Permit

Environmental Protection Act 1994

Environmental authority EA0000749

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0000749

Environmental authority takes effect on a date to be decided later.

Environmental authority holder(s)

Name(s)	Registered address
Sydney Wieben	PO BOX 111 HUGHENDEN QLD 4821

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 16 - Extraction and Screening, 2: Extracting, other than by dredging, in a year, the following quantity of material, (a) 5,000t to 100,000t	LOT 60/DG209
Prescribed ERA, ERA 16 - Extraction and Screening, 3: Screening, in a year, the following quantity of material, (a) 5,000t to 100,000t	LOT 60/DG209

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

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For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Sustainable Planning Act 2009 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 05 April 2017

Enquiries:
Department of Environment and Heritage Protection
GPO Box 2454 Brisbane QLD 4001
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Legislative Requirements and Conditions of Environmental Authority

Legislative Requirements

PLR008 Eligibility criteria - ERA 16(2)(a)

Eligibility criteria category	Eligibility criteria
Activity description	The quantity of material extracted does not exceed 100,000 tonnes per year.
Activity location	The facility is not within 1000 metres of: (a) a dwelling, residential allotment, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises (b) a kindergarten, school, university, library, childcare centre or other educational institution (c) a medical centre or hospital (d) a protected area under the *Nature Conservation Act 1992* (e) a public park or gardens unless the facility is only for the extraction of material for the construction or maintenance of rail transport infrastructure and roads and those residing at any of the above places, or the landowner where there are no residents, have agreed in writing to the facility.
	The facility is not in any category A or B environmentally sensitive area.
	The facility is not in a designated precinct in a strategic environmental area as defined in the Regional Planning Interests Regulation 2014 or regional plan.
	The facility is not within 100 metres of any watercourse, wetland or spring.
	The maximum area of extraction workings is 5.0 hectares.
Activity operations	The combustion of fuel, other than natural gases, does not exceed 500 kilograms per hour.
Water	There is no release of aqueous waste from the activity to waters.
Groundwater	The activity will not impact on the level of groundwater or on groundwater quality at or adjacent to the location where it is conducted.

PLR009 Eligibility criteria - ERA 16(3)(a)

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Eligibility criteria category	Eligibility criteria
Activity description	The quantity of material screened does not exceed 100,000 tonnes per year.
Activity location	The facility is not within 1000 metres of: (a) a dwelling, residential allotment, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises (b) a kindergarten, school, university, library, childcare centre or other educational institution (c) a medical centre or hospital (d) a protected area under the *Nature Conservation Act 1992* (e) a public park or gardens unless the facility is only for the screening of material for the construction or maintenance of rail transport infrastructure and roads and those residing at any of the above places, or the landowner where there are no residents, have agreed in writing to the facility.
	The facility is not carried out in any category A or B environmentally sensitive area.
	The facility is not within 100 metres of any watercourse, wetland or spring.
	The facility is not in a designated precinct in a strategic environmental area as defined in the Regional Planning Interests Regulation 2014 or regional plan.
Air	The combustion of fuel, other than natural gases, does not exceed 500 kilograms per hour.
Water	There is no release of aqueous waste from the activity to waters.

PLR025

General obligations for environmental authority holders

This is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and holders are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

Separate to the requirements of the eligibility criteria and standard conditions, the holder of the environmental authority must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act. For example, the holder must be aware of the following provisions of the *Environmental Protection Act 1994* which may apply unless the environmental harm is authorised by the conditions of the environmental authority.

General environmental duty
Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that

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affect the environment. We must not carry out any activity that causes, or is likely to cause, environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:
(a) the nature of the harm or potential harm
(b) the sensitivity of the receiving environment
(c) the current state of technical knowledge for the activity
(d) the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
(e) the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:
(a) an act that causes serious or material environmental harm or an environmental nuisance
(b) an act that contravenes a noise standard
(c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Heritage Protection (EHP) website www.ehp.qld.gov.au.

Duty to notify
Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:
(a) a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm
(b) while carrying out activities a person becomes aware of the happening of one or both of the following events:
    (i) the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
    (ii) the activity has caused the unauthorised connection of two or more aquifers.
(c) the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994* becomes aware of:
    (i) the happening of an event involving a hazardous contaminant on the contaminated land; or
    (ii) a change in the condition of the contaminates land; or
    (iii) a notifiable activity having been carried out, or being carried out, on the contaminated land;
that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (available at www.qld.gov.au using the publication number ESR/2016/2271 as a search term).

Some relevant offences under the *Environmental Protection Act 1994*

Non-compliance with a condition of an environmental authority (section 430)
Section 430 of the *Environmental Protection Act 1994* requires that a person who is the holder of, or is acting under, an environmental authority must not wilfully contravene, or contravene a condition of the authority.

Environmental authority holder responsible for ensuring conditions complied with (section 431)
Section 431 of the *Environmental Protection Act 1994* requires that the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority. If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.

Causing serious or material environmental harm (sections 437-39)
Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)
Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)
Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2008.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)
A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some of the relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)
Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)
Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Relevant offence under the Environment Protection Regulation 2008

Waste tracking (Chapter 5, Part 9)
Waste handlers must submit waste tracking information to the Department of Environment and Heritage Protection as part of the process for tracking waste types as listed in Schedule 2E of the Environmental Protection Regulation 2008. The waste tracking enables the department to track waste from its source to the place of storage, recycling, treatment or disposal.

Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to, the:
(a) *Aboriginal Cultural Heritage Act 2003*
(b) Australian Dangerous Goods Code
(c) Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition - April 2003
(d) Contaminated land provisions of the *Environmental Protection Act 1994*

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(e) *Fisheries Act 1994*
(f) *Forestry Act 1959*
(g) *Nature Conservation Act 1992*
(h) *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*
(i) *Queensland Heritage Act 1992*
(j) Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions
(k) *Sustainable Planning Act 2009*
(l) Waste Reduction and Recycling Regulation 2011
(m) *Water Supply (Safety and Reliability) Act 2008*
(n) *Water Act 2000*
(o) *Work Health and Safety Act 2011,* Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

Environmental authority holders are advised to check with all relevant statutory authorities and comply with all relevant legislation.

PLR026 This environmental authority contains standard conditions. Standard conditions are identified by (S) after the condition number.

Condition

General

PSG001 (S) All reasonable steps must be taken to ensure the activity complies with the eligibility criteria.

PSG004 (S) The activity must be undertaken in accordance with written procedures that:
(a) identify potential risks to the environment from the activity during routine operations and emergencies
(b) establish control measures that minimise the potential for environmental harm
(c) ensure plant and equipment is maintained and operated in proper and effective condition
(d) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994
(e) ensure that reviews of environmental performance are undertaken at least annually.

PSG005 (S) The activity must not cause environmental nuisance at a nuisance sensitive place.

PSA001 (S) The activity must not cause the release of dust or particulates that cause environmental nuisance beyond the boundary of the site.

PSG010 (S) The storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.

PSG013 (S) All waste generated in carrying out the activity must be reused, recycled or lawfully disposed of offsite.

Acoustic

PSN002 (S) The activity must not cause audible noise
(a) on a business day or Saturday, before 7.00am or after 7.00pm
(b) on any other day, before 8.00am or after 7.00pm

at any of the following places:

(i) a dwelling, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises
(ii) a kindergarten, school, university, library, childcare centre or other educational institution
(iii) a medical centre or hospital.

PSN003 (S) Blasting operations must comply with the following:
(a) a blast management plan must be developed for each blasting activity in accordance with Australian Standard 2187
(b) the airblast overpressure is less than 115dB Z Peak for 4 out of any 5 consecutive blasts
(c) the airblast overpressure is less than 120dB Z Peak for all blasts
(d) the ground vibration is not:
(i) for vibrations of more than 35Hz—more than 25 millimetres (mm) a second ground vibration, peak particle velocity
(ii) for vibrations of no more than 35Hz—more than 10mm a second ground vibration, peak particle velocity.

Land

PSL006 (S) Acid sulphate soils, acid-producing rock and marine sediments must not be processed.

PSL019 (S) Acid sulfate soils, acid-producing rock and marine sediments must not be processed.

PSL003 (S) Contaminants must not be released to land from the activity.

PSL004 (S) Contaminants from the activity must not be released to land.

PSL005 (S) As soon as practicable after completion of operational work land disturbed by the activity must be rehabilitated to achieve the following:
(a) the land is safe for humans and fauna
(b) the land has no subsidence or erosion gullies following completion of the rehabilitation
(c) there is no ongoing contamination to waters
(d) the maintenance requirements for the land are no greater than for the land before it was disturbed.

Water

PSW005 (S) Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

PSW008 (S) Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment.

PSW006 (S) The stormwater runoff from the facility generated by a 24 hour storm event with an average recurrence interval of one in five years must be retained on site and treated to remove contaminants before release.

PSW007 (S) Ponds used for the storage or treatment of aqueous waste must be constructed, installed and maintained to:
(a) prevent any release of aqueous waste from the ponds
(b) ensure the stability of the pond structure.

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(S) - Standard Condition
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Definition

PD002	Activity means the environmentally relevant activity to which this environmental authority relates. An activity may be undertaken on the whole or a part of a site.
PD004	Aqueous waste means any aqueous waste including process water, water that has otherwise been used in the carrying out of the activity or sewage, whether or not the waste has been treated, but excluding stormwater and water used for dust suppression that has been treated to remove contaminants.
PD005	Audible noise means noise that can be clearly heard by an individual who is an occupier at a place listed in condition PSN002.
PD006	Australian Standard 2187 means Australian Standard AS 2187.2- 2006 Explosives - Storage, transport and use - use of explosives.
PD007	Category A or B environmentally sensitive area means as defined in Schedule 12, Part 1 of the Environmental Protection Regulation 2008.
PD008	Chemical means as defined in Schedule 12, Part 2 of the Environmental Protection Regulation 2008.
PD009	Combustion of fuel does not include fuel used in explosives or by vehicles.
PD010	Contaminant(s) means as defined in Section 11 of the Environmental Protection Act 1994.
PD011	Environmental harm means as defined in Section 14 of the Environmental Protection Act 1994.
PD012	Environmental nuisance means as defined in Section 15 of the Environmental Protection Act 1994.
PD013	Extraction workings means extraction workings means an area from which quarry material or overburden has been extracted, or on which product or waste rock is stored and that has not been rehabilitated in accordance with condition PSL005.
PD014	Facility means the area used for carrying out the ERA including any buildings, disturbed areas or any associated infrastructure.
PD016	Land means land excluding waters and the atmosphere. Land includes land on the authorised place.
PD017	Maintenance means as defined in Schedule 6 of the Transport Infrastructure Act 1994.
PD018	Minimise means minimise by taking all reasonable and practical measures to minimise the adverse effect having regard to the following matters: (a) the nature of the harm or potential harm

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(b) the sensitivity of the receiving environment
(c) the current state of technical knowledge for the activity
(d) the likelihood of successful application of different measures that might be taken to minimise the adverse effects
(e) the financial implications of the different measures as they would relate to the type of activity
(f) if the adverse effect is caused by the location of the activity being carrying out, whether it is feasible to carry out the activity at another location.

PD019 Nuisance sensitive place includes:
(a) within or outside of a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises
(b) within or outside of a motel, hotel or hostel
(c) within or outside of a kindergarten, school, university or other educational institution
(d) within or outside of a medical centre or hospital
(e) within a protected area under the Nature Conservation Act 1992, within a marine park under the Marine Parks Act 1992 or a world heritage area
(f) within a public thoroughfare, park or gardens
(g) within or outside of a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

PD023 Rail transport infrastructure means as defined in Schedule 6 of the Transport Infrastructure Act 1994.

PD024 Road means as defined in section 93 of the Land Act 1994

PD025 Spring means the land to which water rises naturally from below the ground and the land over which the water then flows.

PD026 Watercourse means as defined in Section 8, Schedule 12 of the Environmental Protection Regulation 2008.

PD027 Waters means all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and underground water.

PD028 Wetland means as defined in Schedule 12 of the Environmental Protection Regulation 2008, means an area shown as a wetland on the map of referable wetlands.

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