Permit

Environmental Protection Act 1994

Environmental authority P-EA-100641731

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

Environmental authority number: P-EA-100641731

Environmental authority takes effect on 4 September 2024

Environmental authority holder(s)

Name(s)	Registered address
CAPE FLATTERY SILICA MINES PTY LTD	Cairns Corporate Tower Level 15, 15 Lake Street CAIRNS QLD 4870 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
50(1a) – Mineral And Bulk Material Handling - loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals within 5km of the highest astronomical tide or 1km of a watercourse.	Lot 9 on Plan BS223 Lot 10 on Plan BS224 Lot 11 on Plan BS268

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).

Queensland Government

Mobile and temporary activities

If you operate a mobile and temporary environmentally relevant activity (ERA), other than regulated waste transport, you are required to maintain a work diary. You must:

- use the approved form for a work diary (ESR/2015/1696);
- keep the work diary records for 2 years after the last entry;
- inform the administering authority within 7 days of the work diary being lost or stolen;
- record the information required in the work diary for each location within 1 day of leaving the location.

Contaminated land

It is a requirement of the EP Act that an owner or occupier of land give written notice to the administering authority if they become aware of the following:

- the presence of, or happening of an event involving, a hazardous contaminant on the land that is causing, or is reasonably likely to cause, serious or material environmental harm (notice must be given within 24 hours); or
- if the land is contaminated land – a change in the condition of the land that is causing, or is reasonably likely to cause, serious or material environmental harm (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 land (notice must be given within 20 business days).

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'.

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.

The anniversary day of this environmental authority is the same day each year as the effective date. 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.

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.

T.Gibbs	4 September 2024
Signature	Date

Teale Gibbs
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Minerals Business Centre
PO Box 7230, Cairns QLD 4870
Phone: (07) 4222 5352
Email: ESCairns@des.qld.gov.au

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 www.resources.qld.gov.au, 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.

Conditions of environmental authority

Schedule A – General

Schedule B – Air

Schedule C – Land

Schedule D – Water

Schedule E – Noise

Schedule F – Waste

Schedule G – Definitions

Schedule H – Maps and Plans

Schedule A — General

A1	The activity operating under this environmental authority must not be conducted contrary to any of the following limitations: a) Loading, unloading and storage only of silica sand, b) The silica sand must be loaded, unloaded or stored within the 'Ports North – Strategic Port Land' area as shown in *Figure H1 – CFSM Bulk Handling Facility* and following listed coordinate bounds.
A2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
A3	**Maintenance of plant and equipment** The environmental authority holder must: a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and b) maintain such measures, plant and equipment in a proper and efficient condition; and c) operate such measures, plant and equipment in a proper and efficient manner; and d) ensure all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.
A4	**Monitoring** All monitoring and investigations required by this environmental authority must be undertaken by an appropriately qualified person.
A5	Any records kept or created in relation to this environmental authority must be: a) kept for a period of at least five years; and b) provided to the administering authority on request; and c) provided to the administering authority in the format requested.
A6	When required by the administering authority, monitoring must be undertaken in the manner and timeframe required by the administering authority.
A7	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
A8	Records must be kept for all bulk material handling activities carried out in accordance with this environmental authority. Records must include but not be limited to: a) the mineral type; and b) a safety data sheet or product assay for the specific mineral; and c) the duration the mineral was handled (including start and finish times and dates); and d) the quantity of mineral handled; and e) whether the activity involved loading or unloading of the mineral; and f) the loading or unloading method used; and g) the location or berth number at which the mineral was handled; and h) for shipping activities, the name of the vessel loaded or unloaded.
A9	The activity must be undertaken in accordance with written procedures that: a) identify potential risks to the environment from the activity during routine operations and emergencies; and

	b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the *Environmental Protection Act* 1994; and f) must be provided to the administering authority upon request.
A10	A housekeeping procedure for activities authorised under this environmental authority must be developed and implemented prior to commencement of operations which must include, but not be limited to: a) completion of periodic inspections of the site including all structures, plant and equipment and trafficked surfaces to identify and remove exposed materials that may be mobilised by wind, water or equipment movement; and b) an ongoing cleaning and maintenance schedule to minimise any potential release of materials and other contaminants and ensure there is no build-up of materials or contaminants over time in areas or on equipment where it may be mobilised.
A11	**Contravention of condition** Unless specifically authorised by a condition of this environmental authority, details of any contravention of a condition of this environmental authority must: a) be reported to the administering authority within 24 hours of becoming aware of the contravention; and b) include the nature and circumstances of the contravention and any immediate actions taken.
A12	As soon as reasonably practicable but no later than 20 business days of a report made under condition **A11** (or a period agreed to in writing by the administering authority), an investigation must be undertaken to determine: a) Date; and b) Time; and c) Duration; and d) Location; and e) What happened; and f) Why did it happen; and g) Estimated volume and extent of any release; and h) Conditions breached; and i) Actions taken to contain and rectify; and j) Actions to prevent a recurrence.
A13	**Risk Management** The holder of this environmental authority must develop and implement a risk management system for activities which mirrors the content requirement of the Standard for Risk Management (ISO31000:2018), or the latest edition of an Australian Standard for risk management, to the extent relevant to environmental management.
A14	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.
A15	**Complaints**

	The holder of this environmental authority must record all environmental complaints received about the proposed activities including: a) name, address and contact number for of the complainant b) time and date of complaint c) reasons for the complaint d) investigations undertaken e) conclusions formed f) actions taken to resolve the complaint g) any abatement measures implemented h) person responsible for resolving the complaint.
A16	**Third Party Audit** The environmental authority holder must: a) ensure that an appropriately qualified third party conducts and documents an audit of compliance with all conditions of this environmental authority by **1 September 2025**; and b) ensure that further audits in accordance with condition **A16(a)** are conducted at intervals not exceeding once every three years from completion of the initial audit.

END OF CONDITIONS FOR SCHEDULE A

Schedule B – Air

B1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.
B2	Abrasive blasting activities must be carried out in a manner that: a) prevents the release of contaminants; b) prevents contamination of surrounding areas; and c) contains and collect all waste generated in undertaking the activity.
B3	All waste generated from abrasive blasting activities must be disposed of offsite to a facility lawfully able to accept the waste.

END OF CONDITIONS FOR SCHEDULE B

Schedule C — Land

C1	Contaminants must not be released to land.
C2	Prepare a Rehabilitation Plan prior to cessation of the activity that details, but is not limited to, measures and actions to be taken in relation to and provide upon request: a) potential for erosion is minimised; b) potential for environmental nuisance caused by dust is minimised; c) progressively monitor the rehabilitation and undertake maintenance to ensure that the site is left safe, stable and non-polluting; d) includes final sign off on rehabilitation to the satisfaction of the landholder.

END OF CONDITIONS FOR SCHEDULE C

Schedule D — Water

D1	Contaminants must not be released to any waters.
D2	All reasonable and practicable erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

END OF CONDITIONS FOR SCHEDULE D

Schedule E — Noise

E1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.

END OF CONDITIONS FOR SCHEDULE E

Schedule F — Waste

F1	All waste generated in carrying out the activity must be lawfully reused, recycled or lawfully transported to a facility that can lawfully accept the waste.

END OF CONDITIONS FOR SCHEDULE F

Schedule G – Definitions

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

activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

administering authority means the Department of Environment, Science and Innovation or its successors or predecessors.

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 relating to the subject matter using the relevant protocols, standards, methods or literature.

bulk material means unpackaged and loose bulk material.

certification, **certifying** or **certified** by a suitably qualified and experienced person in relation to a design plan or an annual report regarding dams/structures, means that a statutory declaration has been made by that person and, when taken together with any attached or appended documents referenced in that declaration, all of the following aspects are addressed and are sufficient to allow an independent audit at any time:

a) exactly what is being certified and the precise nature of that certification;

b) the relevant legislative, regulatory and technical criteria on which the certification has been based;

c) the relevant data and facts on which the certification has been based, the source of that material, and the efforts made to obtain all relevant data and facts; and

d) the reasoning on which the certification has been based using the relevant data and facts, and the relevant criteria.

commercial place/premises means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

contaminant as defined in the *Environmental Protection Act* 1994

environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act* 1994.

land does not include waters.

measures means the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competencies.

NATA means National Association of Testing Authorities, Australia.

new mineral product or bulk material means any mineral product or bulk material not previously handled by the environmental authority holder in the previous 12 months. Does not include the same product or material from a different mine or supplier.

records include breach notifications, written procedures, analysis results, monitoring reports, monitoring results, monitoring data, and monitoring programs required under a condition of this authority.

secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

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 includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

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) a kindergarten, school, university or other educational institution; or
d) a medical centre or hospital; or
e) a protected area under the *Nature Conservation Act* 1992, the *Marine Parks Act* 2004 or a World Heritage Area; or
f) a public thoroughfare, park or garden; or
g) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy* 2008.

significant increase means:

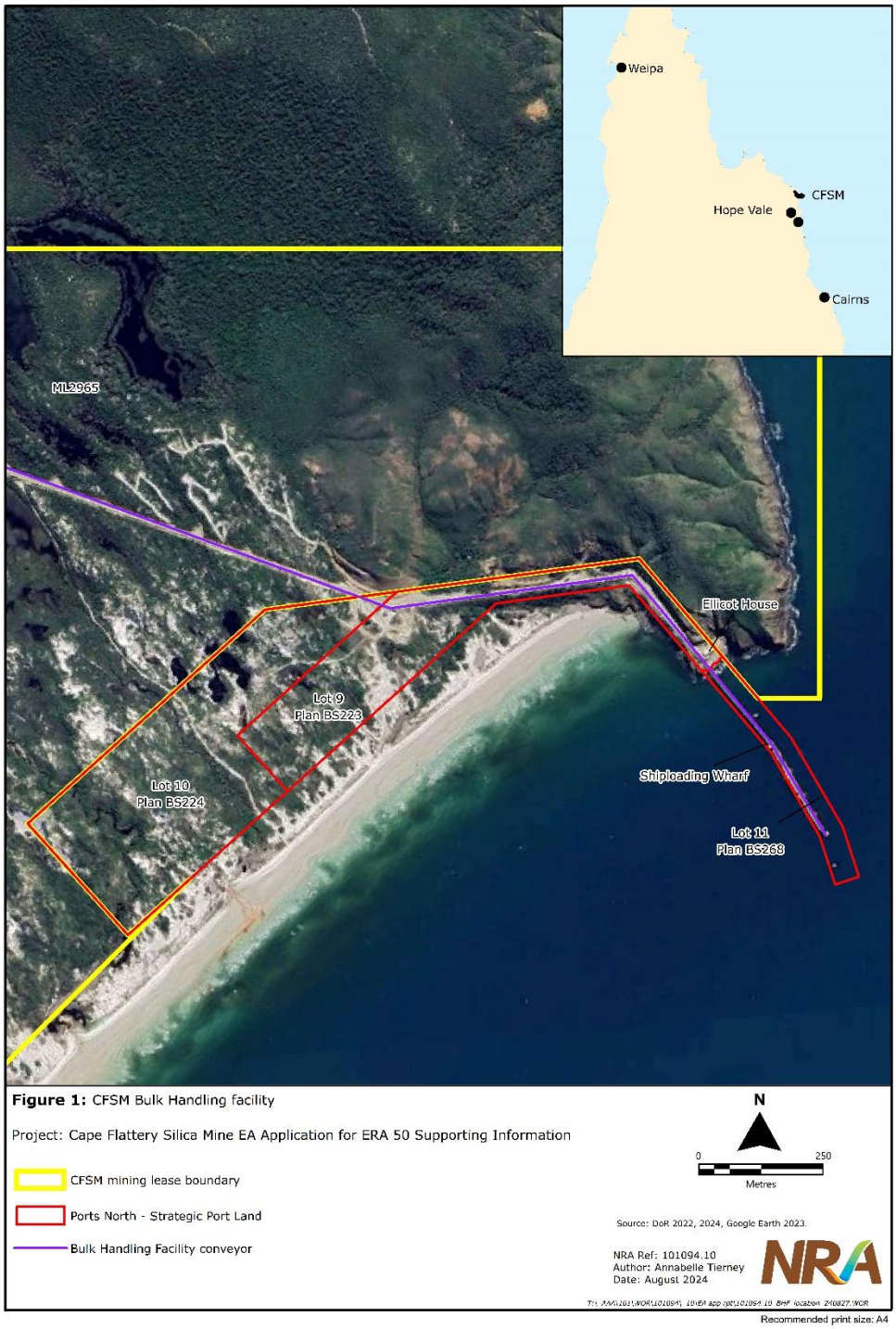
a) an increase of greater than 10% in volume of any product, other than lead containing products, from that handled per year in any of the previous 5 consecutive calendar years; or
b) an increase in the volume of lead containing products to that previously modelled; or
c) an increase of greater than 10% in total volume of lead containing product handled per year in any of the previous 5 consecutive calendar years.

waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

END OF DEFINITIONS FOR SCHEDULE G

Schedule H – Maps and Plans

Figure H1 – CFSM Bulk Handling Facility



Area ID Number	Latitude (WGS84)	Longitude (WGS84)
1	-14.986350	145.339850
2	-14.982516	145.344299
3	-14.988379	145.341701
4	-14.981645	145.351272
5	-14.982124	145.351078
6	-14.982434	145.348601
7	-14.984889	145.354067
8	-14.986517	145.355023
9	-14.987424	145.355319
10	-14.987561	145.354876
11	-14.986699	145.354595
12	-14.985148	145.353684

END OF ENVIRONMENTAL AUTHORITY