Permit[1]

Environmental Protection Act 1994

Environmental authority

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

Permit[1] number: EPVL01125313

Environmental authority takes effect 3 June 2013

The first annual fee is payable within 20 business days of the effective date (grant of tenure).

The anniversary date of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee which is currently $551.00 will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
Three Peaks Mines Pty Ltd	PO Box 182 CLARE SA 5453

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Mining - ML	ML20686

Additional information for applicants

Environmentally relevant activities

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

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

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

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

Contaminated land

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

Signature

3/6/13
Date

Dean Sharpe
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
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Obligations under the *Environmental Protection Act 1994*

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

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

Conditions of environmental authority

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

- The *Code of Environmental Compliance for Mining Lease Projects*; and
- The *Code of Environmental Compliance for Exploration and Mineral Development Projects*.

Variations to the standard conditions include:

Schedule A – General

A1 This environmental authority authorises environmental harm referred to in the conditions. Where there is no condition or this environmental authority is silent on a matter, the lack of a condition or silence does not authorise environmental harm.

A2 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*.

A3 The holder of this environmental authority is to give the administering authority financial assurance in the amount and form and at a time required by the administering authority.

A4 The holder of this environmental authority must comply with each of the standard environmental conditions contained in the latest version of the *Code of Environmental Compliance for Mining Lease Projects*.

A5 All exploration activities carried out on the mining leases must comply with each of the standard environmental conditions contained in the latest version of the *Code of Environmental Compliance for Exploration and Mineral Development Projects*.

A6 Where there is any inconsistency between the conditions of the *Code of Environmental Compliance for Mining Lease Projects* and the *Code of Environmental Compliance for Exploration and Mineral Development Projects*, the conditions of the *Code of Environmental Compliance for Mining Lease Projects* will apply to the extent of the inconsistency.

Schedule B – Land

General

B1 Mining activities must be carried out in a way that minimises the risk of impacts on the biodiversity or natural heritage values of the Brooklyn Nature Refuge.

B2 Prior to commencement of significant disturbance on the surface of the mining lease, the holder of this environmental authority must:

(a) engage an appropriately qualified person to undertake a comprehensive flora survey in accordance with the latest version of the administering authority's *Guidelines for Flora Survey and Assessment in Northern Queensland*;

(b) provide a report, in accordance with the latest version of the administering authority's *Guidelines for Flora Survey and Assessment in Northern Queensland*, to the administering authority; and

(c) give due consideration to any comments made by the administering authority in relation to the report required by condition B2 (b).

B3 An appropriately qualified spotter/catcher must be engaged to work ahead of vegetation clearing to ensure the protection of prescribed native wildlife and breeding places.

Note: This environmental authority does not authorise the taking of native wildlife or the tampering with a breeding place that is being used by prescribed native wildlife to incubate or rear the animal's offspring.

B4 The holder of this environmental authority must maintain records for a period of not less than 5 years, detailing the person/s engaged in accordance with conditions B2 and B3 and the duties, dates and duration of the activities conducted onsite.

B5 Campsites must not be established within the Brooklyn Nature Refuge.

Exploration

B6 Exploration drill holes must be capped immediately following the cessation of drilling to minimise injury to native wildlife.

Rehabilitation

B7 Areas disturbed by mining activities must be revegetated with native plant species, endemic to the area that will promote the same vegetation type and density of cover to that of the surrounding undisturbed areas in the Brooklyn Nature Refuge. The holder of this environmental authority must consult with the landholder prior to development and implementation of revegetation strategies.

Schedule C – Waste

C1 Notwithstanding condition 21 in the *Code of Environmental Compliance for Mining Lease Projects,* dated January 2001, the holder of this environmental authority must remove and dispose of all general waste and regulated waste to a facility that is lawfully able to accept the waste.

Schedule D – Notification

D1 The holder of this environmental authority must notify the administering authority by written notification within twenty-four (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.

Schedule E – Definitions

Words and phrases used throughout this environmental authority are defined below. 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 *Environmental Protection Act 1994*, its Regulations and Environmental Protection Policies must be used.

"appropriately qualified person", means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

"breeding place" of an animal, means a bower, burrow, cave, hollow, nest or other thing that is commonly used by the animal to incubate or rear the animal's offspring.

"licensed place" means the mining tenements specified on page 1 of this environmental authority.

"native wildlife" means any taxon or species of wildlife (including flora) indigenous to Australia.

"prescribed native wildlife" for the purposes of this environmental authority, means native wildlife (including plants) listed as near threatened, vulnerable or endangered, under schedule 2, 3 and 5 of the *Nature Conservation (Wildlife) Regulation 2006.*

"significant disturbance" in accordance with section 28 of the *Environmental Protection Regulation 2008* means:

(a) it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it:

  (i) to a condition required under the relevant environmental authority; or

  (ii) if the environmental authority does not require the land to be rehabilitated to a particular condition, to the condition it was in immediately before the disturbance.

Examples of a disturbance to land:

(a) the covering, compaction, exposure, removal or stockpiling of soil or other material;

(b) the destruction or removal of vegetation;

(c) the carrying out of a mining activity in a watercourse or wetland; or

(d) the submergence of an area with a hazardous contaminant, tailings, or water.

"spotter/catcher" means a person who holds a rehabilitation permit in accordance with section 207 of the *Nature Conservation (Wildlife Management) Regulation 2006* for the purpose of care and rehabilitation of a sick, injured or orphaned protected animal, or a protected animal whose habitat has been, or will be, destroyed by human activity or a natural disaster.

END OF PERMIT

Attachments

- The *Code of Environmental Compliance for Mining Lease Projects*; and
- The *Code of Environmental Compliance for Exploration and Mineral Development Projects*.