

Environmental authority EPPR04239516

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

Permit¹ number: EPPR04239516

Environmental authority takes effect 23 September 2016

Environmental authority holder(s)

Name	Registered address
Burgoyne Enterprises Pty Ltd	7 Ardlethan Court HELENSVALE QLD 4212

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Mining Claim - Site Specific	MC72312

Additional information for applicants

Environmentally relevant activities

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

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

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

Contaminated land

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

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

Graylor

Signature

22 September 2016

Date

Gillian Naylor
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Business Centre (Coal)
Department of Environment and Heritage
Protection
PO Box 3028
99 Hospital Road
EMERALD QLD 4720
Phone: (07) 4987 9320
Email: CRMining@ehp.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)

Conditions of environmental authority

With the exception of any variations, the conditions of approval for this environmental authority include standard conditions contained within the attached document(s) entitled:

- *Eligibility criteria and standard conditions for mining claims* Variations to the standard conditions include the following site specific conditions of approval.

Agency interest: General	
Condition number	Condition
A1	Activity The holder of this environmental authority must comply with each of the environmental conditions contained in the document <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i> except Condition A13 which is replaced by the conditions within this authority.
A2	This environmental authority does not authorise environmental harm unless a condition contained within the authority explicitly authorises that harm. Where there is no condition or authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.
A3	Financial assurance The activity must not be carried out until the environmental authority holder has given financial assurance to the administering authority as security for compliance with this environmental authority and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Act.
A4	Notification of emergencies, incidents and exceptions The holder of this environmental authority must notify the administering authority by written notification within 48 hours , after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with, the conditions of this environmental authority.

A5	Within 10 business days following the initial notification of an emergency or incident, or receipt of monitoring results, whichever is the latter, further written advice must be provided to the administering authority, including the following: a) Results and interpretation of any samples taken and analysed, b) Outcomes of actions taken at the time to prevent or minimise unlawful environmental harm, and c) Proposed actions to prevent a recurrence of the emergency or incident.
A6	Complaints The holder of this environmental authority must record all environmental complaints received about the mining activities including: a) Name, address and contact number of the complainant, b) Time and date of complaint, c) Reasons for the complaint, d) Investigations undertaken, e) Conclusions formed, f) Actions taken to resolve the complaint, g) Any abatement measures implemented, and h) Person responsible for resolving the complaint.
A7	Where a condition of this environmental authority requires compliance with the <i>Eligibility criteria and standard conditions for mining claims</i> (ESR/2016/2242), a standard, policy or guideline published externally to this environmental authority and the standard is amended or changed subsequent to the issue of this environmental authority, the holder of this environmental authority must: a) Comply with the amended or changed <i>Eligibility criteria and standard conditions for mining claims</i> (ESR/2016/2242), standard, policy or guideline within two years of the amendment or change being made, unless a different period is specified in the amended standard or relevant legislation. b) Until compliance with the amended or changed <i>Eligibility criteria and standard conditions for mining claims</i> (ESR/2016/2242), standard, policy or guideline is achieved, continue to remain in compliance with the corresponding provision that was current immediately prior to the relevant amendment or change.
A8	If there is any inconsistency between the <i>Eligibility criteria and standard conditions for mining claims</i> (ESR/2016/2242) and an additional condition in this environmental authority, the additional condition prevails to the extent of any inconsistency.



A9	Words and phrases used throughout this environmental authority are defined in the Definitions section of this authority. Where a definition for a term used in this environmental authority is sought and the term is not defined within this environmental authority, the definitions in the <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i> and the definitions in the <i>Environmental Protection Act 1994</i> , its regulations and policies must be used.
Agency interest: Air	
Condition number	Condition
B1	The holder of this environmental authority must comply with each of the 'Air quality' Standard Conditions contained in the <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i> .
Agency interest: Noise	
Condition number	Condition
C1	The holder of this environmental authority must comply with each of the 'Noise Emissions' Standard Conditions contained in the <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i> .
Agency interest: Water	
Condition number	Condition
D1	Contaminants must not be released directly or indirectly to any waters as a result of the authorised mining activities.
Agency interest: Land	
Condition number	Condition
E1	Land disturbance The holder of the environmental authority must not carry out activities in a Category A environmentally sensitive area. Prior to carrying out activities in a category C environmentally sensitive area, approval must be sought from the relevant administering authority and the Department of Environment and Heritage Protection. If it is determined through the consultation that additional conditions are necessary, comply with those conditions.
E2	The environmental authority holder is authorised to undertake underground mining activities within Category B Environmentally Sensitive Areas.



E3	No open cut (surface) methods, including shafts and subsidence is permitted within Category B Environmentally Sensitive Areas.
E4	Vegetation associated with Endangered Regional Ecosystem 11.4.8 must not be disturbed.
E5	Campsite This environmental authority does not authorise a camp on site.
E6	Rehabilitation Rehabilitation must be carried out as per the conditions in the document <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i> .
E7	Biodiversity offsets Significant residual impacts to prescribed environmental matters are not authorised under this environmental authority or the <i>Environmental Offsets Act 2014</i> .
Agency interest: Waste	
Condition number	Condition
F1	The holder of this environmental authority must comply with each of the 'Waste Management' Standard Conditions contained in the <i>Eligibility criteria and standard conditions for mining claims (ESR/2016/2242)</i>
F2	No waste must be disposed of within Category B Environmentally Sensitive Areas.
F3	Waste must not be burnt.

Definitions

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

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

'Activity' means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

'Administering authority' is the agency that administers the environmental authority provisions under the *Environmental Protection Act 1994*.

'Category A environmentally sensitive area' as per the definition within the *Environmental Protection Regulation 2008*.

'Category B environmentally sensitive area' as per the definition within the *Environmental Protection Regulation 2008*.

'Contaminant' as defined in section 11 of the *Environmental Protection Act 1994*, 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.

'Disturbed (or disturbance)' land includes:

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

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

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

'Environmental authority' means an environmental authority under Chapter 5 of the *Environmental Protection Act 1994*.



'Environmental authority holder' means the holder of this environmental authority.

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

'Rehabilitation' the process of reshaping and revegetating land to restore it to a stable landform.

'Significant residual impact' has the meaning in section 8 *Environmental Offsets Act 2014*.

'Waste' as defined in section 13 of the *Environmental Protection Act 1994*.

'Waters' includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), storm water channel, storm water drain, and groundwater and any part thereof.

Attachment: *Eligibility criteria and standard conditions for mining claims (ESR/2016/1985)*

END OF PERMIT

