

Environmental authority EPML02454414

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

Permit¹ number: EPML02454414

Environmental authority takes effect: 9 March 2016

The anniversary date of this environmental authority is 24 April.

An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder

Name	Registered address
Bogside Mining Industries Pty Ltd	42 Jordan Terrace BOWEN HILLS QLD 4006

Environmentally relevant activity and location details

Environmentally relevant activities	Location
Mining - ML clay pit mining – 20(a), Site Specific	ML50115

Additional information for applicants

Environmentally relevant activities

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

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

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

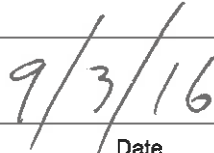
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Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.


Signature

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


Date

Enquiries:
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CAIRNS QLD 4870
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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)

Location: ML50115

The environmentally relevant activities conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

This Environmental Authority incorporates the following schedules:

- Schedule A - General
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions



Schedule A – General	
Condition number	Condition
Prevent and/or minimise the likelihood of environmental harm	
(A1-1)	In carrying out the environmentally relevant activities you must take all reasonable and practicable measures to prevent and/or minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this environmental authority ¹ .
Financial Assurance	
(A2-1)	Provide a financial assurance ² in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.
(A2-2)	The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely ³ .
Maintenance of Measures, Plant and Equipment	
(A3-1)	The holder must: a) take all control measures and install plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and b) maintain such control measures, plant and equipment in a proper condition; and c) operate such control measures, plant and equipment in a proper manner.
Records	
(A4-1)	Record, compile and keep all monitoring results required by this environmental authority and present this information to the administering authority when requested, in a specified format.
Storage and Handling of Flammable and Combustible Liquids	
(A5-1)	Storage of all flammable and combustible liquids must be within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 – Storage and Handling of Flammable and Combustible Liquids of 1993.

¹ NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

² NOTE: The calculation of financial assurance for condition (A2-1) must be in accordance with the document "Guideline - Financial assurance under the *Environmental Protection Act 1994*" and may include a performance discount. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the Plan of Operations and calculated using the formula: (Financial Assurance = Highest Total Annual Rehabilitation Cost x Percentage Required).

³ NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority

Definitions	
(A6-1)	Words and phrases used throughout this environmental authority are defined in Schedule H – Definitions. Where a definition for a term used in this environmental authority is sought and the term is not defined within this environmental authority, the definitions in the <i>Environmental Protection Act 1994</i> , its Regulations and Environmental Protection Policies, as amended from time to time must be used.
Integrated Environmental Management System (IEMS)	
(A7-1)	Prior to the commencement of any environmentally relevant activity ("the activity") under this environmental authority, the holder of this environmental authority must: a) develop an Integrated Environmental Management System (IEMS) which provides for the effective management by the holder of the actual and potential environmental impacts resulting from the carrying out of the activities; and b) implement and maintain the IEMS from the commencement of carrying out the activities.
(A7-2)	The IEMS must provide for at least the following functions: a) Training staff in the awareness of environmental issues related to carrying out the activities, which must include at least: 1) The environmental policy of the holder, so that all persons that carry out the activities are aware of all the relevant commitments to environmental management; and 2) Any relevant environmental objectives and targets, so that all staff are aware of the relevant performance objectives and can work towards these; and 3) Control procedures to be implemented for routine operations for day to day activities to minimise likelihood of environmental harm, however occasioned or caused; and 4) Contingency plans and emergency procedures to be implemented for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation) and; 5) Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively; and 6) Effective communication to ensure two-way communication on environmental matters between operational staff and higher management; and 7) Their obligations in respect of monitoring, notification and record keeping obligations under the IEMS and relevant environmental authorities and/or development approvals; and b) Monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results; c) Conducting assessment of the environmental impact of any release of contaminants into the environment; d) Periodic conduct of energy audits and review of environmental performance and procedures adopted, not less frequently than annually; and e) Waste prevention, treatment and disposal; and f) A program for continuous improvement.
(A7-3)	The holder of this environmental authority must not implement or amend an IEMS (including any environmental management plan) that contravenes any condition of this environmental authority or any development condition applicable to carrying out these activities.
END OF CONDITIONS FOR SCHEDULE A	

Schedule B – Air	
Condition number	Condition
Dust Nuisance	
(B1-1)	Subject to conditions (B1-2) and (B1-3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance at any sensitive or commercial place.
(B1-2)	When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate complaint of environmental nuisance caused by dust and/or particulate matter, and the results must be notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: - for a complaint alleging dust nuisance, dust deposition; and - for a complaint alleging adverse health effects caused by dust, the concentration per cubic meter of particulate matter with an aerodynamic diameter of less than 10 micrometers (μm) (PM_{10}) suspended in the atmosphere over a 24hr averaging time.
(B1-3)	If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1-1): - Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 <i>Methods for sampling and analysis of ambient air – Determination of particulates – Deposited matter – Gravimetric method of 1991</i>; and - A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometers (μm) (PM_{10}) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a sensitive place downwind of the operational land, when monitored in accordance with: - Particulate matter – <i>Determination of suspended particulate PM_{10} high-volume sampler with size-selective inlet – Gravimetric method</i>, when monitored in accordance with AS 3580.9.6 <i>Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM (sub) 10 high volume sampler with size-selective inlet – Gravimetric method of 1990</i>; or - Any alternative method of sampling PM_{10}, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority⁴.
Dust Control	
(B2-1)	Stockpiles must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or particulate matter into the atmosphere. Reasonable and practicable measures may include but are not limited to anemometer switching systems which trigger operation of effective water spray systems during winds likely to generate such releases, use of dust suppressants, shielding and storage in bunkers.
(B2-2)	Trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to sealing with bitumen or other suitable material, keeping surfaces clean, use of water sprays, adoption and adherence to speed limits, use of dust suppressants and wind breaks.

⁴ NOTE: You must propose which monitoring method is appropriate in accordance with condition (B1-3) (a) or (b) or both.

(B2-3)	Raw material preparation plants and external conveyors must be operated and maintained using all reasonable and practicable measures to minimise the release of windblown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to transfer of materials in a moist state, enclosure of conveyors and buildings, use of water sprays at transfer points, shielding and wind breaks.
END OF CONDITIONS FOR SCHEDULE B	
Schedule C – Water	
Condition number	Condition
Release to Waters	
(C1-1)	Other than as permitted within this authority, contaminants must not be released from the site to any waters or the bed and banks of any waters.
(C1-2)	Contaminants must not be released to groundwater.
(C1-3)	Contaminants must not be released to surface waters.
END OF CONDITIONS FOR SCHEDULE C	

Schedule D – Noise and Vibration

Condition number	Condition
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Noise Nuisance

(D1-1)	Noise from activities must not cause an environmental nuisance at any noise affected premises.
(D1-2)	All noise from activities must not exceed the levels specified in Schedule D – Table 2 at any noise affected premises.
(D1-3)	No mining activities may be undertaken outside of the hours for the sites listed in Schedule D – Table 1, unless the activities are solely for pollution control.

Schedule D – Table 1: Operating hours

Tenure mining leases	Location	Hours
50115	New Chum	Mon-Sat daylight hours

Schedule D – Table 2: Noise Limits

Noise level dB(A) measured as	Monday to Saturday	
	6am-7am	7am-6pm
	Noise measured at a Noise sensitive place	
L _{A10} , adj, 10 mins	b/g+3	b/g+5
L _{A1} , adj, 10 mins	b/g+5	b/g+10
	Noise measured at a Commercial place	
L _{A10} , adj, 10 mins	b/g+8	b/g+10
L _{A1} , adj, 10 mins	b/g+10	b/g+15

Noise Monitoring

(D2-1)	When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint, which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer, and the results must be notified within 14 days to the administering authority. The monitoring must include: a) L_{A1}, adj, 10 mins; b) L_{A10}, adj, 10 mins; c) the level and frequency of occurrence of impulsive or tonal noise; d) atmospheric conditions including wind speed and direction; e) effects due to extraneous factors such as traffic noise; and f) location, date and time of recording.
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(D2-2)	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's <i>Noise Measurement Manual</i> .
END OF CONDITIONS FOR SCHEDULE D	
Schedule E – Waste	
Condition number	Condition
Waste Handling	
(E1-1)	The holder of this environmental authority must not: a) burn waste at or on the licenced place; nor b) allow waste to burn or be burnt at or on the licenced place; nor c) remove waste from the licenced place and burn such waste elsewhere.
Offsite Movement	
(E2-1)	Where regulated waste is removed from the licenced place (other than by a release as permitted under another schedule of this environmental authority), the holder of this environmental authority must monitor and record the following⁵. a) the date, quantity and type of waste removed; and b) name of the waste transporter and/or disposal operator that removed the waste; and c) the intended treatment/disposal destination of the waste.
Records	
(E3-1)	Records must be maintained for a period of five (5) years for all wastes mentioned in this schedule.
Notification of Improper Disposal of Regulated Waste	
(E4-1)	If the holder of this environmental authority becomes aware that a person has removed regulated waste from the licenced place and disposed of the regulated waste in a manner which is not authorised by this environmental authority or which is improper or unlawful, then the holder of this environmental authority as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.
END OF CONDITIONS FOR SCHEDULE E	

⁵ NOTE: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition.

Schedule F – Land																								
Condition number	Condition																							
Rehabilitation Landform Criteria																								
(F1-1)	All areas significantly disturbed by mining activities must be rehabilitated in accordance with Schedule F – Table 1.																							
Schedule F – Table 1: Final land use and rehabilitation outcomes																								
<table><tr><th>Tenure ID</th><th>Disturbance Type</th><th>Projective surface area (ha)</th><th>Rehabilitation outcomes</th></tr><tr><td colspan="4">Rochedale Leases</td></tr><tr><td rowspan="4">ML50115</td><td>Mine Void</td><td>31</td><td>Industrial</td></tr><tr><td>Spoil stockpiles</td><td>13</td><td>Industrial</td></tr><tr><td>Roads</td><td>3</td><td>No rehabilitation required - retain</td></tr><tr><td>Water storages</td><td>1.5</td><td>No rehabilitation required - retain</td></tr></table>				Tenure ID	Disturbance Type	Projective surface area (ha)	Rehabilitation outcomes	Rochedale Leases				ML50115	Mine Void	31	Industrial	Spoil stockpiles	13	Industrial	Roads	3	No rehabilitation required - retain	Water storages	1.5	No rehabilitation required - retain
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Rehabilitation Outcome – Industrial or Residential																								
(F2-1)	Subject to conditions (F2-2), (F2-3) and (F2-4), disturbed land nominated for the industrial rehabilitation outcome will be considered rehabilitated when the land is stabilised and does not, or will not have potential to cause environmental harm to the environmental values.																							
(F2-2)	Disturbed land and/or mine voids remaining at the end of the mine life and nominated for the rehabilitation outcome of industrial, will only be considered suitable for surrender when an application (or applicable local government and environmental approvals (or lawful use) relevant at the time) has been approved for the proposed activities.																							
(F2-3)	In the event of an unsuccessful development application (or other requirement at the time) for proposed industrial activities, an application must be made by the holder of this environmental authority to nominate an alternative rehabilitation outcome.																							
(F2-4)	To remove any doubt, the nomination of the final land use of industrial or residential in Schedule F – Table 1, does not negate any local or state government planning or approval requirements for the development of that land.																							
Infrastructure																								
(F3-1)	All infrastructure, constructed by or for the environmental authority holder during the mining activities including water storage structures, must be removed from the site prior to mining lease surrender, except where agreed in writing by the post mining land owner/holder.																							
END OF CONDITIONS FOR SCHEDULE F																								

Schedule G – Community	
Condition number	Condition
Complaint response	
(G1-1)	All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.
END OF CONDITIONS FOR SCHEDULE G	
Schedule H – Definitions	
“acceptance criteria” means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly disturbed by the mining activities. Acceptance criteria may include information regarding: a) vegetation establishment, survival and succession; b) vegetation productivity, sustained growth and structure development; c) fauna colonisation and habitat development; d) ecosystem processes such as soil development and nutrient cycling, and the re-colonisation of specific fauna groups such as collembolan, mites and termites which are involved in these processes; e) microbiological studies including re-colonisation by mycorrhizal fungi, microbial biomass and respiration; f) effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development; g) resilience of vegetation to disease, insect attack, drought and fire; and h) vegetation water use and effects on groundwater levels and catchment yields. “administering authority” means the Department of Environment and Heritage Protection or its successor. “ambient (or total) noise” at a place, means the level of noise at the place from all sources (near and far), measured as the L_{eq} for an appropriate time interval. “commercial place” means a place used as an office or for business or commercial purposes, other than a place within the boundaries of the operational land. “competent person” means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment. “dam” means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognisable standard. “environmental authority holder” means the holder of this environmental authority. “event release” means when water is released and which must occur at least four times per year. “flowable substance” means matter or mixture of materials which can be forced to or otherwise flow under any conditions possible in a situation. It includes water, other liquids or a mixture that includes water or any other liquid or suspended solids. “hazardous waste” means any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health.	

"IEMS/Project EMOS" document titled "Environmental Management Overview Strategy (consolidating mining project numbers PJ50036, 50134, 50128 and 50150) incorporating integrated Environmental Management System (mining, manufacturing and extractive industries). Prepared for The Austral Brick Company Pty Ltd. Prepared by Groundwork Environmental Management Services Pty Ltd. October 2002."

" $L_{A,10,adj,10\text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $L_{A1, adj, 10\text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10-minute measurement period, using Fast response.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"land capacity" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land suitability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

"mandatory reporting level" means the volume below the spillway crest, equivalent to the lower of the AEP, 72 hour storm or the AEP wave **allowance** (AEP is the annual exceedance probability).

"mineral" means a substance which normally occurs naturally as part of the earth's crust, or is dissolved or suspended in water within or upon the earth's crust and includes a substance which may be extracted from such a substance, and includes:

- a) clay if mined for use for its ceramic properties, kaolin and bentonite;
- b) foundry sand;
- c) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with mining for shale or coal or for the purpose of enhancing the safety of current or future mining operations for coal or the extraction or production of mineral oil there from;
- d) limestone if mined for use for its chemical properties;
- e) marble;
- f) mineral oil or gas extracted from shale or coal by insitu processes;
- g) peat;
- h) salt including brine;
- i) shale from which mineral oil may be extracted or produced
- j) silica, including silica sand, if mined for use for its chemical properties;
- k) rock mined in block or slab form for building or monumental purposes; but does not include –
- l) living matter;
- m) petroleum within the meaning of the *Petroleum Act 1923*;
- n) soil, sand, gravel or rock (other than rock mined in block or slab form for building or monumental purposes) to be used or to be supplied for use as such, whether intact or in broken form;
- o) water.

"noxious" means harmful or injurious to health or physical well being, other than trivial harm.

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"open area" means, for the purposes of this environmental authority, areas that have been cleared in preparation for mining, are being mined and have not had any topsoil or seed spread on the re-profiled area to commence the rehabilitation process.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms^{-1}).

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining questions are ongoing.

“reference site” (or analogue site) may reflect the original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be as photographs, computer generated images and vegetation models etc.

“rehabilitation” the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

“representative” means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

“residual void” means an open pit resulting from the removal of ore and/or waste rock which will remain following the cessation of all mining activities and completion of rehabilitation processes.

“self-sustaining” means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

“significant disturbance” – includes land:

- a) if it is contaminated land; or
- b) it has been disturbed and human intervention is needed to rehabilitate it:
 - 1) to a state required under the relevant environmental authority; or
 - 2) if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Some examples of disturbed land include:

- a) areas where soil has been compacted, removed, covered, exposed or stockpiled;
- b) areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation and topsoil);
- c) areas where land use suitability or capability has been diminished;
- d) areas within a watercourse, waterway, wetland or lake where mining activities occur;
- e) areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- f) areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining activities have ceased; or
- g) areas where land has been contaminated and a suitability statement has not been issued.

However, the following areas are not included:

- a) areas off lease (e.g. roads or tracks which provide access to the mining lease);
- b) areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- c) by agreement with the administering authority, areas previously significantly disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climactic conditions);
- d) areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the administering authority;
- e) disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

"sensitive place" means;

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) an educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- f) a public park or gardens; or
- g) a place used as a workplace, an office or for business or commercial purposes which is not part of the mining activity and does not include employees accommodation or public roads.

"spillway" means passage or outlet from the dam through which surplus water flows.

"stable" means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation/settlement of the wastes deposited, and sliding/slumping instability has ceased.

"trivial harm" means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than \$5000.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), groundwater or any part thereof.

END OF CONDITIONS FOR SCHEDULE H

