

# Notice

## *Environmental Protection Act 1994*

### **Estimated rehabilitation cost decision**

*This notice is issued by the administering authority<sup>1</sup>, pursuant to section 301 of the Environmental Protection Act 1994, to advise the holder of an environmental authority of the estimated rehabilitation cost (ERC) decision.*

Adani Mining Pty Ltd  
Level 9, 120 Edward Street  
BRISBANE CITY QLD 4000

Cc: Financial provisioning scheme manager  
[fps@treasury.qld.gov.au](mailto:fps@treasury.qld.gov.au)

Postal Address  
GPO Box 2569  
BRISBANE QLD 4001

Attention: Nathan Goodwin  
Email: [Nathan.Goodwin@adani.com.au](mailto:Nathan.Goodwin@adani.com.au)

Our reference: EPML01470513

## **ERC decision**

### **1 Application details**

An application for an ERC decision under section 298 of the *Environmental Protection Act 1994* was received by the administering authority on 9 June 2020.

The application relates to environmental authority number EPML01470513 effective 1 July 2020 issued to Adani Mining Pty Ltd.

Land description: Mining Lease (ML) 70505; ML70506; ML70441.

### **2 Decision**

The administering authority has decided that:

- the ERC for the environmental authority is \$26,398,909.10 (excl. GST); and
- the ERC period for which the ERC is in force is between 14 July 2020 and 14 July 2025.

The administering authority affirms that the decision on the ERC is not approval of the activities detailed in the submitted ERC application. This includes, but is not limited to, areas of proposed disturbance, rehabilitation activities, and methods used in calculation of the ERC.

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

### **3 Grounds for the decision**

Pursuant to section 300 of the *Environmental Protection Act 1994*, the administering authority must decide the ERC for the resource activity. In making this decision, the administering authority must have regard to the relevant regulatory requirements and any criteria stated in the prescribed guideline made under section 550 of the *Environmental Protection Act 1994*, “*Estimated rehabilitation cost under the Environmental Protection Act 1994*” (ESR/2018/4425) (the Guideline). In making its decision on the amount of ERC, the administering authority has considered:

- The ERC has been calculated solely for the project associated with environmental authority EPML01470513.
- A compliance statement, with the ERC application form, signed by Gerard Madam (Project Head – Mine – Carmicheal Coal Mine), on behalf of the holder of the environmental authority, declaring that the ERC has been calculated in accordance with the Guideline.
- The calculated ERC amount is based on the year of maximum disturbance outlined in the schedule of disturbance in the ERC application form and related supporting information, (e.g. spatial files) and the rehabilitation outcomes required by environmental authority EPML01470513.
- The ERC has been calculated for all land to which the environmental authority EPML01470513 relates, and the land that has been and is proposed to be significantly disturbed during the ERC period.
- The ERC has been calculated using the administering authority’s approved ERC calculator – mining.
- The administering authority considers the amount of ERC to represent the total potential cost to the State to rehabilitate the land at the occurrence of the maximum liability during the ERC period.
- The application included all relevant information to make the decision in accordance with requirements of the *Environmental Protection Act 1994*.

### **4 Review and appeal rights**

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

### **5 Payment**

From 1 April 2019, financial assurance requirements for resource activities under the *Environmental Protection Act 1994* were replaced with the Financial Provisioning Scheme (FPS) under the *Mineral and Energy Resource (Financial Provisioning) Act 2018*. The scheme manages the financial risk to the State if environmental authority holders for resource activities do not comply with their environmental management and rehabilitation obligations. The FPS is administered by the Scheme Manager; a statutory officer supported by Queensland Treasury.

As the holder of an environmental authority for a resource activity, you will be required to provide a contribution payment to the Scheme’s financial provisioning fund and/or surety to the Scheme Manager. The Scheme Manager will receive a copy of this Notice, and use the ERC amount to help determine the amount of surety and/or contribution required.

**On receipt of this decision notice you should contact the FPS representatives to discuss payment matters. Please email [fps@treasury.qld.gov.au](mailto:fps@treasury.qld.gov.au) or phone (07) 3035 3551.**

For more information about the Financial Provisioning Scheme, please see the Queensland Treasury webpage at [www.treasury.qld.gov.au/resource/financial-provisioning-scheme/](http://www.treasury.qld.gov.au/resource/financial-provisioning-scheme/).

## 6 Important note

The holder of an environmental authority for a resource activity must not carry out, or allow the carrying out of, a resource activity under the environmental authority unless:

- an ERC decision is in effect for the resource activity when the activity is carried out; and
- the holder has paid a contribution or surety for the environmental authority under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*; and
- the holder has complied with the requirements under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* for paying a contribution or surety for the environmental authority, as required from time to time.

No additional disturbance can be undertaken, beyond the maximum liability associated with the current ERC decision, until the new ERC application is decided and any outstanding additional scheme assurance is given.

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



Signature

16/07/2020

Date

Juliana McCosker  
Manager, Environmental Services and Regulation  
Department of Environment and Science  
Delegate of the administering authority  
*Environmental Protection Act 1994*

**Enquiries:**  
Business Centre Coal  
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Email: [CRMining@des.qld.gov.au](mailto:CRMining@des.qld.gov.au)