

Permit¹

Environmental Protection Act 1994
Environmental Authority (Mining lease)
Non Code Compliant Level 2 Mining Project

Permit¹ Number: MIN204008812

This permit is issued by the administering authority to authorise the activity specified in the permit in accordance with the conditions specified in the permit. This decision was made pursuant to Section 258 of the Environmental Protection Act 1994.

Takes Effect From: 27 July 2012

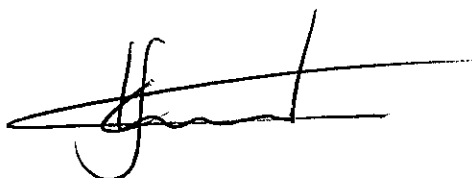
Details

Permit Holder(s)	Name	Address
Principal Holder	Ernest James Slater	c/o Sapphire Post Office Sapphire QLD 4702

Activity(s)	Location(s)
Mining Lease activities (ML)	ML70347

The anniversary date of the environmental authority is *31 May*.

The environmental authority is subject to the attached conditions of approval and the Standard Environmental Conditions in the *Code of Environmental Compliance for Mining Lease Projects, January 2001*.



Christopher Loveday
Delegate of Administering Authority
Environmental Protection Act 1994
27 July 2012

Enquiries:
Permit and Licence Management
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¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Additional advice about the approval

1. This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for this activity which might be required by other State and / or Commonwealth legislation. Other legislation administered by the Queensland Government for which a permit may be required includes but is not limited to include:
 - (a) *Aboriginal Cultural Heritage Act 2003*;
 - (b) The contaminated land provisions of the *Environmental Protection Act 1994*;
 - (c) *Mineral Resources Act 1989*;
 - (d) *Forestry Act 1959*;
 - (e) *Vegetation Management Act 1999*;
 - (f) *Strategic Cropping Land Act 2011*;
 - (g) *Nature Conservation Act 1992*; and
 - (h) *Water Act 2000*.

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

2. If there is any inconsistency between a standard environmental condition referred to in the *Code of Environmental Compliance for Mining Lease Projects*, January 2001, and an additional condition in this environmental authority, the additional condition prevails to the extent of any inconsistency.
3. 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 *Code of Environmental Compliance for Mining Lease Projects*, January 2001, and the definitions in the *Environmental Protection Act 1994*, its regulations and policies must be used, and the definitions found in the Macquarie Dictionary. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the Macquarie Dictionary.

Permit conditions

Department Interest: General

- A1** The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*, January 2001, except where a condition of the Code is replaced by the conditions of this environmental authority.
- A2** 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: It is a requirement of the Environmental Protection Act 1994 that a Plan of Operations be submitted to the administering authority at least 28 days prior to commencing activities on the mining lease, unless a shorter period is approved by the administering authority.*
- The Environmental Protection Act 1994 specifies the content requirements for a Plan of Operations.*
- A3** Provide a financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.
- A4** The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.
- Note: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance may be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.*
- A5** 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*.
- Activity**
- A6** 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 the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.
- Monitoring, Reporting and Emergency Response Procedures**
- A7** The environmental authority holder must comply with each of the 'Monitoring, Reporting and Emergency Response Procedures' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.
- A8** All reasonable actions are to be taken to minimise environmental harm, or potential environmental harm, resulting from any emergency, incident or circumstances not in accordance with the conditions of this environmental authority.
- A9** The holder must notify the administering authority by written notification as soon as practicable but within 24 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.

Note: Notification to the administering authority must be addressed to the Manager or Project Manager of the local Administering Authority via email (manager.miningCWR@derm.qld.gov.au) or facsimile (facsimile: 4987 9399). Notification may also be made to the Pollution Hotline on 1300 130 372, available 24 hours 7 days a week.



- A10** The notification in condition A9 must include, but not be limited to, the following:
- a) The environmental authority number and name of the holder;
 - b) The name and telephone number of the designated contact person;
 - c) The location of the emergency or incident;
 - d) The date and time of the emergency or incident;
 - e) The time the holder of the environmental authority became aware of the emergency or incident;
 - f) Where known:
 - i. the estimated quantity and type of substances involved in the emergency or incident;
 - ii. the actual or potential cause of the emergency or incident;
 - iii. a description of the nature and effects of the emergency or incident including environmental risks, and any risks to public health or livestock;
 - g) Any sampling conducted or proposed, relevant to the emergency or incident;
 - h) Immediate actions taken to prevent or mitigate any further environmental harm caused by the emergency or incident; and
 - i) What notification of stakeholders who may be affected by the emergency or incident has occurred or is being undertaken.
- A11** As soon as practicable, but not more than 6 weeks following the initial notification of an emergency, incident or information about circumstances which result or may result in environmental harm, environmental monitoring must be performed and written advice must be provided of the results of any such monitoring performed to the administering authority.
- A12** The holder must notify, in writing, the occupiers or registered owners of affected land and any other potentially impacted stakeholder as soon as reasonably practicable after becoming aware of any emergency or incident that has the potential to impact on environmental values or breaches any condition of this environmental authority concerning releases of contaminants to the environment.
- A13** The notification in condition A12 must include the following:
- a) The location of the emergency or incident;
 - b) The date and time of the emergency or incident;
 - c) The estimated quantity and type of any substances involved in the emergency or incident;
 - d) The potential impacts to environmental values caused by the emergency or incident; and
 - e) Where there is potential impact on livestock or human health, precautionary measures that should be taken.

Department Interest: Air
Air Quality

- B1** The environmental authority holder must comply with each of the 'Air Quality' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Department Interest: Water
Contaminant Release

- C1** Mine affected water must not be released to waters.

Note: It is an offence under the Environmental Protection Act 1994 to unlawfully deposit a prescribed water contaminant (i) in waters or... (ii) at another place, and in a way, so that the contaminant could reasonably be expected to wash, blow, fall or otherwise move into waters.

Stormwater and Water Sediment Controls

- C2** The environmental authority holder must comply with each of the 'Erosion and Sediment Control' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Dams

- C3** The environmental authority holder must comply with each of the 'Dams' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.
- C4** The number of dams permitted is restricted to no more than 1 dam at any one time.

C5 Regulated structures are not authorised under this environmental authority.

Department Interest: Noise

Noise Emissions

D1 The environmental authority holder must comply with each of the 'Noise Emissions' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Department Interest: Waste

Waste Management

E1 The environmental authority holder must comply with each of the 'Waste Management' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

E2 All waste must be removed and disposed of offsite.

Department Interest: Land

Land Disturbance

F1 The environmental authority holder must comply with each of the 'Land Disturbance' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Topsoil and Overburden Management

F2 The environmental authority holder must comply with each of the 'Topsoil and Overburden Management' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

F3 Topsoil stockpiles must not exceed 2 metres in height.

F4 Overburden stockpiles must not exceed 5 metres in height.

F5 The spillage of any topsoil or overburden must be controlled in a manner that prevents environmental harm.

Hazardous Contaminants

F6 The environmental authority holder must comply with each of the 'Hazardous Contaminants' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Nature Conservation

F7 The environmental authority holder must comply with each of the 'Nature Conservation' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*, except condition 14, which is replaced by conditions **F8 to F12** of this environmental authority.

F8 The environmental authority holder must not undertake mining activities within any Category A Environmentally Sensitive Area.

Note: The criteria for mining activities forming a Level 1 or Level 2 mining project are identified within the Environmental Protection Act 1994 and subordinate legislation. Under a Level 2 mining project the mining activities are not, or will not be, carried out in a Category A Environmentally Sensitive Area.

F9 The environmental authority holder must not undertake any mining activities within 2 kilometres of any Category A Environmentally Sensitive Area.

- F10** The environmental authority holder must not undertake mining activities within any Category B Environmentally Sensitive Area.

Note: The criteria for mining activities forming a Level 1 or Level 2 mining project are identified within the Environmental Protection Act 1994 and subordinate legislation. Under a Level 2 mining project the mining activities are not, or will not be, carried out in a Category B Environmentally Sensitive Area.

- F11** The environmental authority holder may undertake mining activities within 1 kilometre of a Category B Environmentally Sensitive Area.

Note: ML70347 does not contain any Category B Environmentally Sensitive Areas. However, Category B Environmentally Sensitive Areas (Endangered Regional Ecosystem) fall outside ML70347, where ML70347 is entirely situated within the buffer (1 kilometre) of Endangered Regional Ecosystem. Refer to Attachment 1.

- F12** The environmental authority holder must not undertake mining activities within any Category C Environmentally Sensitive Area.

- F13** Habitat trees must be protected.

- F14** Trees or shrubs with nests of birds of prey (raptors) whether active or not, or visibly active non-raptor bird nests must be protected.

- F15** No clearing of mature trees is authorised except with approval of the administering authority.

- F16** Debris from clearing or felling of trees must not accumulate within two (2) metres of any retained tree.

- F17** Burning of vegetation is not permitted.

Other Level 2 Environmentally Relevant Activities

- F18** The environmental authority holder must comply with each of the 'Other Level 2 Environmentally Relevant Activities' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Roads and Tracks

- F19** The environmental authority holder must comply with each of the 'Roads and Tracks' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Campsites

- F20** The environmental authority holder must comply with each of the 'Campsites' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Mine and Process Plant

- F21** The environmental authority holder must comply with each of the 'Mine and Process Plant' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Service, Maintenance and Storage Areas

- F22** The environmental authority holder must comply with each of the 'Service, Maintenance and Storage Areas' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

Rehabilitation

- F23** The environmental authority holder must comply with each of the 'Rehabilitation' Standard Environmental Conditions contained in the *Code of Environmental Compliance for Mining Lease Projects*.

- F24** All land subject to mining activities within 1 kilometre of a Category B Environmentally Sensitive Area must be rehabilitated to a non-polluting, safe, stable and self sustaining landform.

Conditions Specific to Mining Types

- F25** The environmental authority holder must comply with each of the Standard Environmental Conditions contained in section 3.3 'Conditions for specific mining types' within the *Code of Environmental Compliance for Mining Lease Projects*.

Department Interest: Community

Complaint Response

- G1** All complaints received must be recorded including investigations undertaken, conclusions formed and actions taken. This information must be made available to the administering authority on request.
- G2** The holder of this environmental authority must record the following details for all complaints received and provide this information to the administering authority on request:
- a) name, address and contact number of the complainant (if not available record – not identified);
 - b) time and date of complaint;
 - c) investigations undertaken;
 - d) conclusions formed;
 - e) actions taken to resolve complaint;
 - f) any abatement measures implemented; and
 - g) person responsible for resolving the complaint.
- G3** When requested by the administering authority, the environmental authority holder must undertake relevant specified monitoring within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint of environmental harm at any sensitive place or commercial place. The results of the investigation (including an analysis and interpretation of the monitoring results) and abatement measures implemented must be provided to the administering authority within 14 days of completion of the investigation.



Definitions

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

“active birds nests” means birds are nesting or there are eggs in the nest or hollow.

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

“campsite” means 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.

“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.

“dam” means a land-based structure or a void that is designed to contain, divert or control flowable substances, and includes any substances that are thereby contained, diverted or controlled by that land-based structure or void and associated works. A dam does *not* mean a fabricated or manufactured tank or container, designed and constructed to an Australian Standard that deals with strength and structural integrity of that tank or container.

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

“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.

“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*.

“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.

“hazard category” means a category, either low, significant or high, into which a dam is assessed as a result of the application of tables and other criteria in the *Manual for Assessing Hazard Categories and Hydraulic Performance of Dams*.

“habitat trees” means those that contain a hollow of 10cm in diameter or bigger and are 2m or more in height.

“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.

“lake” includes –

- a) lagoon, swamp or other natural collection of water, whether permanent or intermittent; and
- b) the bed and banks and any other element confining or containing the water.

“mature trees” means a tree that is 70% or greater of the predominant canopy height.

“mine affected water” means the following types of water:

- i) pit water, tailings dam water, processing plant water;
- ii) water contaminated by a mining activity which would have been an environmentally relevant activity under Schedule 2 of the *Environmental Protection Regulation 2008* if it had not formed part of the mining activity;
- iii) rainfall runoff which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated, excluding rainfall runoff discharging through release points associated with erosion and sediment control structures that have been installed in accordance with the standards and requirements of an Erosion and Sediment Control Plan to manage runoff containing sediment only, provided that this water has not been mixed with pit water, tailings dam water, processing plant water or workshop water;
- iv) groundwater which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated;
- v) groundwater from the mine’s dewatering activities;
- vi) a mix of mine affected water (under any of paragraphs i)-v)) and other water.

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

“non-raptor” means any bird apart from birds of prey.

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

“raptors” means a bird of prey. Families of birds classed as raptors include eagles, hawks, falcons and owls.

“regulated structure” means any dam or levee in the significant or high hazard category as assessed using the *Manual for Assessing Hazard Categories and Hydraulic Performance of Dams* published by the administering authority.

“regulated waste” means non-domestic waste mentioned in schedule 7 of the *Environmental Protection Regulation 2008* (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.

“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.

“sensitive place” means:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) an educational institution; or
- d) a medical centre or hospital; or

- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- f) a public park or gardens.

“stable” in relation to land, means land form dimensions are or will be stable within tolerable limits now and in the foreseeable future. Stability includes consideration of geotechnical stability, settlement and consolidation allowances, bearing capacity (trafficability), erosion resistance and geochemical stability with respect to seepage, leachate and related contaminant generation.

“storm water” means all surface water runoff from rainfall.

“waste” as defined in section 13 of the *Environmental Protection Act 1994*.

“water” means –

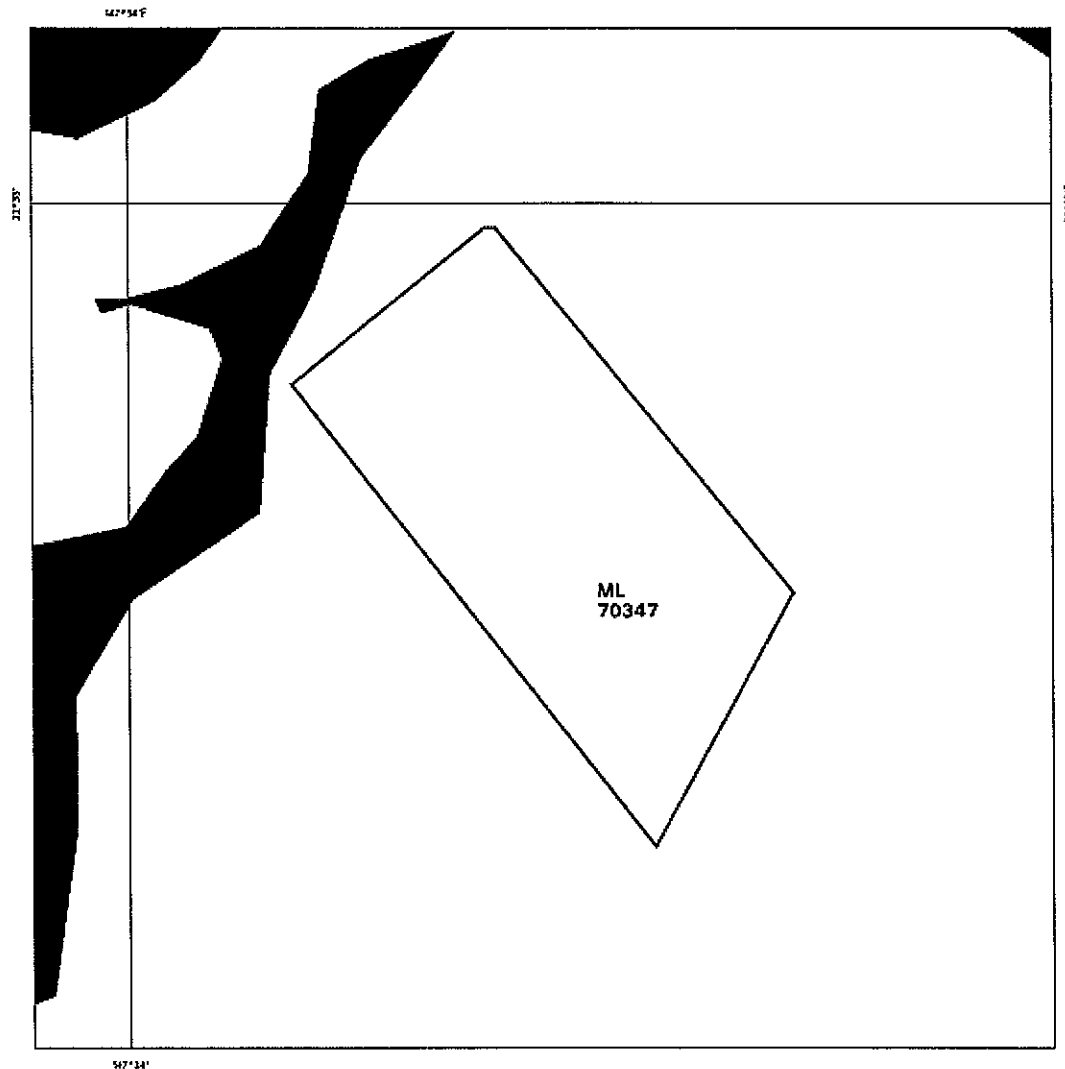
- a) water in waters or spring;
- b) underground water;
- c) overland flow water; or
- d) water that has been collected in a dam.

“waters” includes –

- a) river, creek, stream in which water flows permanently or intermittently either:
 - i. in a natural channel, whether artificially improved or not; or
 - ii. in an artificial channel that has changed the course of the river, creek or stream; or
- b) lake, lagoon, pond, swamp, wetland, dam; or
- c) unconfined surface water; or
- d) storm water channel, storm water drain, roadside gutter; or
- e) bed and banks and any other element of a river, creek, stream, lake, lagoon, pond, swamp, wetland, storm water channel, storm water drain, roadside gutter or dam confining or containing water; or
- f) groundwater; or
- g) non-tidal or tidal waters (including the sea); or
- h) any part thereof.

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

Attachment 1 – Mining Lease 70347



Legend

- Selected Mining Lease**
- CATEGORY A**
- National Parks
 - Conservation Parks
 - Forest Reserves
 - Wet Tropics World Heritage Area
 - Great Barrier Reef Marine Park Region
 - Marine Parks other than General Use Zones
- CATEGORY B**
- World Heritage Areas
 - Queensland Heritage Register Places
 - Ramsar Sites
 - Outstanding Heritage Registered Areas and DLAs other than Stanbrooke
 - Special Forestry Areas
 - Fish Habitat Areas
 - Korih Plan
 - Coordinated Conservation Areas
 - Endangered Regional Ecosystems (Biodiversity Status)
 - General Use Zones of Marine Parks
 - Marine Plants

- CATEGORY C**
- Nature Refuges
 - Resources Reserves
 - Declared Catchment Areas
 - Declared Inigation Areas
 - Drainage Areas
 - River Improvement Areas
 - Stanbrooke DLA
 - State Forests
 - Timber Reserves
 - Coastal Management District
 - Dams and Wharves
 - OTHERS
 - Roads
 - Towns
 - Wald River
 - Nominated Waterways
 - Wald River High Preservation Areas
 - Wald River Preservation Areas
 - Mahogany Glider Habitat
 - Directory of Important Wetlands Queensland

ENVIRONMENTALLY SENSITIVE AREAS - Mining Activities

Requested By: 50PH-ECOM-HORS@EMRQL.DGOV.AU
Date: 10 Jul 12 Time: 12:00:05

Centered on Tenures
ML 70347



This scale bar is approximate only.
Horizontal Datum: Geocentric Datum of Australia 1984 (GDA84)
This product is unprojected and is not suitable for measuring distances

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NOTE TO USER: Themes presented in this map are indicative only. Field survey may be required to verify the true spatial extent and value. Not all environmentally sensitive areas are presented in this map. A user should refer to the particular circumstances relevant to their situation to assess the 'completeness' of themes provided.

The user should note that some boundaries and indicated values are ambient and may change over time (e.g. regional ecosystem boundaries and conservation status, watercourse mapping etc.).

The user should be aware that due to multiple overlapping themes/layers present, some themes/layers may be obscured by others. Ordering in the Legend does not accurately reflect the order by which themes/layers are displayed.

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END OF ENVIRONMENTAL AUTHORITY

