

# Permit

Environmental Protection Act 1994

Environmental authority EPSL00670213

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

**Environmental authority number: EPSL00670213**

**Environmental authority takes effect on 09 February 2018**

**Environmental authority holder(s)**

| Name(s)              | Registered address                                        |
|----------------------|-----------------------------------------------------------|
| MGT MINERALS PTY LTD | First Floor, Suite 6 119A John Street CABRAMATTA NSW 2166 |

**Environmentally relevant activity and location details**

| Environmentally relevant activity/activities                         | Location(s) |
|----------------------------------------------------------------------|-------------|
| Resource Activity, Non-Scheduled, Mining Activity, Mining Lease - ML | ML20655     |

**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'.

Environmental authority

---

Take effect

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

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

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Sustainable Planning Act 2009 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

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

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

Gus Gonzo  
Department of Environment and Heritage Protection  
Delegate of the administering authority  
Environmental Protection Act 1994

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

**Date issued: 09 February 2018**



## Legislative Requirements and Conditions of Environmental Authority

### Legislative Requirements

#### EC Criteria for Determining the Level of Assessment

The conditions of approval for this environmental authority include the standard conditions contained within the code of environmental compliance for mining lease projects (EM588), provided in this document as conditions C1 – C48.

The following criteria found in schedule 1A of the Environmental Protection Regulation 1998, are used to determine the level of assessment required for an application for an environmental authority for a standard mining activity.

- (1) The mining activities do not or will not cause more than 10ha of land to be 'Significantly Disturbed' at any one time;
- (2) The mining activities do not or will not cause more than 5ha of land to be significantly disturbed at any one time -
  - (i) in a riverine area;
  - (ii) because of mine workings;
- (3) The mining activities are not or will not be carried out in, or within 2km of a category A 'Environmentally Sensitive Area';
- (4) The mining activities are not or will not be carried out in, or within 1km of a category B environmentally sensitive area;
- (5) The mining activities do not include a level 1 environmentally relevant activity
- (6) No more than 20 persons are carrying out or will, at any one time, carry out the mining activities;
- (7) Only mining of a type as follows is permitted under a relevant mining lease -
  - (i) Alluvial
  - (ii) Clay Pit Mining
  - (iii) Dimension stone mining
  - (iv) Hard rock mining
  - (v) Opal mining

(vi) Shallow pit mining

If an application for an environmental authority does not meet above the assessment level criteria, it could be approved as a standard mining activity provided the environmental impact is no greater than the environmental impact of activities allowed under an environmental authority of the same type that does meet the criteria. For example, an application for a standard mining activity proposing a significant disturbance of greater than 10ha, could be granted a standard environmental authority as long as the applicant can demonstrate that the significant disturbance will have no greater environmental impact than a project that can operate within the 10ha limit.

## Condition

### General

#### C1 Plan of Operations

The holder of the Environmental Authority must submit to the administering authority a Plan of Operations for the mining lease, at least 28 days prior to carrying out any activities on site, unless a shorter period is approved by the administering authority.

Note 1 - For more detailed information refer to the following sections of the Environmental Protection Act 1994:

- (i) 233 Plan of operations required before acting under relevant mining lease;
- (ii) 234 Content requirements of a plan of operations.

#### C2 Financial Assurance

The holder of a new environmental authority must submit the required amount of Financial Assurance (ie. a security deposit) to the administering authority prior to carrying out any activities on the mining lease. If the holder of the environmental authority submits an application to amend the plan of operations or submits a new plan of operations, they must also submit an application to amend their financial assurance to the administering authority. If an application is lodged to transfer the environmental authority to another person or company, the proposed transferee must submit the required financial assurance prior to the transfer taking effect.

Note 2 - A financial assurance must be calculated in accordance with Form 5 (Schedule of Rehabilitation Costs) and will be subject to a financial discount in accordance with the performance criteria in Appendix C (Schedule of Environmental Management Performance).

Note 3 - Section 364 of the Environmental Protection Act 1994, requires that the holder of the environmental authority gives the administering authority a financial assurance in a acceptable form (ie. either cash or a bank guarantee) and for the amount calculated in a manner decided by the administering authority. When necessary, the holder of the environmental authority must amend the financial assurance under section 366 of the Environmental Protection Act 1994 (e.g. increasing the area of disturbance on the mining lease).

The holder of the environmental authority must lodge a single financial assurance with the Department of Mines and Energy. The financial assurance will consist of two components:

- (i) An amount to cover the potential costs of rehabilitation of areas disturbed by mining activities (ie. Environmental Protection Agency component); and
- (ii) An amount to cover the potential costs of restoring property improvements disturbed by mining activities and the failure of the tenure holder to pay rents and royalties (ie. Department of Mines and Energy component).

### **C3 Land Disturbance**

The holder of the environmental authority must ensure that the area and duration of disturbance to land and vegetation are minimised.

Note 4 - To minimise the area and duration of disturbance to land and vegetation the following measures or similar measures can be used:

- avoid disturbing large and/or mature trees;
- select specific trees to be cleared and avoid causing damage to the surrounding vegetation;  
and
- where practical, leave the rootstock of existing vegetation intact to promote regrowth.

### **C4 Air Quality**

The holder of the environmental authority must not cause an Unreasonable Release of dust.

Note 5 - To prevent the unreasonable release of dust, the following measures or similar measures can be used:

- installing pollution control equipment (e.g. fitting bag filters or a cyclone to dust generating equipment);
- altering work practices to avoid or minimise the generation of dust;
- scheduling activities for times when they will have least impact;
- spraying water on roads and tracks;
- revegetating disturbed areas as soon as practical; and
- leaving or creating wind breaks or screens.

## **C5 Noise Emissions**

The holder of the environmental authority must not cause Unreasonable Noise at a Noise Sensitive Place.

Note 6 - To prevent causing unreasonable noise at a noise sensitive place, the following measures or similar measures can be used:

- construct and maintain noise barriers and enclosures around noisy equipment or along the noise transmission path;
- implement noise reduction measures at noise sensitive places;
- provide and maintain low noise equipment;
- carry out routine maintenance on fans to minimise bearing noise;
- repair or replace defective mufflers of vehicles and plant equipment; and
- limit the hours of operation to between 7am to 6pm Monday to Saturday.

Note 7 - If aircraft are used for mining related activities, operate them so as to minimise disturbance to livestock (e.g. helicopters).

## **C6 Erosion and Sediment Control**

The holder of the environmental authority must design, install and maintain adequate banks and/or diversion drains to minimise the potential for storm water runoff to enter areas disturbed by mining activities.

- C7 The holder of the environmental authority must design, install and maintain adequate erosion and sediment control structures wherever necessary to prevent or minimise erosion of disturbed areas and the sedimentation of any Watercourse, Waterway, Wetland or Lake.

Note 8 - For information on the design and construction of sediment ponds refer to the Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland, Part C, Site Water Management.

Note 9 - Regularly clean out sediment traps, ponds and drains and maintain them in effective working order, until erosion stability has been achieved in disturbed areas.

Note 10 - The capacity of sediment traps, ponds, drains and banks should not be reduced below 70 percent of their design capacity.

## C8 Topsoil and Overburden Management

The holder of the environmental authority must ensure that Topsoil is removed and stockpiled prior to carrying out any mining activity. Prevent or minimise the mixing and erosion of topsoil and Overburden stockpiles.

Note 11 - To separate topsoil and overburden and to prevent or minimise the erosion of these stockpiles the following measures or similar measures can be used:

- identify topsoil and overburden layers prior to mining;
- store topsoil and overburden in separate stockpiles install silt fences or bunding around the stockpiles
- establish and maintain a temporary cover crop on the topsoil stockpiles;
- limit the height of topsoil stockpiles to 2 m; and
- where practical reuse stockpiled topsoil within 12 months of storage.

## C9 Hazardous Contaminants

The holder of the environmental authority must plan and conduct activities on site to prevent any potential or actual release of a Hazardous Contaminant.

Note 12 - Section 442 of the Environmental Protection Act 1994 makes it an offence to 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.

Note 13 - Section 443 of the Environmental Protection Act 1994 makes it an offence to release a prescribed contaminant. A prescribed contaminant is a contaminant prescribed by an Environmental Protection Policy.

Note 14 - To prevent or minimise any potential or actual release of a hazardous contaminant the following measures or similar measures can be used:

- maintain an inventory of hazardous contaminants stored on the mining lease;
- ensure that all hazardous contaminants are appropriately stored;
- confine the use of mercury to amalgamating ore concentrates in a spill-proof circuit within an impermeable bund;
- store mercury in sealed containers;
- carry out any restoring of amalgam in a vapour proof retort.

C10 The holder of the environmental authority must ensure that spills of hazardous contaminants are cleaned up as quickly as practical. Do not clean up such spillage by hosing, sweeping or otherwise releasing such contaminants to any watercourse, waterway, groundwater, wetland or lake.

Note 16 - If a mining lease becomes Significantly Disturbed because it is contaminated, it ceases to be significantly disturbed if a Suitability Statement is issued for the land. Refer to section 384 of the Environmental Protection Act 1994.

Note 17 - A Site Management Plan approved under part 413 of the Environmental Protection Act 1994, may be required by the administering authority for sites recorded on the Environmental Management Register or the Contaminated Land Register. Such sites may include acid producing waste rock stockpiles or tailings dams containing acid producing wastes.

- C11 The holder of the environmental authority must, where practical, separate acid producing waste rock from the benign waste. Acid producing waste rock may be temporarily stockpiled in the catchment of the tailings dam, in a mine excavation or in an impermeable bunded area with a restricted catchment.
- C12 Where practical, the holder of the environmental authority must dispose of the acid producing waste rock in the tailings dam or mine excavation and backfill as soon as practical. Where not practical, bury acid producing waste rock in an excavation or pit and backfill as soon as practical. Backfill all mine excavations, other excavations and pits containing acid producing waste rock with benign, low permeability material and seal the mine excavation, other excavation or pit with a compacted capping layer at least 1m thick.

Note 18 - For detailed information on the management of acid mine waste material refer to the Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland, Part B, Assessment and Management of Acid Drainage and the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland.

Note 19 - The owner or occupier of a mining lease must notify the administering authority if they become aware that a Notifiable Activity listed in schedule 3 of the Environmental Protection Act 1994, is being carried out on the land within 30 days, by giving notice to the administering authority in the approved form. For example, a mining operation that generates waste materials that contain hazardous contaminants must notify the administering authority that this activity is being carried out. Refer to section 371 of the Environmental Protection Act 1994.

### C13 Nature Conservation

The holder of the environmental authority must prevent the spread of Declared Plants by ensuring that all vehicles and machinery are adequately cleaned before taking the vehicles and machinery out of a Declared Plant Area.

Note 20 - Section 35(a) of the Mineral Resources Regulation 1990, requires that every precaution must be taken to ensure there is no dispersal of Parthenium weed or the seed of any other declared plant within the meaning of the Rural Lands Protection Act 1985, as a result of mining or as a result of access to the area of the mining lease.

Note 21 - The Department of Natural Resources provide Pest Fact sheets for declared plants in Queensland as well as clean down procedures for motor vehicles and machinery. For advice on

declared plant areas contact the Department of Mines and Energy, Department of Natural Resources or your Local Shire Council.

C14 The holder of the environmental authority must not carry out activities:

- (1) in, or within 2 km of, a category A environmentally sensitive area; or
- (2) in, or within 1 km of, a category B environmentally sensitive area.

Prior to carrying out activities in a category C environmentally sensitive area, the holder of the environmental authority must consult with the relevant administering authority. If it is determined through consultation that additional conditions are necessary, the holder must comply with those conditions.

Note 22 - For information on environmentally sensitive areas refer to Appendix A - Environmentally Sensitive Areas.

C15 The holder of the environmental authority must not carry out activities within 100m of an identified Historical, Archaeological or Ethnographic site.

Note 23 - With regard to cultural heritage issues, refer to the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 and the Queensland Heritage Act 1992. Prior to carrying out any activities on the mining lease, the holder of the environmental authority should consult with the administering authority if a site has the potential to be designated as a historical, archaeological or ethnographic site.

#### C16 **Other Level 2 Environmentally Relevant Activities**

The holder of the environmental authority must not carry out the following Level 2 Environmentally Relevant Activities (ERA) on the mining lease:

ERA (7) Chemical Storage - storage of chemicals (other than crude oil, natural gas and petroleum products) including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers with a design storage volume of more than 10m<sup>3</sup> but less than 1000m<sup>3</sup>;

ERA (76) Incinerating Waste - operation of a waste incineration facility for incinerating:

- (a) vegetation;
- (b) clean paper or cardboard;

ERA (77) Battery Recycling - operation of a facility for receiving and recycling or reprocessing any kind of battery;

ERA (80) Tyre Recycling - operating a facility for receiving and commercially recycling or reprocessing tyres (other than retreading tyres).

## **C17 Roads and Tracks**

The holder of the environmental authority must consult with the Landowner prior to establishing any new roads and tracks.

Note 24 - When planning and constructing new roads and tracks refer to the Technical Guidelines.

Note 25 - Repair all damage to existing private roads and tracks resulting from mining activities, so that they are as trafficable as they were prior to any damage.

**C18** When constructing new roads and tracks, the holder of the environmental authority must ensure that the area and duration of disturbance to land, vegetation and watercourses is minimised.

Note 26 - When planning and constructing new roads and tracks the following measures or similar measures can be used to minimise the area and duration of disturbance to land, vegetation and watercourses:

- wherever possible use or upgrade existing roads and tracks;
- construct roads and tracks along natural grades;
- minimise the width of roads and tracks;
- minimise the number of crossings in riverine areas;
- construct crossings in riverine areas in a stable section of the bed;
- avoid constructing roads or tracks that run straight down the bank to the crossing;

- do not disadvantage other users of existing public roads and tracks;
- construct a bed level causeway, a culvert or a bridge where natural bed conditions within a watercourse will not carry the intended traffic load or where crossing of the bed will generate a significant increase in turbidity;
- minimise the number of cuts and fills in riverine areas;
- position cuts and fills in riverine areas to minimise risk of erosion from subsequent flood events;
- position crossings to prevent flow being directed towards the banks and provide erosion resistance to the bed and banks downstream of a crossing for a distance equal to the width of the normal flow channel;
- do not create any downstream or upstream drops at the lip of culverts or causeways;
- regularly clean out culverts, bridges and causeways to prevent flow being impeded or redirected; and
- construct in-stream crossings outside of main fish migration periods.

## C19 Campsites

The holder of the environmental authority must consult with the landowner prior to establishing any Campsites.

- C20 When establishing and maintaining a campsite, the holder of the environmental authority must ensure that the area and duration of disturbance to land, vegetation and watercourses is minimised.

Note 27- When establishing and maintaining a campsite the following measures or similar measures can be used to minimise the area and duration of disturbance to land, vegetation and watercourses:

- locate campsites at least 100 m from any riverine areas;
- only disturb an area necessary for the safe functioning of the campsite;
- install an appropriate human waste disposal facility (e.g. portable self contained toilets, pit toilets, septic tanks);
- use absorption trenches, transpiration beds or spray irrigation to dispose of grey water; and
- locate all disposal areas at least 100 m distance from any watercourse, waterway, groundwater recharge area, wetland or lake.

Note 28 - With regard to on site waste water management refer to the Environmental Protection (Water) Policy 1997.

## C21 Waste Management

The holder of the environmental authority must not directly or indirectly release waste from the project area to any watercourse, waterway, groundwater, wetland or lake.

Note 29 - When managing waste materials the following strategy should be adopted:

- avoid creating excess waste;
- reuse waste materials;
- recycle waste;
- create and utilise energy from waste;
- treat waste; and
- dispose of waste (e.g. provide rubbish containers on site).

Note 30 - Where practical take all General Waste to a Licensed Waste Disposal Facility.

C22 The holder of an environmental authority must not dispose of more than 50 tonnes of General Waste per year on the mining lease.

Note 31 - Up to 50 tonnes of general waste may be buried on the mining lease per year. When burying general waste the following measures or similar measures should be used:

- locate the waste pit so as to ensure that the waste will not contaminate any watercourse, waterway, groundwater, wetland or lake;
- divert stormwater runoff from entering the pit;
- make the pit safe and protect it from scavengers;
- crush drums and other containers to reduce the volume of waste;
- backfill the pit when the level of rubbish in the pit is not less than 1m below the surface; and
- sufficiently overfill the pit to allow for settlement.

Note 32 - Limited Regulated Waste may be disposed of to a licensed general waste disposal facility provided the annual volume of limited regulated waste does not exceed 10 percent of the annual volume of general waste (e.g. tyres).

## C23 Dams

The holder of the environmental authority must operate, maintain and decommission all dams in accordance with the criteria outlined in Appendix B. The holder of the environmental authority must build all dams, other than dams commenced before 1 January 2001, in accordance with the design and construction criteria outlined in Appendix B.

Note 33 - Refer to Appendix B - Criteria for Dams.

Note 34 - Referable Dams require licensing by the Department of Natural Resources. Dams or weirs built on a watercourse require licensing by the Department of Natural Resources. Dams to be built in tidal waters require licensing by the Department of Primary Industries and the Environmental Protection Agency.

Note 35 - Provide safe access to water for livestock and native animals by:

- providing hard surfaces around water storage areas; and
- fencing off any soft areas around the edge of water storage areas.

Note 36 - Provide, install and maintain adequate warning devices to exclude people, livestock and native animals from dams containing hazardous contaminants (e.g. gas guns, signs, fences and bunds).

## C24 Mine and Process Plant

Note 37 - Provide, install and maintain adequate warning devices to exclude people, livestock and native animals from the processing plant, open mine excavations or underground workings (e.g. signs, fences or bunds).

The holder of the environmental authority must not directly or indirectly release waste water from the mine or process plant to any watercourse, waterway, groundwater, wetland or lake. This condition does not apply for alluvial miners operating mobile processing plants in flowing water. Alluvial miners operating mobile processing plants in flowing waters must discharge waste water into an in-stream settlement pond (refer to condition 39 for design requirements of in-stream settlement ponds).

Note 38 - To prevent the direct or indirect release of waste water from the mine or process plant to any watercourse, waterway, groundwater, wetland or lake the following measures or similar measures can be used:

- where practical recycle all waste water (e.g. use water from the mine or processing plant for drilling purposes, dust suppression along roads and tracks or in the process plant);
- discharge mine water onto benign overburden or waste rock heaps or to an evaporation pond for absorption and evaporation.

Note 39 - For more detailed information regarding site water management refer to the Environmental Protection (Water) Policy 1997.

## **C25 Service, Maintenance and Storage Areas**

The holder of the environmental authority must prevent the release fuels, oils, lubricants or other Contaminants to any watercourse, waterway, groundwater, wetland or lake.

Note 40 - To prevent the release of fuels, lubricants or other contaminants to any watercourse, waterway, groundwater, wetland or lake the following measures or similar measures can be used:

- maintain all refuelling equipment in good working order;
- use groundsheets or drip trays to capture spillage during maintenance of machinery and vehicles;
- locate all fuel storages within an impermeable bund;
- ensure all liquid containment, including fuel tank bunds and process water ponds, have a volume at least equal to the design volume plus an additional 10percent of that volume;
- where practical, undertake all refuelling and routine maintenance of vehicles within designated service areas.

C26 The holder of the environmental authority must ensure that all chemical, fuel and oil storage facilities less than 10 000L on a mining lease, must be designed and operated in accordance with Australian Standard 1940 - The storage and handling of flammable and combustible liquids, Section 2, Minor Storage.

C27 The holder of the environmental authority must ensure that:

(1) all chemical, fuel and oil storage facilities of more than 10 000 L on a mining lease, must be banded to contain at least one hundred percent of the volume of the largest container, plus twenty-five percent of the storage capacity of the largest container up to a maximum of 10, 000 L, together with ten percent of the storage capacity beyond 10, 000 L; and

(2) the facility must be operated and maintained in accordance with the Australian Standard 1940 - The Storage and Handling of flammable and combustible liquids.

**C28 Monitoring, Reporting and Emergency Response Procedures**

The holder of the environmental authority must record and notify the administering authority of any emergency or incident that demonstrates non-compliance to the standard environmental conditions.

Note 41 - A notification of any emergency or incident, which demonstrates non-compliance to the standard environmental conditions, cannot be used in evidence in any further action taken by the administering authority as a result of the notification.

Note 42 - To demonstrate ongoing compliance with the standard environmental conditions, complete Form 6, Monitoring and Record Keeping Summary. Establish programs to monitor project activities and maintain records for review by the administering authority.

Note 43 - To demonstrate compliance with the standard environmental conditions complete the Emergency Response Table in Appendix E. Provide and maintain appropriate emergency response equipment and inform all operational personnel, contractors and visitors of emergency response procedures.

Note 44 - Observe the provisions and regulations under the Fire and Rescue Authority Act 1990 and the Mine Regulation Act 1985.

**C29 Rehabilitation**

In Riverine Areas, the holder of the environmental authority must complete the rehabilitation processes on areas disturbed by mining activities, apart from those areas currently being utilised for mining activities, as soon as practical and prior to the onset of the following wet season.

Note 45 - Condition 29 is to ensure that there is adequate erosion protection in riverine areas prior to the onset of the wet season. In Queensland the wet season is generally considered to be from November to April each year.

- C30 For all other areas, the holder of the environmental authority must complete the rehabilitation processes on areas disturbed by mining activities, apart from those areas currently being utilised for mining activities, as soon as practical and within six months of the completion of works in those areas.

Note 46 - Where practical undertake progressive rehabilitation of disturbed areas.

- C31 The holder of the environmental authority must backfill excavations less than 3m deep, with overburden and waste rock as soon as practical following the completion of mining activities.
- C32 Where it is impractical to return overburden and waste rock to excavations deeper than 3m, the holder of the environmental authority must construct overburden and waste rock stockpiles in accordance with Condition 34.
- C33 For excavations that are to remain at the completion of mining activities, by agreement with the land holder, and will be used as livestock water drinking supplies, the holder of the environmental authority must:
- (1) ensure that water quality in any remaining excavation complies with the acceptable water quality Guidelines for Livestock Drinking Water as detailed in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality; and
  - (2) provide safe access for livestock and native animals to the excavation.

Note 47 - Prior to the surrender of a mining lease, all excavations that are to remain open after mining activities have ceased, need to be made safe (e.g. an open pit). Refer to the Mines Regulation Act 1985 and the Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland, Part D, Open Pit Rehabilitation.

- C34 The holder of the environmental authority must rehabilitate areas disturbed by mining activities to a stable landform, similar to that of the surrounding undisturbed areas.

Note 48 - When rehabilitating disturbed areas refer to the Technical Guidelines for the Environmental Management of Mining and Exploration in Queensland, Part D, Geo-Technical Slope Stability.

- C35 The holder of the environmental authority must spread seeds or plant species that will promote vegetation of a similar species and Density of Cover\* to that of the surrounding undisturbed areas or vegetation that is appropriate for providing erosion control and stabilisation of the disturbed areas.

Note 49 - To revegetate disturbed areas the following measures or similar measures can be used:

- for areas which have become compacted during the project, break up the soil surface to a depth that is suitable for establishing vegetation;
- spread stockpiled topsoil over disturbed areas to a depth that is suitable as a rooting medium for the revegetation process;
- provide suitable nutrient conditions for planting by using fertiliser if necessary; and
- collect and store native seeds to be used in rehabilitation.

Note 50 - When revegetating disturbed areas, the holder of the environmental authority should plant native species endemic to the area and location in the landscape (e.g. if clearing has occurred in a riverine area, revegetate the disturbed area using local riverine species).

Note 51 - Vegetation used to stabilise disturbed areas in the short term should be comprised of sterile, short-lived species (e.g. a cover crop). However, the long term aim of revegetating any disturbed area is to establish a stable vegetation community that is similar to that of the surrounding undisturbed landscape.

Note 52 - The holder of the environmental authority is not liable for rehabilitation of disturbed areas that existed prior to the grant of the tenure unless the holder undertakes activities within the previously disturbed areas during the term of the mining lease.

Note 53 - Where continuity of tenure makes the holder of the environmental authority liable for disturbances from previous operations, no further work will be necessary if the rehabilitation of the disturbed areas is to the satisfaction of the administering authority.

Note 54 - The rehabilitation of some disturbed areas may not be required if the workings have a recognised historic value. Consult with the administering authority regarding rehabilitation requirements for such sites.

C36 For any Mine Infrastructure to remain after all mining activities have ceased, the holder of the environmental authority must obtain the written agreement of the land owner stating they will take over responsibility for that infrastructure.

C37 For underground mine workings, the holder of the environmental authority must determine the need and design of bat gates by consulting the administering authority. If bat gates are required, install the appropriate structures. Where a bat gate is not required by the administering authority prevent access to underground workings.

Note 55 - Prior to the surrender of a mining lease, all underground mine workings are to be made safe. Refer to the Mines Regulation Act 1985 and the Technical Guidelines for Environmental Management of Exploration and Mining in Queensland, Part D, Rehabilitation of Areas Containing Shafts, Boreholes or Adits.

C38 The holder of the environmental authority must complete the rehabilitation of areas disturbed by mining activities to the satisfaction of the administering authority.

Note 56 - Condition 38 is a requirement of the Environmental Protection Act 1994. The holder of the environmental authority must submit a Final Rehabilitation Report (FRR) and an Environmental Audit Statement (EAS), prior to the cancellation or expiry of the mining lease. The surrender of the environmental authority will not be granted until the administering authority has approved the FRR and the EAS.

### C39 **Hard Rock Mining**

Note 57 - If explosives are used during the mining operation, the holder of the environmental authority must comply with the relevant Regulations, Policies and Procedures (e.g. Environmental

Protection (Noise) Policy 1997, Environmental Protection (Air) Policy 1997 and any Material Safety Data Sheet (MSDS) for storing and handling explosives).

### Alluvial Mining

When mining in a 'Watercourse', the holder of the environmental authority must construct and use in-stream settlement ponds where necessary and ensure that:

- disturbances and/or erosion caused when constructing in-stream settlement ponds is minimised; and
- the in-stream settlement pond does not prevent water flow in the normal flow channel.

Note 58 - Prior to working in riverine areas refer to the 'Technical Guidelines for Environmental Management of Exploration and Mining in Queensland', Part B, 'Exploration and Mining in Watercourses'.

Note 59 - To minimise disturbance when constructing in-stream settlement ponds, the following measures or similar measures can be used:

- do not divert the normal channel flow so as to cause erosion of the stream banks;
- do not compact the bund walls of the settlement ponds; and
- ensure the top of the bund wall is at least 300mm below the lower bank of the normal flow channel.

C40 When mining in a watercourse, the holder of the environmental authority must ensure that the disturbance to the bed, 'Banks' and natural levees of the 'Normal Flow Channel' and the 'Flood Flow Channel' is minimised.

Note 60 - To minimise the disturbance to the bed, banks and natural levees of the normal flow and flood flow channel of a watercourse the following measures or similar measures can be used:

- avoid clearing mature and/or woody vegetation;
- where practical avoid excavating directly underneath the canopy of the trees;
- avoid damaging the trunks of any remaining trees;
- do not stockpile material at the base of remaining trees; and

- provide erosion protection on exposed excavation faces to prevent flood damage to the root system (e.g. rock armouring the disturbed excavation face).

C41 The holder of the environmental authority must not excavate or divert ponded water where there is evidence of biological activity.

Note 61 - Condition 41 is to provide protection for remnant aquatic life forms, particularly at end of the dry season.

C42 When excavating the bed of a flowing watercourse, the holder of the environmental authority must construct a diversion channel within the bed of the watercourse to allow the stream flow to bypass the area being excavated.

Note 62 - Waterholes and in-stream storages used by the landowner should not be disturbed, unless with the agreement of the landowner. The miner will need a water licence from Department of Natural Resources to interfere with the normal flow of water.

C43 When mining in a watercourse within the natural levees of the normal flow channel or in areas of established woody vegetation, the holder of the environmental authority must leave an unmined section or buffer zone (e.g. a natural rock bar or an intact vegetation strip) between the mined sections and:

- ensure that the length of each mined section is no more than 40 times the width of the flood flow channel or 500m, whichever is the shorter;
- ensure that the length of each unmined section is at least 10 times the width of the flood flow channel, or 150m, whichever is the shorter;
- unmined sections which separate mined sections must not be mined until two years after rehabilitation processes have been completed on the previously mined section or when regrowth and erosion stability is established, whichever is the shorter;
- when commencing mining on a new section downstream of an unmined area, protect the cut face of the unmined area from erosion, by armouring or providing a smooth transition.

C44 The holder of the environmental authority must not mine the 'Banks' on the 'Outer Bends' of the flood flow channel of a watercourse, including the areas within:

- 5 m from the toe of the bank or twice the height of the bank whichever is the shorter;
- 3 m from the top of the bank; and

- the top, toe and banks of a length of the straight immediately downstream of the outer bend, three times the width of the flood flow channel, or 100m, whichever is the shorter.

Note 63 - For representative diagrams that define the different land form elements that make up a water course refer to Figure 1 - 'Cross Section Through a Watercourse' and Figure 2 - 'Plan View of a Watercourse'.

C45 When mining in a watercourse and transporting excavated material to a fixed processing plant; the holder of the environmental authority must:

- where practical, leave rocks larger than 400mm in diameter in the watercourse; and
- return all excavated material to the watercourse from which it was mined, apart from material:
  - (i) less than 100 mm in diameter;
  - (ii) used in the construction of mine infrastructure (e.g. roads or dams); and
  - (iii) used for erosion protection.

Note 64 - In addition to the rehabilitation conditions outlined in this Code, the administering authority will consider the following issues when determining the rehabilitation requirements for the 'Scrub Lead' of the 'Gem Miners' Common':

- levelling, sloping or gradient treatment of the mined surface and backfilling of excavations shall not be required unless specifically directed by the administering authority;
- mine spoil heaps and waste rock stockpiles shall be eased to at least the minimum gradient required for safety;
- access roads and tracks used for mining activities may be left provided they are likely to remain safe for use by both fossickers and livestock.

C46 After the completion of mining activities in the normal flow channel of a watercourse, the holder of the environmental authority must reinstate the normal flow channel in a similar location and with similar channel characteristics to that of the previous undisturbed section. Adequate erosion protection must be provided to the reinstated bed and banks, in particular to the banks on the outer bends of the normal flow channel.

#### C47 **Dimension Stone Mining**

The holder of the environmental authority must prevent or minimise the release of fines from the processing plant.

Note 65 - If explosives are used during the mining operation the holder of the environmental authority must comply with the relevant Regulations, Policies and Procedures (e.g. Environmental Protection (Noise) Policy 1997, Environmental Protection (Air) Policy 1997 and any Material Safety Data Sheet (MSDS) for handling and storing explosives).

#### C48 **Opal Mining**

The holder of the environmental authority should leave reshaped areas disturbed by opal mining activities in an 'Uneven State', to facilitate natural revegetation through catching windblown seed and rainfall.

#### **Exploration Activities**

Mineral exploration on mining leases is authorised by the administering authority under provisions of the Environmental Protection Act 1994. Exploration activities allows the holder of the environmental authority to take action to determine the existence, quality and quantity of minerals by:

- prospecting;
- using instruments, vehicles, vessels, machinery and equipment and techniques appropriate to determine the existence of any mineral;
- sampling and testing of material to determine its mineral bearing capacity or properties of mineralisation; and
- carrying out other operations the Minister approves.
- geological, geophysical and geochemical programs and other work reasonably necessary to evaluate the potential for development of any mineral occurrence that has possible economic potential;
- mining feasibility studies;
- metallurgical testing;
- environmental studies;
- marketing studies;
- engineering and design studies; and

- other activities the Minister considers appropriate.

Examples of exploration activities include drilling, excavating, sampling, establishing gridlines and conducting geophysical surveys.

The holder of the environmental authority wishing to carry out exploration activities on the mining lease must apply to the administering authority for additional conditions. The holder of the environmental authority will be required to comply with the relevant Standard Environmental Conditions as detailed in the Code of Compliance for Exploration and Mineral Development Projects. The request must be made on the 'Approved Form' and the applicant must supply enough information to allow the 'Administering Authority' to decide whether or not to impose the additional condition/s. The administering authority may set additional conditions on the environmental authority. The administering authority may only set additional conditions as long as the mining lease project remains a standard mining activity. In deciding whether to set an additional condition, the administering authority must comply with any relevant 'Environmental Protection Policy' and consider the 'Standard Criteria'.

## Definition

### DEF DEFINITIONS

**Administering authority** - Means -

- (a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 of the *Environmental Protection Act 1994*; or
- (b) for all other matters – the Chief Executive of the Environmental Protection Agency; or
- (c) another State Government Department, Authority, Storage Operator, Board or Trust, who's role is to administer provisions under other enacted legislation (e.g. Department of Natural Resources who licence referable dams under the Water Act 2000).

**Alluvial mining** - means excavating, in any way, unconsolidated or waterborne or weathered materials (whether or not it is in a watercourse) and processing it by chemical methods or gravity separation to extract minerals from the material.

**Annual exceedence probability (AEP)** - For a given rainfall event the AEP is the probability that the event will be exceeded within a one year period. The AEP is usually expressed as a one in 'n' (years) or a percentage.

**Approved form** - Means a form approved by the administering authority.

**Archaeological site** - A site that has physical evidence of the past, which has the potential to increase our knowledge of earlier human occupation, activities and events.

**Banks** - The feature which confines major flows within a watercourse. They are steeper than a terrace and are generally of a slope greater than 1:1 on outer bends. Refer to Figure 1 – Cross Section through a Watercourse.

**Bend of a watercourse** - For the purposes of this Code, a bend is considered to be any change in the direction of the flood flow (ie. within the flood flow channel) in a watercourse that is greater than 30 degrees.

**Bund** - (a) 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 etc) or (b) a structure to prevent or reduce soil erosion.

**Campsite** - The area encompassing any dwelling, amenities (e.g. toilet block, power generator), sewage or general waste disposal facility and includes the office area and vehicle parking areas associated with a temporary or permanent mining camp.

**Clay pit mining** - Means excavating waterborne or weathered material (whether or not it is in a watercourse) and processing it by a non-crushing method.

**Contaminant** - The *Environmental Protection Act 1994* defines, under Section 11, a contaminant as:

- (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.

**Contamination** - Section 10 of the *Environmental Protection Act 1994* defines contamination of the environment as the release (whether by act or omission) of a contaminant into the environment.

**Contaminated land** - Schedule 3 of the *Environmental Protection Act 1994* defines contaminated land as land contaminated by a hazardous contaminant. (See below for a definition of hazardous contaminant.)

**Contaminated land register** - Means the register kept by the administering authority under section 541 of the *Environmental Protection Act 1994*.

**Contour banks** - Are mounds of earth constructed along the contours of the land to reduce the amount and velocity of run-off down the slope.

**Culvert** - A covered channel, or a pipe of large diameter conveying water below ground level. Also applies to a tunnel through which water is pumped or permitted to flow.

**Declared plant area** - Areas designated by the Department of Natural Resources or Local Government as areas infested with plants declared under section 69 of the *Rural Lands Protection Act 1985* (section 70 (3) lists the categories of declared plants).

**Declared plant** - A plant that has been declared under the *Rural Lands Protection Act 1985*.

**Density of cover** - In reference to trees and/or shrubs, it means the number of trees or shrubs in a specified area (e.g. 50 trees per square kilometre). With reference to understorey plant species (e.g. grasses and forbs), it means the percentage of surface area covered by a particular species.

**Designated service area** - Is a nominated site, selected and managed to minimise contamination of land or water, where the majority of services or maintenance of machinery or plant is to be conducted.

**Dimension stone mining** - Is the extraction of rock and the processing of this material by further cutting and shaping, mostly for use in building applications such as walls, floor tile, cladding and roofing (e.g. granite, marble, slate, sandstone and limestone).

**Environment** - Section 8 of the *Environmental Protection Act 1994* defines the environment as:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

**Environmental audit statement** - Verifies the accuracy of the final rehabilitation report and identifies any residual financial assurance requirements.

**Environmental authority** - Means a licence or approval issued by the administering authority under the *Environmental Protection Act 1994*.

**Environmental management register** - Means the register kept by the administering authority under section 541 of the *Environmental Protection Act 1994*.

**Environmental nuisance** - Section 15 of the *Environmental Protection Act 1994* defines environmental nuisance as “unreasonable interference or likely interference with an environmental value” caused by:

- (a) noise, dust, odour, light; or
- (b) an unhealthy, offensive or unsightly condition because of contamination; or
- (c) another way prescribed by regulation. (e.g. unreasonable noise or dust emissions)”

**Environmental protection policy** - Means an environmental protection policy approved under chapter 2 of the *Environmental Protection Act 1994*.

**Environmental relevant activity** - Means an activity prescribed by regulation as an environmental relevant activity.

**Environmentally sensitive areas** - Refers to locations, however large or small, that have environmental values that contribute to maintaining biological diversity and integrity, have intrinsic or attributed scientific, historical or cultural heritage value, or are important in providing amenity, harmony or sense of community. Refer to Appendix A.

**Environmental value** - Section 9 of the *Environmental Protection Act 1994* defines an environmental value as:

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an Environmental Protection Policy or Regulation (e.g. water suitable for swimming in or drinking)

**Ethnographic site** - An archaeological site of particular importance to the study of a cultural group.

**Exploration Activities** - Are mining activities permitted under an environmental authority, that allows the holder to:

- (a) determine the existence, quality and quantity of minerals;
- (b) evaluate the potential for development of the mineral resource;
- (c) mining and engineering feasibility studies; and
- (d) other activities approved by the Minister

**Final rehabilitation report** - Means a final rehabilitation report prepared under chapter 5, part 10, division 2, subdivision 2 of the *Environmental Protection Act 1994*. The report assesses the extent to which the standard environmental conditions and any additional conditions of the environmental authority have been met.

**Financial assurance** - Means a security deposit, either cash or a bank guarantee, that is held by the administering authority to cover the potential:

- (a) costs to rehabilitate areas disturbed by mining activities; and
- (b) costs to restore property improvements disturbed by mining activities; and
- (c) failure of the tenure holder to pay rents and royalties.

**Flood flow channel** - For a representative drawing of a flood flow channel refer to Figure 1 - 'Cross Section Through a Watercourse' and Figure 2 - 'Plan View of a Watercourse'.

**General waste** - Schedule 9 of the *Environmental Protection Regulation 1998* defines general waste as "means waste other than regulated waste". Waste rock, overburden and the contents of tailings dams are not included in the definition of general waste for the purposes of these conditions.

**Hard rock mining** - The extraction of ore from underground or open cut pits and the processing of this ore by crushing and or milling, and the use of gravity separation or chemical methods to extract minerals.

**Hazardous contaminant** - Schedule 3 of the *Environmental Protection Act 1994* defines a hazardous contaminant as "a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of:

- (a) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity, flammability; or
- (b) its physical, chemical or infectious characteristics. (eg: spills of mercury, cyanide, petrol, diesel or oil)".

**Historical site** - A site containing objects from the past that allows the study of the way people lived and worked at that place in the past.

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

**Lake** - A natural or artificial body of water, either permanent or intermittent.

**Landowner** - Schedule 3 of the *Environmental Protection Act 1994* defines the owner of the land as –

1. The "owner" of land is-
  - (a) for freehold land - the person recorded in the freehold land register as the person entitled to the fee simple interest in the land; or
  - (b) for land held under a lease, licence or permit under an Act—the person who holds the lease, licence or permit; or

- (c) for trust land under the *Land Act 1994*—the trustees of the land; or
  - (d) for Aboriginal land under the *Aboriginal Land Act 1991*—the persons to whom the land has been transferred or granted; or
  - (e) for Torres Strait Islander land under the *Torres Strait Islander Land Act 1991*—the persons to whom the land has been transferred or granted; or
  - (f) for land for which there is a native title holder under the Commonwealth Native Title Act - each registered native title party in relation to the land.
2. Also, a mortgagee of land is the owner of the land if-
- (a) the mortgagee is acting as a mortgagee in possession of the land and has the exclusive management and control of the land; or
  - (b) the mortgagee, or a person appointed by the mortgagee, is in possession of the land and has the exclusive management and control of the land.

**Licensed general waste disposal facility** - A site authorised by the administering authority to receive general waste or limited regulated waste (e.g. a rubbish dump).

**Limited regulated waste** - Schedule 9 of the *Environmental Protection Regulation 1998*, defines limited regulated waste. The only limited regulated wastes relevant to mining projects are asbestos and tyres.

**Material environmental harm** - Section 16 of the *Environmental Protection Act 1994* defines material environmental harm as:

- (1) material environmental harm is environmental harm (other than environmental nuisance)-
  - (a) that is not trivial or negligible in nature, extent or context; or
  - (b) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount but less than the maximum amount; or
  - (c) that results in costs of more than the threshold amount but less than the maximum amount being incurred in taking appropriate action to -
    - i. prevent or minimise the harm; and
    - ii. rehabilitate or restore the environment to its condition before the harm.

In this section -

**“maximum amount”** means the threshold amount for serious environmental harm.

**“threshold amount”** means \$5 000 or, if a greater amount is prescribed by regulation, the greater amount.

**Mine** - Section 6A of the *Mineral Resources Act 1989*, defines mining as –

- (1) **“Mine”** means to carry on an operation with a view to, or for the purpose of -
  - (a) winning mineral from a place where it occurs; or
  - (b) extracting mineral from its natural state; or
  - (c) disposing of mineral in connection with, or waste substances resulting from, the winning or extraction.
- (2) For subsection (2), extracting includes the physical, chemical, electrical, magnetic or other way of separation of a mineral.
- (3) Extracting includes, for example, crushing, grinding, concentrating, screening, washing, jigging, tabling, electro winning, solvent extraction electro winning (SX-EW), heap leaching, flotation, fluidised bedding, carbon-in-leach (CIL) and carbon-in-pulp (CIP) processing.
- (4) However, extracting does not include -
  - (a) a process in a smelter, refinery or anywhere else by which mineral is changed to another substance; or
  - (b) testing or assaying small quantities of mineral in teaching institutions or laboratories, other than laboratories situated on a mining lease; or (a)an activity,

prescribed under a regulation, that is not directly associated with winning mineral from a place where it occurs.

(5) For subsection (1)(c), includes the disposal of tailings and waste rock.

(6) A regulation under subsection (4)(c) may prescribe an activity by reference to the quantities of minerals extracted or to any other specified circumstances.

**Mine excavation** - The void resulting from the removal of earth for the purpose of obtaining ore or materials (e.g. gravel for road construction) used for mining related activities.

**Miner's common** - A sapphire mining area (3920 hectares) in the Emerald District, mined since the late 19th Century and set aside by the Queensland Government in September 1941 as the Miners' Common.

**Mining project** - All activities permitted to be performed under mining leases (including excavation, transportation and processing of ore). A mining project may include more than one mining lease.

**Native vegetation** - Vegetation that occurs naturally in a certain area.

**Noise sensitive place** - Means any of the following places –

- (a) a dwelling;
- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution;
- (d) a protected area or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
- (e) a marine park under the *Marine Parks Act 1982*; and
- (f) a 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).

**Normal flow channel** - For a representative drawing of a normal flood flow channel of a water course refer to Figure 1– 'Cross Section Through a Watercourse' and Figure 2 - 'Plan View of a Watercourse'.

**Notifiable activity** - Means an activity in schedule 2 of the *Environmental Protection Act 1994*.

**Opal mining** - Is the extraction of opal from underground or open cut pits and the processing of this ore by manual separation of opal rock or by using gravity separation methods to extract the opal.

**Outer bends** - For a representative drawing of an outer bend of a watercourse refer to Figure 1 - "Cross Section Through a Watercourse" and Figure 2 – "Plan View of a Watercourse".

**Overburden** - Material overlying a mineral ore deposit, up to but not including the topsoil.

**Plan of operations** - Is a planning document required under the *Environmental Protection Act 1994* for a standard mining project. The plan must be submitted to the administering authority prior to carrying out activities on the mining lease. The plan must contain an Action Program that will demonstrate how the holder of the environmental authority will meet the conditions of this Code.

**Project area** - The total area of the mining lease/s.

**Referable dam** - The *Water Resources Act 1989* defines referable dams as -

- (a) works or proposed works that include or would include a barrier whether permanent or temporary that does or could or would impound, divert or control water, which barrier-
- (i) is more than 8 m in height and has a storage capacity of more than 500 ML; or
  - (ii) is more than 8 m in height and has a storage capacity of more than 250 ML and a catchment area that is more than 3 times its maximum surface area or full supply level;
- (b) works -
- (i) that consist of or include or would consist of or include a barrier whether permanent or temporary that does or could or would impound, divert or control water or hazardous waste, other than a barrier defined in paragraph (a);
  - (ii) other than a barrier whether permanent or temporary that does or could or would impound, contain, divert or control hazardous waste;

declared by the chief executive by notification published in the gazette to be a referable dam by reason of the danger to life or property that could or would eventuate upon the collapse or failure of or the escape of hazardous waste from those works; and includes the storage areas created by the works but does not include a tank constructed of steel or concrete or a combination of those materials.

The term does not include a weir, other than a weir that has a variable flow control structure on the crest of the weir.

**Regulated waste** - Schedule 9 of the *Environmental Protection Regulation 1998* defines regulated waste as non-domestic waste mentioned in schedule 7 (whether or not it has been treated or immobilised), and includes –

- (a) for an element - any chemical compound containing the element; and
- (b) anything that has contained the waste.

(e.g. Regulated waste commonly generated from mining projects include tyres, oils, cyanide, mercury and batteries)

**Rehabilitation processes** - The measures and actions taken to achieve rehabilitation outcomes, including any or all of the following:

- removing all unwanted infrastructure;
- backfilling mine excavations (e.g. pits) and capping drill holes;
- reshaping the land surface to a stable landform similar to that of surrounding undisturbed areas;
- spreading of topsoil;
- spreading seed or planting seedlings to promote revegetation;
- benching ridge cuts and removing any overhanging material.

**Riverine area** - Refers to the land adjoining and associated with watercourses, including the bed, banks, adjoining terraced land and riparian vegetation. Refer to Figure 1 - "Cross Section Through a Watercourse".

**Scrub lead** - A Designated Fossicking Land (DFL) within the Miners' Common. Machine mining on mining leases up to 20ha in area is permitted within Scrub Lead DFL.

**Sediment pond** - A bunded or excavated structure used to contain and settle waterborne sediment running off disturbed areas.

**Sediment trap** - A device used to filter waterborne sediment running off disturbed areas. May include silt fences, hay bales or grassed strips.

**Serious environmental harm** - Section 17 of the *Environmental Protection Act 1994* defines serious environmental harm as -

- (1) environmental harm (other than environmental nuisance)
  - (a) that causes actual or potential harm to environmental values that is irreversible, of a high impact or widespread; or
  - (b) that causes actual or potential harm to environmental values of an area of high conservation value or special significance; or
  - (c) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or
  - (d) that results in costs of more than the threshold amount being incurred in taking appropriate action to-
    - (i) prevent or minimise the harm; and
    - (ii) rehabilitate or restore the environment to its condition before the harm.

In this section - “**Threshold amount**” means \$50 000 or, if a greater amount is prescribed by regulation, the greater amount.

**Shallow pit mining** - Means extracting and processing material from open cut pits no more than 5 m deep.

**Significantly disturbed land** - Land is significantly disturbed if –

- (a) it is contaminated land; or
- (b) it has been disturbed and human intervention is needed to rehabilitate it.

Significantly disturbed land includes:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation and topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining project activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining has ceased; or
- areas where land has been contaminated.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the EPA, areas previously significantly disturbed which have not achieved the rehabilitation objectives due to circumstances beyond the control of the mine operator (such as climatic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the EPA;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

**Site management plan** - Means a site management plan approved under chapter 7, part 8 of the *Environmental Protection Act 1994*.

**Standard criteria** - Are defined in schedule 3 of the *Environmental Protection Act 1994*. They are:

- (a) the principles of ecological sustainable development; and
- (b) any applicable environmental protection policy; and
- (c) any applicable Commonwealth, State or local government plans, standards, agreements or requirements; and
- (d) any applicable environmental impact study, assessment or report; and
- (e) the character, resilience and values of the receiving environment; and
- (f) all submissions made by the applicant and interested parties; and
- (g) best practice environmental management; and
- (h) financial implications; and
- (i) the public interest; and
- (j) any applicable site management plan; and
- (k) any other matter prescribed under a regulation.

**Standard environmental conditions** - For an environmental authority, means the standard environmental conditions approved for the authority under section 549 of the *Environmental Protection Act 1994*.

**Guidelines for livestock drinking water** - Recommended water quality guidelines for livestock drinking water. Refer to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 1992.

**Standard mining activity** - Means a mining activity decided to be a standard activity under section 151 of the *Environmental Protection Act 1994*.

**Suitability statement** - The *Environmental Protection Act 1994* defines a suitability statement as: for land, means a statement about the uses and activities for which the land is suitable.

**Tailings dams** - A dam used to collect the solid residues resulting from mineral ore processing.

**Technical guidelines** - Guidelines that indicate best practice environmental management.

**Topsoil** - The surface layer of a soil profile, which is usually 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 natural surface.

**Turkey's nest dam** - A dam constructed outside a watercourse, wetland or waterway by excavating a pit and constructing a wall around the pit with the excavated material. Natural surface flow is excluded from the dam.

**Uneven state** - In reference to ground, means ground that has not been compressed, made smooth or returned to a flat profile. The ground is left with small mounds and shallow pits of a small diameter to facilitate the catching of wind blown seed and the pooling of water after rain, to promote natural revegetation.

**Unreasonable noise** - Section 18 of the Environmental Protection (Noise) Policy 1997 defines unreasonable noise as - noise that

- (a) causes unlawful environmental harm; and
- (b) is unreasonable, having regard to the following matters:
  - (i) its characteristics;
  - (ii) its intrusiveness;
  - (iii) the time at which it is made;
  - (iv) where it can be heard;
  - (v) other noises ordinarily present at the place where it can be heard; and
- (c) is not declared to be reasonable in Schedule 2 of the Environmental Protection (Noise) Policy 1997 'Reasonable Noise Levels'.

**Unreasonable release** - of a contaminant to the air environment, means a release of odours, dust, smoke or other atmospheric contaminants, that:

- (a) cause unlawful environmental harm; and
- (b) is unreasonable having regard to the following matters:
  - (i) its characteristic;
  - (ii) its intrusiveness;
  - (iii) other releases of contaminants at the place affected by the release;
  - (iv) where the effect of the release of the contaminants can be noticed; or
  - (v) the order in which the person releasing the contaminant started to carry out the activity from which the release is made and persons affected by the release started to carry out other activities that may be affected by the release of the contaminant.

**Watercourse** - Means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with clear bed and banks and evidence of biological dependence.

**Waterway** - A naturally occurring feature where surface water runoff normally collects, such as a clearly defined swale or gully, but only flows in response to a local rainfall event.

**Wetland** - Are areas of permanent or periodic/intermittent inundation, whether natural or artificial, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6m. Wetlands typically include areas such as lakes, swamps, marshes, estuaries or mudflats.