

# Notice

## *Environmental Protection Act 1994*

### **Not properly made amendment application**

*This notice is issued by the administering authority<sup>1</sup> pursuant to section 227AAB of the Environmental Protection Act 1994 to advise that an amendment application is not properly made.*

To: MMG Dugald River Pty Ltd  
Level 6, 445 Upper Edward Street  
Spring Hill QLD 4000

Attention: Gemma Green  
Email: Gemma.green@mmg.com

Your reference: EPML00731213; A-EA-AMD-100480009

Our reference: 101/0008757

### **Notice about an amendment application that is not properly made**

#### **1. Amendment application details**

The amendment application for an environmental authority and a proposed PRC plan, made by **MMG Dugald River Pty Ltd** was received by the administering authority on 8/08/2023.

The application reference number is: A-EA-AMD-100480009.

Land description: Mineral Development License (MDL) 79; Mining Lease (ML) 2467, ML2468, ML2469, ML2470, ML2471, ML2477, ML2478, ML2479, ML2480, ML2481, ML2482, ML2496, ML2497, ML2498, ML2499, ML2500, ML2501, ML2502, ML2556, ML2557, ML2558, ML2559, ML2596, ML2599, ML2601, ML2638, ML2684, ML2685, ML7496, ML90047, ML90049, ML90050, ML90051, ML90211, ML90212, ML90213, ML90218, ML20220, ML90230 and ML90237.

#### **2. Amendment application not properly made**

The administering authority is satisfied that the amendment application is not properly made.

<sup>1</sup> The Department of Environment and Science is the administering authority under the *Environmental Protection Act 1994*.

**3. Reasons for amendment application not being properly made**

The application is missing information required by section 226A and 126C of the *Environmental Protection Act 1994* (EP Act). Specifically,

- (a) Information requirements prescribed under section 226A(f) and 226A(g) of the EP Act must be provided to make the application properly made. The application must consider all environmental values (i.e., air, acoustic, land, land use and waste, wetland, water and groundwater) and include:
- i. an assessment of the likely impact of the proposed amendments, specifically the addition of the renewable energy project, on the environmental values, including –
    - a description of the environmental values likely to be affected by the proposed amendment; and
    - details of emissions or releases likely to be generated by the proposed amendment; and
    - a description of the risk and likely magnitude of impacts on the environmental values; and
    - details of the management practices proposed to be implemented to prevent or minimise adverse impacts; and
  - ii. a description of the proposed measures for minimising and managing waste generated by amendments to the relevant activity.
- (b) Information requirements prescribed under section 126C of the EP Act must be provided to make the application properly made. The proposed PRC plan must include the information the administering authority reasonably considers necessary to decide whether to approve the PRCP schedule for the plan. As prescribed under section 550 of the EP Act, this includes information specified in the Guideline Progressive Rehabilitation and Closure plans (PRC plan Guideline) (ESR/2019/4965 – Version 2). The information requirements that have not been met, are as follows:
- iii. PRC plan Guideline section 4:
    - The proposed PRCP schedule did not state the proposed post mining land use for rehabilitation area (RA) 6 and RA7. The proposed PRCP schedule must comply with section 126D(1)(a)(i) of the EP Act and meet the requirements outlined in section 4 of the PRCP guideline; and
  - iv. PRC plan Guideline section 3.1:
    - The proposed PRC plan did not include a detailed description of how the renewable energy project (RA7) will be carried out. The proposed PRC plan must provide a detailed description of how and where the relevant activities are to be carried out, including maps, in accordance with section 126C(c)(ii) of the EP Act and meet the requirements outlined in section 3.1 of the PRCP guideline; and
  - v. PRC plan Guideline section 3.5 and 3.2:
    - Consultation should occur prior to any PRCP schedule amendments that are likely to impact the community and the register should be updated when this consultation is undertaken. The proposed PRC plan does not include evidence of a community consultation plan, thus the outcomes of the consultation for the

proposed PMLU of RA7 have not been provided. The proposed PRC plan must provide outcomes of consultation with the community regarding the nominated PMLUs and include all relevant information in accordance with section 126C(1)(c)(ii), (iii), (iv) and (d)(i) of the EP Act and meet the requirements outlined in section 3.2 of the PRCP guideline; and

vi. PRC plan Guideline section 3.6:

- Regarding the renewable energy project, the final landform design of RA7 is missing critical information. This information includes 3D design plans of the final landform, the method of determining the landform design, modelling that predicts the long-term stability of the final landform design, the method of construction, and trial methodology to verify the predicted success of the final landform design. This information is vital to demonstrate that the land will achieve a safe and structurally stable condition. The proposed PRC plan did not include information relating to the methods for decommissioning and disposal of the built infrastructure relating to the renewable energy project. The proposed PRC plan must include all relevant information in accordance with section 126C(1)(e) of the EP Act and meet the requirements of section 3.6.1 and 3.6.5 of the PRCP guideline.

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.**

5. **Actions**

To make the amendment application properly made, you must resubmit the application and include additional supporting information to address the information listed above.

6. **Written notice required**

You must give written notice to the administering authority that the action has been taken by 26 February 2024. Written notice must be submitted to the Mineral Business Centre at the address shown below:

PO Box 7230, Cairns QLD 4870

Or

Email: ESCairns@des.qld.gov.au

If the written notice is not given by the date above, the amendment application for the environmental authority and proposed PRC plan will lapse under section 227AAC of the *Environmental Protection Act 1994*.


7. **Review and appeal rights**

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this internal review decision to the Land Court. Information about your review and appeal rights is attached to this notice. Note that you may have other legal rights and obligations.

**Notice**  
**Not properly made application**

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Should you have any questions about the notice, please contact the department using the contact details provided below.



Signature

22/08/2023

Date

Rebecca McAuley  
Department of Environment and Science  
Delegate of the administering authority  
*Environmental Protection Act 1994*

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

**Attachments**

Information sheet: Internal review and appeals (ESR/2015/1742)