Permit

Environmental Protection Act 1994

Environmental authority EPPR00192413

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

Environmental authority number: EPPR00192413

Environmental authority takes effect on 25 September 2019

Environmental authority holder(s)

Name(s)	Registered address
TASMANIA MINES LIMITED	Level 33 88 Phillip Street SYDNEY SOUTH NSW 2000

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 300/SP272314

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

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- 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.

Luke Johnston
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 25 September 2019

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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)

Conditions of Environmental Authority

Location: Lot 300 Plan SP272314

Relevant activity: 50-(1a) Bulk mineral handling >100t or 50000t watercourse

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

General

G1 In carrying out the environmentally relevant activities, the holder of this approval must take all reasonable and practical measures to prevent and/or minimise the likelihood of environmental harm being caused. Any environmentally relevant activity must be carried out in a way that does not cause environmental harm.

G2 The holder of this approval must:

a) Install all measures, plant and equipment necessary to ensure compliance with the conditions of this development approval; and

b) Maintain such measures, plant and equipment in a proper and efficient operating condition; and

c) Operate such measures, plant and equipment in a competent and efficient manner.

G3 Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested, in a specified format.

G4 From commencement of the ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused.

The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

a) Environmental commitments – a commitment by the holder of this approval to achieve specified and relevant environmental goals;

b) Identification of environmental issues and potential impacts;

c) Control measures for routine operations to minimise likelihood of environmental harm;

d) Contingency plans and emergency procedures for non-routine situations;

e) Organisational structure and responsibility;

f) Effective communication;

g) Monitoring of contaminant releases;

h) Conducting environmental impact assessments;

i) Staff training;

j) Record keeping and

k) Periodic review of environmental performance and continual improvement.

G5 The site-based management plan must not be implemented or amended in a way that contravenes or is inconsistent with any condition of this approval.

G6 Compliance with the conditions of this approval must be audited within 6 months of commencement of the activities and annually thereafter.

G7 The audit(s) required by condition (G6) must be conducted by a suitably qualified third party auditor, nominated by the approval holder and accepted by the administering authority prior to the audit.

G8 For the audit(s) required by the condition (G6), the auditor must submit a final version of the auditor's report directly to the administering authority within 28 days of completing the onsite audit.

G9 A competent person(s) must conduct any modelling or auditing required by this approval.

G10 All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.

G11 The scale of the activities authorised is stockpiling magnetite from ships to 100 000 tonnes per annum.

G12 Throughput tonnages are to be reported to the administering authority annually.

Air

A1 The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any nuisance sensitive place.

A2 Release of dust or particulate, exceeding the following levels, when measured at any nuisance sensitive place, is considered an environmental nuisance when:

a) Dust deposition of 4.0 grams per square metre per month, when measured in accordance with Australian Standard AS 3580.10:2003 Methods of sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method (or more recent edition); or

b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging period, at a nuisance sensitive place downwind of the site, when monitored in accordance with:

i. Australian Standard AS 3580.9.6 'Ambient Air – Particulate Matter – Determination of suspended particulate PM10 high-volume sampler with size – selective inlet – gravimetric method'; or

ii. Any alternative method of monitoring PM_{10} that may be permitted by the Air Quality Sampling Manual as published from time to time by the administering authority.

A3 When requested by the administering authority, dust and particulate monitoring must be undertaken within a reasonable timeframe nominated by the administering authority, to investigate any complaint of environmental nuisance caused by dust and/or particulate matter. The results of the monitoring must be notified to the administering authority within seven (7) days following completion of the monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected nuisance sensitive place and at upwind control sites and must include:

a) For a complaint alleging dust nuisance, dust deposition; and
b) For a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.

Water

W1 The holder of this development approval must prevent the release of stormwater runoff that has been in contact with any contaminants at the site to any waters.

W2 The spillage of magnetite must be cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing wastes, contaminants or material to any external stormwater drainage system, roadside gutter or waters.

W3 The holder of this development approval must ensure that spillage(s) of all chemicals and fuels must be captured within an onsite containment system.

W4 A stormwater management plan must be prepared, in consultation with administering authority, and implemented for the site from the commencement of operations.

Noise

N1 All noise from activities must not exceed the levels specified in Schedule E, Table 1 – Noise Limits at any noise sensitive place or commercial place.

Schedule E – Table 1 (Noise Limits)

Noise level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level L Amax adj.T	**Period**
Background noise level plus 5 dB(A)	7am-6pm
Background noise level plus 3 dB(A)	6pm-7am
Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level L Amax adj.T	**Period**
Background noise level plus 10 dB(A)	7am-6pm
Background noise level plus 8 dB(A)	6pm-7am

N2 In the event of a complaint, the holder will:

- In the first instance alter procedures to reduce the nuisance issues; and
- Liaise with the administering authority and/or the complainant over remedial action.

Where the above actions do not resolve the noise issue and when requested by the administering authority, noise monitoring will be undertaken to investigate any complaint of environmental noise nuisance and the results notified within 7 days to the administering authority. Monitoring must include:

a) LAmax, adj T;
b) LAN, T (where N equals statistical levels of 1, 10 and 90);
c) The level and frequency of occurrence of impulsive or tonal noise;
d) Atmospheric conditions including temperature, relative humidity and wind speed and direction; and
e) Effects due to extraneous factors such as traffic noise.

N3 The method of measurement and reporting of noise levels must comply with the latest edition of the **Environmental Protection Agency's Noise Measurement Manual.**

Waste

WA1 A waste management plan for the activities on site must be prepared, in consultation with administering authority, by the commencement of the activity and then implemented.

WA2 Recyclable waste must not be deposited in the general waste stream.

WA3 If the holder of this development approval becomes aware that a person has removed regulated waste from the licensed place and disposed of the regulated waste in a manner which is not authorised by this development approval must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

Monitoring

M1 All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions undertaken. Except in cases where the complaint is considered to be a matter for which the holder is in compliance, is frivolous, vexatious, **based on a mistaken belief or not relevant to the ERA's, the holder must act as soon as practicable to** investigate the cause and resolve the complaint.

M2 As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants or mismanagement of waste not in accordance, or reasonable expected to be not in accordance with the conditions of this authority, this holder must notify the administering authority of the release by telephone, facsimile or electronic mail.

M3 The notification of emergencies or incidents must include but not be limited to the following:

a) The holder of the development approval;

b) The location of the emergency or incident;

c) The number of the development approval;

d) The name and telephone number of the designated contact person;

e) The time of the release. Mismanagement incident;

f) The time the holder became aware of the release/mismanagement incident;

g) The suspected cause of the release/mismanagement incident;

h) The environmental harm caused, threatened, or suspected to be caused by the release/mismanagement incident;

i) Actions taken to prevent further any release and mitigate any environmental harm caused by the release/mismanagement incident.

Note: any relevant notification given under Section 320 or Section 350 of the *Environmental Protection Act* that includes the information required by this condition is also an emergency/incident notification under this authority.

M4 Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of this authority must provide written advice of the information previously supplied (unless already supplied in writing) and, in addition, the following:

a) Proposed actions to prevent a recurrence of the emergency or incident; and

b) Outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

M5 The holder of this environmental authority must notify the administering authority within twenty-eight (28) days of completion of analysis of any result of a monitoring program required by a condition of this environmental authority that indicates an exceedance of any limit specified in this approval.

M6 The written notification must include:

a) The full analysis results;

b) Details of investigation or corrective actions taken; and

c) Any subsequent analysis.

Note: any relevant notification given under Section 320 or Section 350 of the Act that contains the information specified in this condition is also an exception reporting notification under this authority.

M7 The holder must ensure that the results of all monitoring performed in accordance with this development approval for the period covered by the Annual Return applicable to the activities is provided to the administering authority on request.

Definitions

Key terms and/or phrases used in this document are defined in this section. 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.

"administering authority" means the Department of Environment and Heritage Protection or its successor.

"approval" means an environmental authority issued under the *Environmental Protection Act 1994.*

"authorised place" means the place authorised under this environmental authority for the carrying out of the specified environmentally relevant activities.

"background noise level" means LA90, T, being the A-Weighted sound pressure level exceeded for 90 percent of the time period measured in the absence of the noise under investigation during a representative time period of not less than 15minutes using Fast response.

"commercial place" means a place used as an office or for business or commercial purposes.

"competent person" means a person or body possessing demonstrated experience and qualifications to perform these tasks.

"LA 90, T" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 90% of any 15-minute measurement period, using Fast response

"LA 10, T" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 15 minute measurement period, using Fast response.

"LA 10, adj, T" means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10minute measurement period, using Fast response.

"LA, max adj, T" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10-minute period, using Fast response. Where approximately equivalent as described in the Department of Environment and Heritage Protection noise measurement manual, the descriptor "LA 10 adj, T" may be utilised instead.

"licensed regulated waste facility" means, if in Queensland a relevant facility with lawful authority under the *Environmental Protection Act 1994:*

- To receive and dispose of the regulated waste;
- To receive and recycle or reprocess or recondition regulated waste;
- As a transfer station that can receive such waste;

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- To receive and store the regulated waste;
- To receive and treat the regulated waste;
- To receive and compost the regulated waste; and
- To receive and incinerate the regulated waste.

If outside Queensland, a similar place that can lawfully accept and deal with the waste.

"maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

"minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

"nuisance sensitive place" includes:

- A dwelling, residential allotment, mobile home or caravan park, residential marine or other residential premises; or
- A motel, hotel or hostel; or
- A kindergarten, school, university or other 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 thoroughfare, park or gardens; or
- 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.

"regulated waste" means a non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes: for an element – any chemical compound containing the element; and anything that has contained the waste.

"site" means the place to which this environmental authority relates.

"suitably qualified third party auditor" for the purposes of condition G7 means a person who is:

a) independent of the holder; and
b) free from conflict of interest; and
c) has professional qualifications, training, skills or minimum of five (5) years' experience relevant to the subject matter; and

d) can give authoritative assessment, advice and analysis in relation to the subject matter using relevant protocols, standards, methods or literature

"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 any under groundwater, any part-thereof.

END OF ENVIRONMENTAL AUTHORITY