Permit

Environmental Protection Act 1994

Environmental authority EPVL00718013

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

Environmental authority number: EPVL00718013

Environmental authority takes effect on 27 July 2012.

The anniversary date of this environmental authority is 31 May. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 01 April.

Environmental authority holder(s)

Name(s)	Registered address
Christopher Horne	26 Dawn Crescent EMERALD QLD 4720
Erica Horne	26 Dawn Crescent EMERALD QLD 4720

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Non-Scheduled - Mining Activity - Mining Lease (ML)	ML70347

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 <u>www.qld.gov.au</u>, using the search term 'duty to notify'.

Take effect

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

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

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

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

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

Department of Environment, Science and Innovation Delegate of the administering authority Environmental Protection Act 1994 Enquiries: Minerals Business Centre Department of Environment, Science and Innovation Phone: 07 4222 5352 Email: <u>ESCairns@des.qld.gov.au</u>

Privacy statement

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

Obligations under the Environmental Protection Act 1994

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

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

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access State controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Obligations under the Mining and Quarrying Safety and Health Act 1999

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

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Environment, Science and Innovation to ensure that you have the most current version of the environmental authority relating to this site.

Additonal advice about the approval

- 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 regards 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 the 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 (<u>ESCairns@des.qld.gov.au</u>). Notifications may also be made to the Pollution Hotline on 1300 130 371, 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 a 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 contaminated (*i*) in waters or ... (*ii*) at another place, an in a way, so that the contaminant could reasonable 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' 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 Protections 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 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 3 mining project are identified within the Environmental Protection Act 1994 and subordinate legislation. Under a Level 2 mining activities 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 may 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 the 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 complaint (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 bird 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 emcompassing 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.

"dams" 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 and-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 mining activity which would have been an environmentally relevant activity under Schedule 2 of the Environmental Protection Regulation 2008 if it has 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 structure that have been installed in accordance with the standards and requirements of an Erosion and Sediment Contril 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 mines dewatering actities;
- 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 the 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 World Heritage Area; or
- f) a public park or gardens.

"**stable**" in relation to land, means land form dimensions are ir 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 geotechnical stability with respect to seepage, leachate and related contaminant generation.

"storm water" means all surface water runoff from rainfall.

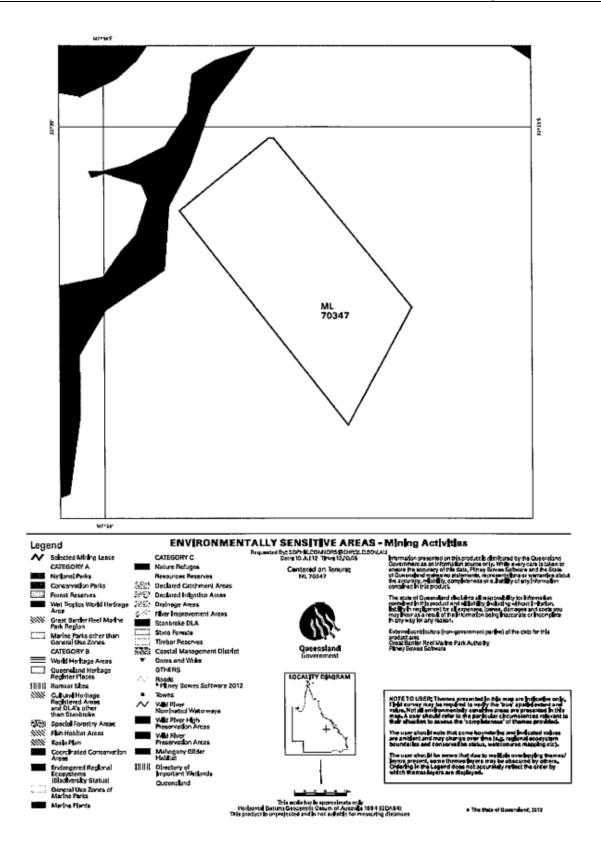
"waste" as defined in section 13 of the Environmental Protection Act 1994.

"water" 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



END OF ENVIRONMENTAL AUTHORITY