Guideline

Environmental Protection Act 1994

Major and minor amendments

This guideline provides an overview of the process for amending an environmental authority (EA) and / or a progressive rehabilitation and closure plan (PRCP) schedule under the Environmental Protection Act 1994 *(EP Act). It also describes how the assessment level decision for an amendment application is determined under s.228 of the EP Act. The guidance is written for the situation where the Department of Environment and Science (DES) is the administering authority, but is also applicable (with any necessary changes) where a local government or the Department of Agriculture and Fisheries (DAF) is the administering authority.*

1. Introduction

The holder of an EA or a PRCP schedule may, at any time, apply to the administering authority[1] to amend the EA or PRCP schedule (an amendment application). The application pathways are shown below.

However, under s.225 of the EP Act, an amendment application cannot be made if:

- if the amendment is to add an environmentally relevant activity (ERA) that is not proposed to be carried out as part of an ERA project (i.e., as a single integrated operation).
- for prescribed ERAs, if the proposed amendment involves a change to the activity that requires a development permit under the *Planning Act 2016* unless a development application has been made.

Application pathways

- EA amendment – online through Online Services at www.business.qld.gov.au/running-business/environment/online-services or through the form *Application to amend an environmental authority* – ESR/2015/1733[2]
- PRCP schedule / joint EA and PRCP schedule amendment – through the form *Application to amend a PRCP schedule and/or PRCP schedule and EA* – ESR/2019/4956

The form ESR/2015/1733 can be requested from the administering authority and must be submitted according to the details supplied on the form[3].

The form ESR/2019/4956 is available on the Business Queensland website at www.business.qld.gov.au (use the search term "ESR/2019/4956").

[1] The administering authority is the relevant local government for ERAs devolved under section 133 of the Environmental Protection Regulation 2019, DAF for ERAs 2, 3 and 4 or the Department of Environment and Science (the department) for all other ERAs. See the information sheets *Environmentally relevant activities devolved to local government* (ESR/2015/1662) and *Environmentally relevant activities delegated to the Department of Agriculture and Fisheries* (ESR/2015/1671) for further information (available at www.qld.gov.au using the publication number as a search term).

2 This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.qld.gov.au.

[3] To request a form from DES email palm@des.qld.gov.au or phone 1300 130 372 (option 4). To request a form from DAF email livestockregulator@daf.qld.gov.au or phone 13 25 23.

2. Types of amendment applications

An amendment application for an environmental authority may be:

- a minor amendment (condition conversion) to convert all the EA conditions to standard conditions provided the eligibility criteria can be met;
- any other minor amendment—known as minor amendment (threshold); or
- a major amendment, which is an amendment that is not a minor amendment.

An amendment application for an approved PRCP schedule may be:

- a minor amendment (PRCP threshold); or
- a major amendment, which is an amendment that is not a minor amendment.

EA holders that also hold a PRCP schedule for the EA must consider whether a proposed amendment to the PRCP schedule requires a concurrent amendment to the EA (or vice versa) in order to ensure that no inconsistency between the documents occurs. Where amendments to both documents are required, the holder must apply to amend both simultaneously, using the joint PRCP schedule and EA amendment application form. Where a proposed amended does not warrant an amendment to both documents, an application to amend only the document required is necessary.

Amendment applications must be made in accordance with s.224–225 of the EP Act and meet the application requirements as per s.226 of the EP Act, and where relevant 226AA, 226A, 226B, 227 and 227AA in order to be a properly made amendment application.

The application will be deemed not properly made if it does not satisfy the information requirements as stated in these sections. Within 10 business days after receiving the amendment application, the administering authority must issue a notice under s.227AAB stating that the application is not properly made. The notice must give the reasons for the determination and actions that the applicant must take within a period of at least 20 business days to make the application properly made. If the applicant does not take the actions in the notice within the stated period (or longer by agreement), the amendment application will lapse under s.227AAC of the EP Act.

Note that the onus is on the applicant to demonstrate that an amendment is a minor amendment, as per the definition in the EP Act, if it is lodged as such.

3. Assessment level decisions for amendment applications

Under s.228 of the EP Act, the administering authority must decide whether the proposed amendment is a minor or a major amendment. This decision is called the assessment level decision. Where the applicant has applied to amend both the EA and PRCP schedule at the same time, the department will make two separate assessment level decisions. The assessment level decision(s) must be made within 10 business days after receiving the amendment application (or, where the administering authority has given a notice under s.227AB about a not properly made application, within 10 business days after giving the notice), and a notice(s) of the assessment level decision(s) issued to the applicant within 10 business days of making the assessment level decision(s).

There is no assessment level decision for a minor amendment (condition conversion) and these applications must be decided within 10 business days of receipt of the application.

Applicants who have questions regarding whether a proposed amendment of an existing EA or PRCP schedule is likely to be a minor or major amendment, are encouraged to arrange a pre-lodgement meeting with the administering authority. During the pre-lodgement meeting, the administering authority may indicate if the proposed changes are likely to be a minor or major amendment. However, the final assessment level decision

can only be made when the actual application is submitted. More information on pre-lodgement meetings is available on the department's website www.des.qld.gov.au.

Where the assessment level decision is that the proposed amendment is a major amendment, and applicant is not satisfied with the decision, a review and/or appeal process is available. See the information sheet 'Internal review and appeals' for further information (available at www.qld.gov.au using ESR/2015/1742 as a search term).

3.1. Minor amendments

The minor amendment (threshold or PRCP threshold) process (from receiving the amendment application, to issuing the amended EA or PRCP schedule to the applicant) takes no more than 35 business days, provided the application is properly made as per s.227AAA. Public notification and information requests do not apply to a minor amendment (threshold or PRCP threshold).

Some of the criteria stated in 3.1.1 and 3.1.2 require consideration of whether changes caused by the amendment will be significant. To work out whether the criteria in parts (b)-(d) from section 3.1.1 or part (c) from section 3.1.2 will be met, the administering authority will decide whether the increase or change in scale, intensity, level of harm or impact is 'significant' in accordance with the principles detailed in section 3.3.

3.1.1. Minor amendment (threshold)

A minor amendment (threshold) for an EA[4] is an amendment that the administering authority is satisfied:

(a) is not a change to a standard condition identified in the EA as a standard condition, other than a condition conversion or replacing a standard condition with a standard condition for the ERA; and

(b) does not significantly increase the level of environmental harm caused by the relevant activity; and

(c) does not change any rehabilitation objectives in the EA in a way likely to result in significantly different impacts on environmental values than the impacts previously permitted under the EA; and

(d) does not significantly increase the scale or intensity of the relevant activity; and

(e) does not relate to a new relevant resource tenure for the EA that is—

  (i) a new mining lease; or

  (ii) a new petroleum lease; or

  (iii) a new geothermal lease under the *Geothermal Energy Act 2010*; or

  (iv) a new greenhouse gas injection and storage lease under the *Greenhouse Gas Storage Act 2009*; and

(f) increases the existing surface area for the relevant activity by 10% or less; and

(g) for an EA for a petroleum activity:

  (i) involves constructing a new pipeline that does not exceed 150km in length; and

  (ii) involves extending an existing pipeline by no more than 10% of the existing length of the pipeline; and

[4] Section 223 of the EP Act.

(h) if the amendment relates to a new relevant resource tenure for the authority that is an exploration permit or greenhouse gas permit— the amendment application seeks an EA that is subject to the standard conditions for the relevant activity, to the extent it relates to the permit.

The amendment application will only be assessed as a minor amendment (threshold) if all of the criteria above will be met under the amended EA.

3.1.2. Minor amendment (PRCP threshold)

A minor amendment (PRCP threshold)[5] for a PRCP schedule is an amendment that the administering authority is satisfied;

(a) does not change a post-mining land use or non-use management area; or

(b) does not affect whether a stable condition will be achieved for land under the schedule; or

(c) does not change the way a post-mining land use will be achieved, or a non-use management area will be managed, in a way likely to result in significantly different impacts on environmental values compared to the impacts on the values under the schedule before the change; or

(d) does not relate to a new mining tenure for the schedule; or

(e) does not change when a rehabilitation milestone or management milestone will be achieved by more than 5 years after the time stated in the schedule when it was first approved; or

(f) does not extend the day by which rehabilitation of land to a stable condition will be achieved.

The amendment application will only be assessed as a minor amendment (PRCP threshold) if all of the criteria above will be met, subject to the following exception.

Re-sequencing exception

Despite the above criteria in paragraphs (e) and (f), if the applicant proposes an amendment to only re-sequence (i.e. change the **order**, not the process or outcome) two or more rehabilitation areas and their respective dates for completion, then the administering authority may decide that the application is a minor amendment. As per s.228(2) of the EP Act, to be considered for an minor amendment for re-sequencing, the administering authority must be satisfied that the applicant has: undertaken adequate consultation (as outlined in the proponent's Stakeholders Engagement Plan) with the community on the proposed amendment and adequately addressed any matters raised by community during this consultation.

3.2. Major amendments

A major amendment is an amendment that is not a minor amendment. If any of the criteria in Section 3.1.1 or 3.1.2 will not be met for the proposed amendment (for example, the proposed amendment would increase the existing surface area by more than 10%), it will be assessed as a major amendment.

A major amendment application for an EA goes through a similar assessment process as a site-specific EA application (i.e. parts 3 to 5 of the EP Act apply). A major amendment application for a PRCP schedule goes through a similar assessment process as a proposed PRC plan accompanying a site-specific application for an EA (i.e. s.136A and parts 3 to 5 of the EP Act).

The information stage (Chapter 5, part 3) will apply to all major amendment applications. During this stage the administering authority checks the application to ensure sufficient information has been provided to decide the

[5] Section 223 of the EP Act

application. If sufficient information has not been provided an information request notice can be issued to the applicant during the information request period[6], requesting the applicant supply the missing information.

If the amendment application relates to a site-specific mining lease, and there is no proposed PRC plan for the application, the administering authority must include in an information request a requirement that the applicant submit a proposed PRC plan for the application. The information stage will not end until a proposed PRC plan that complies with Chapter 5, part 2, division 3 is submitted in accordance with the information request.

If an EIS decision has previously been made by the administering authority and is deemed required, or is otherwise deemed necessary through the application process, an information request will be made for a new EIS to be submitted for the amendment application.

The information stage does not however apply to certain amendment applications when an EIS has been prior completed if since the application was made, materially relevant changes have not been proposed as mentioned in either the existing EIS process or the Coordinator-General stated conditions mentioned in section 34D(3)(b) of that Act that relate to each relevant activity the subject of the application.

3.2.1 Public Notification

An application for a major amendment of an EA may trigger public notification if the amendment is for a resource activity and the administering authority decides:

- the amendment is likely to lead to a substantial increase in the risk of environmental harm under the amended EA; and
- the risk is the result of a substantial change in:
  - the quantity or quality of contaminant permitted to be released to the environment; or
  - the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Also, the notification stage will apply to an application if any part of the application is for a mining activity relating to a new mining lease.

Public notification applies to applications for a major amendment of a PRCP schedule, except to the extent that the proposed change to the PRCP schedule:

- reduces the area of a non-use management area under the schedule; or
- is likely to reduce, or cause no change to, the impacts on environmental values raised by the activities the subject of the schedule.

Public notification is not applicable for prescribed ERAs.

3.2.2 Timeframes

The timeframe for the major amendment assessment process (from receiving the amendment application, to issuing the amended EA or PRCP schedule to the applicant) can vary and depends on whether public notification and/or an information request are required.

Note: Public notification under Chapter 5, Part 4 of the EP Act may not ultimately be required if a relevant environmental impact statement (EIS) has been notified under the EP Act or *State Development and Public*

[6] The timeframe required may differ depending on the application type submitted. The information request period may be extended once by written notice by the administering authority or further extended by agreement with the applicant.

Works Organisation Act 1971, and the application is consistent with the criteria listed in section 150 of the EP Act.

Also, the notification stage does not apply where, the amendment application is for a PRCP Schedule and the extent of the changes;

- reduce the area of a non-use management area under the schedule; or
- is likely to reduce, or cause no change to, the impacts on environmental values caused by the activities the subject of the schedule.

If an EIS has already been notified, the determination that *further* notification is not required can be reflected in the ALD notice. In other cases, if public notification is warranted the ALD notice will need to state this requirement (see section 230 of the EP Act) irrespective of a subsequent determination that an EIS is required and that notification of the EIS satisfies the criteria under section 150 of the Act.

3.3. Principles to apply in working out whether a proposed amendment is 'significant'

In determining whether a proposed amendment would result in a significant increase in environmental harm, scale, intensity or impact on environmental values, the administering authority will consider the following matters. Also, although not required by the EP Act, a consideration of the standard criteria[7] might assist in determining whether something is significant (for example, the characteristics of the receiving environment).

The department's current regulatory strategy commits the department to setting the outcomes a client must achieve and puts the responsibility for achieving those outcomes on the client. If a detailed assessment and the opportunity to make an information request:

- is *not* needed to work out the revised outcome that a client must achieve, and
- is *not* needed to work out whether the amendment will lead to a risk of serious environmental harm being caused and what conditions should be imposed to manage that risk,

then the amendment may not be significant.

For example:

- If a detailed assessment through the major amendment process would lead to the same conditions being imposed as through the minor amendment (threshold) or minor amendment (PRCP threshold) assessment process, then the amendment may not be significant.
- If an impact assessment (an assessment about the impact to environmental values) is not required to make an informed decision about the amendment application, then the amendment may not be significant.
- If the amendment can be approved without the need to authorise a greater level of environmental harm than the existing EA authorises, then the amendment may not be significant.

If it is necessary to conduct a detailed assessment to allow an officer to make an informed decision about the amendment—in a way that is consistent with the regulatory strategy—then the amendment may be significant.

If the amendment would trigger the notification period if it were assessed as a major amendment, and if people who are entitled to make a submission would reasonably be expected to:

- be concerned about the amendment; and

[7] The standard criteria are defined in Schedule 4 of the EP Act

- want to make a submission opposing the amendment,

then the amendment may be significant.

Examples of 'significant' increases

The following proposed amendments are likely to be significant, and therefore be assessed as major amendments (although the administering authority will consider the particular circumstances of each amendment application):

- increasing impacts to Category A or B environmentally sensitive areas
- increasing impacts to waters with limited assimilative capacity measured against environmental values and management objectives as prescribed in the Environmental Protection (Water) Policy 2019 (e.g. a discharge to a river which is already not meeting the required water quality objectives prescribed in the Environmental Protection (Water and Wetland Biodiversity) Policy 2019)
- increasing impacts to air quality such that the air quality objectives in the Environmental Protection (Air) Policy 2019 may not, or will not be achieved
- increasing noise emissions such that the acoustic quality objectives in the Environmental Protection (Noise) Policy 2019 may not, or will not be achieved
- increasing scale and nature of disturbances by a prescribed activity that will, or are likely to, result in a significant residual impact on a prescribed environmental matter[8] (Note - these changes may trigger a requirement for an offset under the *Environmental Offsets Act 2014*
- diverting a natural watercourse
- changing fuel type being used (i.e. from gas to coal or coal to waste)
- discharging contaminants directly to groundwater
- deeper extraction that intersects groundwater or where the depth of groundwater is not known
- increasing the height or area of a mine tailings dam by more than 10% of the existing height or area of that dam
- constructing and/or operating a new coal seam gas brine dam
- using emerging technologies (e.g. a new type of mining)
- changes to the final landform design that compromise landform stability and increase erosion potential (e.g. increasing the gradient of final slopes).
- changes which are part of staged development
- a 5% volume increase of waste production with potentially acid forming or neutral mine drainage properties
- a change in the type of minerals being mined
- a change of a post-mining land use for an area
- the addition of a mining lease to an EA, due to the increase in the risk of environmental harm.

[8] Prescribed activities and prescribed environmental matters are listed in Schedule 1 and Schedule 2 of the Environmental Offsets Regulation 2014, respectively. For more information, please refer to the Queensland Environmental Offsets Policy – Significant Residual Impact Guideline – *Nature Conservation Act 1992, Environmental Protection Act 1994, Marine Parks Act 2004*.

The following proposed amendments **may** be significant (and therefore major amendments), or may not be significant, depending on the nature of the amendment:

- discharging contaminants which differ to those authorised in the existing EA
- increasing emissions to the environment either by substantial volume or concentration or load
- changing the final rehabilitation acceptance criteria for an activity to a lower standard such that proposed rehabilitated land has a lower environmental value than that originally authorised in the existing EA
- moving a contaminant release location to a place with different environmental values
- using different industrial processes which will result in different emissions and impacts which are not authorised by the EA
- changing the design of an engineered capping layer to be installed over a waste rock dump
- increasing annual throughput for the relevant activity beyond that authorised in the existing EA
- increasing the quantity of chemicals, hazardous materials or wastes stored on the site beyond that authorised in the existing EA
- increasing operating hours into evening hours and Sundays where not previously authorised in the existing EA and the site of the activity(ies) is within close proximity to sensitive receptors.

More detailed examples of major and minor amendments for prescribed ERA and resource activities are provided in Appendix 1.

4. Making a change to a major amendment application

Where an application is deemed to be a major amendment, under s.236 of the EP Act, an applicant may change their amendment application before the application is decided, provided the change does not result in the application being not properly made. The applicant must give the administering authority written notice detailing the change and pay a fee before the change is considered. Information on the fee for changing an amendment application is in the information sheet 'Fees for permits for environmentally relevant activities (ERAs)' available at www.qld.gov.au using the publication number ESR/2015/1721 as a search term.

5. Decision

The decision on an application must be made within:

- 10 business days of receiving the application for a minor amendment (condition conversion).
- 10 business days after notice of the assessment level decision is given to the applicant for a minor amendment (threshold or PRCP threshold), or up to 20 business days if the applicant agrees.
- 20 business days after the day the decision stage for the application starts for a major amendment for an EA. This timeframe can be extended (once without applicant's agreement and further with the applicant's agreement).
- 30 business days after the day the decision stage for the application starts for a major amendment for a PRCP schedule. This timeframe can be extended (once without applicant's agreement and further with the applicant's agreement).

If the amendment application is approved, the administering authority will (within 5 busines days of the decision) amend the EA and/or PRCP schedule to reflect the changes, issue the amended document to the applicant and include a copy of the amended document in the relevant register.

If the amendment application is refused or the EA and/or PRCP schedule is amended other than as agreed to by the applicant, the administering authority will (within 5 busines days of the decision) give the applicant an information notice about the decision. The information notice will include the review or appeal details. Note: If a public interest evaluation (PIE) is required for the proposed PRCP schedule amendment application, then timeframes may differ from those stated above. For more information regarding the PIE process please refer to guideline 'Public Interest Evaluation' (ESR/2019/4948).

6. Fees

6.1. Application fee

A fee is payable upon submission of an amendment application. Information on this fee can be located in the information sheet 'Fees for permits for environmentally relevant activities (ERAs)' available at www.qld.gov.au using the publication number ESR/2015/1721 as a search term, as well as Schedule 10 of the Environmental Protection Regulation 2019.

6.2. Assessment fee for major amendment application

Where the administering authority determines the assessment level decision for the application as being a major amendment, an assessment fee is also payable to the administering authority in addition to the application fee. The assessment fee is calculated as 30% of the annual fee for the authority at the time the application is made. The assessment fee is payable once notification of the assessment level decision is issued. The assessment level decision notice will indicate the amount payable and how it can be paid. The assessment fee must be paid before the assessment of the amendment application can proceed.

6.3. Supplementary annual fee

All EA holders are required to pay an annual fee based on the ERA with the highest aggregate environmental score (AES). If amending an EA results in an annual fee being payable that is higher than the annual fee payable prior to the amendment, the difference between these fees (the supplementary annual fee) must be paid for the remainder of the licensing year from when the amendment takes effect. For example, this would apply if the amendment was to add a new non-concurrence ERA, which has a higher annual fee than the existing ERA.

The supplementary annual fee is payable to the administering authority within 20 business days after the amendment application is approved. The amendment decision notice will indicate if a supplementary annual fee is payable and how it can be paid. For more information on how your administering authority will calculate the supplementary annual fee, refer to the fee calculator[9].

[9] Available at **www.qld.gov.au**, using 'ESR/2015/1731' as a search term.

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Enquiries:
Permit and Licence Management
Ph. 1300 130 372 (select option 4)
Email: palm@des.qld.gov.au

Version history

Version	Date	Comments
4.00	25 November 2015	Inclusion of examples of amendment decisions. Addition of information about application requirements, environmental offsets and fees. Various other amendments to improve readability and clarity.
5.00	08 June 2016	Replaced Example 16 in Appendix 1; Updated references to other documents.
6.00	16 December 2016	Updated section 2 about invalid applications. Updated section 3.2 for legislative amendments regarding public notification for Co-ordinator General's coordinated projects and mining activities.
7.00	06 March 2017	Updated for Connect.
7.01	07 July 2017	Replaced *Sustainable Planning Act 2009* with *Planning Act 2016*.
7.02	11 June 2018	Document rebranded to align with machinery of government changes.
8.00	01 July 2019	Updated for the Environmental Protection (Waste ERA framework) Amendment Regulation 2018.
8.01	08 October 2019	Updated to reflect the Environmental Protection Regulation 2019 remake.
9.00	01 November 2019	Updated to reflect the commencement of the *Mineral and Energy Resources (Financial Provisioning) Act 2018* and the subsequent changes to the *Environmental Protection Act 1994*.
10.00	29 September 2020	Updated to reflect the commencement of the *Environmental Protection and Other Legislative Amendments Act 2020* and the subsequent changes to the *Environmental Protection Act 1994*.
10.01	04 May 2022	Facsimile number removed.

Appendix 1: Major and minor amendment examples

Examples are provided to assist applicants and assessing officers better understand how the criteria for assessment level decisions are applied in different circumstances. The examples are a guide only—other relevant site specific facts and circumstances can alter decisions made. Where minor amendment criteria are not specifically addressed, it is assumed that these are satisfied in the given minor amendment examples.

Minor amendments

Prescribed ERAs

1. Adding a new site to an amalgamated project authority

The applicant proposes to add a sewage pump station—ERA 63(1)(b)[10]—more than 40KL/hour, on a new site, to an amalgamated project authority (APA). The APA consisted of over 500 sewage pump station sites and the new activity will be carried out as part of the same single integrated operation. The proposed site is not in proximity to any sensitive receptors and the activity itself is considered low risk with respect to impacts on any environmental values.

The amendment could be determined to be minor on the following grounds:

The definition of minor amendment (threshold) (s.223 of the *Environmental protection Act 1994 (*EP Act)) includes the requirement that, in respect of the *relevant activity,* there be no significant increase in level of environmental harm or scale/intensity. Also any additional surface area shall not exceed 10% of the existing area. In relation to an APA, the *relevant activity* would encompass all activities on all sites on the authority[11]. This means that the single additional site would be compared to the aggregate of the other sites when determining the extent of increase in scale or intensity and increase in surface area. It is unlikely that one site would have any significance when compared to the other 500 sites in aggregate.

In this scenario a significant increase in environmental harm caused by the activity would be unlikely given the site attributes and nature of the activity as described above. The activity has not been assigned an aggregate environmental score[12] (AES) which is indicative of the relatively low risk this activity.

2. Adding a new activity to a number of existing sites on an amalgamated local government authority

The applicant operates extraction activities—ERA 16(2)(b)—100,000 to 1,000,000 tonnes/year at two sites. It is proposed to carry out screening activities—ERA 16(3)(a)—5000 to 100,000 tonnes/year at both sites, to facilitate better on-site storage of extracted material and transport off-site. The extraction and screening activities will be carried out as a single integrated operation. The environmental authority (EA) requires amendment to allow this additional activity.

The amendment could be determined to be minor on the following grounds:

- The screening is unlikely to significantly increase the level of environmental harm caused by the existing extraction activities if appropriate mitigation measures are put in place.
- The screening is unlikely to represent a significant increase in scale or intensity of the extraction activities. The extraction quantities are unchanged and the screening would be considered ancillary to that activity.

[10] This is a reference to the environmentally relevant activity (ERA) description contained in s.63(1)(b), Schedule 2, *Environmental Protection Regulation 2019* (EP Reg).

[11] This would also be the case for a project authority and an amalgamated local government authority.

[12] Refer to Schedule 2, EP Reg for the AES assigned to various thresholds.

- No additional surface area would be required if the screening is conducted within extraction and storage areas.

3. Adding new activities to an existing site

The applicant operates a composting activity—ERA 53(a) and other waste reprocessing or treatment activity—ERA 55(2)(b) at a site.

It is proposed to amend the EA to add a resource recovery and transfer station operation—ERA 62(1)(c).

The addition this new ERA will not substantially change the operation of the site and the resource recovery activities will be carried out as a single integrated operation with the existing composting and waste reprocessing activities.

The amendment could be determined to be minor on the following grounds:

The amendment does not significantly increase the level of environmental harm caused by the existing activities. The lower AES of the new activity is indicative of this. The environmental risks associated with the resource recovery and waste transfer station operation are considered relatively minor given the existing activities at the site. The conditions on the existing EA were imposed on the basis of the higher risk activity (ERA 55) and should be sufficient to manage the lower risk activities of ERA 55 and 62.

There isn't a significant increase in intensity or scale as the operations of the site have not changed substantially, and the new ERA could be considered ancillary to the existing activity.

4. Decrease to release limits

The applicant has an EA to operate a meat processing plant—ERA 25. It is proposed to install a new waste water treatment plant. The current treatment system is unable to meet the release limits set in the EA, and a transitional environmental program (TEP) has been implemented pending the installation. The proposed amendments to the EA include new release locations and new release limits which are more stringent.

The amendment could be determined to be minor on the following grounds:

The level of environmental harm caused by the relevant activity would be reduced with more stringent release limits, providing the new release locations did not result in more significant impacts. The waste treatment plant is ancillary to the relevant activity and would not represent a significant increase in the scale or intensity. It is assumed that there is less than 10% increase to the existing area.

5. Increase to release limits

The applicant is a carpet manufacturer who operates under an EA for ERA 40—textile manufacture of more than 100 tonnes/year. It is proposed to amend the EA to increase odour limits for the exhaust stacks for the carpet manufacturing plant, as the existing limits cannot be complied with. The applicant submits full details of the relevant environmental values and expected impacts, including modelling of the exhaust dispersion. The modelling indicates minimal impacts on sensitive receptors from the proposed release limits.

The amendment could be determined to be minor on the following grounds:

The amendments do not significantly increase the level of environmental harm caused by activity, as indicated by the modelling.

The amendments do not significantly increase the scale or intensity of the relevant activity.

6. Reduced exhaust stack velocity

The applicant conducts a fibre glass manufacturing business and holds an EA which authorises ERA 44—glass or glass fibre manufacture of more than 200 tonnes/year.

It is proposed to amend the EA to reduce the required exhaust stack velocity from 12 to 8 m/s as the higher velocity cannot be achieved. Monitoring reports and data were provided in a pre-lodgement meeting. The air dispersion modelling provided indicated the reduced velocity would result in ground level concentrations that were consistent with the air quality objectives of the *Environmental Protection (Air) Policy 2019.*

The amendment could be determined to be minor on the following grounds:

It does not significantly increase the level of environmental harm caused by activity.

7. Increase noise limits

The applicant holds a project authority to conduct extraction activities—ERA 16(2)(b)—100,000 to 1,000,000 tonnes/year and screening activities—ERA 16(3)(b)—100,000 to 1,000,000 tonnes/year at a number of sites.

It is proposed to amend the noise limits at a particular site. Due to residential encroachment, the site can no longer comply with existing noise limits. An assessment by a consultant determined that all practical noise mitigation measures had been implemented. It was also determined that noise generated by the activity had in fact been reduced over recent years and the amendment seeks to formalise this by setting absolute limits rather the existing background plus limits. The mitigation measures and proposed limits were consistent with the management hierarchy and acoustic quality objectives of the *Environmental Protection (Noise) Policy 2019*.

The amendment could be determined to be minor on the following grounds:

The proposed amendments do not significantly increases the level of environmental harm caused by activity.

8. Increase to waste acceptance limits

The applicant operates ERA 55 – other waste reprocessing or treatment and ERA 62 – resource recovery and transfer facility operation on a site. It is proposed to amend the EA to double the waste acceptance limit for used oil filters from 25,000kg to 50,000kg. The increase is 0.6% of the total waste receiving limit by weight.

The amendment could be determined to be minor on the following grounds:

There is no significant increase in scale or intensity.

Resource activities

9. Additional irrigation area for sewage treatment plant

The applicant holds a resource project authority to conduct a mining activity. The authority includes a sewage treatment plant—ERA 63(1)(a)(i)—21EP to 100EP with an irrigation scheme. An additional irrigation area is required due to elevated volumes of effluent created during maintenance of the STP settlement pond and the oversaturation of the current irrigation area. The applicant proposes amending the authority to include this new area as a designated irrigation area. There are no matters of environmental significance on or adjacent to the proposed area. The new area represents an increase of 40% of the existing irrigation area but only 4% of the combined areas impacted by the mining activity.

The amendment could be determined to be minor on the following grounds:

There is no significant increase in environmental harm caused by the activity. An STP with an irrigation scheme is already operated on the site and the new irrigation area will have limited impacts on environmental values. Additionally, the STP activity is ancillary to the mining activity which has significantly greater potential impacts.

There is no significant increase in the scale/intensity of the activity when the mining project is considered in its entirety.

The surface area of the relevant activity has increased by only 4%.

10. Combination of amendments

The applicant holds a resource project authority to conduct a mining activity. The applicant proposes a number of amendments. These consist of:

1. correcting a clerical error regarding release point coordinates
2. authorising in-situ testing of electrical conductivity at a discharge point
3. deletion of a release point due to decommissioning and disassembly
4. the addition of two release points
5. addition of the analyte cyanide concentration to the monitoring regime
6. relocation of a containment area

Information supplied with the application indicates the proposed release points and new containment area will not have significant impacts on environmental values.

The amendment could be determined to be minor on the following grounds:

The proposed amendments individually and in combination will not significantly increase the level of environmental harm caused by the activity.

Major amendments

Prescribed activities

11. Combination of amendments

The applicant conducts sewage treatment plant activities at a number of sites at various ERA 63 thresholds on an amalgamated local government authority. The applicant is planning to upgrade the plant at a particular site, as the existing plant is not meeting EA release limit conditions and a TEP has been implemented in the interim.

The applicant proposes the following EA amendments in respect of that site:

1. The replacement of the current release limits. Total nitrogen (TN) and total phosphorous (TP) limits will be specified for the first time. The maximum release limit for ammonia will be increased. The other release limits will be more stringent.
2. The inclusion of the model ERA 63 bypass conditions; the above release limits would not apply to bypass waters.
3. The replacement the Environmental Impact Monitoring Program conditions with the model ERA 63 Receiving Environment Monitoring Program conditions.
4. Change the location of the water sampling point.
5. Design capacity increased from 7300 equivalent persons (EP) to 12500EP.

The amendment could be determined to be major on the following grounds:

Potential significant increase in environmental harm would be authorised by the amendments. The EA will authorise the release of TN and TP for the first time. In the absence of specified limits for particular contaminants, the default position is that the current EA does not authorise the release of the contaminants at

a*ny* concentration. Bypass conditions will allow releases to exceed limits in certain circumstances, and increasing allowed inflows to reflect the increased EP capacity will result in larger volumes of effluent being authorised.

12. Adding a new site to an amalgamated project authority

The applicant holds an amalgamated project authority for dredging—ERA 16(1)(a)—1000 to 10,000 tonnes/year at five locations along various watercourses, which in aggregate total 19.4kms (50.4ha), and screening activities—ERA 16(3)(a)—5000 to 100,000 tonnes/year at various locations totalling 8ha. The actual combined dredging operation is approximately 10,000 tonnes/year.

The applicant proposes the following EA amendments:

1. Add dredging ERA 16(1)(b)—10,000 to 100,000 tonnes/year to a site adjacent to an existing site. This will add another 4.5kms (11.7ha) of watercourse to the dredging activities. The actual dredging operations at the new site will consist of approximately 20,000 tonnes/year of sand.
2. Add a screening operation—ERA 16(3)(a) to an existing dredging site. This will occupy areas totalling approximately 2ha.

The new activity will be carried out as part of the single integrated operation.

The amendment could be determined to be major on the following grounds:

The proposed amendments will significantly increase the potential level of environmental harm caused by the activities. The proposed amendments will result in an increase in area of disturbance of 11.7ha (23.2%) of the watercourses and two additional areas for screening/stockpiling totalling 2ha (increase of 25%).

Note: Where the impacts at a proposed new site are such that they are not adequately managed with existing conditions and/or warrant new site specific conditions under the EA, this could be considered a significant increase in potential environmental harm irrespective of the existing impacts on the other sites for the activity. See the example 13 below.

The proposed amendments will significantly increase the scale of the relevant activity. Existing maximum dredging permitted under the EA is 50,000 tonnes/yr. This will increase to 150,000 tonnes/yr.

The proposed amendments will add more than 10% to the existing surface area of the relevant activity; 58.4ha (dredging 50.4ha + screening 8ha) to 72.1ha (dredging 62.1ha + screening 10 ha); an increase of 23.5%.

13. Adding a new site to a project authority

The applicant holds a project authority authorising extraction, screening and dredging activities at various thresholds at seven sites. The extracting and screening activities meet the eligibility criteria and operate under standard conditions and the dredging activity operates under model conditions.

The applicant proposes the following EA amendments:

To add a new site on which will be conducted extraction—ERA 16(2)(a)—5000 to 100,000 tonnes/year and screening—ERA 16(3)(a)—5000 to 100,000 tonnes/year. The additional site is a ‘green field’ site and there would be considerable impacts on environmental values. The activity would include blasting, crushing and screening plant, with road transport accessing the site. Sensitive receptors have been identified which may be impacted by noise and dust. The site does not meet the eligibility criteria for standard conditions. The higher risk site would require site-specific conditions to manage these impacts.

The amendment could be determined to be major on the following grounds:

The proposed amendments could significantly increase the level of environmental harm caused by activity. The impacts at the proposed new site are such that they would not be adequately managed with existing conditions and warrant new site specific conditions under the EA.

Resource activities

14. Adding a mining lease to a project authority

The applicant holds a resource project authority to conduct a mining activity. The applicant has acquired an additional mining lease on which to construct a pipeline to provide water for the project.

The applicant proposes the following EA amendments:

To add the area of the new mining lease to the project authority and the relevant conditions to manage impacts of construction and operation of the pipeline.

The amendment would be determined to be major on the following grounds:

S.223(e) of the EP Act specifically precludes amendments relating to a new resource tenure, including a new mining lease, from being a minor amendment.

15. Release of treated sewage effluent

The applicant holds a resource project authority to conduct a Coal Seam Gas (CSG) activity. The project site includes a 'no release' sewage treatment plant. This is not considered an ERA. The applicant proposes to install a larger plant which includes release of treated effluent to an irrigation scheme. There is a wetland adjacent to the site.

The applicant proposes the following EA amendments:

To add to the project authority a sewage treatment plant—ERA 63(1)(a)(i)—21EP to 100EP with an irrigation scheme.

The amendment would be determined to be major on the following grounds:

The proposed amendments could significantly increase the level of environmental harm caused by the activity. Release of effluent will be authorised for the first time and there are areas of environmental significance in close proximity. Although the STP activity is ancillary to the CSG activity, the potential impacts of the proposed irrigation scheme are considered significant in their own right.

16. Increase to the run of mine rate and disturbance footprint

The applicant holds a resource project authority to conduct a mining activity. The project site is approved to produce 4 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal. The applicant proposes to extend its current disturbance footprint and increase production rate of ROM coal. The extension to the disturbance area requires offsets to be provided for Matters of State Environmental Significance.

The applicant proposes the following EA amendments:
To change the approved ROM rate to 5.5Mtpa; and amend the approved disturbance footprint in the EA.

The amendment would be determined to be major on the following grounds:
The proposed amendments could significantly increase the level of environmental harm caused by the activity. Increasing the ROM rate and approved disturbance footprint for the project site could significantly increase both the scale and intensity of the relevant activity.

17. Adding an additional mining lease

The applicant holds a resource project authority for a mine and now wishes to pump approximately 400ML per year of water to the mine site from an off-tenure source approximately 20 km away. The water has recently been secured from an adjoining landholder.

To permit the installation of a pipeline to convey the water, the applicant proposes to amend the environmental authority to add a new mining lease that covers the pipeline route.

The proposed amendment is considered a major amendment due to the addition of a new mining lease, as per s. 223(e)(i) of the EP Act. Without the new mining lease, the mine would not be able to cost effectively transport the water to the mine site.

18. Proposing a change to a non-use management area

The applicant has a non-use management area (NUMA) approved as part of a PRCP schedule. Due to a change in the proposed mining activities, the applicant wishes to amend the PRCP schedule to change the NUMA (a residual void) to a post-mining land use (grazing land).

The proposed amendment is considered a major amendment because it is a change to a non-use management area. However, as per s. 232(2) of the EP Act, the notification stage would not apply.