# Permit

***Environmental Protection Act 1994***

## Environmental authority EPPR00770213

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

## Environmental authority number: EPPR00770213

**Environmental authority takes effect on the day of approval.**

The anniversary day of this environmental authority remains **15 September**. The payment of the annual fee will be due each year on this day.

### Environmental authority holder

| Name | Registered address |
|---|---|
| Department of Transport and Main Roads | Floor 18, 313 Adelaide Street BRISBANE QLD 4001 |

### Environmentally relevant activity and location details

| Environmentally relevant activities | Locations |
|---|---|
| ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t<br><br>ERA 16 - Extraction and Screening 3: Screening, in a | Central West<br>Additional Area (DTMR 183) - Lot 5 Plan PD60<br>Ambo No 1 - Lot 16 Plan C22811<br>Ambo No 2 - Lot 16 Plan C22811<br>Arrilalah - Lot 9 Plan PD102<br>Back Ck / Silsoe RD - Lot 1 Plan SP142680<br>Beaconsfield - Lot 1 Plan RY53<br>Bladensburg - Lot 86 Plan SP283839<br>Braystone #1 - Lot 2 Plan CP908460<br>Braystone #2 - Lot 2 Plan CP908460<br>Calendula Pit - Lot 3 Plan SP263939<br>Campsie - Lot 7 Plan MV52<br>Castle Hill (1) - Lot 4721 Plan SP268651<br>Castle Hill (8) - Lot 4721 Plan SP268651<br>Castle Hill (D) - Lot 4721 Plan SP268651 |


ABN 46 640 294 485

Queensland Government

| Environmentally relevant activities | Locations |
|---|---|
| year, the following quantity of material (a) 5,000t to 100,000t | Castle Hill Station and 6430 Kennedy Development Road WINTON - Lot 4721 Plan SP268651<br>Cawnpore - Lot 3574 Plan PH88<br>Chesalon - Lot 3 Plan DM9<br>Cork Gravel Pit 1 - Lot 350 Plan SP276167<br>Cork Gravel Pit 2 - Lot 350 Plan SP276167<br>Cross Roads Pit (DTMR 160) - Lot 7 Plan RV8<br>Crusher - Lot 27 Plan MTL91<br>Currareva Pit - Lot 4273 Plan PH750<br>Delmore - Lot 21 Plan C22818<br>Diamond Downs - Lot 4 Plan BC50<br>Eden Downs (Main Rds) - Lot 14 Plan PD204<br>Elkantara Stn - Lot 1 Plan MV19<br>Emmett - Lot 5 Plan RP908591<br>Fairmount - Lot 2 Plan RP619626<br>Fermoy Rd Pits No1 - Lot 2 Plan SP193780<br>Fermoy Rd Pits No2 - Lot 1773 Plan PH1918<br>Garbage Dump - Lot 1 Plan CP857917<br>Gidya Park - Lot 3 Plan BC1<br>Happy Valley Gravel Pit 1 - Lot 2 Plan SP204936<br>Happy Valley Gravel Pit 2 - Lot 2 Plan SP204936<br>Harold Park - Lot 1 Plan WYR17<br>Isisford SC Crusher - Lot 27 Plan MTL91<br>Kapunda - Lot 5 Plan MV39<br>Muyong - Lot 3 Plan CM53<br>Noonbah - Lot 2 Plan VG10<br>Oakhame Pit - Lot 5255 Plan PH1422<br>Oakleigh Stn - Lot 50 Plan POR5716<br>Old Pit RHSide - Lot 8 Plan PD26<br>Oma Stone Quarry - Lot 9 Plan BC1<br>Peter Clarke (Private) - Lot 11 Plan C22822<br>Pit 4 Barcoo (DTMR 262) - Lot 8 Plan WS7<br>Pit 5 Barcoo (DTMR 260) - Lot 8 Plan WS7<br>Poddy Creek Area B - Lot 4721 Plan SP268651<br>Poddy Creek Area D - Lot 4721 Plan SP268651<br>Poddy Creek Gravel Pit Area 1 - Lot 4721 Plan SP268651<br>Poddy Creek Pit 1 Kennedy Developmental Road - Lot 4721 Plan SP268651 |

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| | Fitzroy |



Queensland Government

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| | Mackay/Whitsunday |
| | Hazeldeen - Lot 7 Plan CLM504<br>Clermont 1 Clermont-Alpha Road Clermont - Lot 3 Plan CLM185<br>Cremorne 1 Clermont Alpha Road Clermont - Lot 3 Plan SP253480 |

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**Additional information for applicants**

Environmentally relevant activities

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

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

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

Contaminated land

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

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

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

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.

The anniversary day of this environmental authority is the same day each year as the original take effect date unless you apply to change the anniversary day. The payment of the annual fee will be due each year on this day.

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.

| | |
|---|---|
|  | 03/05/2024 |
| Signature | Date |

Rebecca Griffiths
Department of Environment, Science, and Innovation
Delegate of the administering authority
*Environmental Protection Act 1994*

**Enquiries:**
Utilities and Government Organisations Assessment
GPO Box 2454, Brisbane QLD 4001
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)

**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. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

**Obligations under the *Mining and Quarrying Safety and Health Act 1999***

If you are operating a quarry, other than a sand and gravel quarry where there is no crushing capability, you will be required to comply with the *Mining and Quarrying Safety and Health Act 1999*. For more information on your obligations under this legislation contact Mine Safety and Health at https://www.rshq.qld.gov.au/, or phone 13 QGOV ( 13 74 68 ) or your local Mines Inspectorate Office.

**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. If you are unsure that you have the most current version of the environmental authority relating to this site please visit https://apps.des.qld.gov.au/env-authorities/ to access all environmental authorities currently approved.

## Conditions of environmental authority

## Part 1 – Central Region

| Environmentally relevant activities | Locations | |
|---|---|---|
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| | Additional Area (DTMR 183) - Lot 5 Plan PD60<br><br>Ambo No 1 - Lot 16 Plan C22811<br><br>Ambo No 2 - Lot 16 Plan C22811<br><br>Arrilalah - Lot 9 Plan PD102<br><br>Back Ck / Silsoe RD - Lot 1 Plan SP142680<br><br>Beaconsfield - Lot 1 Plan RY53<br><br>Bladensburg - Lot 86 Plan SP283839<br><br>Braystone #1 - Lot 2 Plan CP908460<br><br>Braystone #2 - Lot 2 Plan CP908460<br><br>Calendula Pit - Lot 3 Plan SP263939<br><br>Campsie - Lot 7 Plan MV52<br><br>Castle Hill (1) - Lot 4721 Plan SP268651<br><br>Castle Hill (8) - Lot 4721 Plan SP268651<br><br>Castle Hill (D) - Lot 4721 Plan SP268651<br><br>Castle Hill Station and 6430 Kennedy Development Road WINTON - Lot 4721 Plan SP268651<br><br>Cawnpore - Lot 3574 Plan PH88<br><br>Chesalon - Lot 3 Plan DM9<br><br>Cork Gravel Pit 1 - Lot 350 Plan SP276167 | Muyong - Lot 3 Plan CM53<br><br>Noonbah - Lot 2 Plan VG10<br><br>Oakhame Pit - Lot 5255 Plan PH1422<br><br>Oakleigh Stn - Lot 50 Plan POR5716<br><br>Old Pit RHSide - Lot 8 Plan PD26<br><br>Oma Stone Quarry - Lot 9 Plan BC1<br><br>Peter Clarke (Private) - Lot 11 Plan C22822<br><br>Pit 4 Barcoo (DTMR 262) - Lot 8 Plan WS7<br><br>Pit 5 Barcoo (DTMR 260) - Lot 8 Plan WS7<br><br>Poddy Creek Area B - Lot 4721 Plan SP268651<br><br>Poddy Creek Area D - Lot 4721 Plan SP268651<br><br>Poddy Creek Gravel Pit Area 1 - Lot 4721 Plan SP268651<br><br>Poddy Creek Pit 1 Kennedy Developmental Road - Lot 4721 Plan SP268651<br><br>Poddy Creek Pit 2 and Kennedy Developmental Road - Lot 4721 Plan SP268651<br><br>Poddy Creek Pit 3 and Kennedy Developmental Road - Lot 4721 Plan SP268651 |

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| | **Fitzroy** | |
| | Anglewood Road Pit 2 - Lot 7 Plan MC203<br>Avondale (DTMR 935) - Lot 2 Plan CP892671<br>Balmoral - Lot 4 Plan RP613594<br>Basalt Creek - Lot 2 Plan SP282182<br>Beacon Hills - Lot 22 Plan CLM373<br>Billabong - Lot 6 Plan SP158750<br>Blackwater (Bedford Weir) - Lot 10 Plan SP260151 | Mantuan Downs - Lot 814 Plan SP259531<br>Marengo - Lot 5 Plan TR62<br>Moonda - Lot 2 Plan RP606930<br>Nandowrie - Lot 9 Plan BU34<br>P Olive Pitts - Lot 883 Plan LBG4038<br>Pinnacle - Lot 68 Plan DSN761<br>Pit 1 Gwambegwine (DTMR 904) - Lot 2 Plan RP911099<br>Pit 2 Gwambegwine (DTMR 894) - Lot 8 Plan LE317 |

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| | **Mackay/Whitsunday District** | |
| | Hazeldeen - Lot 7 Plan CLM504 | |

The environmentally relevant activities conducted at the locations as described above must be conducted in accordance with the attached document entitled:

- Code of environmental compliance for certain aspects of extraction and screening activities - (ERA 16) - Version 7.

## Part 2 – Central Region – Eligibility Criteria and Standard Conditions

<table>
<tr><th>Environmentally relevant activities</th><th>Locations</th></tr>
<tr><td>ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t</td><td>

**Mackay/Whitsunday District**

Clermont 1 Clermont-Alpha Road Clermont - Lot 3 Plan CLM185

| Latitude* | Longitude* |
|---|---|
| -22.832406 | 147.509507 |
| -22.833496 | 147.512129 |
| -22.834815 | 147.511566 |
| -22.833512 | 147.508664 |

Cremorne 1 Clermont Alpha Road Clermont - Lot 3 Plan SP253480

| Latitude* | Longitude* |
|---|---|
| -23.036017 | 146.994107 |
| -23.037099 | 146.995412 |
| -23.037904 | 146.994622 |
| -23.036711 | 146.9931 |

Cremorne 3 Clermont Alpha Road Clermont - Lot 2 Plan SP253479

| Latitude* | Longitude* |
|---|---|
| -23.073257 | 146.928388 |
| -23.073262 | 146.929652 |
| -23.072918 | 146.929913 |
| -23.072638 | 146.929318 |

Red Rock Clermont Alpha Road Clermont - Lot 8 Plan RU47

| Latitude* | Longitude* |
|---|---|
| -22.86864 | 147.25943 |
| -22.86878 | 147.26139 |
| -22.87104 | 147.26114 |
| -22.87055 | 147.25904 |

** Datum GDA94*

Mount Douglas – Lot 1 Plan SP109689

| Latitude | Longitude |
|---|---|
| -21.56018 | 146.8954 |
| -21.55826 | 146.89384 |
| -21.55752 | 146.89529 |

</td></tr>
</table>



Queensland Government

<table>
<tr><th>Environmentally relevant activities</th><th>Locations</th></tr>
<tr><td>ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t</td><td>
<table>
<tr><td>-21.55997</td><td>146.89597</td></tr>
</table>
Solferino – Lot 2 Plan DC14
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-22.250842</td><td>147.622132</td></tr>
<tr><td>-22.249065</td><td>147.623935</td></tr>
<tr><td>-22.248644</td><td>147.622304</td></tr>
<tr><td>-22.250133</td><td>147.620723</td></tr>
</table>
Croydon Range Road Reserve – adjacent to Lot 36 Plan MC487
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-22.358608</td><td>149.384638</td></tr>
<tr><td>-22.359312</td><td>149.384592</td></tr>
<tr><td>-22.360096</td><td>149.389737</td></tr>
<tr><td>-22.360551</td><td>149.389543</td></tr>
</table>
Main Creek – Lot 4 Plan KL210
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-22.423752</td><td>149.215945</td></tr>
<tr><td>-22.424109</td><td>149.217123</td></tr>
<tr><td>-22.421319</td><td>149.21851</td></tr>
<tr><td>-22.421002</td><td>149.217553</td></tr>
</table>
88B_5B - Lot 3615 Plan PH681
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-21.262299</td><td>147.538696</td></tr>
<tr><td>-21.262216</td><td>147.540675</td></tr>
<tr><td>-21.26314</td><td>147.538264</td></tr>
<tr><td>-21.262909</td><td>147.540655</td></tr>
</table>
88B_11A - Lot 3615 Plan PH681
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-21.314044</td><td>147.452875</td></tr>
<tr><td>-21.314389</td><td>147.452396</td></tr>
<tr><td>-21.315149</td><td>147.451551</td></tr>
<tr><td>-21.315816</td><td>147.451004</td></tr>
</table>
</td></tr>
</table>

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<tr><td>-21.316323</td><td>147.451988</td></tr>
<tr><td>-21.317426</td><td>147.452583</td></tr>
<tr><td>-21.315765</td><td>147.453743</td></tr>
<tr><td>-21.315205</td><td>147.453331</td></tr>
<tr><td>-21.314044</td><td>147.452875</td></tr>
</table>
88B_11B - Lot 3615 Plan PH681
<table>
<tr><th>Latitude</th><th>Longitude</th></tr>
<tr><td>-21.314285</td><td>147.452319</td></tr>
<tr><td>-21.314948</td><td>147.451595</td></tr>
<tr><td>-21.315762</td><td>147.450915</td></tr>
<tr><td>-21.315629</td><td>147.450743</td></tr>
<tr><td>-21.315082</td><td>147.450909</td></tr>
<tr><td>-21.312426</td><td>147.451122</td></tr>
<tr><td>-21.311891</td><td>147.451856</td></tr>
<tr><td>-21.313761</td><td>147.452963</td></tr>
</table>
</td></tr>
</table>

The environmentally relevant activities conducted at the location as described above must be conducted in accordance with the attached document entitled:

- Eligibility criteria and standard conditions for extracting (5000 tonnes to 100,000 tonnes of material in a year) (ERA 16) – Version 2.

## Part 3 – Central Region – Site Specific Conditions

| Environmentally relevant activities | Locations |
|---|---|
| ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t<br>ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (a) 5,000t to 100,000t | **Fitzroy District** |
| | Mimosa Creek and Duaringa - Lot 4 Plan KM74 |
| | **Central West District** |
| | Kennedy Developmental Road, MIDDLETON - Lot 16 Plan WDK20 |
| | **Mackay/Whitsunday District** |
| | Cremorne 2 - Lot 3 SP253480<br>88B_4B - Lot 3615 Plan PH681 |

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

| **Agency interest: General** | |
|---|---|
| **Condition number** | **Condition** |
| G1.1 | The **activity** must be undertaken in accordance with written procedures that:<br>1. identify potential risks to the environment from the **activity** during routine operations, closure and an emergency; and<br>2. establish and maintain control **measures** that **minimise** the potential for **environmental harm**; and<br>3. ensure plant, equipment and **measures** are maintained in a proper and effective condition; and<br>4. ensure plant, equipment and **measures** are operated in a proper and effective manner; and<br>5. ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and<br>6. ensure that reviews of environmental performance are undertaken at least annually. |
| G1.2 | The **activity** must not cause **environmental nuisance** at a **sensitive place** or **commercial place.** |

| | |
|---|---|
| G1.3 | Storage of **chemicals** and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and **releases** from the containment system controlled in a manner that prevents **environmental harm**. |
| G1.4 | Any breach of a condition of this environmental authority, must be reported to the **administering authority** as soon as practicable, or at most, within 24 hours of you becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken. |
| G1.5 | Extraction and screening activities located at the Kennedy Developmental Road, Middleton on Lot 16 Plan WDK20 must only be carried out within the area defined in *Table 1 - Kennedy Developmental Road, Middleton extraction and screening limits.* |

**Table 1 - Kennedy Developmental Road, Middleton extraction and screening limits.**

| Point reference | Latitude* | Longitude* |
|---|---|---|
| 1 | -22.36812 | 141.53312 |
| 2 | -22.37130 | 141.53496 |
| 3 | -22.37271 | 141.53263 |
| 4 | -22.36889 | 141.53087 |

**Datum GDA94*

G1.6 Extraction and screening activities located at the pit identified as Cremorne 2 on Lot 3 SP253480 must only be carried out within the area defined in *Table 2 - Cremorne 2 extraction and screening limits.*

**Table 2 - Cremorne 2 extraction and screening limits.**

| Point reference | Latitude* | Longitude* |
|---|---|---|
| 1 | -23.065131 | 146.951728 |
| 2 | -23.065300 | 146.953800 |
| 3 | -23.066850 | 146.953800 |
| 4 | -23.066954 | 146.952082 |

**Datum GDA94*

G1.7 Extraction and screening activities located at the pit identified as 88B_4B on Lot 3615 Plan PH681 must only be carried out within the area defined in *Table 3 - 88B_4B extraction and screening limits.*

**Table 3 – 88B_4B extraction and screening limits.**

| Point reference | Latitude* | Longitude* |
|---|---|---|
| 1 | -21.244078 | 147.581919 |
| 2 | -21.245296 | 147.58046 |
| 3 | -21.245786 | 147.580783 |
| 4 | -21.244448 | 147.5823 |

| | |
|---|---|
| | **Datum GDA94* |
| **Agency interest: Air** | |
| **Condition number** | **Condition** |
| A1.1 | The **activity** must not cause the **release** of dust or particulates that cause **environmental nuisance** to any **sensitive place** or **commercial place.** |
| **Agency interest: Water** | |
| **Condition number** | **Condition** |
| WT1.1 | **Contaminant(s)** from the **activity** must not be **released** to **waters.** |
| WT1.2 | The **activity** must not impact on the level of groundwater or on groundwater quality at or adjacent to the location where it is conducted. |
| WT1.3 | Ponds used for the storage or treatment of **aqueous waste** must be constructed, installed and maintained to:<br>1. prevent any **release** of **aqueous waste** from the ponds; and<br>2. ensure the stability of the pond structure. |
| WT1.4 | Erosion and sediment control **measures** must be implemented and maintained to **minimise** erosion and the **release** of sediment. |
| WT1.5 | The stormwater runoff from the **activity** generated by a **24 hour storm event with an average recurrence interval of one (1) in five (5) years** must be retained on **site** and treated to remove **contaminants** before **release.** |
| **Agency interest: Noise** | |
| **Condition number** | **Condition** |
| N1.1 | The **activity** must not cause **audible noise**<br>1. on a business day or Saturday, before 7am or after 7pm<br>2. on any other day, before 8am or after 7pm at any of the following places:<br>i. a dwelling, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises<br>ii. a kindergarten, school, university, library, childcare centre or other educational institution<br>iii. a medical centre or hospital. |
| N1.2 | **Blasting** is not permitted. |

| **Agency interest: Land** | |
|---|---|
| **Condition number** | **Condition** |
| L1.1 | **Contaminant(s)** from the **activity** must not be **released** to **land.** |
| L1.2 | **Land** that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:<br>a) suitable native species of vegetation for the location are established and sustained for earthen surfaces unless at a minimum the disturbed soil surfaces are stabilised to prevent soil loss and another use for the **site** has been agreed to in writing by the landowner; and<br>b) potential for erosion is **minimised**; and<br>c) the quality if water, including seepage, **released** from the **site** does not cause environmental harm; and<br>d) potential for **environmental nuisance** caused by dust is **minimised**; and<br>e) the water quality of any residual water body does not have potential to cause environmental harm; and<br>f) the final landform is stable and protects public safety. |
| L1.3 | Acid sulphate soils, acid-producing rock and marine sediments must not be processed. |
| **Agency interest: Waste** | |
| **Condition number** | **Condition** |
| W1.1 | All waste generated in carrying out the **activity** must be reused, recycled or lawfully disposed of offsite. |

## Part 4 – Central Region – Site Specific Conditions

| Environmentally relevant activities | Locations |
|---|---|
| ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (a) 5,000t to 100,000t | **Mackay/Whitsunday District** |
| | Eaglefield Property Gravel Pit - Lot 1816 Plan PH1315 |

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

**Agency interest: General**

| Condition number | Condition |
|---|---|
| G2.1 | **Activities** conducted under this environmental authority must not be conducted contrary to any of the following limitations:<br>1. This **activity** is to be conducted within the following boundaries:<br>2. The amount of extracted material form the above location in any one (1) **year** is to be no more than 78,000 tonnes. |
| G2.2 | You must keep a register containing details of each **activity site** (e.g. **voids**) operated under this environmental authority.<br>This register must be provided to the **administering authority** with the annual return for the **activity** and must include;<br>(a) the GPS (Global Positioning System) coordinates of each activity site (GDA94 Datum);<br>(b) the date(s) on which it was accessed;<br>(c) the amount of material removed; and<br>(d) where land has been significantly disturbed, the date(s) each activity site was inspected for assessment, remediation or rehabilitation. |
| G2.3 | The **activity** must be undertaken in accordance with written procedures that: |

| Point reference | Latitude* | Longitude* |
|---|---|---|
| 1 | -21.51263 | 147.80818 |
| 2 | -21.51071 | 147.80887 |
| 3 | -21.5115 | 147.81068 |
| 4 | -21.51288 | 147.81034 |

**Datum GDA94*

| | |
|---|---|
| | 1. identify potential risks to the environment from the **activity** during routine operations, closure and an emergency; and<br>2. establish and maintain control **measures** that minimise the potential for **environmental harm**; and<br>3. ensure plant, equipment and **measures** are maintained in a proper and effective condition; and<br>4. ensure plant, equipment and **measures** are operated in a proper and effective manner; and<br>5. ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994;* and<br>6. ensure that reviews of environmental performance are undertaken at least annually. |
| G2.4 | **Chemicals** and fuels in containers of greater than 15 litres must be stored within a secondary containment system. |
| G2.5 | Other than as permitted by this environmental authority, the **release** of a contaminant into the environment must not occur. |
| G2.6 | All reasonable and practicable **measures** must be taken to **minimise** the likelihood of **environmental harm** being caused. |
| G2.7 | Any breach of a condition of this environmental authority, must be reported to the **administering authority** as soon as practicable, or at most, within 24 hours of **you** becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken. |
| G2.8 | All records must be kept for a period of at least five **years** and provided to the **administering authority** upon request. |
| G2.9 | **You** must record the following details for all environmental complaints received:<br>(a) date and time complaint was received; and<br>(b) name and contact details of the complaint; and<br>(c) nature of the complaint; and<br>(d) investigations undertaken; and<br>(e) conclusions formed; and<br>(f) actions taken. |
| **Agency interest: Air** | |
| **Condition number** | **Condition** |
| A2.1 | The **release** of odours or airborne **contaminants** (including dust) resulting from the **activity** must not cause **environmental nuisance.**<br>**You** must abide by the air, noise, water and waste management quality objectives specified in the most recent edition of the respective *Environmental Protection Policy.* |

| | |
|---|---|
| A2.2 | When requested by the **administering authority, you** must commission dust and particulate monitoring to investigate any complaint of **environmental nuisance** caused by dust and/or particulate matter. The monitoring data, an analysis of the data and a report must be provided to the **administering authority** within 14 days of the completion of the investigation.<br>**You** must abide by the air quality objectives specified in the most recent edition of the respective *Environmental Protection (Air) Policy.* |
| **Agency interest: Water** | |
| **Condition number** | **Condition** |
| WT2.1 | **Contaminants** other than settled/treated stormwater runoff must not be **released** from the **site** to surface **waters,** the bed or banks of any **watercourse** or any **drainage feature** leading to surface **waters.**<br>Suitable banks and/or diversion drains must be installed and maintained so that all stormwater originating from **land** up-gradient of disturbed areas, including extraction and storage areas is diverted away from entering these areas and any ponds or other structures used for the storage or treatment of **contaminants.**<br>Water retained onsite may be used for purposes that will not result in contributing sediment to any water course. The use of this water would be suitable for dust suppression on **site** or on other road projects. |
| WT2.2 | The extent of extraction must be limited to the top of the groundwater table. No extraction must be carried out within the underlying aquifer. Any interference with groundwater through extraction is not permitted. |
| **Agency interest: Noise** | |
| **Condition number** | **Condition** |
| N2.1 | **Blasting** or the generation of **substantial low frequency noise** is not permitted. |
| N2.2 | When requested by the **administering authority, you** must commission noise monitoring to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report must be provided to the **administering authority** within 14 days of the completion of the investigation.<br>Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy.* |

| **Agency interest: Land** | |
|---|---|
| **Condition number** | **Condition** |
| L2.1 | Except for minor borrow pits, where required (i.e. for extraction activities) the topsoil must be:<br>(a) progressively removed prior to extraction from any active extraction areas;<br>(b) stockpiled on the site uncompacted less than 1.5m high and In a manner that will preserve its soil profile, biological and chemical integrity; and<br>(c) used for rehabilitation of the site (refer to condition L2.2). |
| L2.2 | As soon as practicable and within six months of ceasing operations (temporarily or permanently) you must rehabilitate the **activity site**. Where operations have temporarily ceased, **you** must rehabilitate the areas of the site that will not be disturbed in the future and must take whatever **measures** are required to prevent the remainder of the site being the cause of **environmental harm**.<br><br>Where operations at the **activity site** or on part of the **activity site** have permanently ceased, all areas disturbed by the **activity** must be rehabilitated by:<br>(a) remediation of contaminated **land** caused by the **activity** in accordance with the Environmental Protection Act's requirements and this environmental authority;<br>(b) undertaking works to establish a safe, stable, non-polluting landform similar to that of surrounding undisturbed areas (or other use as agreed with the landowner), including where relevant:<br>i. removing any stockpiles;<br>ii. re-establishing surface drainage lines;<br>iii. minimising the potential for slumping, subsidence or erosion;<br>iv. reinstating the **topsoil**;<br>v. respreading any cleared vegetation; and<br>vi. promoting establishment of vegetation of similar species composition and density of cover; and<br>(c) ensuring that the quality of stormwater, water and seepage **released** from the site is such that there is no **release** of **contaminants** that cause **environmental harm**;<br>(d) ensuring that the water quality of any residual water bodies meets criteria for subsequent uses and does not cause **environmental harm**; and<br>(e) removing **infrastructure** from the **site**. |

| | |
|---|---|
| L2.3 | Maintenance of rehabilitated areas must take place at least annually to demonstrate:<br>(a) landforms remain stable;<br>(b) erosion control **measures** remain effective;<br>(c) stormwater runoff and seepage from rehabilitated areas does not **release contaminants** that cause **environmental harm;**<br>(d) plants show healthy growth and recruitment; and<br>(e) rehabilitated areas are free of any declared pest plants. |
| L2.4 | Rehabilitation must continue until the **site** can be managed for its designated land-use (either similar to that of surrounding undisturbed areas or as otherwise agreed in a written document with the landholder and the **administering authority**). For at least 2 **years**, the **site** should not require greater management than for other **land** in the area being used for a similar purpose. |
| **Agency interest: Waste** | |
| **Condition number** | **Condition** |
| WS2.1 | All waste generated in carrying out the **activity** must be reused, recycled or removed to a facility that can lawfully accept the waste. |
| WS2.2 | A record of all **regulated waste** (excluding trackable waste) must be kept detailing the following information:<br>(a) date of pickup of waste;<br>(b) description of waste;<br>(c) quantity of waste;<br>(d) origin of waste; and<br>(e) destination of 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 successor or predecessors.

**Aqueous waste** any aqueous waste including process water, water that has otherwise been used in the carrying out of the activity or sewage, whether or not the waste has been treated, but excluding stormwater and water used for dust suppression that has been treated to remove contaminants.

**Audible noise** means noise that can be clearly heard by an individual who is an occupier at a place listed in condition N1.1.

**Blasting** is the use of explosives to fracture:

(a) rock, coal and other minerals for later recovery; or
(b) structural components or other items to facilitate removal from a site or for reuse.

**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.

**Drainage feature** means a natural landscape feature, including a gully, drain, drainage depression or other erosion feature that:

(a) is formed by the concentration of, or operates to confine or concentrate, overland flow water during and immediately after rainfall events; and
(b) flows for only a short duration after a rainfall event, regardless of the frequency of flow events; and
(c) commonly, does not have enough continuing flow to create a riverine environment.
(d) has an active bed with >1 m in width.

**Infrastructure** includes roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, pipelines, power lines, airstrips, helipads etc., which are constructed or Installed specifically for the project.

**Land** does not include waters.

**Measures** has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

**Minimise** means taking all reasonable and practical measures to minimise the adverse effect having regard to the following matters:

(a) the nature of the harm or potential harm; and
(b) the sensitivity of the receiving environment; and
(c) the current state of technical knowledge for the activity; and
(d) the likelihood of successful application of different measures that might be taken to minimise the adverse effects; and
(e) the financial implications of the different measures as they would relate to the type of activity; and

(f) if the adverse effect is caused by the location of the activity being carried out, whether it is feasible to carry out the activity at another location.

**Release** of a contaminant into the environment means to:

(a) deposit, discharge, emit or disturb the contaminant; or
(b) cause or allow the contaminant to be deposited, discharged, emitted or disturbed; or
(c) fail to prevent the contaminant from being deposited, discharged emitted or disturbed; or
(d) allow the contaminant to escape; or
(e) fail to prevent the contaminant from escaping.

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

(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) a kindergarten, school, university or other 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 a public thoroughfare, park or gardens; or
(f) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2019.*

**Significantly disturbed** means land that is:

(a) contaminated land; or
(b) disturbed and human intervention is needed to rehabilitate it:
    (i) to a state required under this code; or
    (ii) if the code does not require the land to be rehabilitated to a particular state - to Its state immediately before the disturbance.

**Site** comprise all works required to undertake the activity and may include —

(a) stockpiles;
(b) hardstand areas;
(c) chemical or fuel storage areas;
(d) any associated infrastructure; and
(e) voids.

**Substantial low frequency noise** means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurement, with a predominant component within the frequency range 10 to 200Hz. It includes any noise emission likely to cause an overall sound pressure level at a sensitive place exceeding 55dB(Z).

**Topsoil** means the surface (top) layer of a soil profile, which is more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary In depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.

**Void** means any human made, open excavation in the ground (includes gravel pits, borrow pits and trenches).

**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 groundwater and any part thereof.

**Year** is based on the annual return period for this environmental authority.

**You** means the holder of the environmental authority.

**24 hour storm event with an average recurrence interval of 1 in 5 years** means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years. For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.09mm/hour. The rainfall depth for this event is therefore 24 hour x 7.09mm/hour = 170.16mm.

## Attachments

- Code of environmental compliance for certain aspects of extraction and screening activities — (ERA 16) — Version 7.
- Eligibility criteria and standard conditions for extracting (5000 tonnes to 100,000 tonnes of material in a year) (ERA 16) – Version 2.

# Code of environmental compliance

**ERA 16—Extractive and screening activities**

# Superseded code of environmental compliance for certain aspects* of extractive and screening activities

# (ERA 16)

Version 7

The standard conditions of this code of environmental compliance are the conditions of an environmental authority where the criteria of this code of environmental compliance were met and an approval was applied for in the period 9 November 2012 to 5 December 2013.

These conditions do not apply for new applications for these activities. Eligibility criteria and standard conditions apply for new operations for these activities.

* This code only applies to the aspects of the environmentally relevant activity that meet the criteria in section 3 of this code.



ABN 46 640 294 485

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# 1 Introduction

The Department of Environment and Heritage Protection has simplified the environmental compliance framework for environmentally relevant activities (ERAs) with a relatively low risk of **environmental harm** by developing codes of environmental compliance (codes) that set out **standard environmental conditions**. The use of codes expedites environmental approval processes whilst still ensuring that there are appropriate standards of environmental management and protection.

Codes are appropriate for those activities that can achieve a good level of environmental protection through established, well understood practices. The **standard environmental conditions** are based on these practices and require the **registered operator** to take the necessary measures to prevent or minimise **environmental harm**.

Many of the **standard environmental conditions** have advisory notes that suggest practices and measures that may be adopted by the **registered operator** to meet the requirements of the condition. Advisory notes are intended as a guide only. They have no regulatory status and are not a mandatory compliance requirement. Alternative practices can be adopted to comply with the **standard environmental conditions**.

Key terms and/or phrases used in this code are bolded and defined at the end of this code. Where a term is not defined in this code, the definition in the *Environmental Protection Act 1994* (**EP Act**), its regulations or Environmental Protection Policies must be used. If a word remains undefined it has its ordinary meaning.

# 2 Authorisation of the code

The Minister responsible for the **EP Act**, pursuant to section 549, approved the **standard environmental conditions** contained in this version of the code on 10 July 2012. Approved codes are listed in schedule 3 of the Environmental Protection Regulation 2008 (EP Reg).

# 3 Scope of the code

This code applies only to certain thresholds of **ERA** 16 — Extractive and screening activities, and only where the relevant criteria can be achieved.

## 3.1 Thresholds

The thresholds of **ERA** 16 — Extractive and screening activities, that this code applies to are 2(a), 2(b), 2A and 3(a) which are outlined below (for the full definition see Schedule 2 of the EP Reg.

| **ERA 16** | **Extractive and screening activities** |
|---|---|
| Threshold 2(a) | Extracting, other than by dredging, in a year, less than 5000t, if the material is extracted from a **wild river area** |
| Threshold 2(b) | Extracting, other than by dredging, in a year, the following quantity of material—<br>5000t to 100000t |
| Threshold 2A | Screening, in a year, 50t to less than 5000t of material in a **wild river area** |
| Threshold 3(a) | Screening, in a year, the following quantity of material—<br>5000t to 100000t |

## 3.2 Criteria

The operation of the **ERA** under this code must comply with all of the relevant criteria set out in the following table at all times.

| Criteria |
|---|
| 1. The **activity** applies to the extraction and screening of material:<br>• Outside of a wild river **high preservation area**, **special floodplain management area** or **floodplain management area**, for the construction or **maintenance** of **rail transport infrastructure** and **roads**.<br>• Within a wild river **high preservation area**, **special floodplain management area** or **floodplain management area**, for the **maintenance** of **existing rail transport infrastructure** and **roads**. |
| 2. The **quantity of material** extracted or screened at any one **site** does not exceed 100000 tonnes per year and the maximum **site** does not exceed 1.5 hectares and in a **wild river area** must not exceed 200m in length. |
| 3. In a wild river **high preservation area**, **special flood plain management area** or **flood plain management area**, the **activity** does not occur where a suitable alternative **site** exists outside of a **high preservation area**, **special flood plain management area** or **flood plain management area** and within 10 km of the place where the material is to be used. |
| 4. There is no intentional or negligent **release** of **contaminants** to **waters** from the **activity**. |
| 5. The **activity** does not include the use of explosives. |
| 6. The **activity** occurs in daylight hours and between the hours of 6am and 6pm. |
| 7. The **activity** does not occur within 1 kilometre of a **sensitive place** unless agreed to in writing by those residing at the relevant **sensitive place**. Where there are no residents at the **sensitive place** written consent must be obtained from the landholder. |
| 8. Outside of a **wild river area**, the **activity** does not occur within 100 metres of any **watercourse, wetland** or **spring**. |
| 9. In a **wild river area** the **activity** does not occur within :<br>• 100m of a **watercourse**, **wetland** or **spring**, 10m of a **drainage feature** and 200m from another **site** within a **preservation area** only;<br>• 100m of a **watercourse**, **wetland** or **spring**, 25m of a **drainage feature** and 500m from another **site** within both a **preservation area** and a **floodplain management area**;<br>• 200m of a **watercourse**, **wetland** or **spring**, 25m of a **drainage feature** and 500m from another **site** within a **high preservation area** only;<br>• 200m of a **watercourse**, **wetland** or **spring**, 50m of a **drainage feature** and 500m from another **site** within both a **high preservation area** and a **floodplain management area**;<br>• 200m of a **watercourse**, **wetland** or **spring**, 50m of a **drainage feature** and 500m from another **site** within a **special floodplain management area**. |

10. Where the activity is to be undertaken within a **wild river high preservation area**, **special flood plain management area** or **flood plain management area,** a Registered Professional Engineer of Queensland or equivalent qualified person must certify that there is no suitable material available outside the **high preservation area**, **special flood plain management area** or **flood plain management area** and within 10 km of the place where the material is to be used.

Where the operation of a particular **ERA** will not meet the above criteria, this code does not apply and a development approval is required to undertake the **ERA**.

## 4 When the code takes effect

This code applies immediately to **registered operators** who commenced activities on or after 9 November 2012.

**Registered operators** who were carrying out **ERA** 16 under a development approval issued before 9 November 2012, and who continue to carry out the **activity** have a 12 month transitional period in which to ensure their operations comply with the code. The code becomes effective for those **registered operators** on 9 November 2013.

## 5 Enforcement of the code

This code contains **standard environmental conditions** for carrying out the activities that meet the criteria set out in section 3 of this code. Failure to comply with the criteria or conditions of the code is an offence and penalties apply. A development approval is required where an **ERA** 16 **activity** does not meet the scope of this code—It is an offence to undertake an **activity** without a development approval and penalties apply. Enforcement Guidelines published by the **administering authority** are available at <www.ehp.qld.gov.au>.

## 6 Other requirements

In addition to the conditions in this code, the **registered operator** carrying out **ERA** 16 must comply with all other relevant Commonwealth, State or local government legislative requirements. Without limiting the requirements that may apply, some additional obligations under the **EP Act** include:

- holding a **registration certificate** issued by the **administering authority** under section 73F; and
- taking all reasonable and practicable measures to prevent or minimise **environmental harm**. This is referred to as the “general environmental duty”.

## 7 Amendment of this code

This code may be amended from time to time by gazette notice advising that the Minister has approved new conditions. Proposed changes to the **standard environmental conditions**, other than changes to correct a clerical error, will be made in consultation with stakeholders. Where there is a significant change to the code, the **administering authority** will notify **registered operators** affected by the change.

History of amendments to this code:

Version 2 did not amend any **standard environmental conditions**. Minor amendments were made to reflect the new description of the **ERA** as it is described in the EP Reg.

Version 3 did not amend any **standard environmental conditions**. Minor amendments were made to change the name of the **administering authority** and clarify that the code does not apply to activities extracting less than 5000t of material in a year (i.e. **ERA** 16, threshold 2(a)). Extracting less than 5000t is not an **ERA** unless it is carried out in a **wild river area**.

Version 4 did not amend any **standard environmental conditions**. Minor amendments were made to update contact details provided in the code.

Version 5 made minor amendments to the **standard environmental conditions**. In addition the criteria were amended to expand the scope of the code. Version 5 included screening activities integral to the preparation of materials used in the reconstruction and **maintenance** of **roads**. Version 5 allowed the **activity** to occur in all local government areas of the State, and included reconstruction and **maintenance** of any **road** (i.e. not limited to **roads** damaged as a result of flooding as in previous versions).

Version 6 made amendments to the criteria to expand the scope of the code to include construction of **roads** and **rail transport infrastructure**. There were no changes to the **standard environmental conditions**.

Version 7 made amendments to the thresholds of the **ERA** and the criteria, to include certain works within wild river areas and within 1 km of a sensitive place. Minor wording changes were also made to provide clarification. The **standard environmental conditions** were also amended to accompany this change. The relevant changes were made in consultation with key stakeholders.

## 8 Further information or enquiries

Further information is available at <www.ehp.qld.gov.au> or by contacting the relevant regional office of the **administering authority**.

General enquiries or suggestions for future amendments to the code should be directed to Permit and Licence Management, Implementation Support Unit on telephone 13 QGOV (13 74 68) or by email at: <palm@ehp.qld.gov.au>.

## 9 Standard environmental conditions and advisory notes

| Standard environmental conditions | Advisory notes |
|---|---|
| **Condition 1 – Preliminary inspection**<br>Preliminary inspection must occur prior to the commencement of the **activity** to confirm that:<br>(a) the **activity** meets the criteria in section 3 of this code; and<br>(b) the **activity** can be performed within the conditions prescribed in this code.<br><br>For **activities** conducted within 1km of a **sensitive place** the operator must obtain and maintain written consent from those residing at the relevant **sensitive place**. Where there are no residents at the **sensitive place** written consent must be obtained from the landholder. | Preliminary inspection will assist in determining if other permit requirements are triggered by the activities. For example, permits under the *Forestry Act 1959*, *Nature Conservation Act 1992*, *Vegetation Management Act 1999*, and the *Water Act 2000*.<br>The operator must maintain a record of any written consent obtained. Should the resident at a sensitive place change, then it is a condition of continued operation that written consent is sought from the new resident. Where the new resident does not consent to the activity, the operator has 20 business days to make a development application for the activity, before the code will no longer apply.<br>To be clear, there may be multiple **sensitive places** within 1km of the **activity** and as long as all those residing at the relevant **sensitive place** give consent to the **activity** it may proceed under this code.<br>This condition does not imply that the residents must provide consent and is not intended to remove their right to refuse the **activity** should they be concerned that the **activity** will cause nuisance to them. |
| **Condition 2 – Preliminary inspection – minor borrow pits**<br>In a **wild river area**, preliminary inspection must, in addition to condition 1, occur prior to the commencement of the **activity** from a **minor borrow pit**, to identify:<br>(a) environmental issues and potential environmental impacts from the **activity**, including, environmental issues and potential impacts to wild river natural values; and<br>(b) control measures for routine operations to minimise the likelihood of causing **environmental harm**, including potential harm to wild river natural values. | Environmental issues may include interruption with overland flow paths, excavation in soils subject to erosion and disturbance of acid sulfate soils or saline soils.<br>Where environmental issues can not be adequately managed options for relocating the pit should be investigated. |
| **Condition 3 – Minor borrow pits**<br>For extraction from a **minor borrow pit** in a **wild river area**:<br>(a) fuels and oils must not be stored on the **site**;<br>(b) vehicles and machinery must not be serviced on **site**; and<br>(c) repair of machinery on **site** must use ground sheets, absorbent materials and equipment to contain and capture spills. | |

| Standard environmental conditions | Advisory notes |
|---|---|
| **Condition 4 – Activity based management plan**<br>Except for extraction from a **minor borrow pit**, an activity based management plan (ABMP) must be developed for implementation by the **registered operator** carrying out the **activity**.<br><br>The ABMP must be implemented prior to commencement of the **activity** and include:<br>(a) environmental commitments – a commitment by senior management to achieve relevant **site** specific environmental goals, including, where the **site** is located in a **wild river area**, the preservation of wild river natural values;<br>(b) the purpose and description of the **activity**, the type of machinery, method of extraction or screening, the location of **infrastructure** and **site(s)** of **activity**;<br>(d) a description of the **site** and surrounding environment including **site** dimensions, land tenure and existing use of the land, and the location of any **sensitive places**, areas of **high ecological significance** or **wild river management areas**;<br>(e) identification of environmental issues and potential environmental impacts from the **activity**, including, where the **site** is located in a **wild river area**, environmental issues and potential impacts to wild river natural values;<br>(f) control measures for routine operations to minimise the likelihood of causing **environmental harm**, including, where the **site** is located in a **wild river area**, potential harm to wild river natural values;<br>(g) arrangements for monitoring and mitigating **contaminant releases**;<br>(h) contingency plans and emergency procedures for non-routine situations;<br>(i) organisational structure and responsibility;<br>(j) details of **site** environmental management training to be provided to staff and contractors at the commencement and during the course of the **activity**;<br>(k) records that are to be kept and the methods for keeping those records;<br>(l) provisions for continuous improvement and periodic review of environmental performance; and<br>(m) details of progressive and post-**activity** rehabilitation of disturbed areas. | The ABMP is a means for identifying and minimising potential environmental impacts and documenting ways for managing risks to minimise potential **environmental harm**.<br>The ABMP is a commitment to complying with the code. The detail of the ABMP should reflect the complexity and risk of the **activity** at different locations.<br>The ABMP should be used to assess **site** capability and suitability for the **activity** and plan ways to manage risks and minimise any potential **environmental harm**. For example, by identifying:<br>• what contaminants could be **released**;<br>• where any contaminants **released** would go and their impact;<br>• what actions could be taken to contain any **release**;<br>• what precautions could be taken to prevent a **release**; and<br>• in a **wild river area**:<br>- how the **activity** could impact on wild river natural values including hydrologic processes, geomorphic processes, water quality, wildlife corridor function and riparian function; and<br>- what precautions or **site** management will be taken to prevent impacts on natural values including from the introduction of weeds.<br>This work will assist in the identification of **site** specific measures to comply with this code. For example, this may include procedures for **site** remediation when activities cease. |

| Standard environmental conditions | Advisory notes |
|---|---|
| **Condition 5 – Register of activities**<br>The **registered operator** must keep a register containing details of each **activity site** (e.g. **voids**) operated under this code.<br>This register must be provided to the **administering authority** with the annual return for the **activity** and must include:<br>(a) the GPS (Global Positioning System) coordinates of each **activity site** (GDA94 datum);<br>(b) the date(s) on which it was accessed;<br>(c) the amount of material removed; and<br>(d) where land has been **significantly disturbed**, the date(s) each **activity site** was inspected for assessment, remediation or rehabilitation. | |
| **Condition 6 – Signage**<br>A sign must be displayed at each **activity site** that states the name of the **registered operator** and that the **site** is being operated under this code. The sign must include contact details for the **registered operator**.<br>Any **sites** (or part thereof) undergoing rehabilitation must have additional signage indicating that the relevant area is undergoing rehabilitation and is not to be accessed. | This will provide a contact point for any concerns about the activities being undertaken and will assist in preventing disturbance to the **site** during rehabilitation. |
| **Condition 7 – Bunding**<br>Other than for extraction from a minor borrow pit, any liquid held in a container such as a tank or drum that has the potential to cause **environmental harm** if **released** to the environment must be **bunded**. **Bunds** must of sufficient design to ensure no escape of contaminants from the bunded area. Volumes of liquid less than 1000L may be stored without bunding if:<br>(a) recovery of any spilt material is possible;<br>(b) containers or drums are stored undercover on an impervious base or spill containment pallet;<br>(c) the storage is occurring at least 100m from any **waters**; and<br>(d) there is absorbent material readily available at the **site** for clean up if necessary.<br>Individual drums may be temporarily stored on spill containment pallets. | Liquids that are likely to cause **environmental harm** if **released** to the environment include hazardous, flammable and combustible liquids (e.g. petroleum products), chemicals, pesticides, sediment laden water from the screening process, and other contaminated waters onsite.<br>Refer to *AS 1940-2004 – Storage and Handling of Flammable and Combustible Liquids* for best practices.<br>Depending on specific provisions of a relevant Water Resource Plan (approved under the *Water Act 2000)*, there may be a limit to capturing overland flow water that may occur as a result of extractive activities. In those areas subject to such provisions it may be necessary to minimise the take of overland flows by bunding the excavated area to prevent the storage of runoff water. |
| **Condition 8 – Contaminant release**<br>Contaminants that may cause actual or potential **environmental nuisance** or **environmental harm** must not be **released** directly or indirectly to land, air, or **waters**. | A **contaminant** includes any gas, liquid, solid, odour, organism or energy (section 11 of the **EP Act**) and must be identified under the Activity Based Management Plan (condition 1).<br>An example of a **contaminant release** could be a **release** of sediment or a petroleum |

| Standard environmental conditions | Advisory notes |
|---|---|
| As soon as a **registered operator** becomes aware of any **release** of **contaminants** that may cause actual or potential **environmental harm**, the **release** must be stopped, promptly rectified with the necessary equipment and remediation methods, and all reasonable actions taken to prevent a recurrence of the **release**. | product to land or **waters**.<br>Strategies to minimise the risk of a **release** of **contaminants** to the environment include:<br>(a) undertaking regular inspections of equipment;<br>(b) undertaking preventative **maintenance** of equipment;<br>(c) routinely inspecting and maintaining bunds;<br>(d) using groundsheets or drip trays to capture spillage during **maintenance** of vehicles and any other equipment and plant;<br>(e) undertaking refuelling and routine **maintenance** of vehicles within designated service areas;<br>(f) ensuring spills are cleaned up and disposed of, or remediated immediately, with the necessary equipment and methods;<br>(g) ensure absorbent material is always on hand for minor spills; and<br>(h) treating stormwater runoff from areas potentially contaminated by oil, grease and fuel in an oil interceptor or equivalent prior to reuse or **release**. |
| **Condition 9 – Notification of contaminant release**<br>Any **release** of **contaminants** not in accordance with the conditions of this code must be reported by telephone to the **administering authority's** pollution hotline or regional office located in the area where the **release** occurred. Any such **release** must be reported as soon as possible and no later than 24 hours after the **registered operator** becomes aware of the **release**.<br><br>A written notice detailing the following information must be provided to the **administering authority** within 7 days:<br>(a) the name of the **registered operator**, including their registration certificate number;<br>(b) the name and telephone number of a designated contact person;<br>(c) quantity and substance **released**;<br>(d) person/s involved;<br>(e) the location and time of the **release**;<br>(f) the suspected cause of the **release**;<br>(g) a description of the effects of the **release**;<br>(h) the results of any sampling performed in relation to the | **Administering authority** may need to respond quickly to some spills with the potential to cause **environmental harm**. Priority should be given to notifying the **administering authority** of these spills immediately after they occur.<br>The pollution hotline number is 1300 130 372.<br>Written notice should be provided to the **administering authority's** regional office located in the area where the **release** occurred. |

| Standard environmental conditions | Advisory notes |
|---|---|
| **release**;<br>(i) actions taken to mitigate any **environmental harm** caused by the **release**; and<br>(j) proposed actions to prevent a recurrence of the **release**. | |
| **Condition 10 – Environmental nuisance**<br>The **release** of odours or airborne contaminants (including dust) resulting from the **activity** must not cause **environmental nuisance**.<br><br>The **registered operator** must abide by the air, noise, water and waste management quality objectives specified in the most recent edition of the respective Environmental Protection Policy. | The Environmental Protection (Air), Environmental Protection (Noise) and Environmental Protection (Water) Policies are available at <www.legislation.qld.gov.au>. |
| **Condition 11 – Dust and particulate matter monitoring**<br>When requested by the **administering authority**, the **registered operator** must commission dust and particulate monitoring to investigate any complaint of **environmental nuisance** caused by dust and/or particulate matter. The monitoring data, an analysis of the data and a report must be provided to the **administering authority** within 14 days of the completion of the investigation.<br><br>The **registered operator** must abide by the air quality objectives specified in the most recent edition of the respective Environmental Protection (Air) Policy. | Monitoring must be in accordance with most recent edition of the **administering authority's** Air Quality Sampling Manual, available at <www.ehp.qld.gov.au>.<br>The Environmental Protection (Air) Policy is available at <www.legislation.qld.gov.au>.<br>To prevent the unreasonable **release** of dust, the following measures or similar measures can be used:<br>a) altering work practices to avoid or minimise the generation of dust;<br>b) scheduling activities for times and weather conditions when they will have the least impact;<br>c) sealing **roads** or restricting vehicle movements;<br>d) controlling entry and exit points to minimise the spread of material on haul routes;<br>e) removing and disposing of materials spilled on **roads** surface that may cause a dust nuisance;<br>f) spraying water on **roads** and tracks;<br>g) covering loads on haulage vehicles;<br>h) using setbacks, buffer zones, wind breaks and screens;<br>i) fitting rock drilling equipment with dust collection devices;<br>j) minimising area of disturbance;<br>k) watering stockpiles; and<br>l) promoting the natural regeneration of vegetation of disturbed areas as soon as practical. |

| Standard environmental conditions | Advisory notes |
|---|---|
| **Condition 12 – Noise monitoring**<br>When requested by the **administering authority**, the **registered operator** must commission noise monitoring to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report must be provided to the **administering authority** within 14 days of the completion of the investigation.<br>Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy. | Monitoring must be in accordance with most recent edition of the **administering authority's** Noise Measurement Manual, available at <www.ehp.qld.gov.au>.<br>The Environmental Protection (Noise) Policy is available at <www.legislation.qld.gov.au>.<br>Maintain records of the event and any corrective measures taken to minimise noise levels. |
| **Condition 13 – Acid sulfate soils**<br>Where the ABMP (refer to condition 1) identifies a potential acid sulfate soil hazard, the **registered operator** must comply with an acid sulfate soil environmental management plan prepared in accordance with the State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils and the relevant guidelines. | The State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils is available on the Department of State Development, Infrastructure and Planning website: <www.dsdip.qld.gov.au>. |
| **Condition 14 – Topsoil management**<br>Except for **minor borrow pits**, where required (i.e. for extraction activities) the **topsoil** must be:<br>(a) progressively removed prior to extraction from any active extraction areas;<br>(b) stockpiled on the **site** uncompacted less than 1.5m high and in a manner that will preserve its soil profile, biological and chemical integrity; and<br>(c) used for rehabilitation of the **site** (refer to condition 17). | **Topsoil** management may include the following measures:<br>(a) store **topsoil** as close as practicable to areas to be rehabilitated and away from drainage lines;<br>(b) install erosion and sediment control measures around stockpiles;<br>(c) establish and maintain a temporary cover species native to the area on **topsoil** stockpiles; and<br>(d) reuse stockpiled **topsoil** within 12 months of storage. |
| **Condition 15 – Erosion and sediment control**<br>Erosion prevention and sediment control measures must be designed, implemented and maintained to prevent **accelerated erosion** or the **release** of sediment resulting from carrying out the **activity**.<br>Drainage of access **roads** must not concentrate flows and result in off **road accelerated erosion**.<br>In a **wild river area** the **site** must be inspected to identify any areas that have or may develop **accelerated erosion** prior to each wet season and no later than 30 November. Action must be taken to minimise these areas at risk of **accelerated erosion** and the **release** of sediment from the **site**. | Measures to prevent or minimise erosion or sediment **releases** may include:<br>(a) identify erosion prone soils and plan activities to avoid any unnecessary disturbance (e.g. **dispersible soils**);<br>(a) keep the area of disturbed land to a practical minimum;<br>(b) keep **road** gradients as low as possible;<br>(c) avoid erosion gullies, overland flow paths, steep cut and fills, and works on steep slopes because these may cause landslides, erosion and slumping problems;<br>(d) stabilise erosion gullies and install rock battered drainage channels and diversions where erosion cannot be stabilised; |

| Standard environmental conditions | Advisory notes |
|---|---|
| | (e) utilise appropriately designed and located rock check dams and silt fences for the capture and retention of sediment onsite<br>(f) carry out slope stabilisation, cross ditching, soil replacement and reseeding with species native to the area to reduce erosion on **significantly disturbed** areas until a self-sustaining vegetation cover is established;<br>(g) divert upslope water around exposed **sites** by lining with timber, **topsoil** and overburden, and rilling along upslope edges;<br>(h) suspend activities that cause ground disturbance during adverse weather conditions;<br>(i) install a sediment pond and/or sediment traps around stockpiles and downslope areas to capture all sediment-laden runoff;<br>(j) install contour banks and diversion drains to exclude the potential for overland flow water to enter areas **significantly disturbed** by the **activity**;<br>(k) provide surface drainage as part of **road** construction to:<br>(i) control runoff from the **road** surface;<br>(ii) reduce saturation and ponding along the **road**;<br>(iii) prevent or minimise erosion along the **road** surface and in roadside drainage systems; and<br>(l) maintain a vegetation buffer around the disturbed areas.<br>Unsealed access tracks should be drained to ensure water is diverted from the track at intervals of no less than the following: |

| Slope (degrees) | Maximum distance (metres) |
|---|---|
| <3 | 145 |
| 3–5 | 100 |

<table>
<tr><th>Standard environmental conditions</th><th>Advisory notes</th></tr>
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<tr><td>6–7</td><td>65</td></tr>
<tr><td>8–10</td><td>40</td></tr>
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<tr><td>>14</td><td>15</td></tr>
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</td></tr>
<tr><td>Condition 16 – Clearing vegetation<br>Clearing of all vegetation is to be kept to the minimum area necessary to carry out the activity.<br><br>Clearing vegetation must not be undertaken:<br>(a) in, or within 100 metres of, the high bank of a watercourse;<br>(b) in, or within 100 metres of a wetland or spring;<br>(c) in a way that damages adjacent live vegetation;<br>(d) on slopes greater than 6° (~10%);<br>(e) within remnant vegetation in a wild river high preservation area.<br>(f) on dispersible soils or highly erodible soils; or<br><br>In a wild river area, where it is necessary and unavoidable to clear mature native woody vegetation, clearing in any one year should be limited to the area needed to extract the amount of material required in that period.</td><td>Strategies to minimise clearing vegetation may include:<br>(a) in the event that an area naturally devoid of vegetation cannot be located, only remove vegetation where necessary and give preference to the clearance of shorter lived (annuals) rather than longer lived plants (perennials);<br>(b) select specific trees to be cleared and avoid causing damage to surrounding vegetation; and<br>(c) ensure cleared vegetation is stockpiled in a manner that facilitates respreading or salvaging and does not impede vehicle, stock or wildlife movements.<br>Clearing of any vegetation must be limited to the site and be in accordance with the Vegetation Management Act 1999. Where required, the registered operator must hold a vegetation clearing application and abide by any relevant vegetation clearing codes.<br>Furthermore, the registered operator requires a permit to harvest any millable timber from State lands, including roads under the Forestry Act 1959.</td></tr>
<tr><td>Condition 17 – Rehabilitation<br>As soon as practicable and within six months of ceasing operations (temporarily or permanently) the registered operator must rehabilitate the activity site. Where operations have temporarily ceased, the operator must rehabilitate the areas of the site that will not be disturbed in the future and must take whatever measures are required to prevent the remainder of the site being the cause of environmental harm.<br><br>Where operations at the activity site or on part of the activity site have permanently ceased, all areas disturbed by the activity must be rehabilitated by:<br>(a) remediation of contaminated land caused by the activity</td><td>Measures may include, but are not limited to, the following:<br>(a) collect and store native seeds from the local area to be used in rehabilitation;<br>(b) contour rip compacted and hard stand areas;<br>(c) spread seed or plant tube stock to promote the natural revegetation of significantly disturbed areas with species native to the area and density of cover similar to that of the surrounding undisturbed areas or that is compatible with the intended land use;</td></tr>
</table>

| Standard environmental conditions | Advisory notes |
|---|---|
| in accordance with **EP Act** requirements and this code;<br>(b) undertaking works to establish a safe, stable, non polluting landform similar to that of surrounding undisturbed areas (or other use as agreed with the landowner), including where relevant;<br>i. removing any stockpiles;<br>ii. re-establishing surface drainage lines;<br>iii. minimising the potential for slumping, subsidence or erosion;<br>iv. reinstating the **topsoil**;<br>v. respreading any cleared vegetation; and<br>vi. promoting establishment of vegetation of similar species composition and density of cover; and<br>(c) ensuring that the quality of stormwater, water and seepage **released** from the **site** is such that there is no **release** of **contaminants** that cause **environmental harm**;<br>(d) ensuring that the water quality of any residual water bodies meets criteria for subsequent uses and does not cause **environmental harm**; and<br>(e) removing **infrastructure** from the **site**. | (d) apply fertiliser where required to encourage vegetation establishment;<br>(e) respread vegetation removed prior to commencement of activities to help minimise erosion and promote the regeneration of native vegetation;<br>(f) surround any **void** remaining on **site** by a bund and/or fence to ensure public safety and to exclude livestock and fauna; and<br>(g) consult the landowner/landholder regarding the rehabilitation process. |
| **Condition 18 – Maintenance of rehabilitation**<br>**Maintenance** of rehabilitated areas must take place at least annually to demonstrate:<br>(a) landforms remain stable;<br>(b) erosion control measures remain effective;<br>(c) stormwater runoff and seepage from rehabilitated areas does not **release** contaminants that cause **environmental harm**;<br>(d) plants show healthy growth and recruitment; and<br>(e) rehabilitated areas are free of any **declared pest plants**. | It is recommended that rehabilitated areas be inspected regularly but no less than annually. |
| **Condition 19 – Rehabilitation success**<br>Rehabilitation must continue until the **site** can be managed for its designated land-use (either similar to that of surrounding undisturbed areas or as otherwise agreed in a written document with the landholder and the **administering authority**). For at least 2 years, the **site** should not require greater management than for other land in the area being used for a similar purpose. | Evidence of successful rehabilitation may include;<br>(a) photo journals;<br>(b) diary entries of physical inspections;<br>(c) water sampling results;<br>(d) erosion monitoring results; and<br>(e) revegetation monitoring results, including density of cover and species analysis in comparison to analogous **sites**. |
| **Condition 20 – Ensuring appropriate disposal of waste** | Consult with your relevant local government, **administering authority's** regional office and |

| Standard environmental conditions | Advisory notes |
|---|---|
| All waste generated in carrying out the activities must be reused, recycled or removed to a facility that can lawfully accept the waste under the **EP Act**.<br><br>The **registered operator** must abide by the waste management quality objectives specified in the most recent edition of the respective Environmental Protection (Waste Management) Policy. | private landfill operators about the range of lawful waste disposal options available for waste. |
| **Condition 21 – Waste records**<br>A record of all **regulated waste** (excluding trackable waste) must be kept detailing the following information:<br>(a) date of pickup of waste;<br>(b) description of waste;<br>(c) quantity of waste;<br>(d) origin of waste; and<br>(e) destination of the waste. | |
| **Condition 22 – Complaint response**<br>The following details must be recorded when a complaint about the environmental performance of the **activity** is received:<br>(a) time, date, name and contact details of the complainant;<br>(b) reasons for the complaint;<br>(c) any investigations undertaken;<br>(d) conclusions formed; and<br>(e) any actions taken. | This information should be made available to the **administering authority** on request.<br>If the complainant does not provide their name and contact details, record this as an anonymous complaint. |
| **Condition 23 – Records**<br>All records required to be kept by this code must be kept for 5 years and be made available to the **administering authority** when requested. | Records should verify the provision of training programs and schedules of routine inspections. |
| **Condition 24 – Interference with overland flow water in a wild river floodplain management area or special floodplain management area**<br>If located in a wild river **floodplain management area** or **special floodplain management area** works must not be undertaken until either:<br>(a) for self assessable development - the works are planned to ensure consistency with section 7A of the Wild Rivers Code; or<br>(b) for assessable development - a development permit is held in relation to interference with overland flow (conditions specified in section 7B of the Wild Rivers Code). | |

## 10 Definitions

**Activity means an environmentally relevant activity, or aspect of an ERA to which this code relates.**

**Administering authority** means the Chief Executive of the Department of Environment and Heritage Protection (or its successor) administering the *Environmental Protection Act 1994*.

**Bund**(**ed**) means an earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil).

**Clearing** means:

(a) in relation to grass, scrub or bush — the removal of vegetation by disturbing root systems and exposing underlying soil (including burning), but does not include —

i) the flattening or compaction of vegetation by vehicles if the vegetation remains living; or

ii) the slashing or mowing of vegetation to facilitate access tracks; or

iii) the clearing of noxious or introduced plant species; and

(b) in relation to trees — removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way.

**Contaminant** (as defined in Section 11 of the *Environmental Protection Act 1994*) means:

(a) a gas, liquid or solid; or
(b) an odour; or
(c) an organism (whether alive or dead), including a virus; or
(d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
(e) a combination of contaminants.

**Declared pest plants** are listed in Schedule 2 of the Land Protection (Pest and Stock Route Management) Regulation 2003.

**Dispersible soils** means structurally unstable soils that readily breakdown into their constituent particles in water (e.g. the clay material disintegrates into particles less than 2 microns across within 24 hours when soil crumbs are submerged in distilled water). These soils are also known as sodic soils and have a high percentage of sodium ions (in soluble or exchangeable form).

**Drainage feature** means a natural landscape feature, including a gully, drain, drainage depression or other erosion feature that:

(a) is formed by the concentration of, or operates to confine or concentrate, overland flow water during and immediately after rainfall events; and
(b) flows for only a short duration after a rainfall event, regardless of the frequency of flow events; and
(c) commonly, does not have enough continuing flow to create a riverine environment.
(d) has an active bed with >1m in width.

**Environmental harm** (as defined in Section 14 of the *Environmental Protection Act 1994*) is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes **environmental nuisance**. **Environmental harm** may be caused by an **activity**:

(a) whether the harm is a direct or indirect result of the **activity**; or
(b) whether the harm results from the **activity** alone or from the combined effects of the **activity** and other activities or factors.

**Environmental nuisance** (as defined in Section 15 of the *Environmental Protection Act 1994*) means —

"unreasonable interference or likely interference with an environmental value" caused by:

(a) aerosols, fumes, light, noise, odour, particles or smoke; or
(b) an unhealthy, **offensive** or unsightly condition because of contamination; or
(c) another way prescribed by regulation.

**EP Act** means the *Environmental Protection Act 1994*.

**ERA** means an Environmentally Relevant Activity under the Environmental Protection Regulation 2008.

**Floodplain management area** (as defined in the *Wild Rivers Act 2005* Schedule) is the part of a **wild river area** described as the **floodplain management area** in the wild river declaration for the area.

**High bank** means the defining terrace or bank or, if no bank is present, the point on the active floodplain, which confines the average annual peak flows in a **watercourse**.

**High ecological significance** values include protected estate (**protected areas** under the *Nature Conservation Act 1992*), World Heritage Areas, marine parks, **wetlands**, habitat for endangered, vulnerable, rare or near threatened species (listed under the *Nature Conservation Act 1992* and *Environment Protection and Biodiversity Conservation Act 1999*), and regional ecosystems that are endangered, or of concern, or have other significant values (e.g. **wetlands**, nationally threatened ecological communities, large tracts of remnant vegetation, corridors and special biodiversity areas).

**High preservation area** (as defined in the *Wild Rivers Act 2005*) is the part of a **wild river area** described as the **high preservation area** in the wild river declaration for the area.

**Highly erodible soils** means very unstable soils that are generally described as Sodosols with hard–setting, fine sandy loam to silty clay loam surfaces (solodics, solodised solonetz and solonetz) or soils with a dispersible layer located less than 25cm deep or soils less than 25cm deep.

**Infrastructure** includes **roads**, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, pipelines, power lines, airstrips, helipads etc., which are constructed or installed specifically for the project.

**Mature native woody vegetation** means native trees that have a diameter at breast height of greater than 20 cm

**Maintenance** (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) includes:

(a) rehabilitation; and
(b) replacement; and
(c) repair; and
(d) recurrent servicing; and
(e) preventive and remedial action; and
(f) removal; and

(g) alteration; and
(h) maintaining systems and services for transport infrastructure.

**Minor borrow pit** means an excavation less than 0.2 hectares in area and 2 metres in depth used for the extraction of quarry materials**.**

**Offensive** means causing offence or displeasure; is disagreeable to the sense; disgusting; nauseous or repulsive.

**Other rail infrastructure** (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) means:

(a) freight centres or depots; or
(b) **maintenance** depots; or
(c) office buildings or housing; or
(d) rolling stock or other vehicles that operate on a railway; or
(e) workshops; or
(f) any railway track, works or other thing that is part of anything mentioned in paragraphs (a) to (e).

**Preservation area** (as defined in the *Wild Rivers Act 2005*) is the part of a **wild river area** described as the **preservation area** in the wild river declaration for the area.

**Protected areas** includes:

(a) any of the classes of **protected areas** listed in section 14 of the *Nature Conservation Act 1992*; or
(b) the following under the *Queensland Heritage Act 1992*—
    i) a place of cultural heritage significance;
    ii) a registered place;
(c) an area recorded in the Aboriginal Cultural Heritage Register established under section 46 of the *Aboriginal Cultural Heritage Act 2003*; or
(d) an area recorded in the Torres Strait Islander Cultural Heritage Register established under section 46 of the *Torres Strait Islander Cultural Heritage Act 2003*; or
(e) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*.

**Rail transport infrastructure** (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) means facilities necessary for operating a railway, including:

(a) railway track and works built for the railway, including, for example—
    - cuttings
    - drainage works
    - excavations
    - land fill
    - track support earthworks; and
(b) any of the following things that are associated with the railway's operation—
    - bridges
    - communication systems
    - machinery and other equipment

- marshalling yards
- notice boards, notice markers and signs
- overhead electrical power supply systems
- over-track structures
- platforms
- power and communication cables
- service **roads**
- signalling facilities and equipment
- stations
- survey stations, pegs and marks
- train operation control facilities
- tunnels
- under-track structures; and

(c) vehicle parking and set down facilities for intending passengers for a railway that are controlled or owned by a railway manager or the chief executive; and

(d) pedestrian facilities, including footpath paving, for the railway that are controlled or owned by a railway manager or the chief executive;

but does not include **other rail infrastructure.**

**Registered operator** means the holder of a registration certificate for carrying out extractive or screening activities under **ERA** 16 that meet the criteria in section 3 of this code.

**Registration certificate** means a certificate given under section 73F of the *Environmental Protection Act 1994* to the **registered operator** of an **ERA**.

**Regulated waste** means waste that is either:

(a) is commercial or industrial waste, whether or not it has been immobilised or treated; and

(b) is of a type, or contains a constituent of a type, mentioned in schedule 7 of the Environmental Protection Regulation 2008.

**Regulated waste** includes:

(a) for an element—any chemical compound containing the element; and

(b) anything that contains residues of the waste.

**Release** in relation to contaminants means:

(a) to deposit, discharge, emit or disturb the **contaminant**; and

(b) to cause or allow the **contaminant** to be deposited, discharged, emitted or disturbed; and

(c) to allow the **contaminant** to escape; and

(d) to fail to prevent the **contaminant** from escaping.

**Remnant vegetation** (as defined in Schedule of the *Vegetation Management Act 1999*) means vegetation, part of which forms the predominant canopy of the vegetation:

(a) covering more than 50% of the undisturbed predominant canopy; and
(b) averaging more than 70% of the vegetation's undisturbed height; and
(c) composed of species characteristic of the vegetation's undisturbed predominant canopy.

**Road** (as defined in Schedule 6 of the *Land Act 1994*) means an area of land, whether surveyed or unsurveyed:

(a) dedicated, notified or declared to be a **road** for public use; or
(b) taken under an Act, for the purpose of a **road** for public use.

**Sensitive place** means:

(a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel;
(b) a library, childcare centre, kindergarten, school, university or other educational institution;
(c) a medical centre, surgery or hospital;
(d) a protected area;
(e) a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

**Significantly disturbed** or to land means land that is:

(a) contaminated land; or
(b) disturbed and human intervention is needed to rehabilitate it:
    i. to a state required under this code; or
    ii. if the code does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

**Site**(**s**) comprise all works required to undertake the **activity** and may include —

(a) stockpiles;
(b) hardstand areas;
(c) chemical or fuel storage areas;
(d) any associated infrastructure; and
(e) **voids**.

**Special floodplain management area** (as defined in the *Wild Rivers Act 2005*) is the part of a **wild river area** described as the **special floodplain management area** in the wild river declaration for the area.

**Spring** (as defined in Schedule 26 of the *Water Act 2000*) means the land to which water rises naturally from below the ground and the land over which the water then flows.

**Standard environmental conditions** for a code of environmental compliance, means the **standard environmental conditions** approved for the **ERA**, or aspect of the **ERA**, under section 549 of the *Environmental Protection Act 1994*.

**Topsoil** means the surface (top) layer of a soil profile, which is more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.

**Void** means any human made, open excavation in the ground (includes gravel pits, borrow pits and

trenches).

**Watercourse** (as defined in Section 5, Schedule 12 of the Environmental Protection Regulation 2008) means:

(a) a river, creek or stream in which water flows permanently or intermittently—

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the **watercourse**.

(b) A **watercourse** includes the bed and banks and any other element of a river, creek or stream confining or containing water.

**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 groundwater and any part thereof.

**Wetland** (as defined in Schedule 12 of the Environmental Protection Regulation 2008) means an area shown as a **wetland** on the 'Map of referable wetlands' of April 2010, a document approved by the chief executive.

**Wild river area** (as defined under Section 7 of the *Wild Rivers Act 2005)* means an area declared by the Minister as a **wild river area**.

**Wild river management area** means an area within a **wild river area** with a management requirement and includes a **special floodplain management area**, **floodplain management area**, **preservation area** and **high preservation area**.

# Eligibility criteria and standard conditions for extracting material (ERA 16) – Version 2

This document provides eligibility criteria and standard conditions for Environmentally Relevant Activity (ERA) 16 - Extractive and screening activities at threshold 2a - extracting 5000 tonnes to 100,000 tonnes of material in a year.

## Eligibility criteria

Eligibility criteria are constraints set to ensure environmental risks associated with the operation of the ERA are able to be managed by the standard conditions. Eligibility criteria set out the circumstances in which a standard or variation application for an environmental authority can be made.

## Standard conditions

Standard conditions are the minimum operating requirements an environmental authority holder must comply with.

## Standard applications

If an applicant can meet all of the eligibility criteria and standard conditions, then they can make a standard application. Applicants are required to complete a 'Standard application form'. The form can be downloaded from the Queensland Government's Business and Industry Portal at www.business.qld.gov.au/ea

## Variation applications

If an applicant can meet all of the eligibility criteria but needs to vary one or more of the standard conditions to suit their operational needs, then they can make a variation application. Applicants are required to complete a 'Variation application form'. The form can be downloaded from the Queensland Government's Business and Industry Portal at www.business.qld.gov.au/ea

## Site specific applications

Applicants who cannot meet the eligibility criteria must make a site specific application. Applicants are required to complete a 'Site specific application form'. The form can be downloaded from the Queensland Government's Business and Industry Portal at www.business.qld.gov.au/ea

## Amendment applications

If the holder of an environmental authority needs to amend a standard condition in the issued environmental authority, then the holder must submit an 'Amendment application form'. The form can be downloaded from the Queensland Government's Business and Industry Portal at www.business.qld.gov.au/ea

## Definitions

Some terms used in this document are defined in Appendix 1.

## Version history

| Version | Date | Description of changes |
|---|---|---|
| 1 | 6 December 2013 | Eligibility criteria and standard conditions take effect |
| 2 | 30 September 2015 | Updated for repeal of wild river provisions (as allowed in section 715C of the *Environmental Protection Act 1994*) and version history added |
| 2 | 15 August 2016 | Added publication number ESR/2015/1711 |



ABN 46 640 294 485

# Eligibility criteria

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

## Standard conditions

| **Conditions** |
|---|
| **General** |
| G1: All reasonable steps must be taken to ensure the activity complies with the eligibility criteria. |
| G2: The activity must be undertaken in accordance with written procedures that:<br>• identify potential risks to the environment from the activity during routine operations and emergencies<br>• establish control measures that minimise the potential for environmental harm<br>• ensure plant and equipment is maintained and operated in proper and effective condition<br>• ensure that staff are trained and aware of their obligations under the *Environmental Protection Act 1994*<br>• ensure that reviews of environmental performance are undertaken at least annually. |
| G3: The activity must not cause environmental nuisance at a nuisance sensitive place. |
| G4: The activity must not cause the release of dust or particulates that cause environmental nuisance beyond the boundary of the site. |
| G5: Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm. |
| **Land** |
| L1: Contaminants from the activity must not be released to land. |
| L2: As soon as practicable after completion of operational work land disturbed by the activity must be rehabilitated to achieve the following:<br>1. the land is safe for humans and fauna<br>2. the land has no subsidence or erosion gullies following completion of the rehabilitation<br>3. there is no ongoing contamination to waters<br>4. the maintenance requirements for the land are no greater than for the land before it was disturbed. |
| L3: Acid sulphate soils, acid-producing rock and marine sediments must not be processed. |
| **Noise and Vibration** |
| N1: The activity must not cause audible noise<br>(a) on a business day or Saturday, before 7am or after 7pm<br>(b) on any other day, before 8am or after 7pm<br>at any of the following places:<br>• a dwelling, mobile home or caravan park, residential marina, motel, hotel or hostel or other residential premises<br>• a kindergarten, school, university, library, childcare centre or other educational institution<br>• a medical centre or hospital. |
| N2: Blasting operations must comply with the following:<br>1. a blast management plan must be developed for each blasting activity in accordance with Australian Standard 2187<br>2. the airblast overpressure is less than 115dB Z Peak for 4 out of any 5 consecutive blasts |

| |
|---|
| 3. the airblast overpressure is less than 120dB Z Peak for all blasts<br>4. the ground vibration is not:<br>(i) for vibrations of more than 35Hz—more than 25 millimetres (mm) a second ground vibration, peak particle velocity<br>(ii) for vibrations of no more than 35Hz—more than 10mm a second ground vibration, peak particle velocity. |
| **Water** |
| W1: Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment. |
| W2: Ponds used for the storage or treatment of aqueous waste must be constructed, installed and maintained to:<br>• prevent any release of aqueous waste from the ponds<br>• ensure the stability of the pond structure. |
| W3: Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment. |
| W4: The stormwater runoff from the facility generated by a 24 hour storm event with an average recurrence interval of one in five years must be retained on site and treated to remove contaminants before release. |
| **Waste** |
| R1: All waste generated in carrying out the activity must be reused, recycled or lawfully disposed of offsite. |

# Appendix 1: Terms and definitions

| Term | Definition |
|---|---|
| Activity | the environmentally relevant activity to which this environmental authority relates. An activity may be undertaken on the whole or a part of a site. |
| Aqueous waste | any aqueous waste including process water, water that has otherwise been used in the carrying out of the activity or sewage, whether or not the waste has been treated, but excluding stormwater and water used for dust suppression that has been treated to remove contaminants. |
| Audible noise | means noise that can be clearly heard by an individual who is an occupier at a place listed in condition N1. |
| Australian Standard 2187 | Australian Standard AS 2187.2- 2006 Explosives – Storage, transport and use – use of explosives. |
| Category A or B environmentally sensitive area | as defined in Schedule 12, Part 1 of the Environmental Protection Regulation 2008. |
| Chemical | as defined in Schedule 12, Part 2 of the Environmental Protection Regulation 2008. |
| Combustion of fuel | does not include fuel used in explosives or by vehicles. |
| Contaminant(s) | as defined in Section 11 of the *Environmental Protection Act 1994.* |
| Environmental harm | as defined in Section 14 of the *Environmental Protection Act 1994.* |
| Environmental nuisance | as defined in Section 15 of the *Environmental Protection Act 1994.* |
| Extraction workings | extraction workings means an area from which quarry material or overburden has been extracted, or on which product or waste rock is stored and that has not been rehabilitated in accordance with condition L2 |
| Facility | the area used for carrying out the ERA including any buildings, disturbed areas or any associated infrastructure. |
| Land | land excluding waters and the atmosphere. Land includes land on the authorised place. |
| Maintenance | as defined in Schedule 6 of the *Transport Infrastructure Act 1994.* |
| Minimise | minimise by taking all reasonable and practical measures to minimise the adverse effect having regard to the following matters:<br>(a) the nature of the harm or potential harm<br>(b) the sensitivity of the receiving environment<br>(c) the current state of technical knowledge for the activity<br>(d) the likelihood of successful application of different measures that might be taken to minimise the adverse effects<br>(e) the financial implications of the different measures as they would relate to the type of activity<br>(f) if the adverse effect is caused by the location of the activity being carried out, whether it is feasible to carry out the activity at another location. |
| Nuisance sensitive place | nuisance sensitive place includes:<br>• within or outside of a dwelling, residential allotment, mobile home or caravan park, |

| | |
|---|---|
| | residential marina or other residential premises<br>• within or outside of a motel, hotel or hostel<br>• within or outside of a kindergarten, school, university or other educational institution<br>• within or outside of a medical centre or hospital<br>• within a protected area under the *Nature Conservation Act 1992*, within a marine park under the *Marine Parks Act 1992* or a world heritage area<br>• within a public thoroughfare, park or gardens<br>• within or outside of a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place. |
| Rail transport infrastructure | as defined in Schedule 6 of the *Transport Infrastructure Act 1994*. |
| Road | as defined in section 93 of the *Land Act 1994* |
| Spring | the land to which water rises naturally from below the ground and the land over which the water then flows. |
| Waters | all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and underground water. |
| Watercourse | as defined in Section 8, Schedule 12 of the Environmental Protection Regulation 2008. |
| Wetland | as defined in Schedule 12 of the Environmental Protection Regulation 2008, means an area shown as a wetland on the map of referable wetlands. |

# Appendix 2: General obligations for environmental authority holders

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

## Responsibilities under the *Environmental Protection Act 1994*

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

### General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

(a) an act that causes serious or material environmental harm or an environmental nuisance

(b) an act that contravenes a noise standard

(c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

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

### Duty to notify

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

The duty to notify arises where:

- a person carries out activities or becomes aware of an act of another person arising from or connected to those activities which causes or threatens serious or material environmental harm
- while carrying out activities a person becomes aware of the happening of one or both of the following events:
  - the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
  - the activity has caused the unauthorised connection of 2 or more aquifers.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (EM467).

## Some relevant offences under the *Environmental Protection Act 1994*

### Non-compliance with a condition of an environmental authority (section 430)

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

### Environmental authority holder responsible for ensuring conditions complied with (section 431)

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

### Causing serious or material environmental harm (sections 437–39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over $5000 also constitute serious environmental harm.

Serious or material environmental harm excludes environmental nuisance.

### Causing environmental nuisance (section 440)

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

### Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed contaminants include a wide variety of contaminants listed in Schedule 9 of the *Environmental Protection Act 1994*.

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

### Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

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

### Littering (section 103)

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

### Illegal dumping of waste (section 104)

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

## Relevant offence under the Environment Protection (Waste Management) Regulation 2000

### Trackable waste to be given only to licensed transporter (section 41)

A generator of trackable waste must not give the waste to another person to transport it commercially, or in a load of more than 250 kilograms, in a vehicle unless the other person holds, or is acting under, the required authority for transporting the waste in the vehicle.

## Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes but is not limited to the:

- *Aboriginal Cultural Heritage Act 2003*
- contaminated land provisions of the *Environmental Protection Act 1994*
- *Fisheries Act 1994*
- *Forestry Act 1959*
- *Nature Conservation Act 1992*
- *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*
- *Queensland Heritage Act 1992*
- *Sustainable Planning Act 2009*
- *Water Supply (Safety and Reliability) Act 2008*
- *Water Act 2000.*

Applicants are advised to check with all relevant statutory authorities and comply with all relevant legislation.