

# Permit

Environmental Protection Act 1994

## Environmental authority EPML02596114

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

**Environmental authority number: EPML02596114**

**Environmental authority takes effect on 02 October 2018**

### Environmental authority holder(s)

Name(s)	Registered address
Bexton Investments Pty Ltd	134 Herries Street TOOWOOMBA QLD 4350

### Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Resource Activity, Schedule 2A, 20: Clay pit mining, dimension stone mining or mining gemstones (including the material from which gemstones are extracted), (a) at least 5,000t but not more than 100,000t in a year	ML50199

### 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).

## Environmental authority

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### 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.

For further information, including the form for giving written notice, refer to the Queensland Government website [www.qld.gov.au](http://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.

Teale Gibbs  
Department of Environment and Science  
Delegate of the administering authority  
Environmental Protection Act 1994

**Enquiries:**  
Minerals Business Centre  
Department of Environment and Science  
Phone: 07 4222 5352  
Email: ESCairns@des.qld.gov.au

**Date issued: 02 October 2018**

## Environmental authority

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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)



<b>Agency Interest A: General</b>	
<b>Condition number</b>	<b>Condition</b>
A1	This environmental authority authorises environmental harm referred to in the conditions. Where there is no condition or this environmental authority is silent on a matter, the lack of a condition or silence does not authorise environmental harm.
A2	In carrying out the mining activity authorised by this environmental authority, the holder of this environmental authority must comply with Schedule 1 – Figure 1 Site Layout Plan.
<b>Maintenance of Measures, Plant and Equipment</b>	
A3	The holder of this environmental authority must: <ul style="list-style-type: none"> <li>a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority;</li> <li>b) maintain such measures, plant and equipment in a proper and efficient condition;</li> <li>c) operate such measures, plant and equipment in a proper and efficient manner;</li> <li>d) ensure all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.</li> </ul>
<b>Monitoring</b>	
A4	Except where specified otherwise in another condition of this authority, all monitoring records, reports and other site data generated as a requirement of this authority must be kept for a period of not less than 5 years.
A5	The holder of this environmental authority must, when requested by the administering authority, supply monitoring records, plans and reports in the form and by the means requested by the administering authority within a timeframe nominated or agreed to by the administering authority.
<b>Financial Assurance</b>	
A6	The activity must not be carried out until the environmental authority holder has given financial assurance to the administering authority as security for compliance with this environmental authority and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Act.
A7	The amount of financial assurance must be reviewed by the holder of this environmental authority when a plan of operations is amended or replaced or the authority is amended.
<b>Risk Management</b>	
A8	The holder of this environmental authority must develop and implement a risk management system for mining activities which mirrors the content requirement of the <i>Standard for Risk Management (ISO31000:2009)</i> , or the latest edition of an Australian Standard for Risk Management, to the extent relevant to environmental management, 11 March 2015.

<b>Notification of Emergencies, Incidents and Exceptions</b>	
A9	The holder of this environmental authority must notify the administering authority by written notification within 24 hours, after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority.
A10	<p>Within 10 business days following the initial notification of an emergency or incident, or receipt of monitoring results, whichever is the latter, further written advice must be provided to the administering authority, including the following:</p> <ul style="list-style-type: none"> <li>a) results and interpretation of any samples taken and analysed;</li> <li>b) outcomes of actions taken at the time to prevent or minimise unlawful environmental harm;</li> <li>c) proposed actions to prevent a recurrence of the emergency or incident.</li> </ul>
<b>Complaints</b>	
A11	<p>The holder of this environmental authority must record all environmental complaints received about the mining activities including:</p> <ul style="list-style-type: none"> <li>a) name, address and contact number for of the complainant;</li> <li>b) time and date of complaint;</li> <li>c) reasons for the complaint;</li> <li>d) investigations undertaken;</li> <li>e) conclusions formed;</li> <li>f) actions taken to resolve the complaint;</li> <li>g) any abatement measures implemented;</li> <li>h) person responsible for resolving the complaint.</li> </ul>
A12	The holder of this environmental authority must, when requested by the administering authority, undertake relevant specified monitoring within a reasonable timeframe nominated or agreed to by the administering authority to investigate any complaint of environmental harm. The results of the investigation (including an analysis and interpretation of the monitoring results) and abatement measures, where implemented, must be provided to the administering authority within 10 business days of completion of the investigation, or no later than 10 business days after the end of the timeframe nominated by the administering authority to undertake the investigation.
<b>Third-Party Reporting</b>	
A13	<p>The holder of this environmental authority must:</p> <ul style="list-style-type: none"> <li>a) within 1 year of the commencement of this authority, obtain from an appropriately qualified person, a report on compliance with the conditions of this environmental authority;</li> <li>b) obtain further such reports at regular intervals, not exceeding 3 yearly intervals, from the completion of the report referred to above; and</li> <li>c) provide each report to the administering authority within 90 days of its completion.</li> </ul>

<b>Amendments to Standards, Policies or Guidelines</b>	
A14	Where a condition of this environmental authority requires compliance with a standard, policy or guideline published externally to this environmental authority and the standard is amended or changed subsequent to the issue of this environmental authority, the holder of this environmental authority must: <ul style="list-style-type: none"> <li>a) comply with the amended or changed standard, policy or guideline within 2 years of the amendment or change being made, unless a different period is specified in the amended standard or relevant legislation;</li> <li>b) until compliance with the amended or changed standard, policy or guideline is achieved, continue to remain in compliance with the corresponding provision that was current immediately prior to the relevant amendment or change.</li> </ul>
<b>Agency Interest B: Air</b>	
<b>Condition number</b>	<b>Condition</b>
<b>Dust, Odours and Airborne Contaminants</b>	
B1	The release of dust, noxious or offensive odours or any airborne contaminants resulting from the mining activity must not cause environmental nuisance at any sensitive place or commercial place.
<b>Agency interest C: Waste</b>	
<b>Condition number</b>	<b>Condition</b>
C1	All waste (excepting waste rock overburden) generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.
<b>Agency interest D: Noise</b>	
<b>Condition number</b>	<b>Condition</b>
D1	The holder of this environmental authority must ensure that noise generated by the mining activities does not cause environmental nuisance at a sensitive place or commercial place.
<b>Agency interest E: Groundwater</b>	
<b>Condition number</b>	<b>Condition</b>
E1	The holder of this environmental authority must not release contaminants to groundwater.
<b>Agency interest F: Water</b>	

Condition number	Condition																							
<b>Contaminant Release to Waters</b>																								
F1	<p>The only contaminants to be released to surface waters are settled treated stormwater runoff to waters described as Lockyer Creek in accordance with <i>Table 1 – Surface water release limits</i> and the associated monitoring requirements.</p> <p><b>Table 1 – Surface water release limits</b></p> <table border="1" data-bbox="395 696 1474 958"> <thead> <tr> <th colspan="2">Release Point(s) (GDA94 decimal degrees) *</th> <th rowspan="2">Quality characteristic (units)</th> <th rowspan="2">Limit</th> <th rowspan="2">Limit Type</th> <th rowspan="2">Minimum Monitoring Frequency</th> </tr> <tr> <th>Latitude</th> <th>Longitude</th> </tr> </thead> <tbody> <tr> <td rowspan="4">-27.50897 W1</td> <td rowspan="4">152.10800 W1</td> <td>DO</td> <td>90 – 110% saturation</td> <td>Range</td> <td rowspan="4">Daily whilst discharging from the basin</td> </tr> <tr> <td>TSS</td> <td>&lt;25mg/L</td> <td>Maximum</td> </tr> <tr> <td>EC</td> <td>1120µS/cm</td> <td>Maximum</td> </tr> <tr> <td>pH</td> <td>6.5 – 8.2</td> <td>Range</td> </tr> </tbody> </table> <p>Decimal degrees to be provided to a minimum of 4 decimal places.</p> <p><b>Associated monitoring requirements</b></p> <ol style="list-style-type: none"> <li>Monitoring location OR release points/areas must be in accordance with Schedule 1 – Figure 2 Stormwater Drainage Plan</li> <li>Monitoring must be in accordance with the methods prescribed in the current edition of the administering authorities <i>Water Quality Sampling Manual</i></li> <li>Samples must be taken using representative samples.</li> <li>All determinations must employ analytical practical quantification limits sufficiently low enough to enable comparisons to be made against water quality objectives/limits relevant to the particular water quality characteristic.</li> <li>Monitoring must be undertaken during a release as per the frequency stated.</li> <li>All monitoring devices must be correctly calibrated and maintained.</li> <li>Environmental Values obtained from “<i>Environmental Protection (Water) Policy 2009, Lockyer Creek environmental values and water quality objectives, Basin No 143 (part) including all tributaries of the creek, July 2010.</i>” Table 2A Water quality objectives to protect aquatic ecosystem environmental value – “Upland freshwater”. EC obtained from <i>Appendix G Queensland water quality guidelines “Southern Divide”</i>. TSS obtained from <i>ANZECC Water Quality Guidelines for Fresh and Marine Water Quality(2000) Table 3.3.3.</i></li> </ol>	Release Point(s) (GDA94 decimal degrees) *		Quality characteristic (units)	Limit	Limit Type	Minimum Monitoring Frequency	Latitude	Longitude	-27.50897 W1	152.10800 W1	DO	90 – 110% saturation	Range	Daily whilst discharging from the basin	TSS	<25mg/L	Maximum	EC	1120µS/cm	Maximum	pH	6.5 – 8.2	Range
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F2	<p>The release to <b>waters</b> in accordance with <i>Table 1 – Surface water release limits</i> must not:</p> <ol style="list-style-type: none"> <li>have any other properties at a concentration that is capable of causing environmental harm</li> <li>produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.</li> </ol>																							
F3	<p>The stormwater runoff from disturbed areas, generated by (up to and including) a <b>24 hour storm event with an average recurrence interval of 1 in 5 years</b> must be retained on site or managed to remove contaminants before release.</p>																							
<b>Water Management Plan</b>																								



F4	A Water Management Plan must be developed by an appropriately qualified person and implemented.
<b>Stormwater and Water Sediment Controls</b>	
F5	An Erosion and Sediment Control Plan must be developed by an appropriately qualified person and implemented for all stages of the mining activities on the site to minimise erosion and the release of sediment to receiving waters and contamination of stormwater.
<b>Agency interest G: Land and Rehabilitation</b>	
<b>Condition number</b>	<b>Condition</b>
<b>Chemicals and Flammable or Combustible Substances</b>	
G1	All explosives, hazardous chemicals, corrosive substances, toxic substances, gases and dangerous goods must be stored and handled in accordance with the current Australian Standard where such is applicable. Where no relevant Australian standard exists store such materials within an effective on-site containment system.
G2	Flammable and combustible substances, including petroleum products, must be stored and handled in accordance with the latest edition of AS1940—The storage and handling of flammable and combustible liquids.
G3	Minimising the potential for contamination of land and waters must be achieved by diverting stormwater around contaminated areas and facilities used for the storage of chemicals and flammable or combustible substances.
<b>Rehabilitation</b>	
G4	Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that: <ul style="list-style-type: none"> <li>a) suitable native species of vegetation for the location are established and sustained for earthen surfaces;</li> <li>b) potential for erosion is minimised;</li> <li>c) the quality of water, including seepage, released from the site does not cause environmental harm;</li> <li>d) potential for environmental nuisance caused by dust is minimised;</li> <li>e) the water quality of any residual water body does not have potential to cause environmental harm;</li> <li>f) the final landform is stable and protects public safety.</li> </ul>
G5	Rehabilitation must commence progressively in accordance with the plan of operations.
<b>Contaminated Land</b>	
G6	Before applying for surrender of a mining lease, the holder must (if applicable) provide to the administering authority a site investigation report under the Act, in relation to any part of the mining lease which has been used for notifiable activities or which the holder is aware is likely to be contaminated land, and also carry out any further work that is required as a result of that report to ensure that the land is suitable for its final land use.

G7	Before applying for progressive rehabilitation certification for an area, the holder must (if applicable) provide to the administering authority a site investigation report under the Act, in relation to any part of the area the subject of the application which has been used for notifiable activities or which the holder is aware is likely to be contaminated land, and also carry out any further work that is required as a result of that report to ensure that the land is suitable for its final land use.
G8	Minimise the potential for contamination of land by hazardous contaminants.
<b>Biodiversity</b>	
G9	The holder of this environmental authority must ensure there are no impacts to State significant biodiversity values from mining activities.

## 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.

**“the Act”** means the *Environmental Protection Act 1994*.

**“administering authority”** means:

- (a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 - the local government; or,
- (b) for another matter - the chief executive.

**“appropriately qualified person”** means a person who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

**“authority”** means environmental authority (mining activities) under the *Environmental Protection Act 1994*.

**‘chemical’** means:

- a) an agricultural chemical product or veterinary chemical product within the meaning of the *Agricultural and Veterinary Chemicals Code Act 1994* (Commonwealth); or
- b) a dangerous good under the Australian Code for the Transport of Dangerous Goods by Road and Rail approved by the Australian Transport Council; or
- c) a lead hazardous substance within the meaning of the *Workplace Health and Safety Regulation 1997*;
- d) a drug or poison in the Standard for the Uniform Scheduling of Drugs and Poisons prepared by the Australian Health Ministers’ Advisory Council and published by the Commonwealth; or
- e) any substance used as, or intended for use as:
  - (i) a pesticide, insecticide, fungicide, herbicide, rodenticide, nematocide, miticide, fumigant or related product; or
  - (ii) a surface active agent, including, for example, soap or related detergent; or
  - (iii) a paint solvent, pigment, dye, printing ink, industrial polish, adhesive, sealant, food additive, bleach, sanitiser, disinfectant, or biocide; or
  - (iv) a fertiliser for agricultural, horticultural or garden use; or
  - (v) a substance used for, or intended for use for mineral processing or treatment of metal, pulp and paper, textile, timber, water or wastewater; or
  - (vi) manufacture of plastic or synthetic rubber.

**“chief executive”** means the chief executive of the Department of Environment and Heritage Protection or its successor.

**“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.

**“disturbance”** of land includes:

- a) compacting, removing, covering, exposing or stockpiling of earth;
- b) removal or destruction of vegetation or topsoil or both to an extent where the land has been made susceptible to erosion;
- c) carrying out mining within a watercourse, waterway, wetland or lake;
- d) the submersion of areas by tailings or hazardous contaminant storage and dam/structure walls;
- e) temporary infrastructure, including any infrastructure (roads, tracks, bridges, culverts, dam/structures, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be removed after the mining activity has ceased; or
- f) releasing of contaminants into the soil, or underlying geological strata.

However, the following areas are not included when calculating areas of 'disturbance':

- a) areas off lease (e.g. roads or tracks which provide access to the mining lease);
- b) areas previously disturbed which have achieved the rehabilitation outcomes;
- c) by agreement with the administering authority, areas previously disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climatic conditions);
- d) areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dam/structures, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be left by agreement with the landowner.
- e) disturbance that pre-existed the grant of the tenure.

**“environmental authority”** means a licence or approval issued pursuant to the *Environmental Protection Act 1994*.

**“environmental harm”** means environmental harm as defined in section 14 of the *Environmental Protection Act 1994*.

**“environmental nuisance”** means environmental nuisance as defined in section 15 of the *Environmental Protection Act 1994*.

**“holder”** means the holder of an environmental authority for a resource activity is the holder of the relevant tenure

**“infrastructure”** means dams, roads and tracks, buildings and other structures built for the purpose of mining activities but does not include facilities required for the long-term management of mining impacts or the protection of potential resources. Such facilities include dams containing hazardous waste, waste rock dumps, voids, or ore stockpiles and buildings or other structures whose ownership can be transferred and which have a residual beneficial use for the next owner of the operational land or the background land owner.

**“land”** in schedule D – Land and Rehabilitation, means land excluding waters and the atmosphere.

**“measures”** includes any measures to prevent or minimise environmental impacts of the mining activity such as bunds, silt fences, diversion drains, capping, and containment systems.

**“mine affected water”**:

a) means the following types of water:

- i) pit water, tailings dam water, processing plant water;
- ii) water contaminated by a mining activity which would have been an environmentally relevant activity under Schedule 2 of the Environmental Protection Regulation 2008 if it had not formed part of the mining activity;
- iii) rainfall runoff which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated, excluding rainfall runoff discharging through release points associated with erosion and sediment control structures that have been installed in accordance with the standards and requirements of an Erosion and Sediment Control Plan to manage such runoff, provided that this water has not been mixed with pit water, tailings dam water, processing plant water or workshop water;
- iv) groundwater which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated;
- v) groundwater from the mine's dewatering activities;
- vi) a mix of mine affected water (under any of paragraphs i)-v) and other water.

b) does not include surface water runoff which, to the extent that it has been in contact with areas disturbed by mining activities that have not yet been completely rehabilitated, has only been in contact with:

- i) land that has been rehabilitated to a stable landform and either capped or revegetated in accordance with the acceptance criteria set out in the environmental authority but only still awaiting maintenance and monitoring of the rehabilitation over a specified period of time to demonstrate rehabilitation success; or

ii) land that has partially been rehabilitated and monitoring demonstrates the relevant part of the landform with which the water has been in contact does not cause environmental harm to waters or groundwater, for example:

- a. areas that are been capped and have monitoring data demonstrating hazardous material adequately contained with the site;
- b. evidence provided through monitoring that the relevant surface water would have met the water quality parameters for mine affected water release limits in this environmental authority, if those parameters had been applicable to the surface water runoff; or

iii) both.

**“mining activity”** means mining activity as defined in section 110 of the *Environmental Protection Act 1994*.

**“mining lease”** means a mining lease under the *Mineral Resources Act*.

**“noxious”** means harmful or injurious to health or physical wellbeing.

**“offensive”** means causing offence or displeasure; is unreasonably disagreeable to the sense; disgusting, nauseous or repulsive.

**“receiving waters”** means the waters into which this environmental authority authorises releases of mine affected water.

**“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.

**“release”** means the discharge of water (whether intentional or due to failure to prevent) to the receiving environment from any area, structure or feature located on a mining lease listed on this environmental authority.

**“sensitive place”** means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- an educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public park or gardens; or
- 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 employee’s accommodation or public roads.

**“stable”** means land form dimensions are or will be stable within tolerable limits now and in the foreseeable future. Stability includes consideration of geotechnical stability, settlement and consolidation allowances, bearing capacity (traffic ability), erosion resistance and geochemical stability with respect to seepage and contaminant generation.

**“waters”** includes a 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) or any part thereof.

Schedule 1 – Approved Plans

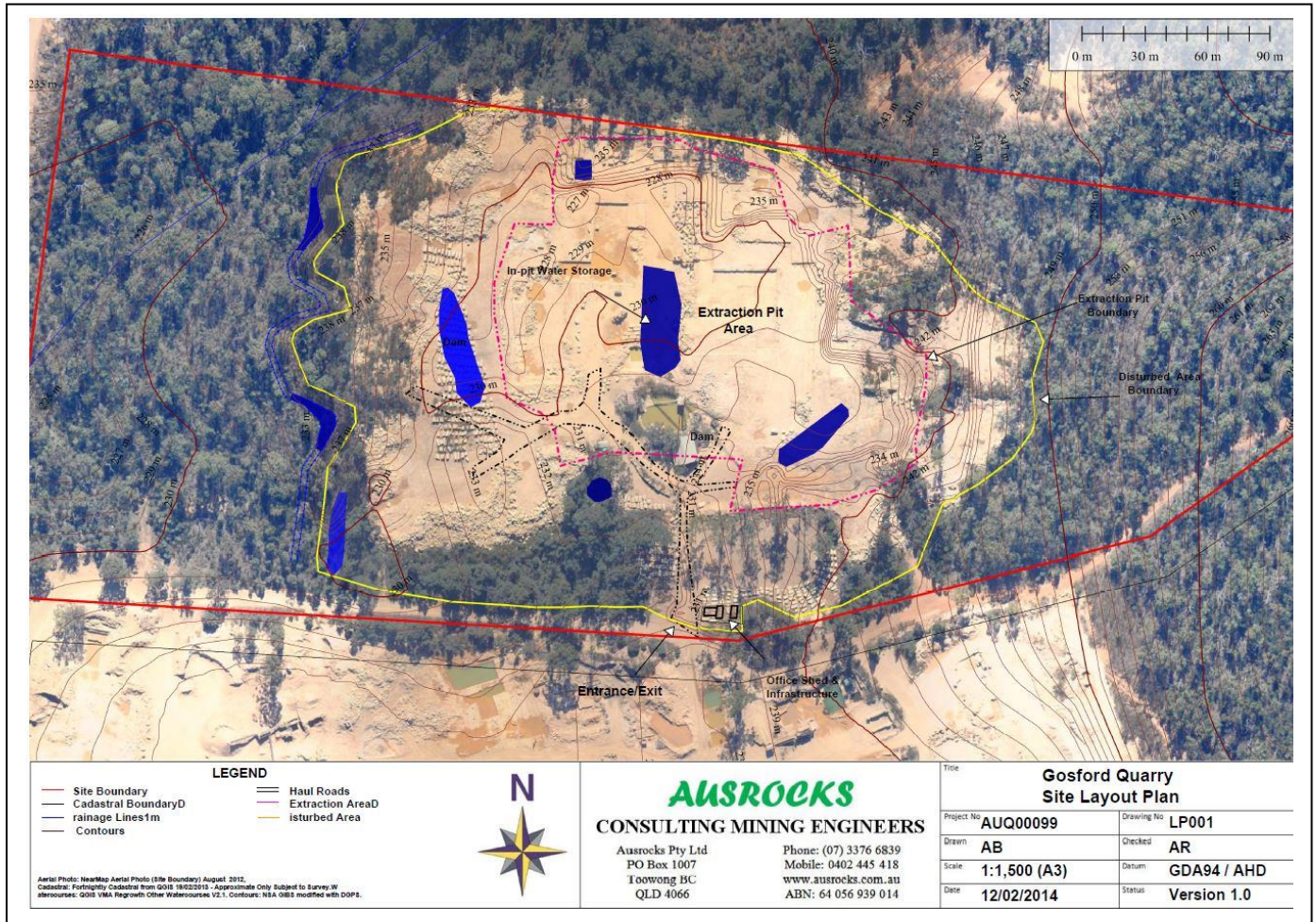


Figure 1. Site Layout Plan

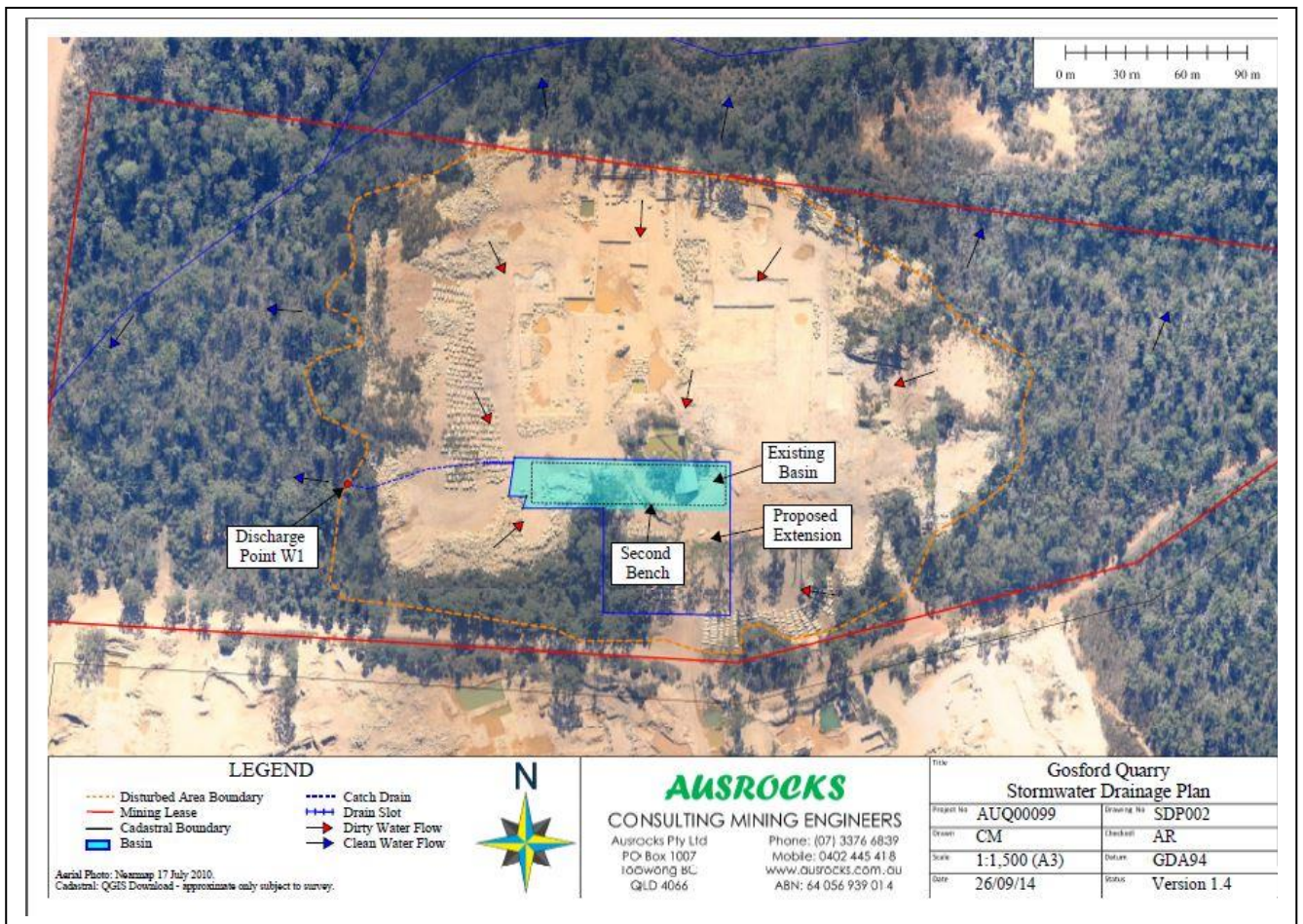


Figure 2. Stormwater Drainage Plan

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