

# Permit

**Environmental Protection Act 1994**

## **Environmental authority EPPR00859613**

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

**Environmental authority number:** EPPR00859613

**Environmental authority takes effect on** 11-February-2013. This is the take effect date.

The anniversary date of this environmental authority is 4 March. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 01 April.

### **Environmental authority holder(s)**

<b>Name(s)</b>	<b>Registered address</b>
SUNGELA PTY LTD	Deutsche Bank Place Level 4, 126-130 Phillip Street SYDNEY NSW 2000
BOWEN INVESTMENT (AUSTRALIA) PTY LTD	Suite 903 275 Alfred St N NORTH SYDNEY NSW 2060

### **Environmentally relevant activity and location details**

<b>Environmentally relevant activity/activities</b>	<b>Location(s)</b>
Schedule 3 - 10 - Investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	MDL217
Schedule 3 - 10 - Investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	MDL218

### **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](http://www.qld.gov.au), using the search term 'duty to notify'.

#### Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority - on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

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

Coal & Gemstone Mining  
Department of Environment, Science and  
Innovation  
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Email: [crmining@des.qld.gov.au](mailto:crmining@des.qld.gov.au)

#### **Privacy statement**

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able to take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at [www.qld.gov.au](http://www.qld.gov.au). For queries about privacy matters please email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au) or telephone 13 74 68.

#### **Obligations under the *Environmental Protection Act 1994***

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

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

## Conditions of environmental authority

### Schedule A - General conditions

- A1 The conditions of this environmental authority are in force until a surrender of the authority is accepted pursuant to the *Environmental Protection Act 1994*. The conditions apply unless an amendment is approved pursuant to the *Environmental Protection Act 1994*.
- A2 The environmental authority holder is to give the administering authority a financial assurance in the amount and form and at a time required by the administering authority.
- A3 The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the *Code of Environmental Compliance for Exploration and Mineral Development Projects dated January 2001*.

### Schedule B – Additional conditions for Environmentally Sensitive Areas

- B1 The holder of the Environmental Authority must consult with the Administering Authority to identify the specific values that must be preserved within the area identified as an Environmentally Sensitive Area (Endangered Regional Ecosystem). Environmentally sensitive areas identified within and adjacent to MDL 217 and 218 are listed in the table below.

Category	Land Area Classification	General location
Category B	Endangered Regional Ecosystem (including but not limited to): 11.4.9; 11.5.3 11.4.8; 11.4.3 11.3.3; 11.3.1 11.3.37; 11.3.32	Refer to figure 1.

*Note: The Endangered Regional Ecosystems are outlined in “The Conservation Status of Queensland’s Bioregional Ecosystems”, by Sattler & Williams, 1999.*

*Note: Conditions B1-B6 are conditions that override the Standard Environmental Condition (SEC) 13 to the extent that SEC 13 prohibits the holder of the environmental authority carrying out mining activities in, or within 500 m, of an Category B Environmentally Sensitive Area (ie. an Endangered Regional Ecosystem).*

- B2 The holder of the Environmental Authority is authorised, subject to the conditions of this authority, to carry out standard mining activities on the relevant tenement in, or within 500 m of, any Endangered Regional Ecosystem.

- B3 When carrying out mining activities within an Endangered Regional Ecosystem the holder of the environmental authority must do so in accordance with the scale and intensity of activities as outlined below:

**Site Access**

**Drilling or Seismic Grid Lines**

- 1.1. Spacing of gridlines is not less than 500m apart; and
- 1.2. Spacing may be reduced to 250m at no more than three specified prospects.

**Drill sites**

- 1.3. Operational area is no greater than 1000m<sup>2</sup>;
- 1.4. Sump size is no greater than 10m<sup>2</sup>;
- 1.5. Topsoil stripping is limited to sump area; and
- 1.6. Clearing of mature trees is prevented or minimised.

**Tracks**

- 1.7. Spacing between tracks is not less than 500m;
- 1.8. Existing access and fence line tracks are used where possible and any new tracks are constructed by linking natural clearings where possible;
- 1.9. Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is prevented or minimised;
- 1.10. Line of sight clearing is prevented or minimised; and
- 1.11. Construction of new crossings of major natural drainage lines is prevented or minimised.

**Other Land Disturbance**

- 1.12. Exploration does not involve costeaning or bulk sampling in areas of Endangered Regional Ecosystems; and
- 1.13. Establishing exploration camps will not involve clearing areas of Endangered Regional Ecosystems.

**Equipment use**

- 1.14. Rubber tyred, low ground pressure vehicles and machinery is to be used where possible; and
- 1.15. Transport of weeds on vehicles and machinery is prevented.

- B4 The environmental authority holder will limit total disturbance within any areas identified as Endangered Regional Ecosystems to a maximum area of 1% of the remnant patch or up to a maximum area of 1000 square metres at any one location.

- B5 In regard to complying with Standard Environmental Condition 42, the holder of the environmental authority must revegetate the areas identified as Endangered Regional Ecosystems with plant species from the same ecosystem type. Consult with the Administering Authority prior to commencing rehabilitation to determine the most appropriate techniques and seed mixture for the specific area.

- B6      Rehabilitation of all areas disturbed within the Endangered Regional Ecosystem will be completed as soon as practical but no longer than three months after completion of the disturbance activity.

### END OF CONDITIONS

#### Definitions

Words and phrases used throughout this licence are defined below except where identified in the *Environmental Protection Act 1994 (EP Act 1994)* or subordinate legislation. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the *Macquarie Dictionary*.

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

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

“bed and banks” for a waters, river, creek, stream, lake, lagoon, pond, swamp, wetland or dam means land over which the water of the waters, lake, lagoon, pond, swamp, wetland or dam normally flows or that is normally covered by the water, whether permanently or intermittently; but does not include land adjoining or adjacent to the bed and banks that is from time to time covered by floodwater.

“bunded” means within bunding consistent with Australian Standard 1940.

“competent person” means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

“contaminate” means to render impure by contact or mixture.

“contaminated” means the substance has come into contact with a contaminant.

“contaminant” - a contaminant can be:

- 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.

“control measure” means any action or activity that can be used to prevent or eliminate a hazard or reduce it to an acceptable level.

“cover material” means any soil or rock suitable as a germination medium or landform armouring.

“disturbed” means any area that has had its natural state altered by the action or interference of carrying out an activity associated with the exploration project.

“environmental authority” means an environmental authority granted in relation to an environmentally relevant activity under the *Environmental Protection Act 1994*.

“environmental authority holder” means the holder of this environmental authority.

“environmentally relevant activity” means an environmentally relevant activity as defined under Section 18 of the *Environmental Protection Act 1994* and listed under Schedule 2 of the *Environmental Protection Regulation 2008*.

“ERE” means an endangered regional ecosystem identified in the database maintained by the department called ‘Regional Ecosystem Description Database’ containing regional ecosystem numbers and descriptions.

“financial assurance” means a security required under the *Environmental Protection Act 1994* by the administering authority to cover the cost of rehabilitation or remediation of disturbed land or to secure compliance with the environmental authority.

“general waste” means waste other than regulated waste.

“hazardous waste” means a substance, whether liquid, solid or gaseous that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause environmental harm.

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

“mature trees” means any tree relevant to the tenure that is classified as a *commercial sized tree* by the *Code of Practice for Native Forest Timber Production 2002*

“native vegetation” means vegetation that occurs naturally in a certain area.

“nature” includes:

- a) ecosystems and their constituent parts; and
- b) all natural and physical resources; and
- c) natural dynamic processes.

“noxious” means harmful or injurious to health or physical well being.

“operational land” means the land associated with the project for which this environmental authority has been issued.

“progressive rehabilitation” means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

“protected area” means:

- a) a protected area under the *Nature Conservation Act 1992*; or
- b) a marine park under the *Marine Parks Act 1992*; or
- c) a World Heritage Area.

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

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

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

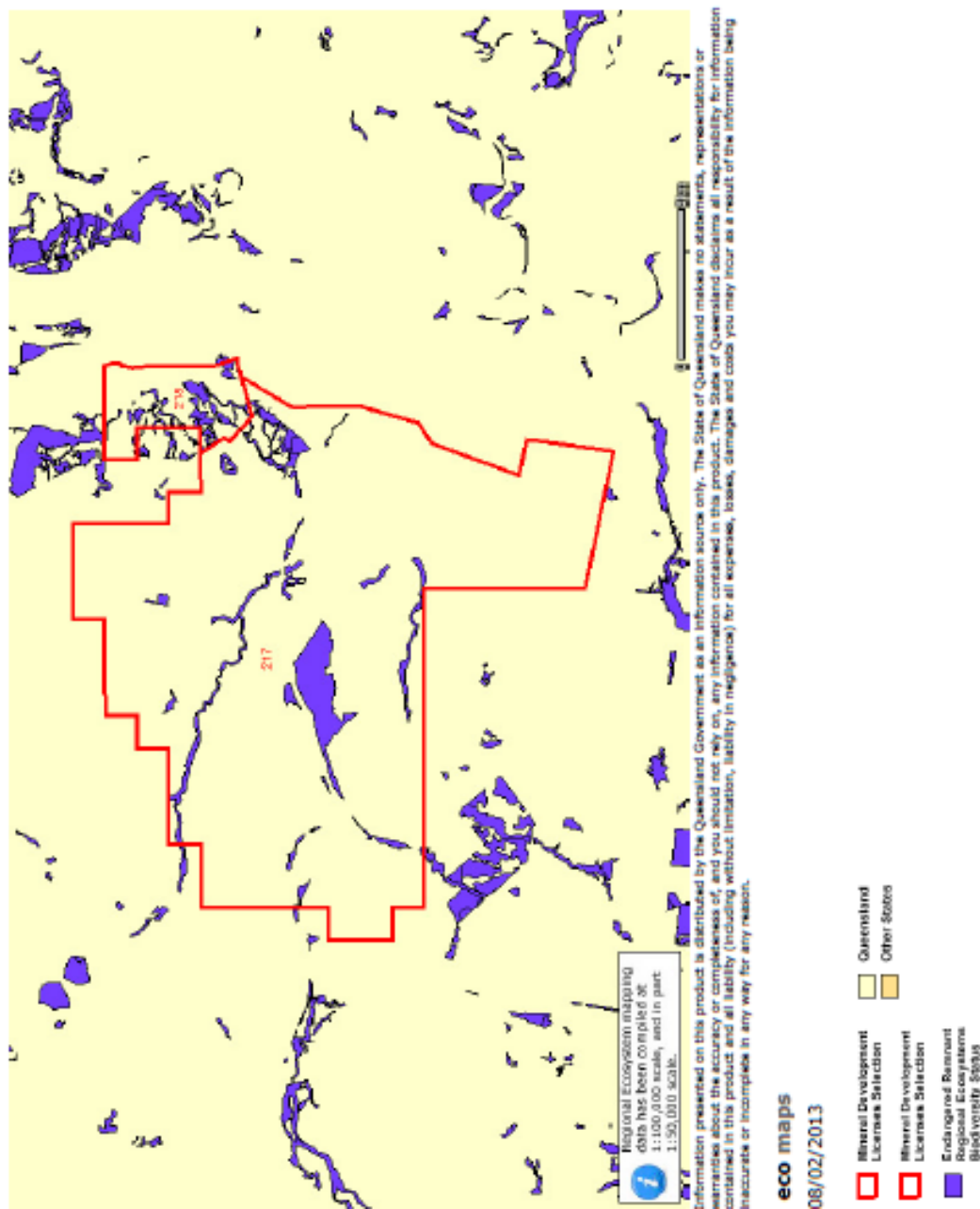
“watercourse” means a watercourse as defined under Chapter 2 of the *Water Act 2000*.

"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, and groundwater and any part thereof.

## END OF DEFINITIONS



Figure 1: Location of MDL's 217 and 218 and ESA



END OF ENVIRONMENTAL AUTHORITY