

Memorandum



Queensland Government
Environmental Protection Agency
Incorporating the
Queensland Parks and Wildlife Service

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Your reference
Our reference

22 October 2001

To: Jon Womersley, Regional Service Director
From: Neil Hoy, Senior Environmental Officer
Subject: Status of Environmental Authorities at East End

Purpose:

This purpose of this memorandum is to explain the status of two EA applications at East End and one EPA initiated amendment and to seek your advice on the timeframe to progress options.

Background:

Prior to 2001 the East End Mine had seven mining leases (ML 3629, 3630, 3631, 3632, 3659, 7629 & 80002) with an accepted EMOS dated 1996 and a provisional licence that was current until 1 March 2001.

On 1 January 2001 each ML and the Provisional Licence was deemed to have Transitional Authorities under the Environmental Protection Act.

The various applications / amendments associated with this project are discussed below.

1. FIRST APPLICATION:

On 14 March 2001 an application was lodged for a (new) EA for six of the MLs (3629, 3630, 3631, 3632, 3659, 7629) plus EP Licence 180001 and this was allocated a new EA Number M5765 in MADS. On 20 March 2001 the applicant was advised that the application should have been lodged as an amendment not an application for a new EA. The Coordinated Assessment Committee considered the application on 21 March 2001 and minutes are as follows:

Level 3 decision - East End Mine Assessing Officer - Ian Wilson

- 1. Application received (14/3/01) for new Non-Std EA due to expiry of Transitional Authority.*
- 2. EIS conducted in 1996 when cement plant upgraded. Information still valid.*
- 3. Public outrage: Concerns re hydrology*
- 4. EMAG established as community consultation body with Government and community representation (This probably should have been the Community Liaison Group (CLG) N Hoy)*

5. Crown Law recently advised that this project does not come under a special agreement act, and is therefore subject to the new legislation. Public should be happier due to their ability to be more involved.
6. Mining Leases expired in 1996. Applications for renewal cannot be finalised until compensation with local sorted out. (May now be addressed by L&RT) Rents, royalties etc paid and company continues to comply with conditions.
7. Transitional EA (previously a provisional licence) expired on 1/3/01 Darra claim that their application for amendment was not lodged prior to 1/3/01 because EPA (Rockhampton) did not advise them of their responsibility to do so.
8. Application requests a fee waiver.

Proposed Action

- EPA initiate an amendment to the TA for the mine (with assoc. EMOS). (Callide project was handled in this way by agreement between the holder and the Rockhampton office).

Decision

- ALD for EA application is non-standard, however, liaise with proponent to have application withdrawn (prior to EIS decision being required).
- Issue 'Notice of proposed action to amend'.
- Hold EIS decision until response from company.

Action:

- This approach to expired transitionals to be documented and signed off by the Director, Operations.

Action:

- When process agreed apply to other non-amended provisional projects.

Since the CAC consideration, the applicant has written asking to withdraw the original application on 4 April 2001. This has not been entered on MADS so M5765 still appears in the database and although we never formally agreed to the withdrawal, this EA should probably be listed as withdrawn.

Summary Application One: The original invalid application has been effectively withdrawn.

2. EPA INITIATED AMENDMENT (M2017):

The EPA initiated amendment of T2017 ie M2017 was sent to Darra Exploration on 9 April 2001. It only relates to ML3631 and the conditions that were on the former provisional licence 180001. This refers to the accepted EMOS (taken to be the 1996 version NOT the August 2000 incomplete version).

Summary EPA initiated amendment: This EA was a *proposed action* from the consideration of the first application above and has replaced the Provisional Licence 180001, refers to the accepted EMOS and requires a new EMOS by 1 April 2002. It covers the high level ERAs on the minesite.

3. ML80002 TA AMENDMENT:

On 26 June [July?] 2001 CSU received an application to amend the TA for ML80002 because the company wanted to increase the area of disturbance on this ML which is held for waste rock disposal.

CAC on 10 August 2001 decided that the application for a non-standard did not involve a significant increase in environmental harm (and that meant there was no need to consider whether an EIS was required). The TA for this ML ie T3984 was to be issued as M3984 and the file material was sent to the Rockhampton office of EPA. The appropriate tasks were allocated to Neil Hoy on MADS and are still shown as outstanding tasks.

All it needs is an EA referring to the existing EMOS and the proposal for a new EMOS to be submitted by [date] and this EA is to become part of the mining project subject to a project authority after the new EMOS is submitted.

Summary ML80002: This file is in this office and we can now issue the EA. We need to decide how to tie it into the other EAs on site and the timelines - we have 01 April 2002 for M2017 above.

4. BALANCE OF TRANSITIONAL AUTHORITIES:

At this time, in addition to M2017, the remaining six transitional authorities for the MLs listed above and ML80002 (which was omitted from the original application) were still in force and may attract annual fees upon their anniversaries under current Regulation.

The tentative milestone of 01 April 2002 for the revision of the accepted EMOS into the EPA form and the negotiation of full EA conditions for the whole project would appear achievable.

CONCLUSION:

There are thus no unfinished applications for East End sitting with CSU as the original invalid application has effectively been withdrawn and another whole-of-project amendment application is expected to be accompanied by an EMOS revised to EPA template by 1 April 2002.

Advice has to be sought on the options to bring the remaining TA together into one EA before the anniversary of the individual TAs if fees are payable before April 2002.

Neil Hoy
Senior Environmental Officer
22 Oct 2001

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