Permit

Environmental Protection Act 1994

Environmental authority EA0001500

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

Environmental authority number: EA0001500

Environmental authority takes effect on 16 November 2024

Environmental authority holder(s)

Name(s)	Registered address
North Queensland Bulk Ports Corporation Limited	Level 1 324 Queen St BRISBANE CITY QLD 4000 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 50 - Bulk Material Handling, 1: Loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals, (a) within 5km of the highest astronomical tide or 1km of a watercourse	Lot 58/SP123751
Prescribed ERA, ERA 50 - Bulk Material Handling, 2: Loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials	Lot 58/SP123751

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:

ABN 46 640 294 485

Queensland Government

- 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.

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 Planning Act 2016 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 Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 14 November 2018

Enquiries:
Coastal and Marine Assessment
Department of Environment and Science
Phone: 1300 130 372
Email: palm@des.qld.gov.au

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Legislative requirements

Obligations under the *Environmental Protection Act 1994*

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- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site.

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment and Science to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

Environmental relevant activities	Locations(s)
Prescribed ERA, ERA 50 – Bulk Material Handling, consists of (1) loading or unloading100t or more of minerals in a day or stockpiling 50,000t or more of minerals (a) within 5km of the highest astronomical tide or 1km of a watercourse.	Lot 58 on Plan SP123751
Prescribed ERA, ERA 50 – Bulk Material Handling, consists of (2) loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials.	Lot 58 on Plan SP123751

The environmentally relevant activitie(s) conducted at the location(s) as described above must be conducted in accordance with the following conditions of approval.

Agency interest: General	
Condition number	**Condition**
G1	The **activity** operating under this environmental authority must not be conducted contrary to any of the following limitations: a) The materials loaded, unloaded or stored must be within the material acceptance criteria indicated in *Schedule 2 Table 1 - Commodities/materials that are acceptable for stockpiling/handling at site.* b) Materials listed in *Schedule 2 Table 2 - List of commodities/materials that are not acceptable for stockpiling at the site* must not be stockpiled on the site.
G2	All reasonable and practicable **measures** must be taken to prevent or minimise environmental harm caused by the activities.
G3	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; and b) establish and maintain control **measures** that minimise the potential for environmental harm; and c) ensure plant, equipment and **measures** are maintained in a proper and effective condition; and d) ensure plant, equipment and **measures** are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994;* and f) ensure that reviews of environmental performance are undertaken at least annually.
G4	Prior to handling any **new mineral product or bulk material;** or **significant increase** in volume of a mineral product or bulk material, the written procedures required by condition G3 must be reviewed for effectiveness in minimising the likelihood of environmental harm and updated where required.
G5	**Records** must be kept for all commodities or materials handling activities carried out in accordance with this environmental authority. **Records** must include but not be limited to: a) a description of the commodity or material; and b) a safety data sheet or product assay where applicable; and c) the duration the commodity or material was handled (including start and finish times and dates); and d) the volume or weight of the commodity or material handled; and e) whether the activity involved loading or unloading of the commodity or material; and f) the loading or unloading method used; and g) for shipping activities, the name of the vessel loaded or unloaded; and h) the train or truck movements.
G6	You must record the following details for all environmental complaints received: a) date and time complaint was received; b) name and contact details of the complainant when provided and authorised by the complainant; c) nature of the complaint; d) investigations undertaken; e) conclusions formed; and f) actions taken.

G7	All **records** must be kept for a period of at least five years and provided to the **administering authority** upon request.
G8	When required by the **administering authority,** monitoring must be undertaken in the manner prescribed by the **administering authority** to investigate a complaint of **environmental nuisance** arising from the **activity.** The monitoring results must be provided within 10 business days to the **administering authority.**
G9	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities **(NATA)** certification, or an equivalent certification, for such analyses.
G10	**An appropriately qualified person(s)** must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G11	All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this environmental authority must be calibrated, and appropriately operated and maintained.
G12	Chemicals and fuels in containers of greater than 15 litres must be stored within a **secondary containment system.**
G13	Any breach of a condition of this environmental authority must be reported to the **administering authority** as soon as practicable within 24 hours of becoming aware of the breach. **Records** must be kept including full details of the breach and any subsequent actions taken.
Agency interest: Air	
Condition number	**Condition**
A1	Odours or airborne contaminants must not cause **environmental nuisance** to any **sensitive place** or **commercial place.**
Agency interest: Water	
Condition number	**Condition**
WT1	Contaminants must not be released to any **waters.**
Agency interest: Noise	
Condition number	**Condition**
N1	Noise generated by the activity must not cause **environmental nuisance** to any **sensitive place** or **commercial place**.
Agency interest: Land	
Condition number	**Condition**
L1	Contaminants must not be released to **land.**

Agency interest: Waste	
Condition number	**Condition**
W1	All waste generated in carrying out the **activity** must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994,* its regulations or environmental protection policies must be used. **If** a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successors or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

Boundary means within lm of the cadastral **boundary** of the approved place.

Bulk mineral concentrate means unpackaged and loose mineral concentrates.

Commercial place means 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.

Disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the **activity;** and/or
3. upon which stockpiles of soil or other materials are located

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994.*

Land does not include **waters.**

Lead concentrate means any mineral concentrate product where the composition of the product includes greater than 21% by weight of lead.

Liquid means any substance that:

1. has an angle of repose of less than five degrees; or
2. becomes free flowing at or below 60 degrees Celsius or when it is transported; or
3. is not generally capable of being picked up by a spade or shovel.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

New mineral product or bulk material means any mineral product or bulk material not previously handled by the environmental authority holder in the previous 12 months. Does not include the same product or material from a different mine or supplier.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure, is unreasonably disagreeable to the sense, disgusting, nauseous or repulsive.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992,* the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public thoroughfare, park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Significant increase means:

1. an increase of greater than 10% in volume of any product, other than **lead containing products,** from that handled per year in any of the previous 5 consecutive calendar years; or
2. an increase in the volume of **lead containing products** to that previously modelled; or
3. an increase of greater than 10% in total volume of **lead containing product** handled per year in any of the previous 5 consecutive calendar years.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and

Schedule 1 – Approved plans

Map 1 – Operational area



Schedule 2 – Material Acceptance Criteria

Table 1: Commodities/materials that are acceptable for stockpiling/handling at the site.

Bulk commodity/material	**Requirements**
ERA 50(1)(a)	
1. Minerals/ ores (excluding metal concentrates and mineral concentrates)	"Minerals" as defined under the Mineral Resources Act 1989. Excludes materials classified as Dangerous Goods.
ERA 50 (2)	
2. Magnetite	
3. Grains and legumes	
4. Coke	
5. Paper/fibre	
6. Limestone/lime	
7. Timber/logs	
8. Woodchip	
9. Construction materials (Clay, Sand, Gravel or Rock)	
10. Scrap metal	No contaminating residue present.
11. Sugar (refined/raw)	
12. Sugar cane products	Short-term only

Table 2: List of commodities/materials that are not acceptable for stockpiling at the site.

This list should not be regarded as exhaustive.

1.	Mineral concentrates or metal concentrates.
2.	Goods classified as Dangerous — All DG Classes 1 to 9 under Australian Dangerous Goods Code; includes all gases and flammable liquids. Special clearance for small volumes of specific goods may be requested from the **administering authority -** subject to detailed risk assessment with a satisfactory risk outcome.
3.	Hazardous chemicals as defined under the Queensland Work Health and Safety Regulation 2011 (unless special prior approval given by Work Cover Queensland).
4.	Regulated waste
5.	Waste tyres
6.	Hydrocarbons/fuels including petroleum and oils.
7.	Asphalt/bitumen
8.	**Liquid** waste including domestic and industrial effluent.
9.	Chemicals including pesticides and herbicides, pharmaceuticals.
10.	Fertiliser
11.	Mine and processing waste including slag.
12.	Coal
13.	Explosives and explosive constituents.
14.	Organic material (unless otherwise listed in **Table 1** above).
15.	Asbestos
16.	Radioactive material
17.	Other landfill material including plastics and organic waste (excludes temporary stockpiling of flood/cyclone debris).
18.	Salt
19.	Dredged material unless permission is sought and suitable controls are implemented in accordance with the **administering authority.**
20.	Any potential acid sulfate soil material unless suitable controls are implemented in accordance with the **administering authority.**
21.	Any other material environmentally hazardous to the aquatic or marine environments.

Any other material or commodity not listed in **Table 1** and **2** is to be the subject of detailed risk assessment and approval by the **administering authority.**

END OF PERMIT