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 provides guidance to support an assessment level decision for an amendment application under s. 228 of the EP Act. The guidance is written for the situation where the Department of Environment, Science and Innovation is the administering authority but is also applicable (with any necessary changes) where a local government or the Department of Agriculture and Fisheries is the administering authority.*

This guideline is non-statutory and cannot override the provisions of the EP Act. This guideline must not be considered in isolation. Decision-makers must have regard to the relevant provisions of the EP Act and the site-specific circumstances of an application when assessing EA or PRCP schedule amendment applications.

Contents

ABN 46 640 294 485

1. Introduction

The holder of an environmental authority (EA) or a progressive rehabilitation and closure plan (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 for an amendment application are shown below.

- 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.
- 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.

Application forms are available on the Business Queensland website at www.business.qld.gov.au (using the search term "ESR/2015/1733" or "ESR/2019/4956").

1.1. When an amendment application cannot be made

An amendment application cannot be made:[2]

- 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).[3]
- if the amendment is to extend the term of an EA that was issued to conduct research into, or test, technology or processes relating to an ERA, and the holder relied on s. 125(8) of the *Environmental Protection Act 1994* (EP Act) in the application for the EA.[4]
- 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 or a change application to change a development permit has been made.

While the EP Act does not prevent applicants from submitting overlapping amendment applications, applicants are discouraged from submitting simultaneous or overlapping amendment applications for the same EA or PRCP schedule to minimise the risk of inconsistencies.[5] However, there may be some circumstances where this may be necessary. For example, when an amendment to an EA condition becomes necessary while an amendment application for a different unrelated condition within the same EA is still being assessed.

Further, for EAs that are required to comply with eligibility criteria[6], if the proposed amendment would change a condition imposed by the administering authority requiring the holder of the EA to take all reasonable steps to ensure the activity complies with the eligibility criteria for the activity, the administering authority may:[7]

[1] The administering authority is the relevant local government for ERAs devolved under s. 133 of the Environmental Protection Regulation 2019, DAF for ERAs 2, 3 and 4 or the Department of Environment, Science and Innovation (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] Refer to s. 225 of the *Environmental Protection Act 1994* (EP Act).
[3] In this instance, the applicant needs to apply for a new EA except where the EA is for an amalgamated local government authority. If the EA is for an amalgamated local government authority, the EA may be amended to add a new location, despite the operations not forming part of a project with one of the currently licensed sites.
[4] In this instance, the applicant needs to apply for a new EA.
[5] This does not apply where concurrent amendments are required to a PRCP or EA as per s. 226AA of the EP Act.
[6] Eligibility criteria, for an ERA, means the eligibility criteria that are in effect for the activity under an ERA standard or ss. 707A or 707B of the EP Act. Where an ERA standard has been approved for an ERA, the eligibility criteria set the bounds for making a standard application or variation application for an EA. If the eligibility criteria cannot be met, then a site-specific application for an EA can be made. The activities that have an ERA standard are listed on Business Queensland (available at https://www.business.qld.gov.au/ and searching 'ERA standards').
[7] Refer to s. 227A of the EP Act.

- refuse the application within 10 business days after receiving the amendment application; and
- require the EA holder to make a site-specific application for a new EA to replace the EA.

2. Types of amendment applications

An amendment application for an EA may be:

- a minor amendment (condition conversion) to convert all the EA conditions to standard conditions[8] 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) to ensure that no inconsistency occurs between the documents. Where amendments to both documents are required,[9] the holder must apply to amend both simultaneously, using the joint PRCP schedule and EA amendment application form. Where a proposed amendment does not warrant an amendment to both documents, an application can be made to only amend the required document.

Refer to Appendix 1 for a flowchart which provides an overview of the amendment application process.

3. Application requirements and not properly made amendment applications

The application requirements for EA amendments are outlined in Chapter 5, Part 7, Division 2 of the EP Act. The application requirements for PRCP schedule amendments are outlined in s. 226 and s. 226B of the EP Act. An application will be not properly made if it does not satisfy the information requirements as stated in these sections. Fees must be paid when making an amendment application (refer to section 9 of this guideline for further information).

Important note

The exemption from certain application requirements that applies to new EA applications for the purpose of conducting research into, or testing, technology or processes relating to a prescribed ERA does not apply to amendment applications.[10]

The application forms referred to in section 1 of this guideline provide guidance about the content requirements for EA and PRCP schedule amendments. Also refer to Appendix 2 for further information about application requirements. Applicants who are unsure about the content requirements for an amendment application are encouraged to arrange a pre-lodgement meeting with the administering authority to try and resolve any

[8] ERA standards are comprised of eligibility criteria and standard conditions. The activities that have an ERA standard are listed on Business Queensland (available at https://www.business.qld.gov.au and searching 'ERA standards').
[9] Refer to s. 226AA of the EP Act.
[10] Section 125 of the EP Act provides an exclusion from needing to include the information required by s. 125(1)(l)(i)-(ii), if the applicant for an EA for a prescribed ERA for a trial or research activity can demonstrate that sufficient information about the matters is not available. The application requirements for an EA amendment application are detailed in Chapter 5, Part 7, Division 2 of the EP Act and are separate to the application requirements for new EAs.

questions prior to the application being submitted. More information on pre-lodgement meetings is available on the Business Queensland website using the search term 'pre-lodgement.'[11]

Where an amendment application is not properly made, the administering authority must issue a notice[12] stating that the application is not properly made within 10 business days after receiving the application. The notice must:

- give the reasons for the determination;
- state the actions that the applicant must take to make the application properly made; and
- provide a period of at least 20 business days after the notice is given within which the applicant must give written notice to the administering authority that the action has been taken.

If the applicant does not take the actions in the notice within the stated period (or longer by agreement), the application will lapse.[13]

4. Assessment level decisions for amendment applications

Following the determination that an application is properly made, the administering authority must decide whether the proposed amendment is a minor or a major amendment.[14] This decision is called the assessment level decision. The assessment level decision determines the assessment process for an application. There is no assessment level decision for a minor amendment (condition conversion).

Important note

While an applicant may propose that their application is a minor amendment, the administering authority will decide the amendment type through its assessment level decision.

If the applicant is proposing that their application is a minor amendment, the onus is on the applicant to provide enough information to demonstrate that the amendment is a minor amendment, as per the definition in the EP Act. Applications that are not demonstrated to be minor amendments, will be determined to be major amendments.

The assessment level decision will be made based on the information provided as part of the amendment application. Consequently, applicants should ensure that sufficient information is provided in the application to allow the administering authority to consider the proposed amendment against the definitions of minor amendment and major amendment in the EP Act. For example, if proposing to vary current EA conditions, applicants should include details of the conditions proposed to be amended, the justification for the changes and how the changed conditions would / would not impact the environmental risks of the relevant activity. Providing sufficient and relevant information upfront as part of the amendment application will support the administering authority to undertake assessments in a timely manner.

Applicants should not submit multiple staged minor amendments to avoid determination as a major amendment.

Applicants who are proposing complex amendments, have questions regarding the level of information to include in an application or about whether a proposed amendment may be a minor or major amendment, are encouraged to arrange a pre-lodgement meeting with the administering authority. A pre-lodgement meeting may assist the administering authority and applicant to identify and resolve any questions about the level of information necessary to support an assessment level decision prior to the application being submitted. During the pre-lodgement meeting, the administering authority may indicate if the proposed changes are likely to be a

[11] Refer to https://www.business.qld.gov.au.
[12] Refer to s. 227AAB of the EP Act.
[13] Refer to s. 227AAC of the EP Act.
[14] Refer to s. 228 of the EP Act.

minor or major amendment. More information on pre-lodgement meetings is available on the Business Queensland website using the search term 'pre-lodgement.'[15]

Important note

While the administering authority may indicate if the proposed changes are likely to be a minor or major amendment as part of a pre-lodgement meeting, the assessment level decision can only be made when the actual application is submitted.

An assessment level decision must be made within 10 business days after receiving the amendment application (or, where the administering authority has given a notice about a not properly made application, within 10 business days after the applicant gives notice that the action to make the application properly made has been taken). A notice of the assessment level decision must be issued to the applicant within 10 business days of making the assessment level decision. A single assessment level decision will be made, and a single decision notice issued, where the applicant has applied to amend both the EA and PRCP schedule at the same time. This ensures that the proposed amendments are considered together and there are no inconsistencies between EAs and PRCP schedules as per the requirements of s. 226AA of the EP Act.

Where the assessment level decision is that the proposed amendment is a major amendment, and the applicant is not satisfied with the decision, a review and/or appeal process is available. See the information sheet 'Internal review and appeals' (ESR/2015/1742)[16] for further information about review and/or appeal processes. Applicants may also choose to withdraw the application and take time to prepare additional supporting information and resubmit the application, if the applicant believes that the additional information will demonstrate that the application is a minor amendment. However, the provision of additional information in a new application will not result in a change of assessment level decision unless the administering authority is satisfied that the minor amendment definition is met having regard to the application material.

Refer to Appendix 3 for a flow chart showing the application stage for EA or PRCP schedule amendments.

4.1. Major and minor amendment definitions

A major amendment for an EA or PRCP schedule is an amendment that is not a minor amendment.[17] Minor amendment, for an EA or PRCP schedule, means an amendment that is –

(a) for an EA –

(i) a condition conversion; or

(ii) a minor amendment (threshold); or

(b) for a PRCP schedule - a minor amendment (PRCP threshold).

4.1.1. Minor amendment (threshold)

A minor amendment (threshold) for an EA is an amendment that:[17]

(a) is not a change to a condition identified in the authority as a standard condition[18], other than -

(i) a change that is a condition conversion; or

(ii) a change that is not a condition conversion but that replaces a standard condition of the EA with a standard condition for the ERA to which the EA relates; or

[15] Refer to https://www.business.qld.gov.au.
[16] 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.
[17] As defined in s. 223 of the EP Act.
[18] Under s. 199 of the EP Act, an EA must identify any conditions that are standard conditions.

(iii) a change that will not result in a change to the impact of the relevant activity on an environmental value; 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) involves an addition to the surface area for the relevant activity of no more than 10% of the existing area; and

(g) for an EA for a petroleum activity:

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

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

(h) if the amendment relates to a new relevant resource tenure for the EA 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.

As each of the subsections of the minor amendment (threshold) are connected with the conjunctive ‘and,’ an amendment application will only be assessed as a minor amendment if all the relevant subsections above will be met under the amendment.

Important note

The definition of 'minor amendment (threshold)’ refers to ‘relevant activity.’ Schedule 4 of the EP Act defines ‘relevant activity’ as:

- For an EA, means the ERA/s the subject of the EA; or
- For an application for an EA, means the ERA/s the subject of the application; or
- For a proposed PRCP or PRCP, means the relevant activities to be carried out on land the subject of the plan.

For example, for an amalgamated project authority that consists of 500 sewage pump station sites, the ‘relevant activity’ would encompass all activities on all sites on the EA.

The definition of 'minor amendment (threshold)’ also refers to ‘existing area’ and ‘surface area.’ ‘Existing area’ and ‘surface area’ are not defined in the EP Act. Consequently, these terms have their ordinary meaning.

Generally, ‘existing area’ would be taken to mean the entire existing area that has been lawfully disturbed or is authorised to be lawfully disturbed. In the context of subsection (f) of the 'minor amendment (threshold)’ definition, the term ‘existing area’ is taken to refer to the ‘existing surface area’.

Generally, 'surface area' would be taken to refer to the area of the surface of the relevant land and would not include underground areas or airspace. However, there may be instances where underground activities result in impacts to the 'surface area.' For example, if underground mining caused subsidence or damage from subsidence (I.e., ponding and cracking) on the surface area.

4.1.2. Minor amendment (PRCP threshold)

A minor amendment (PRCP threshold) for a PRCP schedule is an amendment that:[17]

(a) does not change a post-mining land use (PMLU) or non-use management area (NUMA); 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 PMLU will be achieved, or a NUMA 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.

Important Note

The definition of minor amendment (PRCP threshold) refers to several terms which are defined in the EP Act including:[19]

- Post-mining land use
- Non-use management area
- Rehabilitation milestone
- Management milestone

The definition of minor amendment (PRCP threshold) also refers to 'stable condition.' Land is in a 'stable condition' if: [20]

- the land is safe and structurally stable; and
- there is no environmental harm being caused by anything on or in the land; and
- the land can sustain a PMLU.

4.1.2.1 Re-sequencing exception – PRCP schedule amendments

Despite paragraphs (e) and (f) of the minor amendment (PRCP threshold) definition, if the applicant proposes an amendment only to re-sequence (i.e., change the **order**, not the process or outcome) of two or more rehabilitation areas and their respective dates for completion, then the administering authority may decide that the application is a minor amendment. To be considered for a minor amendment for re-sequencing, the administering authority must be satisfied that the applicant has:[21]

- undertaken adequate consultation (as outlined in the proponent's Stakeholder engagement plan) with the community on the proposed amendment; and

[19] Refer to s. 112 of the EP Act.
[20] Refer to s. 111A of the EP Act.
[21] Refer to s. 228(2) of the EP Act.

- adequately addressed any matters raised by the community during this consultation.

4.1.2.2 Updates only to rehabilitation planning part – PRCP schedule amendments

A PRCP includes the rehabilitation planning part of the plan and the PRCP schedule for the plan.[22] The purpose of the rehabilitation planning part of a PRCP is to support and justify the development of the proposed PRCP schedule. The rehabilitation planning part of a PRCP is not approved by the administering authority and changes only to the rehabilitation planning part of a PRCP do not require an amendment application under the EP Act where they remain consistent with the Schedule. However, the amended rehabilitation planning part of the plan must be provided to the administering authority and be included on the public register.[23] Refer to the Guideline Progressive Rehabilitation and Closure Plans (ESR/2019/4964)[24] for further information about the requirements for the rehabilitation planning part of PRCPs.

4.2. Considering the element of 'significantly'

Some elements of the definition of minor amendment (threshold) and minor amendment (PRCP threshold) require the administering authority to determine whether the proposed amendment would:

- 'significantly' increase the level of harm caused by the relevant activity;[25]
- 'significantly' increase the scale or intensity of the relevant activity;[26] or
- result in 'significantly' different impacts on environmental values than previously authorised.[27]

'Significantly' is not defined in the EP Act. Consequently, guidance is necessary to support consistent assessment level decisions for EA and PRCP schedule amendments. Not all increases or changes proposed through an EA or PRCP schedule amendment process will be considered 'significant.' Generally, something is 'significant' if it is 'important, notable, or of consequence' having regard to its context.'[28]

There are four steps involved in considering the element of 'significantly' for an EA or PRCP schedule amendment.

1. Identify the relevant subsections of the minor amendment definitions.
2. Identify the baseline.
3. Identify if there is an increase or different impact.
4. If an increase or different impact is identified, consider the significance.

Appendix 4 provides detailed examples of major and minor amendments including examples which consider the significance of increases and changes.

4.2.1. Identify the relevant subsections of the minor amendment definitions

The proposed amendment should be considered against the definitions of minor amendment for an EA or PRCP schedule, to identify the subsections that will be relevant to the amendment application and consequently, determine if the element of 'significantly' requires consideration.

For EA amendments, it is necessary to consider the proposed amendment against all subsections of the minor amendment (threshold) definition as the subsections are connected by the conjunctive 'and.' For example, for a petroleum activity, an amendment relating to a new pipeline less than 150km, is still required to be assessed against subsection (b) of the minor amendment (threshold) to determine if there is a significant increase in the

[22] Refer to the definition of PRC Plan in s.112 of the EP Act.
[23] The public register can be accessed at https://apps.des.qld.gov.au/public-register/..
[24] 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
[25] Refer to minor amendment (threshold) definition s. 223(b) of the EP Act.
[26] Refer to minor amendment (threshold) definition s. 223(d) of the EP Act.
[27] Refer to minor amendment (threshold) definition s. 223(c) and minor amendment (PRCP) threshold definition s. 223(c) of the EP Act.
[28] *Booth v Bosworth* [2001] FCA 1453 at [99].

level of harm caused by the relevant activity. However, not all subsections will be relevant to every EA amendment application. For example, subsection (c) of the minor amendment (threshold) is only relevant where the EA includes rehabilitation objectives, and the proposed amendment relates to those objectives. Subsection (c) of the minor amendment (threshold) definition is also not relevant where a PRCP is in place. Where a PRCP is in place, refer to the minor amendment (PRCP threshold) definition.

There are also some subsections of the minor amendment definitions that mean that an amendment application must be decided as a major amendment if the outlined circumstances are met without the need to consider the element of 'significantly.' For example, if an amendment relates to a new mining lease for the EA, the amendment will be a major amendment due to subsection (e) of the minor amendment (threshold) definition irrespective of any determination of significance. In these circumstances, although the assessment level decision may be known from the outset, applicants must still ensure that their amendment application meets all legislative content requirements to enable the administering authority to assess the application.

4.2.2. Identify the baseline

The current EA or PRCP schedule should be considered to determine the baseline as per the following table.

Amendment type	Subsection	Baseline
EA amendment	Subsection (b) –Significantly increase the level of harm caused by the relevant activity	The level of harm caused by the relevant activity that is currently authorised by the EA.
EA amendment	Subsection (c) - Result in significantly different impacts on environmental values [in reference to changes to any rehabilitation objectives]	The impacts on environmental values permitted under the EA for the current rehabilitation objectives.
EA amendment	Subsection (d) - Significantly' increase the scale or intensity of the relevant activity	The scale or intensity of the relevant activity that is currently authorised by the EA. Generally, the baseline scale or intensity of the relevant activity will be outlined in the EA and may relate to: • The specified ERA threshold; • A condition setting the processing threshold or activity limit; • A condition adopting a map or plan limiting disturbance; • A condition setting out a table of disturbance; • A condition specifically adopting another document, such as a figure within an environmental impact statement (EIS); or • Conditions specifying emissions limits. In some circumstances, an EA may expressly allow a degree of flexibility regarding the interpretation of a map or table included in the EA. For example, a condition may allow variations of up to 10% without the need for an amendment application.

Amendment type	Subsection	Baseline
		Where the baseline scale or intensity of the relevant activity cannot be determined from the EA, extrinsic material may be reviewed if:[29] • The EA is ambiguous or obscure. For example, if the EA contains a poor-quality map photocopied from the EIS, the original EIS documents may be reviewed. • The ordinary meaning of the EA leads to a result that is manifestly absurd or is unreasonable. For example, if clerical errors were made when converting a table of rehabilitation from an environmental management plan under s. 701 of the EP Act, the original environmental management plan can be reviewed.
PRCP schedule amendment	Subsection (c) - Result in significantly different impacts on environmental values [in reference to changes to the way a post-mining land use will be achieved, or a non-use management area will be managed]	The impacts on environmental values for the achievement of PMLU or the management of a NUMA.

4.2.3. Identify if there is an increase or a change likely to result in a different impact

To identify if a proposed amendment will 'significantly increase' the level of harm, scale or intensity of the activity or be likely to result in 'significantly different impacts' on environmental values, it needs to be considered if the proposed amendment will result in an increase or change when compared to the baseline as per the following table.

Amendment type	Subsection	Identifier
EA amendment	Subsection (b) –Significantly increase the level of harm caused by the relevant activity	An increase in the level of harm caused by the relevant activity. Environmental harm is defined in s. 14 of the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration, or frequency) on an environmental value, and includes environmental nuisance. Environmental harm may be caused by an activity: • whether the harm is a direct or indirect result of the activity; or

[29] Refer to s. 14B of the *Acts Interpretation Act 1954*.

Amendment type	Subsection	Identifier
		• whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors. Consequently, when assessing whether an amendment would increase, as opposed to change, the level of environmental harm caused by the relevant activity, consideration must be given to all aspects of the definition of environmental harm including: • potential, not just actual, adverse effects; • temporary or infrequent effects; • environmental nuisance; and • the combined effects of the relevant activity and other activities or factors. Where the amendment proposes changes to matters not currently considered by the EA, consideration of other relevant regulatory requirements or the relevant environmental protection policies might assist in determining any potential increase and its significance.
EA amendment	Subsection (c) - Result in significantly different impacts on environmental values [in reference to changes to any rehabilitation objectives]	A change to a rehabilitation objective in a way that is likely to result in different impacts on environmental values.
EA amendment	Subsection (d) - Significantly' increase the scale or intensity of the relevant activity	An increase in the scale or intensity of the relevant activity.
PRCP schedule amendment	Subsection (c) - Result in significantly different impacts on environmental values [in reference to changes to the way a post-mining land use will be achieved, or a non-use management area will be managed]	A change to the way a PMLU will be achieved, or a NUMA will be managed in a way that is likely to result in different impacts on environmental values.

Important Note

The use of the term 'different impacts' rather than increased impacts in subsection (c) of the minor amendment (threshold) and (PRCP threshold) definitions, means that the impacts on environmental values

do not have to be increased, but rather the focus is on the type and extent of the impact and how this changes through the proposed amendment

4.2.4. If an increase or different impact is identified, consider the significance.

Once it has been identified that there will be an increase in harm, scale or intensity or different impacts on environmental values, the significance of the increase or different impact needs to be determined by considering the importance, noteworthiness, or consequence of the increase or different impact having regard to its context. The importance, noteworthiness, or consequence of increases or differences in impacts should be considered having regard to the individual circumstances of the amendment application and the exercise of professional judgement.

While a 10% increase is referred to in subsections (f) and (g) of the minor amendment (threshold) definition, there is no percentage increase included in the EP Act to designate 'significance' for the purposes of subsections (b) or (d) of the minor amendment (threshold) definition. Percentages should not be applied as the sole determination of significance in the absence of clear legislative intent for doing so.

For subsection (b) of the minor amendment (threshold) definition, when considering the significance of increases in environmental harm related to temporary or infrequent effects, the importance, noteworthiness, or consequence of the increase needs to be considered in relation to the frequency or duration of the effect. Although an increase in environmental harm may result in an effect that only occurs once, or only occurs for a short time, the increase in environmental harm may still be determined as significant if the effects are important, noteworthy or of consequence.

Similarly, when considering the significance of increases in environmental harm related to potential adverse effects, the importance, noteworthiness, or consequence of the increase needs to be considered in relation to the likelihood of the effects. Although the likelihood of the adverse effects may be low, the increase in environmental harm may still be determined as significant if the effects, if they were to eventuate, would be important, noteworthy or of consequence.

5. Minor amendment process

5.1. Information stage

Information requests do not apply to a minor amendment (threshold or PRCP threshold).

5.2. Public notification

Public notification does not apply to a minor amendment (threshold or PRCP threshold).

5.3. Timeframes

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 and there are no agreed extensions to the timeframe for deciding the application.[30]

Minor amendment (condition conversion) applications must be decided within 10 business days of the receipt of the application.

[30] Under s. 240(1)(b)(ii) of the EP Act, an applicant may agree to extend the 10 business days timeframe for deciding minor amendment applications by no more than 20 business days.

6. Major amendment process

A major amendment application for an EA goes through a similar assessment process as a site-specific EA application.[31] A major amendment application for a PRCP schedule generally goes through a similar assessment process to a proposed PRCP accompanying a site-specific application for an EA.[32] However, there are some exceptions to the public notification requirements for major amendment applications for a PRCP schedule as noted in section 6.2 of this guideline.

As outlined in section 4 of this guideline, where the applicant has applied to amend both the EA and PRCP schedule at the same time, a single assessment level decision will be made.

6.1. Information stage

The information stage[33] applies to all major amendment applications but may not always be required. During this stage, the administering authority checks the application to ensure sufficient information has been provided to decide the application. If sufficient information has not been provided, an information request notice can be issued to the applicant during the information request period,[34] requesting that the applicant supply the missing information.

However, the information stage does not apply to amendment applications where an EIS process has previously been completed covering each relevant activity the subject of the amendment application if, since the EIS process was completed:[35]

- for an EA - the environmental risks of the activity and the way the activity will be carried out have not changed; or
- for a proposed PRCP schedule -
    - a PMLU or NUMA has not changed; or
    - achieving a stable condition for land has not changed; or
    - the way a PMLU will be achieved, or a NUMA will be managed, has not changed in a way likely to result in significantly different impacts[36] on environmental values compared to the impacts on the values under the EIS; or
    - the day by which rehabilitation of land to a stable condition will be achieved has not changed.

Important Note

The EIS process originally completed may have been either under the EP Act or the *State Development and Public Works Organisation Act 1971*.

For an EA, the criteria in the definition of a minor amendment (threshold) are different from the criteria for determining whether the information stage applies to an EA amendment application because 'the environmental risks of the activity and the way the activity will be carried out have not changed' since the EIS process was completed. This is a separate assessment.

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

[31] Chapter 5, parts 3 to 5 of the EP Act apply to a major amendment for an EA.
[32] Section 136A and Chapter 5, parts 3 to 5 of the EP Act apply to a major amendment for a PRCP schedule.
[33] Refer to Chapter 5, part 3 of the EP Act.
[34] 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.
[35] Refer to s. 139 of the EP Act.
[36] Refer to section 4.2 of this guideline for guidance about the consideration of 'significantly different impacts.'

resource projects under the Environmental Protection Act 1994' (ESR/2016/2171)[37] for further information about the process and criteria for determining that an EIS is required in respect of an amendment application.

Refer to Appendix 5 for a flow chart of the information stage for EA and PRCP schedule amendments.

6.2. Public notification

An application for a major amendment of an EA for a resource activity will require public notification[38] subject to some exemptions in s. 149 and s. 150 of the EP Act. These exemptions mean that public notification for an EA amendment may not be required for:

- mining activities that do not relate to a mining lease (e.g., EA amendments relating to exploration permits and mineral development licences);[39] or
- where an EIS process has previously been notified covering each relevant activity the subject of the amendment application if, since the EIS process was notified:[40]
    - the environmental risks of the relevant activity and the way it will be carried out have not changed; or
    - if the application proposes a change to the way the relevant activity will be carried out, the administering authority is satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change if the notification stage were to apply to the change.

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 NUMA under the schedule;[41] or
- is likely to reduce, or cause no change to, the impacts on environmental values raised by the activities the subject of the schedule;[42] or
- where a proposed PRCP schedule has previously been notified with an EIS covering each relevant activity the subject of the amendment application if, since the EIS process was notified:[43]
    - a PMLU or NUMA has not changed; or
    - the day by which rehabilitation of land to a stable condition will be achieved has not changed.

Public notification, under the EP Act, is not applicable for prescribed ERAs.

The requirement for public notification will be stated on the assessment level decision notice, even if an EIS has already been notified.

[37] 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.
[38] Refer to s. 230 of the EP Act. Section 230 of the EP Act was amended by the *Environmental Protection and Other Legislation Amendment Act 2023*. Under s. 805 of the EP Act, new s. 230 of the EP Act applies where an amendment application was submitted, and the assessment level decision for the application had not been made immediately before the commencement of the *Environmental Protection and Other Legislation Amendment Act 2023*.
[39] Refer to s. 149(a) of the EP Act.
[40] Refer to s. 150 of the EP Act.
[41] Refer to s. 232(2)(a) of the EP Act.
[42] Refer to s. 232(2)(b) of the EP Act.
[43] Refer to s. 150 of the EP Act.

Important Note

The EIS process originally completed may have been either under the EP Act or the *State Development and Public Works Organisation Act 1971*. Any properly made submissions to the EIS are considered to be submissions to the amendment application.[44]

The criteria in the definition of a minor amendment (threshold) and minor amendment (PRCP threshold) are different from the criteria for determining whether the notification stage applies to an amendment application where an EIS process has previously been notified. This is a separate assessment.

Refer to the Business Queensland website at www.business.qld.gov.au (using the search term "Public notification") for further information about the requirements for public notification. Where the amendment relates to resource activities other than mining, also see the guideline 'Public notice requirements and submissions about site-specific applications for environmental authorities for resource activities other than mining' (ESR/2016/2384)[45] for further information.

Refer to Appendix 6 for a flow chart of the notification stage for EA and PRCP schedule amendments.

6.3. 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.

7. Making a change to a major amendment application

Where an application is determined to be a major amendment, 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.[46] The applicant must give the administering authority written notice detailing the change and pay a fee before the change is considered.

If the information stage applies to the changed application, the administering authority may, within 10 business days after notice of the change is received, ask the applicant to give further information to assess the application.

If the notification stage applied to the original application, and the change was made during, or after, the notification stage ended, the administering authority may also determine that the notification stage must be repeated for the changed application, unless the administering authority is satisfied the change would not be likely to attract a submission objecting to the subject of the change, if the notification stage were to apply.[47]

Information on the fee for changing an amendment application is in the Information sheet 'Fees for permits for environmentally relevant activities (ERAs)' (ESR/2015/1721).[45]

8. Decision stage

Refer to Appendix 7 for a flow chart of the decision stage for EA and PRCP schedule amendments.

[44] Refer to s.150(3) of the EP Act.
[45] 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.
[46] Refer to s. 236 of the EP Act
[47] Refer to s. 238 of the EP Act.

8.1. Minor amendment decision criteria

When deciding a minor amendment application, other than an application for a condition conversion, the administering authority must:[48]

- comply with any relevant regulatory requirement; and
- subject to any relevant regulatory requirement, have regard to:
    - the amendment application;
    - the existing EA or PRCP schedule; and
    - the standard criteria.[49]

The administering authority must also consider human rights under the *Human Rights Act 2019* as part of the assessment process to ensure that the decision is compatible with human rights.

8.2. Major amendment decision criteria

When deciding a major amendment application for an EA, the administering authority must:[50]

- comply with any relevant regulatory requirement; and
- subject to any relevant regulatory requirement, have regard to the following only to the extent they relate to the proposed amendment:
    - the amendment application;
    - any standard conditions for the relevant activity or EA;
    - any response given for an information request; and
    - the standard criteria.[49]

When deciding a major amendment application for a PRCP schedule, the administering authority must:[51]

- comply with any relevant regulatory requirement; and
- subject to any relevant regulatory requirement, have regard to the following only to the extent they relate to the proposed amendment:
    - the amendment application;
    - the proposed PRCP;
    - any response given for an information request for the proposed PRCP;
    - the standard criteria; [49]
    - the Guideline 'Progressive rehabilitation and closure plans (PRC plans)' (ESR/2019/4964);[52] and
    - any relevant advice, report or guidance published by the rehabilitation commissioner under s. 444K of the EP Act.

[48] Refer to s. 241 of the EP Act.
[49] Standard criteria is defined in Schedule 4 of the EP Act.
[50] Refer to s. 235 and s.176 of the EP Act.
[51] Refer to s. 235 and s.176A of the EP Act.
[52] 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.

The administering authority must not approve the amendment application for a PRCP schedule unless, to the extent relevant to the proposed amendment:[51]

- each proposed NUMA under the schedule has been properly identified as a NUMA; and
- if a public interest evaluation (PIE) is required for a proposed NUMA under the schedule - the report for the evaluation recommends it is in the public interest to approve the area as a NUMA; and
- the administering authority is satisfied the PRCP schedule provides for all land the subject of the schedule to be:
    - rehabilitated to a stable condition; or
    - managed as a NUMA in a way that achieves best practice management of the area and minimises risks to the environment.

The administering authority must also consider human rights under the *Human Rights Act 2019* as part of the assessment process to ensure that the decision is compatible with human rights.

8.3. Decision timeframes

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). This timeframe can be extended by no more than 20 business days provided the applicant agrees to the extended decision timeframe.[53]
- 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 the applicant's agreement by no more than 20 business days and further extended with the applicant's agreement. However, if the EA amendment also includes a PRCP schedule amendment, refer to the timeframe for the PRCP schedule amendment.
- 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 the applicant's agreement by no more than 30 business days and further extended with the applicant's agreement.

Note: If a PIE is required for the proposed PRCP schedule amendment application, then the timeframes may differ from those stated above.

8.4. Post-decision steps

If the amendment application is approved, the administering authority will, within five business 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.[54]

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 give the applicant an information notice about the decision within five business days of the decision.[55] The information notice will include the review or appeal details. Further information about internal review and appeals is available in the information sheet 'Internal review and appeals' (ESR/2015/1742).[56]

[53] Under s. 240(1)(b)(ii) of the EP Act, an applicant may agree to extend the 10 business days timeframe for deciding minor amendment applications by no more than 20 business days.
[54] Refer to s. 242(1) of the EP Act.
[55] Refer to s. 242(2) of the EP Act.
[56] 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.

9. Fees

9.1. Application fee

A fee is payable upon submission of an amendment application. Information on this fee is included in the information sheet 'Fees for permits for environmentally relevant activities (ERAs)' (ESR/2015/1721)[56], as well as Schedule 10 of the Environmental Protection Regulation 2019.

9.2. Assessment fee for major amendment application

Where the administering authority determines the assessment level decision for the application is 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 EA 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 further.

9.3. 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 the administering authority will calculate the supplementary annual fee, refer to the fee calculator[57].

Approved:
26 September 2023

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

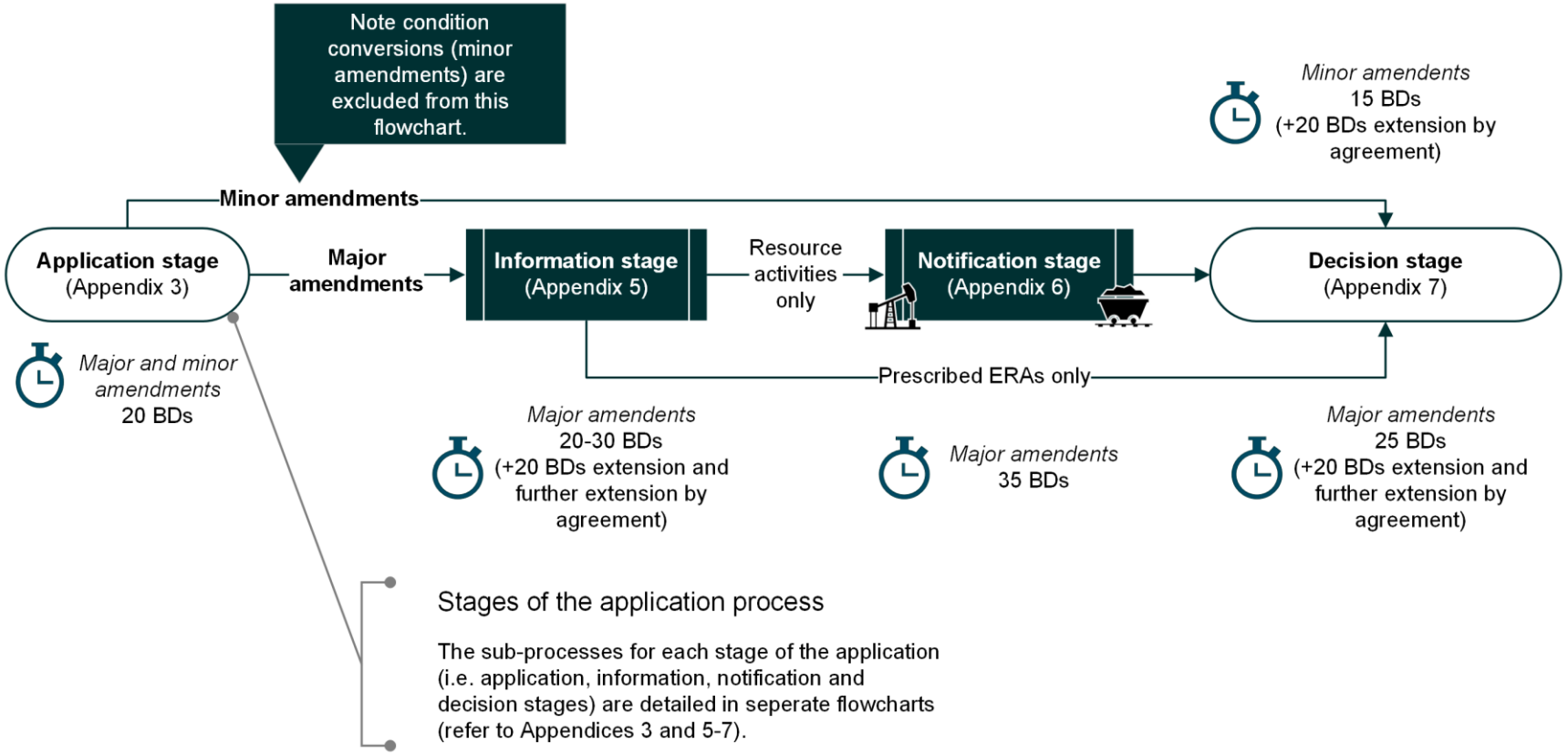
Version history

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

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

Version	Date	Comments
		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.
11.00	26 September 2023	Updated to reflect the commencement of the *Environmental Protection and Other Legislation Amendment Act 2022* and the subsequent changes to the *Environmental Protection Act 1994*. Addition of information to provide further rigour and certainty around assessment level decisions.
11.01	12 February 2024	Document rebranded to align with machinery of government changes.

Appendix 1: Overview of amendment application process flowchart



Appendix 2: Application Requirements

The application requirements for EA amendments are outlined in Chapter 5, Part 7, Division 2 of the EP Act. The application requirements for PRCP schedule amendments are outlined in s. 226 and s. 226B of the EP Act. An application will be deemed not properly made if it does not satisfy the information requirements as stated in these sections.

As general guidance:

- The administering authority operates under an evidence-based decision-making framework and amendment applications are required to provide sufficient information in support of the application.
- The administering authority encourages EA and PRCP holders to arrange pre-lodgement meetings so they are fully apprised of the information that they must provide as part of an amendment application.
- As relevant, applications should identify the environmental values likely to be affected by the proposed amendment, the nature and extent of any impacts, and the management practices proposed to be implemented to prevent or minimise adverse impacts.
- If any of the requirements of the EP Act or approved form are not applicable to the application, the EA or PRCP holder must state why the requirement is not applicable.
- Information that has been previously submitted to the administering authority may be resubmitted as part of an EA or PRCP schedule amendment if it is still current, relevant and meets the information requirements.
- Where a proposed activity poses an unacceptable risk to the environment based on the nature or location of the activity, or the level of information provided in the amendment application about environmental impacts is insufficient, the amendment application may be refused.

The following table is intended to support a determination about whether an amendment application has satisfied the information requirements outlined in the EP Act and is properly made.

Applicants should ensure all other legislative requirements are met in relation to the proposed amendment. For example, an application may also require consideration of potential significant impacts to matters of national environmental significance (MNES). There are currently nine MNES which have been defined in the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth). Applicants can refer to the guidance provided by the Federal Government's Department of Environment on www.australia.gov.au and www.environment.gov.au to determine if a proposed amendment will have a significant impact on MNES.

Requirement	Guidance
Section 226 - Requirements for amendment applications generally	
☐ Be made to the administering authority	The administering authority for an application depends on the nature of the activity and the proposed amendment. • For ERA 2, ERA 3, or ERA 4 – The administering authority is the Department of Agriculture and Fisheries • For a mining ERA where the proposed amendment impacts upon the resource tenure –

Requirement	Guidance
	Applications should be submitted to the Mining Registrar, Department of Resources • For all other ERAs - The administering authority is the Department of Environment, Science and Innovation
☐ Be in the approved form	The approved form depends on the type of amendment application: • Application to amend an EA - ESR/2015/1733[58] • Application to amend a PRCP schedule or joint PRCP and EA - ESR/2019/4956[58] Note: For applications[59] to the Department of Environment, Science and Innovation, you can apply through Online Services at: https://business.qld.gov.au/running-business/environment/online-services.
☐ Be accompanied by the fee prescribed by regulation	Refer to section 9 of this Guideline for fee information. Information about the fees for amendment applications is also included 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. • Schedule 10 of the Environmental Protection Regulation 2019.
☐ Describe the proposed amendment[60]	The approved form will prompt the applicant to describe the proposed amendment. Applicants should ensure that full details of the proposed amendment are included so that the administering authority can clearly determine the requested changes to the EA or PRCP schedule. Applicants should also include justification of how the proposed amendment meets the criteria for a major or minor amendment and attach any supporting information to the application.
☐ Describe the land that will be affected by the proposed amendment.[60]	The approved form will prompt the applicant to describe the land that will be affected by the proposed amendment. This includes describing if:

[58] 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.
[59] Online Services is available for ERA other than ERA13A.
[60] This requirement is not relevant to condition conversion applications.

Requirement	Guidance
	• the activity will be carried out within the existing designated areas of the EA; or • a new area; or • if the activity is mobile or temporary. Applicants should ensure that full details are included so that the administering authority understands the land that will be affected by the proposed amendment. Additional supporting information can be attached to the amendment application.
☐ Include any other document relating to the application prescribed by regulation.	There are currently no other documents that are prescribed by regulation to be included as part of an amendment application.
Section 226AA - Requirement for amendment application by holder of environmental authority and PRCP schedule	
☐ If approval of an amendment application for an EA or PRCP (each a relevant environmental requirement) would result in inconsistencies between the two relevant environmental requirements, an application must be made to amend both the EA and the PRCP schedule.	This section only applies where: • Both an EA and PRCP schedule is held; • The holder is proposing to amend only the EA or PRCP; and • The amendment to one relevant environmental requirement would mean an inconsistency with the other relevant environmental requirement. This section is aimed at reducing any inconsistencies between EAs and PRCP schedules and is intended to ensure applicants take responsibility for assessing their EAs and PRCP schedules for consistency prior to making an amendment application.
Section 226A - Requirements for amendment applications for <u>environmental authorities</u>	
☐ The application must describe any development permits in effect under the Planning Act for carrying out the relevant activity for the authority.[60]	This requirement is relevant to EA amendment applications where the activity is a prescribed ERA. The approved form will prompt the applicant to provide details of the development permits in effect under the Planning Act for carrying out the relevant activity for the EA. Applicants must have appropriate land use approvals or be in the process of applying for an approval. DESI may seek advice from the applicant about what checks they have undertaken to determine that a material change of use for a development approval is not required.

Requirement	Guidance
☐ The application must state whether each relevant activity will, if the amendment is made, comply with the eligibility criteria for the activity.	This requirement is only relevant where the relevant ERA has eligibility criteria and standard conditions.[61] The approved form will prompt the applicant to state whether the eligibility criteria or standard conditions can be complied with if the amendment is made.
☐ If the application states that each relevant activity will, if the amendment is made, comply with the eligibility criteria for the activity, the application must, include a declaration that the statement is correct.	The approved form will prompt the applicant to provide a declaration.
☐ The application must state whether the application seeks to change a condition identified in the authority as a standard condition. [60]	Any changes to conditions identified in the EA as standard conditions must be detailed in the amendment application.
☐ If the application relates to a new relevant resource tenure for the authority that is an exploration permit or GHG permit, the application must 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 relates to the permit.[60]	This requirement only applies where the application relates to a new exploration permit or GHG permit. Where the applicant seeks the standard conditions for the relevant activity, this must be clearly stated in the application material.
☐ The application must include an assessment of the likely impact of the proposed amendment on the environmental values, including: [60, 62, 63] ☐ A description of the environmental values likely to be affected by the proposed amendment. ☐ Details of emissions or releases likely to be generated by the proposed amendment. ☐ A description of the risk and likely magnitude of impacts on the environmental values. ☐ Details of the management practices proposed to be implemented to prevent or minimise adverse impacts. ☐ If a PRCP schedule does not apply for each relevant activity, details of how the land that is the subject of the application will be rehabilitated after each relevant activity ends.[64]	The approved form will prompt the applicant to provide an assessment of the likely impact of the proposed amendment on the environmental values. An assessment is required for all environmental values. Where there are no likely impacts to an environmental value, this must be stated and justified in the application material. Several technical guidelines have been developed to assist applicants to submit site-specific and variation applications for EAs. These guidelines may also assist in preparation of EA amendment application depending on the nature of the proposed EA amendment: • Application requirements for activities with impacts to air (ESR/2015/1840)[65]

[61] ERAs with eligibility criteria and standard conditions are listed at: www.business.qld.gov.au (use the search term "eligibility criteria").
[62] This requirement is not relevant to certain applications where an EIS exists for the proposed EA. Refer to s. 226A(2) of the EP Act for further details.
[63] Altered requirements apply if the amendment application is for an EA for the prescribed ERA mentioned in the Environmental Protection Regulation 2019, schedule 2, s. 13A. Refer to s. 226A(4) of the EP Act for further details.
[64] This requirement does not apply if the amendment application is for an EA for the prescribed ERA mentioned in the Environmental Protection Regulation 2019, schedule 2, s. 13A.
[65] 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.

Requirement	Guidance
	• Application requirements for activities with impacts to land (ESR/2015/1839)[65] • Application requirements for activities with noise impacts (ESR/2015/1838) [65] • Application requirements for activities with impacts to water (ESR/2015/1837) [65] • Application requirements for activities with waste impacts – (ESR/2015/1836) [65] • Requirements for site-specific and amendment applications – underground water rights (ESR/2016/3275)[65] A specific guideline has also been developed which outlines the application requirements for petroleum activities. This guideline may also assist in preparation of EA amendment applications for petroleum activities depending on the nature of the proposed EA amendment.
☐ The application must include a description of the proposed measures for minimising and managing waste generated by amendments to the relevant activity. [60]	The approved form will prompt the applicant to describe the proposed measures for minimising and managing waste generated by amendments to the relevant activity. The guideline 'Application requirements for activities with waste impacts' (ESR/2015/1836) [65] may assist applicants to prepare this information.
☐ The application must include details of any site management plan or environmental protection order that relates to the land the subject of the application.[60]	The approved form will prompt the applicant to identify whether the relevant land is currently subject to an environmental protection order or a site management plan. Applicants should provide details including: • The document reference number • And a description of the land including lot and plan numbers and local government area.
Section 226B - Requirements for amendment applications for <u>PRCP schedules</u>	
☐ The application must be accompanied by an amended rehabilitation planning part for the holder's PRC plan that complies with s. 126C of the EP Act in relation to the proposed amendment including: ☐ Be in the approved form.	The approved form will prompt the applicant to provide details about amendments to the rehabilitation planning part of the applicant's PRCP. While the rehabilitation planning part of the PRCP is not approved, it must meet the content requirements under the EP Act and is necessary to give the regulator, the community, and the mine operator a clear understanding of how the site will be

Requirement	Guidance
☐ Describe each resource tenure, including the area of each tenure, to which the application relates. ☐ Describe the relevant activities to which the application relates. ☐ Describe the likely duration of the relevant activities. ☐ Include a detailed description, including maps, of how and where the relevant activities are to be carried out. ☐ Include details of the consultation undertaken by the applicant in developing the proposed PRC plan. ☐ Include details of how the applicant will undertake ongoing consultation in relation to the rehabilitation to be carried out under the plan. ☐ State the extent to which each proposed PMLU for land, or NUMA, identified in the proposed PRCP schedule for the plan is consistent with: • The outcome of consultation with the community in developing the plan. • Any strategies or plans for the land of a local government, the State, or the Commonwealth. ☐ State, for each proposed PMLU for land, the applicant's proposed methods or techniques for rehabilitating the land to a stable condition in a way that supports the rehabilitation milestones under the proposed PRCP schedule. ☐ Identify the risks of a stable condition for land not being achieved, and how the applicant intends to manage or minimise the risks. ☐ State, for each proposed NUMA, the reasons the applicant considers the area cannot be rehabilitated to a stable condition. ☐ Include copies of reports or other evidence relied on by the applicant for each proposed NUMA. ☐ State, for each proposed NUMA, the applicant's proposed methodology for achieving best practice management of the area to support	rehabilitated progressively to support post mining land uses. Where a content requirement is not applicable, this must be stated and justified in the application material. Applicants should refer to the Guideline Progressive Rehabilitation and Closure Plans (ESR/2019/4964)[65] to prepare their application material.

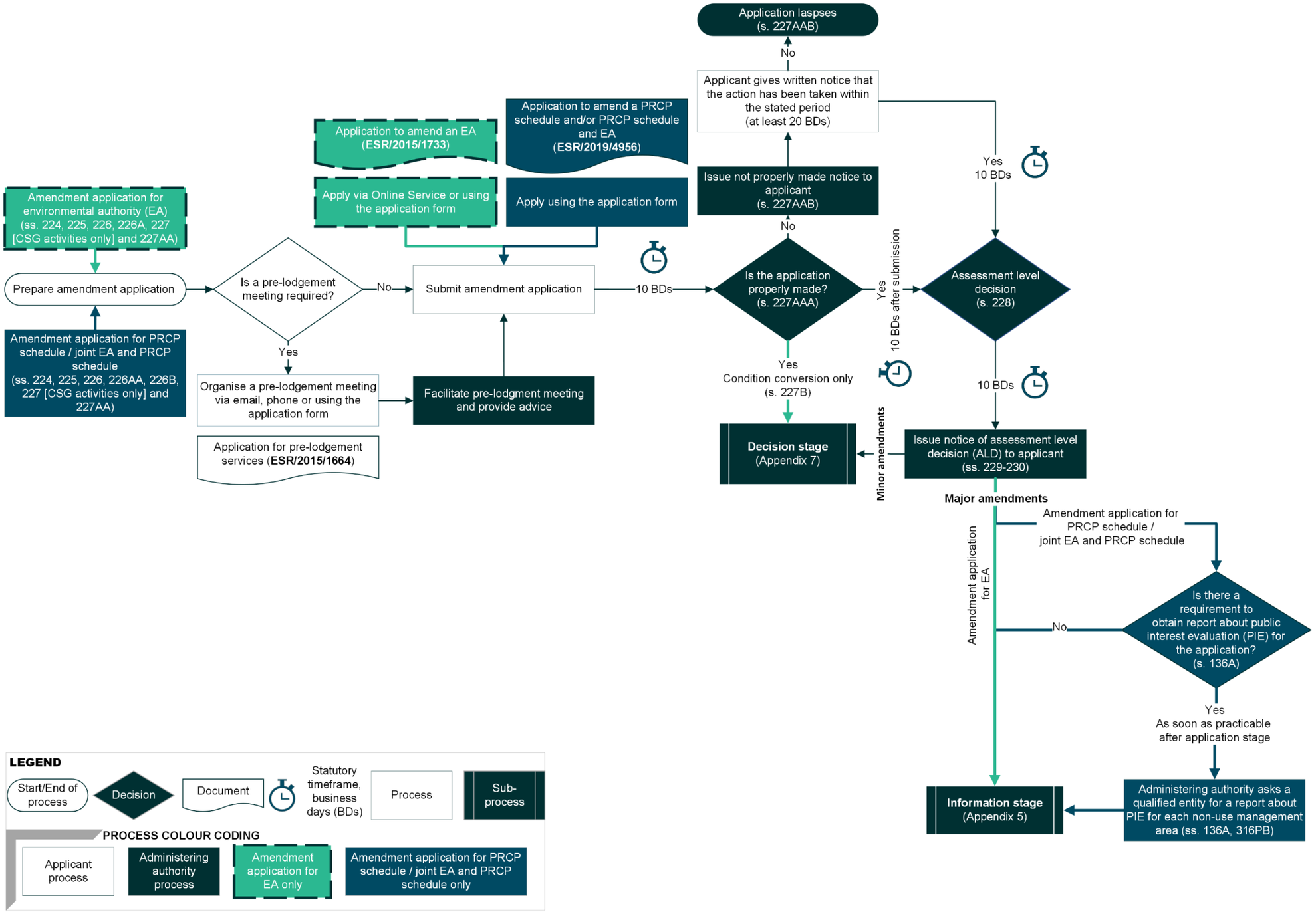
Requirement	Guidance
the management milestones under the proposed PRCP schedule for the area. ☐ Include the other information the administering authority reasonably considers necessary to decide whether to approve the PRCP schedule for the plan.	
Section 227 - Requirements for amendment applications - CSG activities (water management)	
☐ The application must state the matters mentioned in s. 126(1) of the EP Act including: ☐ The quantity of CSG water the applicant reasonably expects will be generated in connection with carrying out each relevant CSG activity. ☐ The flow rate at which the applicant reasonably expects the water will be generated. ☐ The quality of the water, including changes in the water quality the applicant reasonably expects will happen while each relevant CSG activity is carried out. ☐ The proposed management of the water including, for example, the use, treatment, storage, or disposal of the water. ☐ The measurable criteria (the management criteria) against which the applicant will monitor and assess the effectiveness of the management of the water, including, for example, criteria for each of the following: ☐ The quantity and quality of the water used, treated, stored, or disposed of. ☐ Protection of the environmental values affected by each relevant CSG activity. ☐ The disposal of waste, including, for example, salt, generated from the management of the water. ☐ 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.	This section only applies for an amendment application if: • The application relates to an EA 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. The approved form will prompt the applicant to provide details about changes to CSG water management. This information is required as a change in the activity may significantly affect the amount and quality of the water produced and the regime necessary to manage it. Applicants can refer to the Coal Seam Gas Water Management Policy 2012 (ESR/2016/2381)[65] for further details about the government's position on the management and use of CSG water.

Requirement	Guidance
☐ The application must comply with s.126(2) of the EP Act which prohibits the use of a CSG evaporation dam in connection with carrying out a relevant CSG activity unless: • The application includes an evaluation of: o Best practice environmental management for managing the CSG water; and o Alternative ways for managing the water; and • The evaluation shows there is no feasible alternative to a CSG evaporation dam for managing the water.	
Section 227AA Requirements for amendment applications - <u>Underground water rights</u>	
☐ The application must state the matters mentioned in s. 126A(2) of the EP Act including: ☐ Any proposed exercise of underground water rights during the period in which resource activities will be carried out under the relevant tenure. ☐ The areas in which underground water rights are proposed to be exercised. ☐ For each aquifer affected, or likely to be affected, by the exercise of underground water rights: ☐ A description of the aquifer. ☐ An analysis of the movement of underground water to and from the aquifer, including how the aquifer interacts with other aquifers and surface water. ☐ A description of the area of the aquifer where the water level is predicted to decline because of the exercise of underground water rights. ☐ The predicted quantities of water to be taken or interfered with because of the exercise of underground water rights during the period in which resource activities are carried out. ☐ The environmental values that will, or may, be affected by the exercise of underground water rights	This section only applies for an amendment application if: • The application relates to a site-specific EA[66] for: o A resource project that includes a resource tenure that is a mineral development licence, mining lease or petroleum lease; or o A resource activity for which the relevant tenure is a mineral development licence, mining lease or petroleum lease; and • The proposed amendment involves changes to the exercise of underground water rights. The approved form will prompt the applicant to provide details about changes to the exercise of underground water rights. This information is required to ensure that the environmental impacts of the exercise of underground water rights by mining and petroleum tenure holders are appropriately assessed as part of an EA amendment application. An EA amendment application will only need to include information relating to the changes to the proposed exercise of underground water rights which will occur, or are predicted to occur, as a result of the proposed amendment to the EA. A proposed amendment may, for example, involve a change to the exercise of underground water rights where there is a change in tenure, where there is a significant change to the nature or scale of activities or volumes

[66] For this requirement, site-specific EA means an EA that includes one or more ineligible ERAs.

Requirement	Guidance
and the nature and extent of the impacts on the environmental values. ☐ Any impacts on the quality of groundwater that will, or may, happen because of the exercise of underground water rights during or after the period in which resource activities are carried out. ☐ Strategies for avoiding, mitigating or managing the predicted impacts on the environmental values or the impacts on the quality of groundwater.	of water proposed to be taken or where there are likely to be different impacts on environmental values. Applicants can refer to the guideline 'Requirements for site-specific and amendment applications - underground water rights' (ESR/2016/3275)[65] for further details about exercising underground water rights or the associated requirements.

Appendix 3: Application stage flowchart



Appendix 4: Major and minor amendment examples

Important note

The following examples are provided to assist applicants to better understand how assessment level decisions may be applied in different circumstances. **The examples are a guide only and are not intended to be legally binding on the administering authority. They do not override the EP Act or limit a delegate** from making assessment level decisions that they consider appropriate having regard to the specifics of the amendment application. Other relevant site-specific facts and circumstances influence the actual decisions made. Where minor amendment criteria are not specifically addressed, it is assumed that these are satisfied in the examples.

As outlined in section 4.1 of this guideline, a major amendment for an EA or PRCP schedule is an amendment that is not a minor amendment. Given the definition of minor amendment is the basis for determining the assessment level decision, the following examples are structured around the minor amendment (threshold) and minor amendment (PRCP threshold) definitions as outlined in s. 223 of the EP Act.

To provide clear guidance for the statutory definitions, each example is focussed on a single statutory section. Consequently, **the examples do not reflect the complexity of an actual assessment for an amendment application.** In reality, amendment applications will be assessed against the entirety of the minor amendment (threshold) or minor amendment (PRCP threshold) definition.

Part 1 - EA amendments

Amendments to standard conditions

Minor amendment (threshold) definition:

(a) is not a change to a condition identified in the authority as a standard condition, other than -

(i) a change that is a condition conversion; or

(ii) a change that is not a condition conversion but that replaces a standard condition of the authority with a standard condition for the environmentally relevant activity to which the authority relates; or

(iii) a change that will not result in a change to the impact of the relevant activity on an environmental value

Example 1A - Amendment to a standard monitoring condition

The applicant holds several EAs for sewage treatment works (ERA 63) including one EA that includes some of the standard conditions under the 'Eligibility criteria and standard conditions for sewage treatment works (ERA 63)' (ESR/2015/1710).[67] One of the standard conditions included on the EA is condition D5. Standard condition D5 requires that quarterly monitoring of treated effluent must be carried out in accordance with the Monitoring and Sampling Manual 2009 (EHP) to assess compliance with condition (D4) and records of the results maintained.

The applicant proposes to amend standard condition D5 for its EA to align the monitoring conditions across all its sewage treatment works and require monthly monitoring of treated effluent. No other changes are proposed to the EA.

[67] 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.

The amendment could be determined to be **minor** in relation to subsection (a)(iii) as the change to the standard condition is administrative in nature and will not change any assessment regarding the impacts that the sewage treatment works will have on environmental values.

Note: As the conjunctive 'or' appears between each of the subsections (a)(i), (a)(ii) and (a)(iii) of the minor amendment (threshold) definition, it is not necessary to consider subsections (a)(i) or (a)(ii) in this example. Each subsection is alternative grounds for determining the application as minor and do not need to be cumulatively satisfied.

Example 1B - Amendment to a standard monitoring condition and contaminant release limit

As a variation to Example 1A, in addition to changing standard condition D5 for its EA, the applicant is also proposing an amendment to standard condition D3, Table 2 - Contaminant release limits for land for its EA to change the release limit for total nitrogen.

The amendment cannot be determined to be minor in relation to subsection (a)(iii) of the minor amendment (threshold) definition, as the change in the nitrogen release limit would result in a change to the impact that the sewage treatment works have on an environmental value. Therefore, the application needs to be assessed under subsection (b) of the minor amendment (threshold) definition to identify if the amendment would significantly increase the level of environmental harm caused by the relevant activity to determine the assessment level decision for the amendment application.

Amendments to the level of environmental harm caused by the relevant activity

Minor amendment (threshold) definition:

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

Example 2A - Adding new activities to an existing prescribed ERA site

The applicant operates a composting activity - ERA 53(a) (AES 18) and other waste reprocessing or treatment activity - ERA 55(2)(b) (AES 52) at a site.

It is proposed to amend the EA to add resource recovery and transfer facility operation - ERA 62(1)(c) (AES 26).

The addition of 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 proposal does not involve new environmental risks, such as the acceptance of different waste types.

The amendment could be determined to be **minor** in relation to subsection (b) on the following grounds:

- The environmental risks associated with the resource recovery and waste transfer facility operation are considered minor given the existing approved activities at the site. The lower AES for ERA 62(1)(c) compared to the AES for ERA 55(2)(b) is indicative of this.
- The proposal does not involve new environmental risks that require reassessment or new conditions.
- The conditions on the existing EA were imposed based on the higher risk activity (ERA 55) and should be sufficient to manage the lower risk activities for ERA 62.
- Consequently, it can be determined that the amendment does not increase the level of environmental harm caused by the existing activities.
- As there will be no increase in the level of harm for the relevant activity, it is not necessary to consider significance.

Example 2B - Adding new activities to an existing prescribed ERA site

As a variation to Example 2A, the applicant operates a composting activity—ERA 53(a) (AES 18) and a resource recovery and transfer facility operation—ERA 62(1)(c) (AES 26).

It is proposed to amend the EA to add other waste reprocessing or treatment—ERA 55(2)(a) (AES 38) at the site to enable non-organic materials to be composted.

The other waste reprocessing activities will be carried out as a single integrated operation with the existing composting and resource recovery and transfer facility activities. However, the proposal involves new environmental risks, such as the acceptance of non-organic material for composting.

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

- The addition of ERA 55 at the site would increase the environmental risks of the relevant activity. The higher AES for ERA 55 compared to the AES for ERA 53 and ERA 62 is indicative of this.
- The proposal involves new environmental risks that require reassessment and new conditions.
- The conditions on the existing EA were imposed based on lower risk activities (ERA 53 and ERA62) and are not sufficient to manage the higher risk activities of ERA 55.
- Consequently, it can be determined that the amendment increases the level of environmental harm caused by the existing activities.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is considered ‘important, notable, or of consequence’ having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive ‘and,’ all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Example 3 – Installation of new infrastructure and new release limits.

The applicant operates a meat processing plant—ERA 25.

It is proposed to amend the EA to install a new wastewater treatment plant which is ancillary to the meat processing activities. The current water treatment system is unable to meet the release limits set in the EA, and a transitional environmental program has been implemented pending the installation.

The proposed amendments to the EA include:

- the replacement of the old wastewater treatment plant with a new plant which has a higher processing capacity; and
- new release limits which are more stringent than the current imposed limits.

When considering subsection (b) of the minor amendment (threshold) definition, the level of environmental harm caused by the relevant activity would be reduced through the inclusion of more stringent release limits. Consequently, the amendment application would satisfy subsection (b) of the minor amendment (threshold) definition if the subsection was considered in isolation. However, the application would also need to be assessed under subsection (d) and (f) of the minor amendment (threshold) definition to determine whether the replacement wastewater treatment plant represents a significant increase in the scale or intensity of the relevant activity or increases the existing surface area by more than 10% to determine the assessment level decision for the amendment application.

Example 4 - Change to 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 several sites.

Due to residential encroachment, the existing background plus noise limits at a particular site can no longer be met. However, an assessment by an appropriately qualified person determined that noise generated by the activity had in fact reduced over recent years.

It is proposed to amend the EA to formalise the reduction in noise by setting absolute limits for noise rather than the existing background plus limits. The proposed limits are consistent with the acoustic quality objectives in the Environmental Protection (Noise) Policy 2019.

The amendment could be determined to be **minor** in relation to subsection (b) on the following grounds:

- Due to residential encroachment, impacts on sensitive receptors, including potential noise nuisance, may result from the proposed amendments to noise limits. Potential noise nuisance would constitute environmental harm as per the EP Act definition.
- However, noise generated from activities at the site has reduced in recent years and the proposed limits are consistent with the acoustic quality objectives in the Environmental Protection (Noise) Policy 2019.
- Consequently, when the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is not considered significant.

Example 5 - Accepting new composting feedstock

The applicant undertakes organic material processing by composting activities – ERA 53(a) at a rural site located away from sensitive receptors. The EA includes a condition limiting the feedstocks that can be accepted on site to:

- green waste
- wood chip
- sawdust
- vegetable wastes

These feedstocks have low to medium odour risks. The existing EA includes conditions relating to the management of odour risks including the requirement to develop and implement an Odour Management Plan which outlines measures that will be taken to avoid the generation and minimise the impacts of odours.

It is proposed to amend the EA to allow expired beer and yeast waste to be accepted on site for composting. Expired beer and yeast waste effluent are wet feedstocks with a medium odour risk. The operator has also updated the site's Odour Management Plan to account for the receipt of the wet, medium odour risk feedstocks.

The amendment could be determined to be **minor** in relation to subsection (b) on the following grounds:

- By accepting the expired beer and yeast waste for composting, the site will increase the proportion of medium odour risk feedstocks used in composting and will accept wet feedstocks for the first time.

- The increased proportion of medium odour risk feedstocks used in composting increases the risk of odour nuisance resulting from the composting activities onsite. Potential odour nuisance would constitute environmental harm as per the EP Act definition.[68]
- However, the site is in a rural location away from sensitive receptors, the EA includes existing conditions relating to the management of odour risks and the site has updated its odour management measures to account for the receipt of the wet, medium odour risk feedstocks.
- Consequently, when the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is not considered significant.

Example 6 - 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.

The applicant proposes an amendment to add a new site for the EA on which the following activities will be conducted:

- Extraction—ERA 16(2)(a)—5,000 to 100,000 tonnes/year; and
- Screening—ERA 16(3)(a)—5,000 to 100,000 tonnes/year.

The additional site is a 'greenfield' site and there would be considerable impacts on environmental values. The activity would include blasting, crushing and a 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 would increase the level of harm caused by the relevant activity as:
    - The environmental impacts at the proposed new site would be considerable and cannot be adequately managed with existing conditions.
    - Activities at the proposed new site pose a risk of environmental nuisance from noise and dust being experienced by the sensitive receptors.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Note: In addition to considering the proposed amendment with regard to subsection (b) of the minor amendment (threshold) definition, this example should also be considered under subsections (d) and (f) of the minor amendment (threshold) definition to determine whether the new site represents a significant increase in

[68] Refer to s. 14 of the EP Act for the definition of environmental harm.

the scale or intensity of the relevant activity or increases the existing surface area by more than 10%. However, as the example is unable to satisfy subsection (b) of the minor amendment (threshold) definition, consideration under subsections (d) and (f) would not alter the assessment level decision.

Example 7 - Increased risk of environmental nuisance

The applicant undertakes ERA 60(2)(h) operating a facility for disposing of more than 200,000t of general waste in a year. The EA authorises 8 landfill cells on site, 6 of which are constructed and in use, and two additional cells which are not yet constructed but approved. The nature of the landfill is that it causes odour.

The location of the 8 landfill cells is shown in a site layout map and the EA includes a condition requiring that the activity be conducted in accordance with the map. An amendment is proposed to move the location of the two future landfill cells.

Over time, the facility has experienced residential encroachment. The applicant submits full details of the relevant environmental values and expected impacts from the proposed new location of the landfill cells based on modelling by an appropriately qualified person. This information includes that the new location reduces the distance to sensitive receptors and there is a potential increased risk in odour nuisance depending on the prevailing winds and weather conditions, such as hot weather or inversion layers during winter. These risks will persist despite the implementation of all practical mitigation measures.

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

- Due to residential encroachment, increased impacts on sensitive receptors, including potential odour nuisance, may result from the proposed new landfill cell locations as the new locations are closer to sensitive receptors. Potential odour nuisance would constitute environmental harm as per the EP Act definition.[69]
- Research shows that Australia's climate is changing, indicating that the risks and frequency of odour nuisance being experienced by local residents as a result of weather factors may increase over time.
- Modelling indicates that the risk of odour nuisance will persist despite the implementation of all practical mitigation measures.
- Consequently, when the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Example 8A – Coal seam gas well stimulation

The applicant holds a resource project authority to conduct a coal seam gas (CSG) activity. Well stimulation activities are not currently authorised under the EA.

The applicant proposes an EA amendment to conduct well stimulation of 500 CSG wells. The application includes highly technical and complex modelling regarding the potential release of contaminants into groundwater and the potential interconnection of aquifers. The application also includes proposed mitigation measures including requiring 150% flowback of injected stimulation fluids.

[69] Refer to s. 14 of the EP Act for the definition of environmental harm.

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

- Environmental harm includes potential adverse effects.
- The current EA does not authorise any well stimulation activities.
- The proposed amendments could increase the level of environmental harm caused by the relevant activity as the well stimulation activities may potentially result in groundwater contamination or interconnection of aquifers if the proposed mitigation measures are not viable or work as proposed.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Example 8B – Coal seam gas well stimulation

As a variation to Example 8A, the applicant holds a resource authority to conduct CSG exploration activities. Well stimulation activities are not currently authorised under the EA.

The applicant proposes an amendment to add the standard conditions for well stimulation as per the Eligibility criteria and standard conditions for Petroleum exploration activities – Version 2 (EM928)[70] to allow the applicant to conduct well stimulation for two, five-appraisal well, production tests.

The amendment could be determined to be **minor** in relation to subsection (b) on the following grounds:

- The applicant is proposing to comply with the standard conditions for well stimulation and the well stimulation is limited to two production tests.
- The inclusion of the standard conditions and the small scale of the proposed production test means that the potential for adverse effects on environmental values is limited.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is not considered significant.

Example 9A - New ERA for Release of treated sewage effluent

The applicant holds a resource project authority to conduct a CSG activity. The project site includes a 'no release' sewage treatment plant. This is not an ERA. The applicant proposes to install a larger plant which will release treated effluent to an irrigation scheme. There is a wetland downhill to the site that is of environmental significance.

The applicant proposes an EA amendment to add a sewage treatment plant—ERA 63(1)(a)(i)—21EP to 100EP with an irrigation scheme. The quality of the treated effluent would not meet the secondary treated class B or C standards as per the Eligibility criteria and standard conditions for Petroleum exploration activities – Version 2 (EM928).[70]

[70] 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.

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

- Although the sewage treatment activity is ancillary to the CSG activity, the proposed amendments would increase the level of harm caused by the relevant activity as:
    - Release of effluent will be authorised for the first time;
    - The quality of the treated effluent would not meet specified standards; and
    - There are areas of environmental significance downhill from the irrigation area.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Example 9B - New ERA for Release of treated sewage effluent

As a variation to Example 9A, the applicant proposes an amendment to add the standard conditions for treated sewage effluent as per the Eligibility criteria and standard conditions for Petroleum exploration activities – Version 2 (EM928)[71] and there are no areas of environmental significance in proximity to the irrigation area.

The amendment could be determined to be **minor** in relation to subsection (b) on the following grounds:

- The applicant is proposing to comply with the standard conditions for treated sewage effluent which imposes limits on the quality of the treated effluent.
- The inclusion of the standard conditions and absence of areas of environmental significance in proximity to the irrigation area means that the potential for adverse effects on environmental values is limited.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm caused by the relevant activity and authorised by the current EA, the increase is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is not considered significant.

Example 10 - Increase in waste stockpiles and waste storage time

The applicant holds an EA for resource recovery and transfer facility operation – ERA 62(1)(a) and mechanical waste reprocessing – ERA 54(1). The EA authorises the acceptance of construction and demolition waste, furniture, household appliances, and general non-degradable and non-hazardous household waste. The site is located in close proximity to sensitive receptors.

The applicant proposes the following EA amendments:

- Addition of green waste as an accepted waste type;
- Increase in the onsite storage time of all wastes from 24 hours to 2 weeks; and
- Increase of waste stockpile heights from 5m to 10m.

[71] 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.

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

- Environmental harm includes potential adverse effects.
- The proposed increase in waste storage time and waste stockpile heights has the potential to increase the risk of fires occurring in the waste stockpiles. If a waste fire was to occur, environmental harm could be caused by:
    - The release of contaminants into the air including smoke and particulate matter which could impact on nearby sensitive receptors.
    - The run-off of firewater, combustion products and firefighting chemicals that may impact ground and surface waters.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Note: In addition to considering the proposed amendment with regard to subsection (b) of the minor amendment (threshold) definition, this example would also require consideration under subsection (d) of the minor amendment (threshold) definition to determine whether the increased waste stockpiles represent a significant increase in the scale or intensity of the relevant activity. However, as the example is unable to satisfy subsection (b) of the minor amendment (threshold) definition, consideration under subsection (d) would not alter the assessment level decision.

Example 11 - Tailings storage facility lift

The applicant holds a resource project authority to conduct copper mining and mineral processing. The applicant proposes to lift the tailings storage facility to extend the capacity of the facility and ensure continued production rates at the mine.

The applicant proposes to amend the EA to:

- Lift the tailings storage facility.

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

- The tailings storage facility lift would result in a change to the design storage allowance (DSA) for the structure and also potential changes to groundwater and surface water impacts.
- Environmental harm includes potential adverse effects.
    - The reduction in the DSA for the structure increases the potential for releases from the tailings storage facility.
    - The increased storage capacity in the tailings storage facility increases pressure on the groundwater system and potentially leads to mounding of groundwater.
- When the potential increase in environmental harm is considered in relation to the baseline level of harm authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the level of environmental harm is considered significant.

- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (b) cannot be satisfied in this example, the amendment must be a major amendment.

Note: In addition to considering the proposed amendment with regard to subsection (b) of the minor amendment (threshold) definition, this example would also require consideration under subsection (d) of the minor amendment (threshold) definition to determine tailings storage facility lift would significantly increase the scale or intensity of the relevant activity. However, as the example is unable to satisfy subsection (b) of the minor amendment (threshold) definition, consideration under subsection (d) would not alter the assessment level decision.

Amendments that change rehabilitation objectives

Minor amendment (threshold) definition:

(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

Note: Subsection (c) of the minor amendment (threshold) definition is not relevant where there is a PRCP for the EA.

Example 12A - Change to rehabilitation objective

The applicant holds an EA to conduct waste disposal – ERA 60. The EA conditions include rehabilitation objectives for land that has been disturbed by the waste disposal activities. The objectives include requirements for the EA holder to plant and establish particular species of vegetation as an effective groundcover.

The applicant proposes an amendment to the EA to change the rehabilitation objectives for the site to change some of the listed species to other species that have now been found to be more endemic to the local area, due to increased knowledge about vegetation species since the EA was approved.

The amendment could be determined to be **minor** in relation to subsection (c) on the following grounds:

- The proposed amendment to the rehabilitation objective may result in different impacts on environmental values when compared to the impacts previously permitted under the EA due to the change in vegetation species.
- When the impact of the change of rehabilitation objective is considered in relation to the impacts on environmental values currently permitted under the EA, the difference in environmental impacts is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the different impact on environmental values is not considered significant.

Example 12B - Change to rehabilitation objective

As a variation to Example 12A, since the EA was approved, the planning instrument that applies to the location of the waste disposal site has been replaced. In the replaced planning instrument, the zoning for the waste disposal site area is light industry and the post-closure land use is warehouses and storage yards.

The applicant proposes an amendment to the EA to change the rehabilitation objectives from planting and establishing vegetation as an effective groundcover to covering the site in hardstand for warehousing. The applicant is also applying for all required land use approvals.

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

- The currently authorised rehabilitation objective of revegetation would have had a positive impact on the environmental values of the site area and contributed to local ecosystem health after the closure of the site.
- The proposed amendment to the rehabilitation objective would result in different impacts on environmental values when compared to the impacts previously permitted under the EA as the area would no longer be revegetated which will affect local ecosystem health.
- When the impact of the change of rehabilitation objective is considered in relation to the impacts on environmental values currently permitted under the EA, the difference in environmental impacts is considered 'important, notable, or of consequence' having regard to its context.
- As such, the different impact on environmental values is considered significant.
- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (c) cannot be satisfied in this example, the amendment must be a major amendment.

Amendments to the scale or intensity of the relevant activity

Minor amendment (threshold) definition:

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

Note: Section 4.2. of this guideline provides guidance to support the consideration of scale or intensity in relation to subsection (d).

Example 13 - Adding a new site to an amalgamated project authority for a prescribed ERA

The applicant proposes to add a sewage pump station—ERA 63(2)—more than 40KL/hour, on a new site, to an amalgamated project authority (APA). The new pump station will meet the Eligibility criteria and standard conditions for Sewage pump station (ESR/2015/1669).[72] The APA currently comprises 500 sewage pump station sites and the new activity will be carried out as part of the same single integrated operation.

The amendment could be determined to be **minor** in relation to subsection (d) on the following grounds:

- Although the addition of a new sewage pump station would be an increase in the scale or intensity of the relevant activity, the relevant activity for an APA would encompass all activities on all sites on the EA (i.e., 500 sewage pump station sites).
- When the potential increase in scale or intensity is considered in relation to the baseline scale and intensity authorised by the current EA (i.e., the 500 other sites in aggregate), the increase that would result from the addition of a single new site is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the scale and intensity is not considered significant.

Note: In addition to considering the proposed amendment with regard to subsection (d) of the minor amendment (threshold) definition, this example would also require consideration under subsections (b) and (f) of the minor amendment (threshold) definition to determine whether the new site would significantly increase the level of environmental harm caused by the relevant activity; or increase the surface area of the relevant

[72] 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.

activity by more than 10% of the existing area to ultimately determine the assessment level decision for the amendment application.

Example 14 - Increase to waste acceptance limits for a prescribed ERA

The applicant undertakes ERA 55 – other waste reprocessing or treatment and ERA 62 – resource recovery and transfer facility operation on a site. There is currently a condition on the EA limiting the acceptance of used oil filters to 25,000kg. The acceptance of used oil filters represents only a small proportion of the overall waste accepted at the 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 amendment could be determined to be **minor** in relation to subsection (d) on the following grounds:

- The total waste receiving limit by weight for the site would be considered the baseline scale or intensity for the relevant activity.
- There is an increase in the scale or intensity of the relevant activity due to the increased acceptance limit for used oil filters.
- Although the waste acceptance limit for used oil filters would double, the increase only represents 0.6% of the total waste receiving limit by weight for the site.
- Consequently, when the potential increase in scale or intensity is considered in relation to the baseline scale and intensity authorised by the current EA, the increase is not considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the scale and intensity is not considered significant.

Note: In addition to considering the proposed amendment with regard to subsection (d) of the minor amendment (threshold) definition, this example would also require consideration under subsection (b) of the minor amendment (threshold) definition to determine whether the increased acceptance of used oil filters would significantly increase the level of environmental harm to ultimately determine the assessment level decision for the amendment application.

Example 15 - Increase to the run of mine rate

The applicant holds a resource project authority to conduct a coal 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 increase the production rate of ROM coal.

The applicant proposes to amend the EA to:

- Change the approved ROM rate to 5.5Mtpa.

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

- The current approved ROM rate of 4Mtpa is considered the baseline scale or intensity for the relevant activity.
- The proposed amendments would increase the scale and intensity of the relevant activity due to the approved ROM rate increasing by 1.5Mtpa.
- When the potential increase in scale and intensity is considered in relation to the baseline scale and intensity of the relevant activity as authorised by the current EA, the increase is considered 'important, notable, or of consequence' having regard to its context.
- As such, the increase in the scale or intensity of the relevant activity is considered significant.

- As the subsections of the minor amendment (threshold) are joined with the conjunctive 'and,' all subsections must be met for the amendment to be determined as a minor amendment. As subsection (d) cannot be satisfied in this example, the amendment must be a major amendment.

Note: In addition to considering the proposed amendment with regard to subsection (d) of the minor amendment (threshold) definition, this example would also require consideration under subsection (b) of the minor amendment (threshold) definition to determine whether the increased ROM rate would significantly increase the level of environmental harm caused by the relevant activity. However, as the example is unable to satisfy subsection (d) of the minor amendment (threshold) definition, consideration under subsection (b) would not alter the assessment level decision.

Amendments relating to a new resource tenure

Minor amendment (threshold) definition:

(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*

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Amendments relating to additional surface area for the relevant activity

Minor amendment (threshold) definition:

(f) involves an addition to the surface area for the relevant activity of no more than 10% of the existing area

Example 16 – Increased surface area for project authority

The applicant holds a resource project authority to conduct a mining activity and multiple other ERAs. The authority includes a sewage treatment plant—ERA 63(1)(a)(i)—21EP to 100EP with an irrigation scheme. The area designated for the irrigation scheme is shown on a map annexed to the EA which is adopted by a condition. An additional irrigation area is required due to elevated volumes of effluent created during maintenance of the sewage treatment plant settlement pond and the oversaturation of the current irrigation 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 applicant proposes an EA amendment to substitute the current annexed map with an updated version that includes the new area as an additional irrigation area.

The amendment could be determined to be **minor** in relation to subsection (f) on the following grounds:

- The existing area for the relevant activity comprises not only the currently mapped irrigation area, but also the combined surface areas that have been lawfully disturbed, or are authorised to be disturbed, under the current EA.

- The new irrigation area is an addition to the existing surface area for the relevant activity However, the surface area of the relevant activity would increase by less than 10% of the existing area (4% increase).

Note: In addition to considering the proposed amendment with regard to subsection (f) of the minor amendment (threshold) definition, this example would also require consideration under subsection (b) of the minor amendment (threshold) definition to determine whether the increased irrigation area would significantly increase the level of environmental harm caused by the relevant activity to ultimately determine the assessment level decision for the amendment application.

***Example 17* - Adding a new site to an amalgamated project authority**

The applicant holds an APA for dredging - ERA 16(1)(a) -1,000 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) – 5,000 to 100,000 tonnes/year at various locations totalling 8ha.

The applicant proposes to amend the EA to:

- 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; and
- 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 existing area for the relevant activity is 58.4ha (dredging 50.4ha + screening 8ha).
- Through the EA amendment, the approved surface area would increase to 72.1ha (dredging 62.1ha + screening 10 ha).
- This is an increase of more than 10% of the existing surface area of the relevant activity (23.5% increase).
- As the subsections of the minor amendment (threshold) are joined with the conjunctive ‘and,’ all subsections must be met for the amendment to be determined as a minor amendment. As subsection (f) cannot be satisfied in this example, the amendment must be a major amendment.

Note: This example would also require consideration under subsection (b) of the minor amendment (threshold) definition to determine whether the additional activities would significantly increase the level of environmental harm caused by the relevant activity. However, as the example is unable to satisfy subsection (f) of the minor amendment (threshold) definition, consideration under subsection (b) would not alter the assessment level decision.

Amendments relating to pipelines for petroleum activities

Minor amendment (threshold) definition:

(g) for an EA for a petroleum activity:

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

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

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Amendments relating to a new exploration permit or greenhouse gas permit subject to standard conditions

Minor amendment (threshold) definition:

(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.

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Part 2 - PRCP Schedule Amendments

Amendments that change a post-mining land use or non-use management area

Minor amendment (PRCP threshold) definition:

(a) does not change a PMLU use or NUMA

Example 18 - Change to a NUMA

The applicant has a NUMA approved as part of a PRCP schedule.

Due to a change in the proposed mining activities, the applicant proposes to amend the PRCP schedule to change the NUMA (a residual void) to a PMLU (grazing land).

The amendment would be determined to be **major** because it is a change to a NUMA, and the specific details of how the new PMLU will achieve stable condition need to be assessed and conditioned in the PRCP Schedule.

Note: Because the amendment would reduce the area of a NUMA for the PRCP schedule, the notification stage would not apply to the amendment application.[73]

Amendments that change the achievement of a stable condition for land

Minor amendment (PRCP threshold) definition:

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

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Amendments that change how a post-mining land use or non-use management area will be achieved

Minor amendment (PRCP threshold) definition:

(c) does not change the way a PMLU will be achieved, or a NUMA 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

[73] Refer to s. 232(2)(a) of the EP Act.

Example 19 - Change to milestone criteria for PMLU

The applicant has a PMLU (grazing land) approved as part of a PRCP schedule. The milestone criteria for revegetation (grazing) includes completing seeding using a mix comprising several specifically listed species.

The applicant proposes to amend the PRCP schedule to change the seed mix due to the availability of certain seed species. The timeframe for the milestone is unchanged.

The amendment could be determined to be **minor** in relation to subsection (c) on the following grounds:

- The relevant environmental value is the achievement of a PMLU of grazing.
- The proposed amendment to the seed mix may result in different impacts to this environmental value compared to the impacts on the value under the current approved seed mix.
- However, the difference in impacts is not considered to be 'important, notable, or of consequence' having regard to its context as the PMLU of grazing land can still be achieved.
- As such, the different impact on environmental values, is not considered significant.

Amendments that relate to a new mining tenure

Minor amendment (PRCP threshold) definition:

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

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Amendments that change when a rehabilitation or management milestone will be achieved

Minor amendment (PRCP threshold) definition:

(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

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

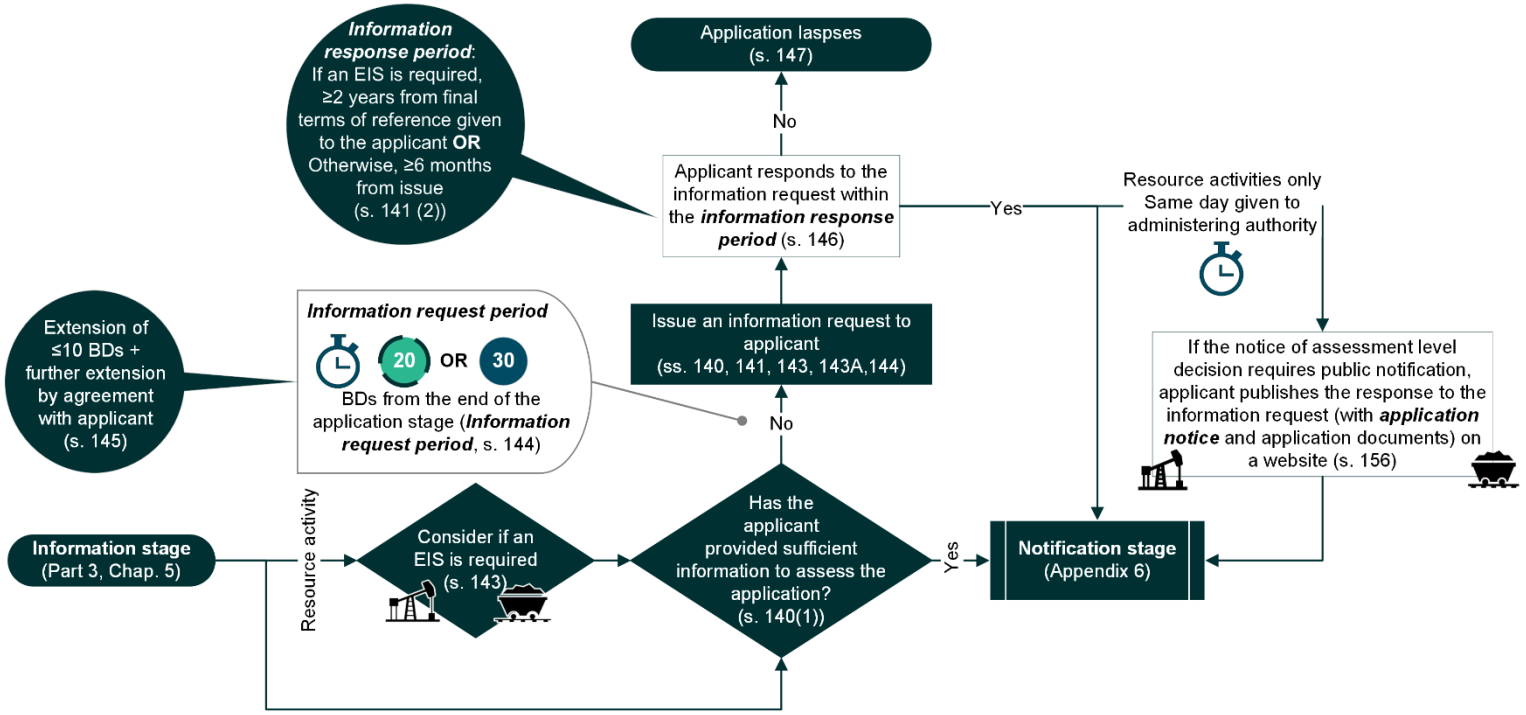
Amendments that extend the date that a stable condition will be achieved for land

Minor amendment (PRCP threshold) definition:

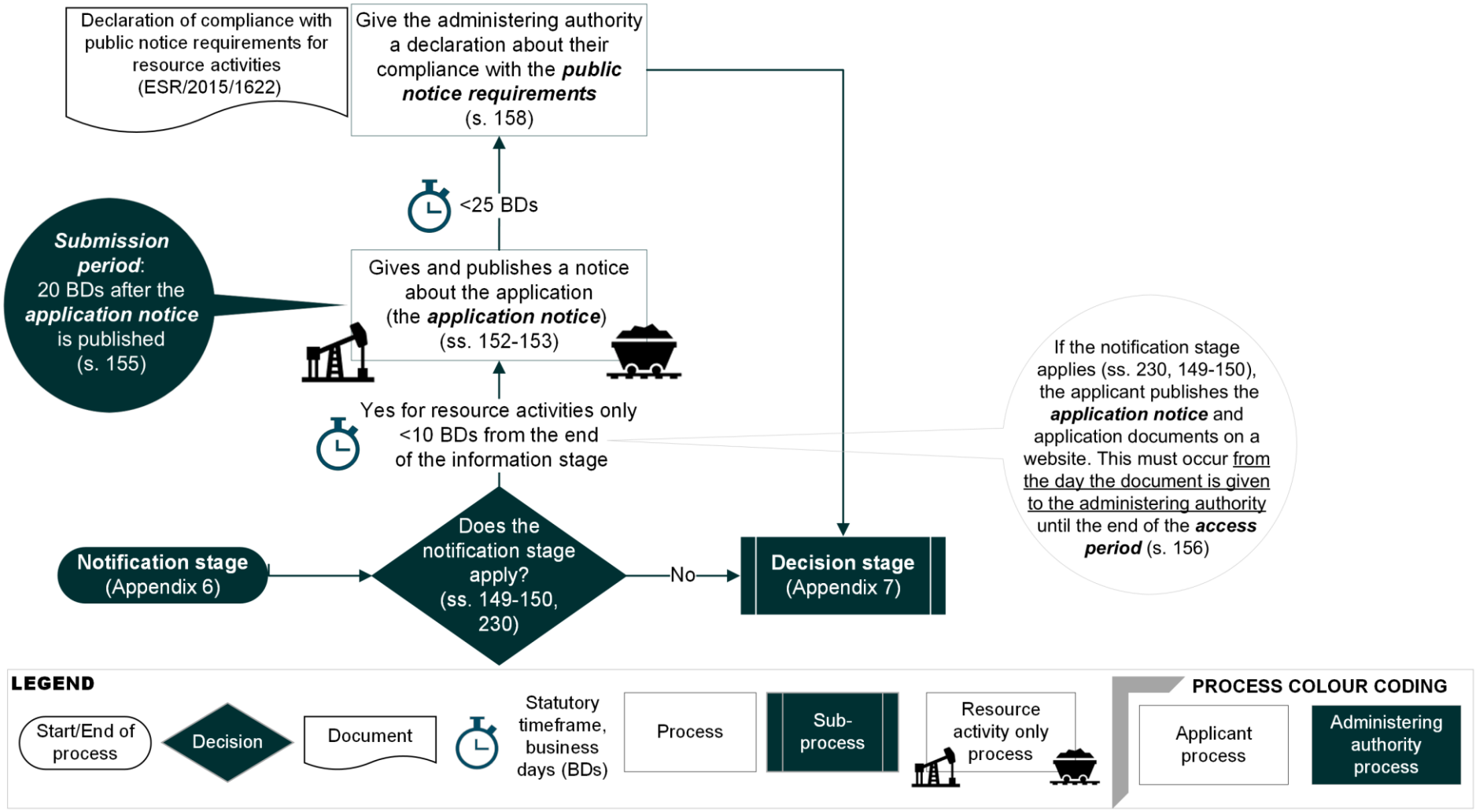
(f) does not extend the day by which rehabilitation of land to a stable condition will be achieved

This guideline intentionally does not provide a case study for this subsection of the definition, because the subsection is not considered to require further interpretation.

Appendix 5: Information stage flowchart



Appendix 6: Notification stage flowchart



Appendix 7: Decision stage flowchart