

Letter

Environmental Protection Act 1994

Finalisation of an Environmental Protection Order

This letter of finalisation of an environmental protection order is issued by the administering authority to advise that the environmental protection order issued pursuant to section 360 of the Environmental Protection Act 1994 is no longer in effect.

Amaca Pty Limited
ACN 000 035 512
Suite 2 Level 2, 56 Clarence Street,
Sydney, NSW, 2000

CC: James Hardie Australia Pty Ltd
PO Box 3935
Sydney NSW 2001

Alex.Petrie@jameshardie.com.au

Attention: Mr Alexander Petrie

Your reference:

Our reference: STAT1285: EPSL00063913

Friday, 1 March 2019

Dear Mr Petrie

Take notice: that on Thursday, 31 May 2018 under the *Environmental Protection Act 1994* (the Act) the administering authority issued an environmental protection order (EPO) to Amaca Pty Limited. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO was issued in respect to the activities of Mining Activities on Mining Lease (ML) 1107 (the site).

A. Requirements

The requirements of this EPO were:

1. Engage a suitably qualified person (SQP) in respect to removal of waste.
2. Engage a SQP in respect to:
 - a. rehabilitation of land (coastal areas and areas disturbed by mining); and
 - b. engineering with registration as a Professional Engineer of Queensland or equal qualifications.

It is noted that the SQP for requirement 1 may be a separate SQP to that for requirement 2.

3. The SQP(s) must be engaged no later than 1 month from date of issue of this notice.
4. Provide the administering authority:

- a. written notification of the appointment of SQP(s); and
 - b. a written demonstration that the SQP(s) meets requirements relevant to the work to be undertaken.
5. Construct a rehabilitation plan ("the rehabilitation plan") with the SQP which outlines a set of actions required to:
 - a. remove infrastructure known as a retaining wall for an abutment to a jetty; and
 - b. remove all waste and infrastructure upon the site which does not meet c.- i) to iv) below; and
 - c. rehabilitate the site in a manner which is:
 - i) safe to humans and wildlife; and
 - ii) stable; and
 - iii) able to maintain natural coastal processes;
 - iv) or an alternative post mining land use as agreed in writing by the landowner.
6. The rehabilitation plan must include a set of timeframes, for commencement and completion of the actions and meeting of completion criteria listed in the rehabilitation plan. The completion date of the actions required by the plan must be not later than 9 months from the date of issue of this Notice.
7. The rehabilitation plan must:
 - a. Be submitted to the administering authority prior to implementation and within 4 months from date of issue of this notice; or
 - b. Be submitted within timeframes as otherwise approved in writing by the administering authority.
8. Prior to commencement of any actions under the rehabilitation plan being undertaken:
 - a. Consultation must be undertaken with landowner(s); and
 - b. A written record must be kept and maintained of consultation actions undertaken by Amaca (including but not limited to consultation time/date, method of consultation, details of all parties involved in consultation); and
 - c. The written record of this consultation must be provided at the request of the administering authority.
9. In the event that works are to be undertaken by a party other than the landowner(s):
 - a. determine the form of consent for entry, for the purpose of undertaking rehabilitation works, required by landowner(s); and
 - b. ensure that reasonable steps are taken to gain consent for entry; and
 - c. provide written notification to the department of steps undertaken to gain consent.
10. In the event that reasonable steps are taken to gain consent and consent to entry is not acquired, written notification must be provided to the department which documents the reasonable steps taken. Upon receipt of such notification by the department requirements 11, 12 and 13 do not apply.
11. The rehabilitation plan must be implemented and the timeframes set in accordance with EPO requirement 6 must be adhered to or completed within timeframes as otherwise approved in writing by the administering authority.
12. If amendments to the actions in the rehabilitation plan are necessary, these actions must only commence if first notified in writing by the administering authority.
13. Within 3 months of the completion of the actions within the rehabilitation plan, submit a completion report which:
 - a. Documents the rehabilitation works undertaken, including photos, and the confirms actions and completion criteria listed in the rehabilitation plan have been adhered to; and
 - b. Demonstrates compliance with the EPO requirements; and

- c. Documents timeframes when actions were commenced and completed, and when completion criteria has been met; and
- d. Details any alternative or additional action that was undertaken once actions commenced.

14. Definitions

Administering authority means The Department of Environment and Science or its successor.

Consultation means the act of providing information or advice for, and seeking responses to, an actual or proposed event, activity or process.

Infrastructure known as a retaining wall for an abutment to a jetty means the material along the fore dune area of the site including material marked as "fibrolite" that appears like a retaining wall.

Rehabilitation means the process of making a former mine site safe, stable and self-sustaining, and safe to humans and wildlife.

Site means the area where Mining Lease ML1107 is located.

Suitably qualified person is defined as holding i) current membership in a professional organisation prescribed under the *Environmental Protection Regulation, 2008 – Schedule 8* and ii) qualifications and experience relevant to the regulatory function undertaken at the site and in regards to this notice.

Stable means resistant to change in landform, pollution generation or land use potential to an extent that is similar to unmined land in the locality. The acceptable rates of change of specified parameters or the maximum risk of specified environmental harm may be set in an environmental authority.

Waste and infrastructure for the purposes of this notice includes but is not limited to metal wire and grates, metal pickets, mesh (including that previously used for sediment fencing) any piping material (whether asbestos/cement or otherwise).

B. Compliance with the requirements

In determining compliance with the requirements of the EPO, the department has considered:

- Frequent communication between the EPO recipient and the department;
- The completion of requirements 1, 2, 3, 4, 5, 6, 7 and 8 of the notice.
- The submissions of James Hardie Australia Pty Ltd on behalf of Amaca Pty Limited made on 20 and 21 February 2019, demonstrating the compliance with requirements 8, 9 and 10, with a further request to re-issue an EPO with the same environmental objectives, and amended timeframes that recognise the need for additional time to secure statutory approvals to access the land and complete the necessary works.

The department has determined that Amaca Pty Ltd has made reasonable endeavours to satisfy the requirements of the EPO, and in the circumstances, the department has decided to finalise STAT1285 and issue STAT1361. Accordingly this letter serves as a notice that this EPO, STAT1285 is finalised and no longer in effect.

Should you have any queries in relation to this notice, please contact Mr Toshi Yoshino on telephone number (07) 5626 6871.

Finalisation of an Environmental Protection Order



Signature



Date

Gus Gonzo

Manager Compliance

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

South East Queensland Compliance

Gold Coast Compliance Centre

Ph: (07) 5626 6865

Email: GoldCoast.ES@ehp.qld.gov.au