228). This decision determines whether the proposed amendment is low risk and involves straightforward changes to the environmental authority (EA) or whether the activities proposed are likely to lead to a significant increase in the scale, intensity, level of environmental harm or impact. When completing the assessments considerations table in part two of this checklist, please refer to guideline 'major and minor amendments' EM959 for guidance on minor and major assessment considerations.

Note: where an application is made to amend the condition that requires the relevant activity to comply with the relevant eligibility criteria, written refusal can be given without further assessment or assessment level decision (see EM1320). Under section 227A a site specific application can be required if the eligibility criteria can no

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longer be met and where it is reasonable to require a site-specific application. Alternatively, the application can proceed in the same way as a major amendment if requiring a site specific application is not reasonable (i.e. the application is not refused, but proceeds as a major amendment). For example: where the eligibility criteria require that the activity is not within 1km of the nearest sensitive receptor and a new sensitive receptor is subsequently established close to the existing activity.

Consideration The amendment application:	**Yes / No**	**Justification (if required)**
(a) is not a change to a condition identified in the EA as a standard condition?	Yes	The application deals with air and water quality monitoring locations and frequencies, not standard conditions.
(b) does not significantly increase the level of environmental harm caused by the relevant activity?	Yes	The application deals with air and water quality monitoring locations and frequencies. The amendment is not related to an aspect of the activity that increases the level of actual or potential environmental harm.
(c) does not change any rehabilitation objectives stated in the EA in a way likely to result in significantly different impacts on environmental values than the impacts previously permitted under the EA?	Yes	The application is not related to rehabilitation objectives.
(d) does not significantly increase the scale or intensity of the relevant activity?	Yes	The amendment is not related to an aspect of the activity that increases the scale or intensity of the relevant activity.
(e) does not relate to a new relevant resource tenure for the authority that is (i) a new mining lease? or (ii) a new petroleum lease? or (iii) a new geothermal lease under the Geothermal Energy Act? or (iv) a new GHG injection and storage lease under the GHG storage Act?	Yes	The amendment is not related to any resource tenure.
(f) involves an addition to the surface area for the relevant activity of no more than 10% of the existing area?	Yes	The amendment is not related to an aspect of the activity that increases the existing area of the activity.
(g) for an environmental authority for a petroleum activity, involves (i) constructing a new pipeline—the new pipeline does not exceed 150km? or (ii) extending an existing pipeline—the extension does not exceed 10% of the existing length of the pipeline?	Yes	The application is not a petroleum activity.
(h) relates to a new relevant resource tenure for the authority that is an exploration permit or GHG permit—and the amendment application under section 224 seeks an amended	Yes	

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environmental authority that is subject to the standard conditions for the relevant activity or authority, to the extent it relates to the permit?		

Recommendation – major or minor amendment		
Complete part (a) **or** (b) and check the Minor or Major check box.		
(a)	If all the 'Yes' boxes are marked, the application is a minor amendment. Complete the following:	
	• Has the application been entered as a minor amendment in Ecotrack? If no, please email a copy of this signed checklist to Permit and Licence Management on **palm@ehp.qld.gov.au** to ensure Ecotrack is updated.	**MINOR** ☒
	• Send ALD Notice to applicant in accordance with s229 within 10 business days	
	• Proceed to decide whether to grant or refuse the application	
(b)	If any of the 'No' boxes are marked, the application is a major amendment with issues likely to lead to a significant increase in the scale, intensity, level of environmental harm or impact. Completed the following:	
	• Has the application been entered as a major amendment in Ecotrack? If no, please email a copy of this signed checklist to Permit and Licence Management on **palm@ehp.qld.gov.au** to ensure Ecotrack is updated and they are aware the assessment fee is required to be paid. • Insert the below paragraph into the assessment level decision notice (EM841) if the assessment level decision is 'major' and the assessment fee has not already been paid. **1. Assessment fee** The administering authority has determined that the proposed amendment to the environmental authority is a major amendment therefore further fees for the assessment of this application are required to be paid to the administering authority. The assessment fee for a major amendment is 30% of the annual fee for the authority that is the subject of the application prescribed under schedule 10, part 2, item 7A of the Environmental Protection Regulation 2008. The assessment fee to be paid is $<INSERT amount>. Please call Permit and Licence Management on 1300 130 372 (option 4) and quote your reference number to pay your outstanding fee. **Under section 229(2)(b) of the *Environmental Protection Act 1994*, the assessment of the amendment application will not proceed until the assessment fee is paid.**	**MAJOR** ☐
	• Proceed to the public notification consideration (Section 3)	

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Assessing Officer		**Reviewing Officer**	
Sign:	sch4p4(6) Personal information	Sign:	sch4p4(6) Perso
Date:	16/02/17	Date:	16/02/17
Name:	Alison O'Brien	Name:	Jacinta Oliver
Position:	Senior Environmental Officer	Position:	Team Leader

Delegate

Recommendation/s: APPROVED / NOT APPROVED

Sign: sch4p4(6) Personal information Date: 23/2/2017

Name: Jacob Toe

Position: Delegate

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Checklist

Environmental Protection Act 1994

Validating an amendment application

This checklist is to be used to assess whether an application to amend an environmental authority contains the information required under section 226 of the Environmental Protection Act 1994 *and the requirements for amendment applications for coal seam gas activities under section 227.*

EA NO:	EPPR01865014	**PROJECT NO:**	199614
APPLICANT:	Tablelands Mining Group Pty Ltd	**FILE NO:**	101/00101133 ~~101/0018676~~
TENURE:	LOT/PLAN 254/SP117968 554/SP117968 557/SP117968	**RECEIVED DATE:**	9/2/17
PROJECT NAME:	TMG – Mourilyan Harbour	**CHECKLIST DUE:**	17/2/17
AMENDMENT APPLICATION DESCRIPTION:	The Department of Environment and Heritage Protection (the department) received an application to amend environmental authority (EA) EPPR01865014, from Northern Resource Consultants, on behalf of the EA holder Tablelands Mining Group Pty Ltd (the applicant) on 9 February 2017. The EA authorises stockpiling, loading and unloading of magnetite (sourced from Mt Ruby Mine) on strategic port land at Mourilyan Harbour under ERA 50.1(a) and ERA 50.1(b). The project site is located at the mouth of the Moresby River, approximately 8km East of Mourilyan and 12km South-East of Innisfail. The applicant seeks to: • remove an air quality monitoring point (HiVols for PM10 & PM 2.5), • relocate a dust deposition gauge, • remove a covered depositional dust gauge as a blank for an adjacent open gauge, • reduce the frequency of water quality monitoring from monthly to quarterly, • increase the water quality contaminant limit in the receiving environment for aluminium from 0.5 ug/L to 57 ug/L, and • remove an upstream water quality monitoring point. Along with the EA amendment application form, the applicant has provided two documents. One providing supporting information for amendments to the air quality Monitoring conditions, the other providing supporting information to the water quality monitoring conditions. New proposed coordinates and mapping are included in the supporting information documentation.		

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	The organisation name provided on the application form is Tablelands Mining Group Pty Ltd. The current Permit EPPR01865014 dated 7 October 2016 has the EA Holder as Tablelands Mining Group Pty Ltd.

For an environmental authority (EA) amendment application to meet the content requirements of the *Environmental Protection Act 1994* (EP Act) it must include all of the information required for amendment applications generally (section 226) and particular requirements for coal seam gas (CSG) activities (section 227).

The amendment application only needs to include the points below to the extent of the proposed amendment. Indicate by marking the 'Yes' / 'No' / 'N/A' below whether the information in the checklist has been provided in the amendment application. Where appropriate, include a justification to this determination.

*Note: This checklist is **solely** for the purpose of identifying the presence or absence of mandatory information, **not**, the quality of the information.*

Amendment application content information requirements for applications generally (s. 226) An amendment application must:	**YES / NO / N/A**	**Justification** (if required)
(a) be made to the administering authority	Yes	**The administering authority received the application on 27/1/2017 and was validated and received in the regional office on 9/2/2017.**
(b) be in the approved form	Yes	**The application was completed using the approved form, *Application to amend an environmental authority* (ESR/2015/1799).**
(c) be accompanied by the fee prescribed under regulation	Yes	**PaLM has confirmed that the application fee was received: $305.90 9/2/2017.**
Requirements in sections 226(d) – (f) do not apply for an application for a condition conversion. (d) describe the proposed amendment	Yes	**The applicant has described the proposed amendment.**
(e) describe the land that will be affected by the proposed amendment	Yes	**The activity will be carried out within the existing designated areas of the EA. The land that will be affected is a port, Mourilyan Harbour:** **LOT/PLAN** **254/SP117968** **554/SP117968**

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		557/SP117968
(f) describe any development permits in effect under the Planning Act for the carrying out of the relevant activity for the authority	Yes	**SDA-0114-007506**
(g) state whether each relevant activity will, if the amendment is made, comply with any eligibility criteria for the activity	N/A	**The application operates under a Prescribed ERA and so does not comply with the eligibility criteria of an ERA Standard.**
(h) if the application states that each relevant activity will, if the amendment is made, comply with any eligibility criteria for the activity – include a declaration that the statement is correct	N/A	**Compliance statement not provided. The application operates under a Prescribed ERA and so does not comply with the eligibility criteria of an ERA Standard.**
Requirements in sections 226(i) – (n) do not apply for an application for a condition conversion. (i) state whether the applicant seeks to change a condition identified in the authority as a standard condition	N/A	**The application operates under a Prescribed ERA and so does not comply with the eligibility criteria of an ERA Standard. The applicant seeks to amend Condition G8, Table 1 (Monitoring Point and Release Point Locations) of the EA (not a standard condition).**
(j) if the application related to a new relevant resource tenure for the authority that is an exploration permit or GHG permit – state whether the applicant seeks an amended environmental authority that is subject to the standard conditions for the relevant activity or authority, to the extent it related to the permit.	N/A	**This application does not relate to an exploration permit or GHG permit.**
Requirements in sections 226(1)(k)(i) – (v) do not apply for applications where an EIS process for each relevant activity the subject of the application has been completed and an assessment of the environmental risk of each activity would be the same as the assessment in the EIS (k)(i) include an assessment of the likely impact of the proposed amendment on the environmental values, including a description of the environmental values likely to be affected by the proposed amendment.	Yes	**Reports providing supporting information documents have been submitted for both Air Quality and Water Quality amendments with the application. The amendment being applied for is relating to monitoring requirements and not to the activity itself.**

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(k)(ii) include an assessment of the likely impact of the proposed amendment on the environmental values, including details of any emissions or releases likely to be generated by the proposed amendment .	Yes	**The amendent relates monitoring requirements and does not change the activity.**
(k)(iii) include an assessment of the likely impact of the proposed amendment on the environmental values, including a description of the risk and likely magnitude of impacts on the environmental values.	Yes	**The amendent relates monitoring requirements and does not change the activity.**
(k)(iv) include an assessment of the likely impact of the proposed amendment on the environmental values, including details of the management practices proposed to be implemented to prevent or minimise adverse impacts.	Yes	**The supporting documents provide some information to address this requirement.**
(k)(v) include an assessment of the likely impact of the proposed amendment on the environmental values, including details of how the land the subject of the application will be rehabilitated after each relevant activity ceases.	N/A	**The land is strategic port land. It is unlikely to require rehabilitation.**
(l) include a description of the proposed measures for minimising and managing waste generated by any amendments to the relevant activity	N/A	**The amendent relates monitoring requirements and does not change the activity.**
(m) include details of any site management plan or environmental protection order that relates to the land the subject of the application	N/A	
(n) include any other document relating to the application prescribed under a regulation	N/A	

Amendment Application Content Information **Additional requirements for CSG activities (s. 227)**	**YES / NO / N/A**	**Justification (if required)**
This section applies if: • The amendment application relates to an environmental authority for a CSG activity; and • The proposed amendment would result in changes to the management of CSG water; and • The CSG activity is an ineligible ERA. Refer to s126(1) and s126(2) of the EP Act.		
(1)(a) The quantity of CSG water the applicant reasonably expects will be generated in connection with carrying out each relevant CSG activity.	N/A	**The application does not relate to CSG activities.**
(1)(b) The flow rate at which the applicant reasonably expects the water will be generated.	N/A	**The application does not relate to CSG activities.**
(1)(c) The quality of the water, including changes in the water quality that the applicant reasonably expects will happen while each relevant CSG activity is carried out.	N/A	**The application does not relate to CSG activities.**
(1)(d) The proposed management of the water including the use, treatment, storage or disposal of the CSG water.	N/A	**The application does not relate to CSG activities.**
(1)(e)(i) The measurable criteria (the management criteria) against which the applicant will monitor and assess the effectiveness of the management of the water including	N/A	**The application does not relate to CSG activities.**

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	criteria for the quantity and quality of the water used, treated, stored or disposed of.		
(1)(e)(ii)	The measurable criteria (the management criteria) against which the applicant will monitor and assess the effectiveness of the management of the water including criteria for protection of the environmental values affected by each relevant CSG activity.	N/A	**The application does not relate to CSG activities.**
(1)(e)(iii)	The measurable criteria (the *management criteria*) against which the applicant will monitor and assess the effectiveness of the management of the water including criteria for the disposal of waste, including, for example, salt generated from the management of the water.	N/A	**The application does not relate to CSG activities.**
(1)(f)	The action proposed to be taken if any of the management criteria are not complied with, to ensure the criteria will be able to be complied with in the future.	N/A	**The application does not relate to CSG activities.**
(2)(a)(i)	Must not provide for using a CSG evaporation dam in connection with carrying out a relevant CSG activity unless the application includes an evaluation of best practice environmental management for managing the CSG water.	N/A	**The application does not relate to CSG activities.**
(2)(a)(ii)	Must not provide for using a CSG evaporation dam in connection with carrying out a relevant CSG activity unless the application includes an evaluation of alternative ways for managing the CSG water.	N/A	**The application does not relate to CSG activities.**
(2)(b)	Must not provide for using a CSG evaporation dam in connection with carrying out a relevant CSG activity unless the application includes an evaluation that shows there is no feasible alternative to a CSG evaporation dam for managing the CSG water.	N/A	**The application does not relate to CSG activities.**

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Comments / Notes
Insert any relevant information to support the decision
The application is supported by two separate documents. One each for Air Quality and Water Quality. Some monitoring data is provided. Raw data for water quality has since been provided.

Recommendation

After completing the list/s above, mark which of the following applies:

(a) The content of the amendment application is complete and valid.
A condition conversion is automatically treated as a minor amendment and applicant just needs to declare they can comply with the relevant eligibility criteria and standard conditions.

For other applications the content of the application must be assessed to decide whether the proposed amendment is a major or minor amendment. This decision is known as an assessment level decision.

VALID ☒

(b) The content of the amendment application is incomplete.
The application is invalid and must be returned to the applicant without assessment.

INVALID ☐

Assessing Officer		**Reviewing Officer**	
Sign:	sch4p4(6) Personal information	Sign:	sch4p4(6) Per
Date:	23/2/17	Date:	23/2/17
Name:	**Alison O'Brien**	Name:	**Jacinta Oliver**
Position:	**Senior Environmental Officer**	Position:	**Team Leader**

Delegate

Recommendation: APPROVED / NOT APPROVED

Sign: sch4p4(6) Personal information Date: 23/2/2017

Name: **Jacob Toe**

Position: **Delegate**

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File Note

File Reference: 101/0010133

Print and file when complete.

Date: 23 February 2017

File Name: Port of Mourylian

Subject (Detail): Prelodgement meeting EA Amendment

- On 12 January 2017 EHP held a prelodgement meeting with Tablelands Mining Group Pty Ltd (TMG) regarding a proposed EA amendment. Northern Resource Consultants (NRC) attended the meeting on behalf of TMG.
- The main EA amendments discussed included:
    - Removing an air quality monitoring station from the EA; and
    - Amending the Aluminium limit in the EA based on site specific data.
- The main discussion points for the EA amendment proposing to remove an air quality monitoring station from the EA included:
    - NRC and TMG explained that they could not get an access agreement from the landowner Queensland Sugar Limited (QSL), mainly due to the ongoing electricity costs.
    - NRC and TMG explained the complexities in monitoring air emissions from the projects activities, given the number of other activities occurring within the Port of Mourilyan area.
    - NRC and TMG proposed to remove the third air monitoring station altogether stating monitoring results collected to date demonstrate it is not necessary.
    - EHP explained that NRC and TMG will need to demonstrate that there is a lower environmental risk now than at the time of approval, when three monitoring stations were considered necessary based on air modelling conducted by GHD.
    - EHP stated that NRC and TMG could consider comparing monitoring results to modelling outcomes in order to assess whether the risk is lower than previous predicted by modelling.
    - EHP stated that NRC and TMG may need to do more work to assess the claims that other activities within the Port of Mourilyan area are contributing to past air exceedances.
- The main discussion points for the EA amendment proposing to amend the Aluminium limit in the EA based on site specific data included:
    - NRC and TMG explained that they had collected enough receiving water data to set site specific aluminium limits in the EA rather than using the guideline values.
    - EHP made NRC and TMG aware of the Golding et al paper that sets an marine aluminium limit for SMD 95% level of protection value. EHP stated that NRC and TMG should consider this paper.
    - EHP discussed the process of assessing site specific data for the purpose of setting site specific water quality objectives, including the use of technical experts in DSITI.

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- EHP stated that the setting of site specific WQO's needed to be in accordance with the procedures outlined in the ANZECC and QLD Water Quality Guidelines, and that enough information was provided to support the data i.e. raw data, lab reports, sampling numbers, time and dates, statistics, time series plots, box and whisker plots etc.
- NRC and TMG explained that their EA did not have investigation conditions that are tied to an exceedance of a trigger or limit, which is a common condition in model mining conditions and an approach recommended in the ANZECC and QLD Water Quality Guidelines.
- EHP agreed that investigation conditions are normally included in EA's but would need to look at the previous assessment report to understand if there was a reason why they were not included.
- NRC and TMG explained that they would consider applying for investigation conditions to be included in the EA amendment along with the Aluminium limit amendment.

- EHP compliance, NRC and TMG also discussed recent non-compliance issues relating to air.
- EHP made NRC and TMG aware of the EP Act information requirements.

Date: **23 February 2017**

sch4p4(6) Personal information

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