

Permit

Environmental Protection Act 1994

Environmental authority EPVL01404613

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

Environmental authority number: EPVL01404613

Environmental authority takes effect on 15 August 2018

Environmental authority holder(s)

Name(s)	Registered address
Sinclair Oldfield	Unit 11 54 Iluka Rd WOOMBAH NSW 2469 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Resource Activity, Non-Scheduled, Mining Activity, Mining Lease - ML	ML70500

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, 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.

Dean Sharpe
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Coal & Gemstone Mining
Department of Environment and Science
Phone: 07 4987 9320
Email: crmining@des.qld.gov.au

Date issued: 15 August 2018

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:

- “Code of Environmental Compliance for Mining Lease Projects” (EM588)

Variations to the standard conditions include:

Agency Interest: General	
Condition Number	Condition
A1	This environmental authority does not authorize environmental harm unless a condition contained within the environmental authority explicitly authorises the harm. Where there is no condition of the environmental authority is silent in a matter, the lack of condition or silence shall not be construed as authorised harm.
A2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
A3	Provide financial assurance in the amount and for 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. <i>Note: Where progressive rehabilitation is completed and the 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.</i>
A5	The holder of this environmental authority must comply with each of the environmental conditions contained in the <i>Code of Environmental Compliance for Mining Lease Projects</i> (EM588) except condition 14 which is replaced by the conditions within this authority.
A6	The conditions of the environmental authority are in force until a surrender of the authority is accepted pursuant to the <i>Environmental Protection Act 1994</i> . The conditions apply unless an amendment is approved pursuant to the <i>Environmental Protection Act 1994</i> .

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Agency Interest: Land	
Condition Number	Condition
B1	The environmental authority holder is authorised to undertake mining activities, within the 1km buffer of any Category B Environmentally Sensitive Areas , in accordance with <i>Attachment 1: EPVL01404613 Location of mining activities: ML70500.</i>
B2	The environmental authority holder is not authorised to undertake mining activities in any Category B Environmentally Sensitive Area .
B3	Existing access and fence line tracks must be used wherever possible. Any new tracks are to be constructed (with prior consultation of the landowner) by linking naturally cleared or disturbed areas.
B4	When constructing tracks , the environmental authority holder must minimise disturbance and avoid clearing of trees in or within the 1km buffer and in Category B Environmentally Sensitive Areas .
B5	Rehabilitation must be carried out in accordance with the <i>Code of Environmental Compliance for Mining Lease Projects</i> (EM588).
B6	Rehabilitation of disturbance within the 1km buffer of Category B Environmentally Sensitive Areas must be completed as soon as practicable, but no longer than three (3) months after completion of the disturbance activity.
B7	All land subject to mining activities must be rehabilitated with six (6) months of concluding mining activities to a non-polluting safe, stable and self-sustaining landform as per the <i>Code of Environmental Compliance for Mining Lease Projects</i> (EM588).
B8	An annual report must be prepared each year and submitted with each annual return, The report must include a map identifying all mining activities undertaken to date on each tenure under this environmental authority . The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority .

END OF CONDITIONS

DEFINITIONS

Key terms and/or phrases used in this document are defined in this section and bolded throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies and codes must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities under the *Environmental Protection Regulation 2008*, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successor or predecessors.

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

Boundary means within 1m of the cadastral boundary of the approved place.

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

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.

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.

Landowner is as per the definition in the *Code of Environmental Compliance for Exploration and Mineral Development Projects*.

Measures has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

Must, an obligation or necessity.

Track/s means roads, tracks or paths, greater than ten (10) metres in length, that have been fully stripped of all vegetation to enable the progress of vehicles, equipment or pedestrians.

END OF DEFINITIONS

Attachment 1:EPVL01404613 Location of mining activities: ML70500

