

Notice

Environmental Protection Act 1994

Information request

This information request is issued by the administering authority under section 140 of the Environmental Protection Act 1994 to request further information needed to assess an amendment application for a site-specific environmental authority.

To: Terrequip Miles Pty Ltd
Suite 10A, 19 Lang Parade
MILTON QLD 4046

ATTN: Jacob Fuller, Carl Morandy
Email transmission only: jfuller@terrequip.com; carl.morandy@ausrocks.com.au

Your reference: A-EA-AMD-100601215 | EPML00382513
Our reference: C-EA-100601271 | 101/0006323

Further information is required to assess an amendment application for environmental authority

1. Application details

The amendment application for a site-specific environmental authority was received by the administering authority on 30 April 2024.

The application reference number is: **A-EA-AMD-100601215**

Land description: Mining Lease (ML) 5898, ML5900, ML5901, ML5902, ML5905, ML5906, ML5907, ML5909 and ML50058.

2. Information request

The administering authority has considered the abovementioned application and is writing to inform you that further information is required to assess the application (an information request).

The information requested is specified in Attachment 1, attached to this notice.

3. Actions

The abovementioned application will lapse unless you respond by giving the administering authority -

- (a) all of the information requested; or
- (b) part of the information requested together with a written notice asking the authority to proceed with the assessment of the application; or



- (c) a written notice –
- i. stating that you do not intend to supply any of the information requested; and
 - ii. asking the administering authority to proceed with the assessment of the application.

Should the information request require an EIS process or applicant to submit a progressive rehabilitation and closure (PRC) plan then it must be completed and submitted.

A response to the information requested must be provided by **12 February 2025** (the information response period). If you wish to extend the information response period, a request to extend the period must be made at least 10 business days before the last day of the information response period.


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

If the information provided in response to this information request is still not adequate for the administering authority to make a decision, your application may be refused as a result of section 176 of the *Environmental Protection Act 1994*, where the administering authority must have regard to any response given for an information request.

4. Human rights

A human rights assessment was carried out in relation to this decision, and it was determined that the decision is compatible with human rights.

If you require more information, please contact the department on the telephone number listed below.



Signature

29 July 2024

Date

Scott Sullivan
Department of Environment, Science and Innovation
Delegate of the administering authority
Environmental Protection Act 1994

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

Attachments

Attachment 1: Additional information required for major amendment application EA EPML00382513 Terrequip Miles Pty Ltd

Attachment 2: Inspection of Sibelco Australia Limited mine at Gurulmundi, on 22 November 2016 – Environmental Authority EPML00382513

Attachment 1: Additional information required for major amendment application EA EPML00382513 Terrequip Miles Pty Ltd

Item	Reference	Matter	Information Request
General			
	EA Amendment Cover Letter (7 February 2024)	The application makes reference to disturbance off mining leases that is historical and does not seek to include the disturbance under the EA amendment. If these structures (i.e. raw water dam east of ML5909 and water supply dams outside of ML5902) form part of the mining operation then they should be contemplated by the EA and would require associated authorisations such as tenure or planning approval.	Confirm, or otherwise, that the structures off the MLs (i.e. raw water dam east of ML5909 and water supply dams outside of ML5902) are not part of the mining activity.
	Environmentally Relevant Activities	The disturbance areas proposed within the application show an increase of greater than 10% of the current disturbance authorised (i.e. from 19.5ha to 146.3ha proposed). In relation to Terrequip's processing activities, with the potential increase in operational scale it is unclear whether there will be a commensurate increase in throughput rates for the processing activity.	Provide details of proposed throughput rates for the processing facility, including clarification on whether the threshold for the Environmentally Relevant Activity (ERA) <i>31 Mineral Processing</i> will be triggered.
Air			

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	Environmental Protection (Air) Policy 2019 (EPP (Air))	<p>In relation to the EPP (Air), the application has not demonstrated the following:</p> <ul style="list-style-type: none"> • How the management hierarchy has been considered in the project design and development of management strategies for the proposed activity and operation. • How the environmental values listed under section 6 and schedule 1 of the EPP (Air) have been considered. The application does not identify the closest sensitive receptors for the mining operations and undertake the assessment of potential impacts on environmental values in consideration of these. • How the air quality objectives listed under section 7 and schedule 1 of the EPP (Air) have been considered and how they will be met. The application supporting material does not refer to contemporary air quality objectives. 	<p>Demonstrate consideration of the following:</p> <ol style="list-style-type: none"> a) The management hierarchy as set out in EPP (Air) in the project design and development of management strategies for the proposed activity and operation. b) The environmental values listed under section 6 and schedule 1 of the EPP (Air) and details on the location, proximity and type of sensitive receptors for each of the mining operations and leases specified under the EA. c) The air quality objectives listed under section 7 and schedule 1 of the EPP (Air) and how they will be met for expanded operations.
	Site Based Management Plan, 7 February 2024 (SBMP)	<p>The application material does not provide for a proactive air quality monitoring program to demonstrate adherence to contemporary standards or objectives established in the SBMP. Nor has the application demonstrated how the air quality objectives will be achieved, noting the air quality objectives specified in the SBMP are not in accordance with contemporary standards prescribed under the EPP (Air). (i.e. PM10 health and wellbeing air quality objective under the EPP</p>	<p>In conjunction with the matter above, undertake an assessment of the proposed activity and demonstrate how the air quality objectives will be achieved with consideration of a proactive monitoring program or an assessment in support of a complaints based approach as proposed.</p> <p>Refer to the Technical Guideline for information on the assessment: Application requirements for activities with impacts to air (des.qld.gov.au)</p>

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		(Air) is 50 µg/m ³ for 24 hours and 25 µg/m ³ for 1 year, whilst the application refers to the limit in the current EA of 150 µg/m ³ for 24 hours).	
Noise			
	Environmental Protection (Noise) Policy 2019 (EPP (Noise))	<p>In relation to the (EPP Noise), the application has not demonstrated the following:</p> <ul style="list-style-type: none"> • How the management hierarchy has been considered in the project design and development of management strategies for the proposed activity and operation. • How the environmental values listed under section 6 and schedule 1 of the EPP (Noise) have been considered. The application does not identify the closest sensitive receptors for the mining operations and undertake the assessment of potential impacts on environmental values in consideration of these. • The acoustic quality objectives listed under section 7 and schedule 1 of the EPP Noise have been considered. 	<p>In relation to the EPP (Noise) and the proposed operation, demonstrate consideration of the following:</p> <ol style="list-style-type: none"> a) How the management hierarchy as set out in EPP (Noise) has been considered in the project design and development of management strategies for the proposed activity and operation. b) How the environmental values listed under section 6 and schedule 1 of the EPP Noise have been considered and details on the location, proximity and type of sensitive receptors for each of the mining operations and leases specified under the EA. c) The acoustic quality objectives listed under section 7 and schedule 1 of the EPP Noise have been considered.
Water			
	<p>Amendment 1: Schedule C – Table 4 (Storage Design)</p> <p>Not properly made (NPM) response (30 April 2024)</p> <p>Attachment 2 – Inspection of Sibelco Australia Limited mine at</p>	<p>No discharge to environmental waters is proposed for ML5900 and ML5901 as outlined in the NPM response letter.</p> <p>Attachment 3 of the NPM response identifies discharge points on both MLs.</p> <p>If a discharge of any nature is proposed an</p>	<p>a) Clarify whether there will be a discharge to environmental waters on ML5900 and ML5901. Where any discharge is proposed, provide an assessment of releases of water to the receiving environment pursuant to departmental guideline ESR/2015/1837 Application requirements for activities with</p>

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	Gurulmundi, on 22 November 2016 – Environmental Authority EPML00382513	<p>assessment must be undertaken for consideration by the department to approve this as a discharge location.</p> <p>The supporting information for the site is not consistent with the EA authorisations and as has been previously advised by the department the EA should be amended to reflect current discharge locations.</p> <p>A compliance inspection undertaken by the department on 22 November 2016 indicated inconsistencies with the current conditions of the EA, being:</p> <ul style="list-style-type: none"> • Schedule C Table 2 lists a monitoring point AB-WMP-D. This monitoring point no longer exists due to the progression of mining activities. An amendment application of the EA was advised to provide a new monitoring location for the outlet of ML5909. • Schedule C Table 2 lists two monitoring points AB-WMP-E for ML5909 sediment dam and AB-WMP-F for ML5909 outlet. Both of these monitoring points have the same coordinates which is located approximately 80m south of the railway dam in a vegetated area, not in a waterway. An amendment of the EA was advised to provide the correct monitoring location for the outlet of ML5909. 	<p>impacts to water (des.qld.gov.au)</p> <p>b) Demonstrate the current site monitoring and release authorisations are consistent with the EA or otherwise undertake necessary reviews and assessments to support this EA application, noting a change application may be required.</p>
	Amendment 1: Schedule C –	The application supporting document identifies that <i>“the voids and water storage structures are</i>	Provide evidence that the voids and water storage structures are not regulated structures by

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	<p>Table 4 (Storage Design) EA Amendment Cover Letter (7 February 2024)</p>	<p><i>not high hazard dams and are in-ground excavations which do not put human life at risk for wall failures”</i></p> <p>Evidence has not been provided to support that the voids and water storage structures are not high-hazard structures. The department’s Manual for assessing consequence categories and hydraulic performance of structures provides for the standard for assessing the consequence category of dams.</p>	<p>completing a consequence category assessment consistent with the requirements set out in the manual for assessing consequence categories Manual for assessing consequence categories and hydraulic performance of structures.</p>
	<p>Not properly made (NPM) response (30 April 2024) SBMP Site Water Management and Monitoring Plan Sediment and Erosion Control Plan</p>	<p>The application identifies that <i>“to ensure the EA holder maintains adequate erosion and sediment control structures wherever necessary to prevent or minimise the erosion of disturbed areas and the sedimentation of any waters, it is necessary that the imposed limit on the quantity and location of the sediment dams is removed”</i>.</p> <p>The NPM response identifies that there will not be releases to the environment from the operations based on size of the proposed excavations and provides an assessment based on rainfall and runoff information.</p> <p>The application is supported by a proposed addendum to the Site Water Management and Monitoring Plan for the proposed operations. This addendum provides summary information for structures including some general dimensions, however it is unclear how this addendum</p> <ul style="list-style-type: none"> - Deals with the progressive nature of mining operations and if the sizing of 	<p>Provide:</p> <ul style="list-style-type: none"> a) a table summarising the water structures and voids proposed that details the specific details for each tenure/mining operation for the dimensions for all water control structures and water holding structures. b) an updated Site Water Management and Monitoring Plan for the proposed operations, including a sediment and erosion control plan that complies with the International Erosion Control Association (IECA) guidelines. c) Certification and sign off by a suitably qualified person that the water balance calculations and assessments are consistent with contemporary design and construction standards, including ICEA and requirements of the EA and the Manual for assessing consequence categories and hydraulic performance of

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		<p>proposed structures allows for the progressive nature of mining and backfilling, and</p> <ul style="list-style-type: none"> - is consistent with current standards sediment and erosion control for sediment basins. <p>The number, locations and dimensions of sediments dams and voids is required to be confirmed to allow for clearly defined assessment of the potential impacts and to clarify the authorisation.</p> <p>The application material refers to the Code of Environmental Compliance for mining lease projects in relation to proposed changes to the capacity and spillway design capacity of structures. This is not a relevant or contemporary reference for structure design. The spillway design and capacity of the dam must be informed by contemporary standards for the structures.</p> <p><i>Note: Should an expansion to the sediment dams or additional sediment dams or pits be required for the Project in the future, an application to amend the environmental authority can be made to the administering authority.</i></p>	<p>structures.</p> <p>d) a timeline and plan for the update and review of the Site Water Management and Monitoring Plan, inclusive of sediment and erosion control requirements, that aligns to proposed mining operations and includes a certification sign off process by a suitably qualified person.</p>
	<p>Amendment 2: Schedule F – Table 1 Final Land Use and Rehabilitation Approval Schedule</p>	<p>The water quality analysis provided as part of the water storage PMLU evaluation in the NPM response does not include values relating to sulphate, calcium and magnesium as required by</p>	<p>Provide:</p> <p>a) water quality monitoring results for all EA analytes from 2016 to present to demonstrate compliance with condition</p>

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	<p>NPM response</p> <ul style="list-style-type: none"> Attachment 4 – Water Storage Post Mine Land Use (PMLU) evaluation 	<p>EA EPML00382513.</p> <p>The average total dissolved solids (TDS) provided in Table 4-A: Miles Bentonite Mine water quality summary of the NPM response currently exceeds the limits specified in Schedule 3 – Table 3 (End of pipe contaminant release limits) of the EA.</p> <p>The NPM notice requested water quality analysis of site surface waters that identifies the water is suitable for the proposed use of agricultural water storage. This was not provided in the NPM response.</p> <p>The application proposes changes to the post mine land use currently prescribed within the EA. The Landholder Statement currently on file is date 5 May 2022. This Landholder Statement relates to Mining Leases ML5902, ML50058, ML5909 & ML5907. It is noted that the Landholder Statement does not include Mining Leases ML5898, ML5900, ML5901, ML5905 or ML5906.</p> <p>Condition F6-1 states <i>“All infrastructure, constructed by or for the environmental authority holder during the mining activities including water storage structures, must be removed from the site prior to mining lease surrender, except where agreed in writing by the post mining land owner/holder.”</i></p>	<p>C1-1 and C1-2 and C1-3 of the EA.</p> <p>b) Information on the measures that will be taken to ensure the water quality of the current and proposed water storage dams are compliant with the EA limits.</p> <p>c) evidence to demonstrate how site water structures (ML50058 pit, ML5909 and ML5907 ROM Pad and Sediment Dams) will be made suitable and compliant for its intended purpose post mining (stock water storage for grazing activities).</p> <p>d) a landholder statement which includes all proposed infrastructure to be retained post mining for all mining leases within the EA in addition to identifying a post mine land use should the landholder agreement not be received or maintained.</p>
Land			
	Land disturbance	The application provides figures and a summary	Provide:

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		<p>of the total area to be disturbed on each lease. The application does not clearly identify the type, location and area of disturbance proposed and there is insufficient information on the potential impacts to environmental values from the activities and the proposed mitigation measures.</p>	<ul style="list-style-type: none"> a) a table summarising the disturbance type for each lease, existing versus proposed disturbance, the areas for each disturbance type, the rehabilitation outcome and the applicability of any landholder agreement. b) detailed maps of the project area which include the locations of all site infrastructure/disturbance current and proposed for inclusion into the EA. c) the location of sensitive receptors and environmental values for land and an assessment of potential impacts to environmental values, including sensitive receptors, from the proposed activities. d) information on the mitigation measures to be implemented to reduce potential impacts to the environmental values, including sensitive receptors. <p>Information should be provided in accordance with ESR/2015/1839 Application requirements for activities with impacts to land (des.qld.gov.au)</p>
	<p>Cultural Heritage</p>	<p><i>Condition (I1-1) - The environmental authority holder must act in accordance with the cultural heritage management plan, signed in consultation with the traditional custodian for active mining lease 5909.</i></p> <p>No information has been provided regarding the consideration and assessment of heritage matters across the leases for the proposed operations and as it relates to the existing</p>	<ul style="list-style-type: none"> a) Provide an assessment of cultural heritage matters relevant to existing and proposed mining activities, across all mining leases. b) Demonstrate how all heritage matters and associated approvals have been considered and acquired to facilitate mining. c) Provide updated management plans for existing and proposed operations.

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		operations.	
	Matters of State Environmental Significance	<p>Matters of State Environmental Significance (MSES) – Regulated Vegetation defined watercourse is located within ML50058.</p> <p>The application states that the water course will be avoided during clearing</p> <p>Matters of State Environmental Significance (MSES) – Wildlife Habitat (special least concern animal) Echidna Habitat is located within the project area.</p>	<p>Demonstrate that the proposed mining activities will not cause a Significant Residual Impact to MSES Regulated Vegetation defined watercourse and MSES Wildlife Habitat special least concern animal in accordance with the guideline <i>Significant Residual Impact Guideline December 2014</i>.</p>
	Rehabilitation	<p>The application does not sufficiently describe how the site will be rehabilitated. Nor does the application demonstrate how rehabilitation will ensure an end use that is safe, non-polluting, stable and able to sustain the proposed post mine land use.</p> <p>The application is required to</p> <ul style="list-style-type: none"> - provide for the effective management of actual and potential environmental impacts for the rehabilitation of disturbed land resulting from the proposed activities. - Identify the proposed monitoring strategy which will be used to verify rehabilitation success. The information provided must include justification as to the options and management measures proposed. <p>A landholder statement or agreement does not preclude the need to meet the above</p>	<p>Provide information for rehabilitation that meets the requirements specified in with ESR/2015/1839 Application requirements for activities with impacts to land (des.qld.gov.au)</p> <p>Noting the current transition to the Progressive Rehabilitation and Closure Plan (PRCP) Framework, relevant information requirements, outcomes and best practice guidance and standards should also be considered.</p>

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		requirements.	