

Code of environmental compliance

ERA 16—Extractive and screening activities

Superseded code of environmental compliance for certain aspects* of extractive and screening activities (ERA 16)

Version 7

The standard conditions of this code of environmental compliance are the conditions of an environmental authority where the criteria of this code of environmental compliance were met and an approval was applied for in the period 9 November 2012 to 5 December 2013.

These conditions do not apply for new applications for these activities. Eligibility criteria and standard conditions apply for new operations for these activities.

* This code only applies to the aspects of the environmentally relevant activity that meet the criteria in section 3 of this code.

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1 Introduction

The Department of Environment and Heritage Protection has simplified the environmental compliance framework for environmentally relevant activities (ERAs) with a relatively low risk of **environmental harm** by developing codes of environmental compliance (codes) that set out **standard environmental conditions**. The use of codes expedites environmental approval processes whilst still ensuring that there are appropriate standards of environmental management and protection.

Codes are appropriate for those activities that can achieve a good level of environmental protection through established, well understood practices. The **standard environmental conditions** are based on these practices and require the **registered operator** to take the necessary measures to prevent or minimise **environmental harm**.

Many of the **standard environmental conditions** have advisory notes that suggest practices and measures that may be adopted by the **registered operator** to meet the requirements of the condition. Advisory notes are intended as a guide only. They have no regulatory status and are not a mandatory compliance requirement. Alternative practices can be adopted to comply with the **standard environmental conditions**.

Key terms and/or phrases used in this code are bolded and defined at the end of this code. Where a term is not defined in this code, the definition in the *Environmental Protection Act 1994 (EP Act)*, its regulations or Environmental Protection Policies must be used. If a word remains undefined it has its ordinary meaning.

2 Authorisation of the code

The Minister responsible for the **EP Act**, pursuant to section 549, approved the **standard environmental conditions** contained in this version of the code on 10 July 2012. Approved codes are listed in schedule 3 of the Environmental Protection Regulation 2008 (EP Reg).

3 Scope of the code

This code applies only to certain thresholds of **ERA 16** — Extractive and screening activities, and only where the relevant criteria can be achieved.

3.1 Thresholds

The thresholds of **ERA 16** — Extractive and screening activities, that this code applies to are 2(a), 2(b), 2A and 3(a) which are outlined below (for the full definition see Schedule 2 of the EP Reg).

ERA 16	Extractive and screening activities
Threshold 2(a)	Extracting, other than by dredging, in a year, less than 5000t, if the material is extracted from a wild river area
Threshold 2(b)	Extracting, other than by dredging, in a year, the following quantity of material— 5000t to 100000t
Threshold 2A	Screening, in a year, 50t to less than 5000t of material in a wild river area
Threshold 3(a)	Screening, in a year, the following quantity of material— 5000t to 100000t

3.2 Criteria

The operation of the **ERA** under this code must comply with all of the relevant criteria set out in the following table at all times.

Criteria
<p>1. The activity applies to the extraction and screening of material:</p> <ul style="list-style-type: none"> • Outside of a wild river high preservation area, special floodplain management area or floodplain management area, for the construction or maintenance of rail transport infrastructure and roads. • Within a wild river high preservation area, special floodplain management area or floodplain management area, for the maintenance of existing rail transport infrastructure and roads.
<p>2. The quantity of material extracted or screened at any one site does not exceed 100000 tonnes per year and the maximum site does not exceed 1.5 hectares and in a wild river area must not exceed 200m in length.</p>
<p>3. In a wild river high preservation area, special flood plain management area or flood plain management area, the activity does not occur where a suitable alternative site exists outside of a high preservation area, special flood plain management area or flood plain management area and within 10 km of the place where the material is to be used.</p>
<p>4. There is no intentional or negligent release of contaminants to waters from the activity.</p>
<p>5. The activity does not include the use of explosives.</p>
<p>6. The activity occurs in daylight hours and between the hours of 6am and 6pm.</p>
<p>7. The activity does not occur within 1 kilometre of a sensitive place unless agreed to in writing by those residing at the relevant sensitive place. Where there are no residents at the sensitive place written consent must be obtained from the landholder.</p>
<p>8. Outside of a wild river area, the activity does not occur within 100 metres of any watercourse, wetland or spring.</p>
<p>9. In a wild river area the activity does not occur within :</p> <ul style="list-style-type: none"> • 100m of a watercourse, wetland or spring, 10m of a drainage feature and 200m from another site within a preservation area only; • 100m of a watercourse, wetland or spring, 25m of a drainage feature and 500m from another site within both a preservation area and a floodplain management area; • 200m of a watercourse, wetland or spring, 25m of a drainage feature and 500m from another site within a high preservation area only; • 200m of a watercourse, wetland or spring, 50m of a drainage feature and 500m from another site within both a high preservation area and a floodplain management area; • 200m of a watercourse, wetland or spring, 50m of a drainage feature and 500m from another site within a special floodplain management area.

10. Where the activity is to be undertaken within a **wild river high preservation area, special flood plain management area or flood plain management area**, a Registered Professional Engineer of Queensland or equivalent qualified person must certify that there is no suitable material available outside the **high preservation area, special flood plain management area or flood plain management area** and within 10 km of the place where the material is to be used.

Where the operation of a particular **ERA** will not meet the above criteria, this code does not apply and a development approval is required to undertake the **ERA**.

4 When the code takes effect

This code applies immediately to **registered operators** who commenced activities on or after 9 November 2012.

Registered operators who were carrying out **ERA 16** under a development approval issued before 9 November 2012, and who continue to carry out the **activity** have a 12 month transitional period in which to ensure their operations comply with the code. The code becomes effective for those **registered operators** on 9 November 2013.

5 Enforcement of the code

This code contains **standard environmental conditions** for carrying out the activities that meet the criteria set out in section 3 of this code. Failure to comply with the criteria or conditions of the code is an offence and penalties apply. A development approval is required where an **ERA 16 activity** does not meet the scope of this code—It is an offence to undertake an **activity** without a development approval and penalties apply. Enforcement Guidelines published by the **administering authority** are available at <www.ehp.qld.gov.au>.

6 Other requirements

In addition to the conditions in this code, the **registered operator** carrying out **ERA 16** must comply with all other relevant Commonwealth, State or local government legislative requirements. Without limiting the requirements that may apply, some additional obligations under the **EP Act** include:

- holding a **registration certificate** issued by the **administering authority** under section 73F; and
- taking all reasonable and practicable measures to prevent or minimise **environmental harm**. This is referred to as the “general environmental duty”.

7 Amendment of this code

This code may be amended from time to time by gazette notice advising that the Minister has approved new conditions. Proposed changes to the **standard environmental conditions**, other than changes to correct a clerical error, will be made in consultation with stakeholders. Where there is a significant change to the code, the **administering authority** will notify **registered operators** affected by the change.

History of amendments to this code:

Version 2 did not amend any **standard environmental conditions**. Minor amendments were made to reflect the new description of the **ERA** as it is described in the EP Reg.

Version 3 did not amend any **standard environmental conditions**. Minor amendments were made to change the name of the **administering authority** and clarify that the code does not apply to activities extracting less than 5000t of material in a year (i.e. **ERA 16**, threshold 2(a)). Extracting less than 5000t is not an **ERA** unless it is carried out in a **wild river area**.

Version 4 did not amend any **standard environmental conditions**. Minor amendments were made to update contact details provided in the code.

Version 5 made minor amendments to the **standard environmental conditions**. In addition the criteria were amended to expand the scope of the code. Version 5 included screening activities integral to the preparation of materials used in the reconstruction and **maintenance** of **roads**. Version 5 allowed the **activity** to occur in all local government areas of the State, and included reconstruction and **maintenance** of any **road** (i.e. not limited to **roads** damaged as a result of flooding as in previous versions).

Version 6 made amendments to the criteria to expand the scope of the code to include construction of **roads** and **rail transport infrastructure**. There were no changes to the **standard environmental conditions**.

Version 7 made amendments to the thresholds of the **ERA** and the criteria, to include certain works within wild river areas and within 1 km of a sensitive place. Minor wording changes were also made to provide clarification. The **standard environmental conditions** were also amended to accompany this change. The relevant changes were made in consultation with key stakeholders.

8 Further information or enquiries

Further information is available at <www.ehp.qld.gov.au> or by contacting the relevant regional office of the **administering authority**.

General enquiries or suggestions for future amendments to the code should be directed to Permit and Licence Management, Implementation Support Unit on telephone 13 QGOV (13 74 68) or by email at: <palm@ehp.qld.gov.au>.

9 Standard environmental conditions and advisory notes

Standard environmental conditions	Advisory notes
<p>Condition 1 – Preliminary inspection</p> <p>Preliminary inspection must occur prior to the commencement of the activity to confirm that:</p> <ul style="list-style-type: none"> (a) the activity meets the criteria in section 3 of this code; and (b) the activity can be performed within the conditions prescribed in this code. <p>For activities conducted within 1km of a sensitive place the operator must obtain and maintain written consent from those residing at the relevant sensitive place. Where there are no residents at the sensitive place written consent must be obtained from the landholder.</p>	<p>Preliminary inspection will assist in determining if other permit requirements are triggered by the activities. For example, permits under the <i>Forestry Act 1959</i>, <i>Nature Conservation Act 1992</i>, <i>Vegetation Management Act 1999</i>, and the <i>Water Act 2000</i>.</p> <p>The operator must maintain a record of any written consent obtained. Should the resident at a sensitive place change, then it is a condition of continued operation that written consent is sought from the new resident. Where the new resident does not consent to the activity, the operator has 20 business days to make a development application for the activity, before the code will no longer apply.</p> <p>To be clear, there may be multiple sensitive places within 1km of the activity and as long as all those residing at the relevant sensitive place give consent to the activity it may proceed under this code.</p> <p>This condition does not imply that the residents must provide consent and is not intended to remove their right to refuse the activity should they be concerned that the activity will cause nuisance to them.</p>
<p>Condition 2 – Preliminary inspection – minor borrow pits</p> <p>In a wild river area, preliminary inspection must, in addition to condition 1, occur prior to the commencement of the activity from a minor borrow pit, to identify:</p> <ul style="list-style-type: none"> (a) environmental issues and potential environmental impacts from the activity, including, environmental issues and potential impacts to wild river natural values; and (b) control measures for routine operations to minimise the likelihood of causing environmental harm, including potential harm to wild river natural values. 	<p>Environmental issues may include interruption with overland flow paths, excavation in soils subject to erosion and disturbance of acid sulfate soils or saline soils.</p> <p>Where environmental issues can not be adequately managed options for relocating the pit should be investigated.</p>
<p>Condition 3 – Minor borrow pits</p> <p>For extraction from a minor borrow pit in a wild river area:</p> <ul style="list-style-type: none"> (a) fuels and oils must not be stored on the site; (b) vehicles and machinery must not be serviced on site; and (c) repair of machinery on site must use ground sheets, absorbent materials and equipment to contain and capture spills. 	

Standard environmental conditions	Advisory notes
<p>Condition 4 – Activity based management plan</p> <p>Except for extraction from a minor borrow pit, an activity based management plan (ABMP) must be developed for implementation by the registered operator carrying out the activity.</p> <p>The ABMP must be implemented prior to commencement of the activity and include:</p> <p>(a) environmental commitments – a commitment by senior management to achieve relevant site specific environmental goals, including, where the site is located in a wild river area, the preservation of wild river natural values;</p> <p>(b) the purpose and description of the activity, the type of machinery, method of extraction or screening, the location of infrastructure and site(s) of activity;</p> <p>(d) a description of the site and surrounding environment including site dimensions, land tenure and existing use of the land, and the location of any sensitive places, areas of high ecological significance or wild river management areas;</p> <p>(e) identification of environmental issues and potential environmental impacts from the activity, including, where the site is located in a wild river area, environmental issues and potential impacts to wild river natural values;</p> <p>(f) control measures for routine operations to minimise the likelihood of causing environmental harm, including, where the site is located in a wild river area, potential harm to wild river natural values;</p> <p>(g) arrangements for monitoring and mitigating contaminant releases;</p> <p>(h) contingency plans and emergency procedures for non-routine situations;</p> <p>(i) organisational structure and responsibility;</p> <p>(j) details of site environmental management training to be provided to staff and contractors at the commencement and during the course of the activity;</p> <p>(k) records that are to be kept and the methods for keeping those records;</p> <p>(l) provisions for continuous improvement and periodic review of environmental performance; and</p> <p>(m) details of progressive and post-activity rehabilitation of disturbed areas.</p>	<p>The ABMP is a means for identifying and minimising potential environmental impacts and documenting ways for managing risks to minimise potential environmental harm.</p> <p>The ABMP is a commitment to complying with the code. The detail of the ABMP should reflect the complexity and risk of the activity at different locations.</p> <p>The ABMP should be used to assess site capability and suitability for the activity and plan ways to manage risks and minimise any potential environmental harm. For example, by identifying:</p> <ul style="list-style-type: none"> • what contaminants could be released; • where any contaminants released would go and their impact; • what actions could be taken to contain any release; • what precautions could be taken to prevent a release; and • in a wild river area: <ul style="list-style-type: none"> - how the activity could impact on wild river natural values including hydrologic processes, geomorphic processes, water quality, wildlife corridor function and riparian function; and - what precautions or site management will be taken to prevent impacts on natural values including from the introduction of weeds. <p>This work will assist in the identification of site specific measures to comply with this code. For example, this may include procedures for site remediation when activities cease.</p>

Standard environmental conditions	Advisory notes
<p>Condition 5 – Register of activities</p> <p>The registered operator must keep a register containing details of each activity site (e.g. voids) operated under this code.</p> <p>This register must be provided to the administering authority with the annual return for the activity and must include:</p> <ul style="list-style-type: none"> (a) the GPS (Global Positioning System) coordinates of each activity site (GDA94 datum); (b) the date(s) on which it was accessed; (c) the amount of material removed; and (d) where land has been significantly disturbed, the date(s) each activity site was inspected for assessment, remediation or rehabilitation. 	
<p>Condition 6 – Signage</p> <p>A sign must be displayed at each activity site that states the name of the registered operator and that the site is being operated under this code. The sign must include contact details for the registered operator.</p> <p>Any sites (or part thereof) undergoing rehabilitation must have additional signage indicating that the relevant area is undergoing rehabilitation and is not to be accessed.</p>	<p>This will provide a contact point for any concerns about the activities being undertaken and will assist in preventing disturbance to the site during rehabilitation.</p>
<p>Condition 7 – Bunding</p> <p>Other than for extraction from a minor borrow pit, any liquid held in a container such as a tank or drum that has the potential to cause environmental harm if released to the environment must be bunded. Bunds must of sufficient design to ensure no escape of contaminants from the bunded area. Volumes of liquid less than 1000L may be stored without bunding if:</p> <ul style="list-style-type: none"> (a) recovery of any spilt material is possible; (b) containers or drums are stored undercover on an impervious base or spill containment pallet; (c) the storage is occurring at least 100m from any waters; and (d) there is absorbent material readily available at the site for clean up if necessary. <p>Individual drums may be temporarily stored on spill containment pallets.</p>	<p>Liquids that are likely to cause environmental harm if released to the environment include hazardous, flammable and combustible liquids (e.g. petroleum products), chemicals, pesticides, sediment laden water from the screening process, and other contaminated waters onsite.</p> <p>Refer to <i>AS 1940-2004 – Storage and Handling of Flammable and Combustible Liquids</i> for best practices.</p> <p>Depending on specific provisions of a relevant Water Resource Plan (approved under the <i>Water Act 2000</i>), there may be a limit to capturing overland flow water that may occur as a result of extractive activities. In those areas subject to such provisions it may be necessary to minimise the take of overland flows by bunding the excavated area to prevent the storage of runoff water.</p>
<p>Condition 8 – Contaminant release</p> <p>Contaminants that may cause actual or potential environmental nuisance or environmental harm must not be released directly or indirectly to land, air, or waters.</p>	<p>A contaminant includes any gas, liquid, solid, odour, organism or energy (section 11 of the EP Act) and must be identified under the Activity Based Management Plan (condition 1).</p> <p>An example of a contaminant release could be a release of sediment or a petroleum</p>

Standard environmental conditions	Advisory notes
<p>As soon as a registered operator becomes aware of any release of contaminants that may cause actual or potential environmental harm, the release must be stopped, promptly rectified with the necessary equipment and remediation methods, and all reasonable actions taken to prevent a recurrence of the release.</p>	<p>product to land or waters. Strategies to minimise the risk of a release of contaminants to the environment include:</p> <ul style="list-style-type: none"> (a) undertaking regular inspections of equipment; (b) undertaking preventative maintenance of equipment; (c) routinely inspecting and maintaining bunds; (d) using groundsheets or drip trays to capture spillage during maintenance of vehicles and any other equipment and plant; (e) undertaking refuelling and routine maintenance of vehicles within designated service areas; (f) ensuring spills are cleaned up and disposed of, or remediated immediately, with the necessary equipment and methods; (g) ensure absorbent material is always on hand for minor spills; and (h) treating stormwater runoff from areas potentially contaminated by oil, grease and fuel in an oil interceptor or equivalent prior to reuse or release.
<p>Condition 9 – Notification of contaminant release Any release of contaminants not in accordance with the conditions of this code must be reported by telephone to the administering authority's pollution hotline or regional office located in the area where the release occurred. Any such release must be reported as soon as possible and no later than 24 hours after the registered operator becomes aware of the release.</p> <p>A written notice detailing the following information must be provided to the administering authority within 7 days:</p> <ul style="list-style-type: none"> (a) the name of the registered operator, including their registration certificate number; (b) the name and telephone number of a designated contact person; (c) quantity and substance released; (d) person/s involved; (e) the location and time of the release; (f) the suspected cause of the release; (g) a description of the effects of the release; (h) the results of any sampling performed in relation to the 	<p>Administering authority may need to respond quickly to some spills with the potential to cause environmental harm. Priority should be given to notifying the administering authority of these spills immediately after they occur.</p> <p>The pollution hotline number is 1300 130 372.</p> <p>Written notice should be provided to the administering authority's regional office located in the area where the release occurred.</p>

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<p>release;</p> <p>(i) actions taken to mitigate any environmental harm caused by the release; and</p> <p>(j) proposed actions to prevent a recurrence of the release.</p>	
<p>Condition 10 – Environmental nuisance</p> <p>The release of odours or airborne contaminants (including dust) resulting from the activity must not cause environmental nuisance.</p> <p>The registered operator must abide by the air, noise, water and waste management quality objectives specified in the most recent edition of the respective Environmental Protection Policy.</p>	<p>The Environmental Protection (Air), Environmental Protection (Noise) and Environmental Protection (Water) Policies are available at <www.legislation.qld.gov.au>.</p>
<p>Condition 11 – Dust and particulate matter monitoring</p> <p>When requested by the administering authority, the registered operator must commission dust and particulate monitoring to investigate any complaint of environmental nuisance caused by dust and/or particulate matter. The monitoring data, an analysis of the data and a report must be provided to the administering authority within 14 days of the completion of the investigation.</p> <p>The registered operator must abide by the air quality objectives specified in the most recent edition of the respective Environmental Protection (Air) Policy.</p>	<p>Monitoring must be in accordance with most recent edition of the administering authority's Air Quality Sampling Manual, available at <www.ehp.qld.gov.au>.</p> <p>The Environmental Protection (Air) Policy is available at <www.legislation.qld.gov.au>.</p> <p>To prevent the unreasonable release of dust, the following measures or similar measures can be used:</p> <ol style="list-style-type: none"> a) altering work practices to avoid or minimise the generation of dust; b) scheduling activities for times and weather conditions when they will have the least impact; c) sealing roads or restricting vehicle movements; d) controlling entry and exit points to minimise the spread of material on haul routes; e) removing and disposing of materials spilled on roads surface that may cause a dust nuisance; f) spraying water on roads and tracks; g) covering loads on haulage vehicles; h) using setbacks, buffer zones, wind breaks and screens; i) fitting rock drilling equipment with dust collection devices; j) minimising area of disturbance; k) watering stockpiles; and l) promoting the natural regeneration of vegetation of disturbed areas as soon as practical.

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<p>Condition 12 – Noise monitoring</p> <p>When requested by the administering authority, the registered operator must commission noise monitoring to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report must be provided to the administering authority within 14 days of the completion of the investigation.</p> <p>Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy.</p>	<p>Monitoring must be in accordance with most recent edition of the administering authority’s Noise Measurement Manual, available at <www.ehp.qld.gov.au>.</p> <p>The Environmental Protection (Noise) Policy is available at <www.legislation.qld.gov.au>.</p> <p>Maintain records of the event and any corrective measures taken to minimise noise levels.</p>
<p>Condition 13 – Acid sulfate soils</p> <p>Where the ABMP (refer to condition 1) identifies a potential acid sulfate soil hazard, the registered operator must comply with an acid sulfate soil environmental management plan prepared in accordance with the State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils and the relevant guidelines.</p>	<p>The State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils is available on the Department of State Development, Infrastructure and Planning website: <www.dsdiq.qld.gov.au>.</p>
<p>Condition 14 – Topsoil management</p> <p>Except for minor borrow pits, where required (i.e. for extraction activities) the topsoil must be:</p> <ul style="list-style-type: none"> (a) progressively removed prior to extraction from any active extraction areas; (b) stockpiled on the site uncompacted less than 1.5m high and in a manner that will preserve its soil profile, biological and chemical integrity; and (c) used for rehabilitation of the site (refer to condition 17). 	<p>Topsoil management may include the following measures:</p> <ul style="list-style-type: none"> (a) store topsoil as close as practicable to areas to be rehabilitated and away from drainage lines; (b) install erosion and sediment control measures around stockpiles; (c) establish and maintain a temporary cover species native to the area on topsoil stockpiles; and (d) reuse stockpiled topsoil within 12 months of storage.
<p>Condition 15 – Erosion and sediment control</p> <p>Erosion prevention and sediment control measures must be designed, implemented and maintained to prevent accelerated erosion or the release of sediment resulting from carrying out the activity.</p> <p>Drainage of access roads must not concentrate flows and result in off road accelerated erosion.</p> <p>In a wild river area the site must be inspected to identify any areas that have or may develop accelerated erosion prior to each wet season and no later than 30 November. Action must be taken to minimise these areas at risk of accelerated erosion and the release of sediment from the site.</p>	<p>Measures to prevent or minimise erosion or sediment releases may include:</p> <ul style="list-style-type: none"> (a) identify erosion prone soils and plan activities to avoid any unnecessary disturbance (e.g. dispersible soils); (a) keep the area of disturbed land to a practical minimum; (b) keep road gradients as low as possible; (c) avoid erosion gullies, overland flow paths, steep cut and fills, and works on steep slopes because these may cause landslides, erosion and slumping problems; (d) stabilise erosion gullies and install rock battered drainage channels and diversions where erosion cannot be stabilised;

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	<p>(e) utilise appropriately designed and located rock check dams and silt fences for the capture and retention of sediment onsite</p> <p>(f) carry out slope stabilisation, cross ditching, soil replacement and reseedling with species native to the area to reduce erosion on significantly disturbed areas until a self-sustaining vegetation cover is established;</p> <p>(g) divert upslope water around exposed sites by lining with timber, topsoil and overburden, and rilling along upslope edges;</p> <p>(h) suspend activities that cause ground disturbance during adverse weather conditions;</p> <p>(i) install a sediment pond and/or sediment traps around stockpiles and downslope areas to capture all sediment-laden runoff;</p> <p>(j) install contour banks and diversion drains to exclude the potential for overland flow water to enter areas significantly disturbed by the activity;</p> <p>(k) provide surface drainage as part of road construction to:</p> <ul style="list-style-type: none"> (i) control runoff from the road surface; (ii) reduce saturation and ponding along the road; (iii) prevent or minimise erosion along the road surface and in roadside drainage systems; and <p>(l) maintain a vegetation buffer around the disturbed areas.</p> <p>Unsealed access tracks should be drained to ensure water is diverted from the track at intervals of no less than the following:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Slope (degrees)</th> <th style="text-align: center;">Maximum distance (metres)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><3</td> <td style="text-align: center;">145</td> </tr> <tr> <td style="text-align: center;">3–5</td> <td style="text-align: center;">100</td> </tr> </tbody> </table>	Slope (degrees)	Maximum distance (metres)	<3	145	3–5	100
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6–7	65								
8–10	40								
11–14	25								
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<p>Condition 16 – Clearing vegetation Clearing of all vegetation is to be kept to the minimum area necessary to carry out the activity.</p> <p>Clearing vegetation must not be undertaken:</p> <ul style="list-style-type: none"> (a) in, or within 100 metres of, the high bank of a watercourse; (b) in, or within 100 metres of a wetland or spring; (c) in a way that damages adjacent live vegetation; (d) on slopes greater than 6° (~10%); (e) within remnant vegetation in a wild river high preservation area. (f) on dispersible soils or highly erodible soils; or <p>In a wild river area, where it is necessary and unavoidable to clear mature native woody vegetation, clearing in any one year should be limited to the area needed to extract the amount of material required in that period.</p>	<p>Strategies to minimise clearing vegetation may include:</p> <ul style="list-style-type: none"> (a) in the event that an area naturally devoid of vegetation cannot be located, only remove vegetation where necessary and give preference to the clearance of shorter lived (annuals) rather than longer lived plants (perennials); (b) select specific trees to be cleared and avoid causing damage to surrounding vegetation; and (c) ensure cleared vegetation is stockpiled in a manner that facilitates respreading or salvaging and does not impede vehicle, stock or wildlife movements. <p>Clearing of any vegetation must be limited to the site and be in accordance with the <i>Vegetation Management Act 1999</i>. Where required, the registered operator must hold a vegetation clearing application and abide by any relevant vegetation clearing codes.</p> <p>Furthermore, the registered operator requires a permit to harvest any millable timber from State lands, including roads under the <i>Forestry Act 1959</i>.</p>								
<p>Condition 17 – Rehabilitation As soon as practicable and within six months of ceasing operations (temporarily or permanently) the registered operator must rehabilitate the activity site. Where operations have temporarily ceased, the operator must rehabilitate the areas of the site that will not be disturbed in the future and must take whatever measures are required to prevent the remainder of the site being the cause of environmental harm.</p> <p>Where operations at the activity site or on part of the activity site have permanently ceased, all areas disturbed by the activity must be rehabilitated by:</p> <ul style="list-style-type: none"> (a) remediation of contaminated land caused by the activity 	<p>Measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> (a) collect and store native seeds from the local area to be used in rehabilitation; (b) contour rip compacted and hard stand areas; (c) spread seed or plant tube stock to promote the natural revegetation of significantly disturbed areas with species native to the area and density of cover similar to that of the surrounding undisturbed areas or that is compatible with the intended land use; 								

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<p>in accordance with EP Act requirements and this code;</p> <p>(b) undertaking works to establish a safe, stable, non polluting landform similar to that of surrounding undisturbed areas (or other use as agreed with the landowner), including where relevant;</p> <ul style="list-style-type: none"> i. removing any stockpiles; ii. re-establishing surface drainage lines; iii. minimising the potential for slumping, subsidence or erosion; iv. reinstating the topsoil; v. respreading any cleared vegetation; and vi. promoting establishment of vegetation of similar species composition and density of cover; and <p>(c) ensuring that the quality of stormwater, water and seepage released from the site is such that there is no release of contaminants that cause environmental harm;</p> <p>(d) ensuring that the water quality of any residual water bodies meets criteria for subsequent uses and does not cause environmental harm; and</p> <p>(e) removing infrastructure from the site.</p>	<p>(d) apply fertiliser where required to encourage vegetation establishment;</p> <p>(e) respread vegetation removed prior to commencement of activities to help minimise erosion and promote the regeneration of native vegetation;</p> <p>(f) surround any void remaining on site by a bund and/or fence to ensure public safety and to exclude livestock and fauna; and</p> <p>(g) consult the landowner/landholder regarding the rehabilitation process.</p>
<p>Condition 18 – Maintenance of rehabilitation</p> <p>Maintenance of rehabilitated areas must take place at least annually to demonstrate:</p> <ul style="list-style-type: none"> (a) landforms remain stable; (b) erosion control measures remain effective; (c) stormwater runoff and seepage from rehabilitated areas does not release contaminants that cause environmental harm; (d) plants show healthy growth and recruitment; and (e) rehabilitated areas are free of any declared pest plants. 	<p>It is recommended that rehabilitated areas be inspected regularly but no less than annually.</p>
<p>Condition 19 – Rehabilitation success</p> <p>Rehabilitation must continue until the site can be managed for its designated land-use (either similar to that of surrounding undisturbed areas or as otherwise agreed in a written document with the landholder and the administering authority). For at least 2 years, the site should not require greater management than for other land in the area being used for a similar purpose.</p>	<p>Evidence of successful rehabilitation may include;</p> <ul style="list-style-type: none"> (a) photo journals; (b) diary entries of physical inspections; (c) water sampling results; (d) erosion monitoring results; and (e) revegetation monitoring results, including density of cover and species analysis in comparison to analogous sites.
<p>Condition 20 – Ensuring appropriate disposal of waste</p>	<p>Consult with your relevant local government, administering authority's regional office and</p>

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<p>All waste generated in carrying out the activities must be reused, recycled or removed to a facility that can lawfully accept the waste under the EP Act.</p> <p>The registered operator must abide by the waste management quality objectives specified in the most recent edition of the respective Environmental Protection (Waste Management) Policy.</p>	<p>private landfill operators about the range of lawful waste disposal options available for waste.</p>
<p>Condition 21 – Waste records</p> <p>A record of all regulated waste (excluding trackable waste) must be kept detailing the following information:</p> <ul style="list-style-type: none"> (a) date of pickup of waste; (b) description of waste; (c) quantity of waste; (d) origin of waste; and (e) destination of the waste. 	
<p>Condition 22 – Complaint response</p> <p>The following details must be recorded when a complaint about the environmental performance of the activity is received:</p> <ul style="list-style-type: none"> (a) time, date, name and contact details of the complainant; (b) reasons for the complaint; (c) any investigations undertaken; (d) conclusions formed; and (e) any actions taken. 	<p>This information should be made available to the administering authority on request.</p> <p>If the complainant does not provide their name and contact details, record this as an anonymous complaint.</p>
<p>Condition 23 – Records</p> <p>All records required to be kept by this code must be kept for 5 years and be made available to the administering authority when requested.</p>	<p>Records should verify the provision of training programs and schedules of routine inspections.</p>
<p>Condition 24 – Interference with overland flow water in a wild river floodplain management area or special floodplain management area</p> <p>If located in a wild river floodplain management area or special floodplain management area works must not be undertaken until either:</p> <ul style="list-style-type: none"> (a) for self assessable development - the works are planned to ensure consistency with section 7A of the Wild Rivers Code; or (b) for assessable development - a development permit is held in relation to interference with overland flow (conditions specified in section 7B of the Wild Rivers Code). 	

10 Definitions

<p>Activity means an environmentally relevant activity, or aspect of an ERA to which this code relates.</p>
<p>Administering authority means the Chief Executive of the Department of Environment and Heritage Protection (or its successor) administering the <i>Environmental Protection Act 1994</i>.</p>
<p>Bund(ed) means an earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil).</p>
<p>Clearing means:</p> <ul style="list-style-type: none">(a) in relation to grass, scrub or bush — the removal of vegetation by disturbing root systems and exposing underlying soil (including burning), but does not include —<ul style="list-style-type: none">i) the flattening or compaction of vegetation by vehicles if the vegetation remains living; orii) the slashing or mowing of vegetation to facilitate access tracks; oriii) the clearing of noxious or introduced plant species; and(b) in relation to trees — removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way.
<p>Contaminant (as defined in Section 11 of the <i>Environmental Protection Act 1994</i>) means:</p> <ul style="list-style-type: none">(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.
<p>Declared pest plants are listed in Schedule 2 of the Land Protection (Pest and Stock Route Management) Regulation 2003.</p>
<p>Dispersible soils means structurally unstable soils that readily breakdown into their constituent particles in water (e.g. the clay material disintegrates into particles less than 2 microns across within 24 hours when soil crumbs are submerged in distilled water). These soils are also known as sodic soils and have a high percentage of sodium ions (in soluble or exchangeable form).</p>
<p>Drainage feature means a natural landscape feature, including a gully, drain, drainage depression or other erosion feature that:</p> <ul style="list-style-type: none">(a) is formed by the concentration of, or operates to confine or concentrate, overland flow water during and immediately after rainfall events; and(b) flows for only a short duration after a rainfall event, regardless of the frequency of flow events; and(c) commonly, does not have enough continuing flow to create a riverine environment.(d) has an active bed with >1m in width.
<p>Environmental harm (as defined in Section 14 of the <i>Environmental Protection Act 1994</i>) is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance. Environmental harm may be caused by an activity:</p>

<p>(a) whether the harm is a direct or indirect result of the activity; or</p> <p>(b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.</p>
<p>Environmental nuisance (as defined in Section 15 of the <i>Environmental Protection Act 1994</i>) means —</p> <p>“unreasonable interference or likely interference with an environmental value” caused by:</p> <p>(a) aerosols, fumes, light, noise, odour, particles or smoke; or</p> <p>(b) an unhealthy, offensive or unsightly condition because of contamination; or</p> <p>(c) another way prescribed by regulation.</p>
<p>EP Act means the <i>Environmental Protection Act 1994</i>.</p>
<p>ERA means an Environmentally Relevant Activity under the Environmental Protection Regulation 2008.</p>
<p>Floodplain management area (as defined in the <i>Wild Rivers Act 2005</i> Schedule) is the part of a wild river area described as the floodplain management area in the wild river declaration for the area.</p>
<p>High bank means the defining terrace or bank or, if no bank is present, the point on the active floodplain, which confines the average annual peak flows in a watercourse.</p>
<p>High ecological significance values include protected estate (protected areas under the <i>Nature Conservation Act 1992</i>), World Heritage Areas, marine parks, wetlands, habitat for endangered, vulnerable, rare or near threatened species (listed under the <i>Nature Conservation Act 1992</i> and <i>Environment Protection and Biodiversity Conservation Act 1999</i>), and regional ecosystems that are endangered, or of concern, or have other significant values (e.g. wetlands, nationally threatened ecological communities, large tracts of remnant vegetation, corridors and special biodiversity areas).</p>
<p>High preservation area (as defined in the <i>Wild Rivers Act 2005</i>) is the part of a wild river area described as the high preservation area in the wild river declaration for the area.</p>
<p>Highly erodible soils means very unstable soils that are generally described as Sodosols with hard-setting, fine sandy loam to silty clay loam surfaces (solodics, solodised solonetz and solonetz) or soils with a dispersible layer located less than 25cm deep or soils less than 25cm deep.</p>
<p>Infrastructure includes roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, pipelines, power lines, airstrips, helipads etc., which are constructed or installed specifically for the project.</p>
<p>Mature native woody vegetation means native trees that have a diameter at breast height of greater than 20 cm</p>
<p>Maintenance (as defined in Schedule 6 of the <i>Transport Infrastructure Act 1994</i>) includes:</p> <p>(a) rehabilitation; and</p> <p>(b) replacement; and</p> <p>(c) repair; and</p> <p>(d) recurrent servicing; and</p> <p>(e) preventive and remedial action; and</p> <p>(f) removal; and</p>

- (g) alteration; and
- (h) maintaining systems and services for transport infrastructure.

Minor borrow pit means an excavation less than 0.2 hectares in area and 2 metres in depth used for the extraction of quarry materials.

Offensive means causing offence or displeasure; is disagreeable to the sense; disgusting; nauseous or repulsive.

Other rail infrastructure (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) means:

- (a) freight centres or depots; or
- (b) **maintenance** depots; or
- (c) office buildings or housing; or
- (d) rolling stock or other vehicles that operate on a railway; or
- (e) workshops; or
- (f) any railway track, works or other thing that is part of anything mentioned in paragraphs (a) to (e).

Preservation area (as defined in the *Wild Rivers Act 2005*) is the part of a **wild river area** described as the **preservation area** in the wild river declaration for the area.

Protected areas includes:

- (a) any of the classes of **protected areas** listed in section 14 of the *Nature Conservation Act 1992*; or
- (b) the following under the *Queensland Heritage Act 1992*—
 - i) a place of cultural heritage significance;
 - ii) a registered place;
- (c) an area recorded in the Aboriginal Cultural Heritage Register established under section 46 of the *Aboriginal Cultural Heritage Act 2003*; or
- (d) an area recorded in the Torres Strait Islander Cultural Heritage Register established under section 46 of the *Torres Strait Islander Cultural Heritage Act 2003*; or
- (e) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*.

Rail transport infrastructure (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) means facilities necessary for operating a railway, including:

- (a) railway track and works built for the railway, including, for example—
 - cuttings
 - drainage works
 - excavations
 - land fill
 - track support earthworks; and
- (b) any of the following things that are associated with the railway's operation—
 - bridges
 - communication systems
 - machinery and other equipment

- marshalling yards
- notice boards, notice markers and signs
- overhead electrical power supply systems
- over-track structures
- platforms
- power and communication cables
- service **roads**
- signalling facilities and equipment
- stations
- survey stations, pegs and marks
- train operation control facilities
- tunnels
- under-track structures; and

(c) vehicle parking and set down facilities for intending passengers for a railway that are controlled or owned by a railway manager or the chief executive; and

(d) pedestrian facilities, including footpath paving, for the railway that are controlled or owned by a railway manager or the chief executive;

but does not include **other rail infrastructure**.

Registered operator means the holder of a registration certificate for carrying out extractive or screening activities under **ERA 16** that meet the criteria in section 3 of this code.

Registration certificate means a certificate given under section 73F of the *Environmental Protection Act 1994* to the **registered operator** of an **ERA**.

Regulated waste means waste that is either:

- (a) is commercial or industrial waste, whether or not it has been immobilised or treated; and
- (b) is of a type, or contains a constituent of a type, mentioned in schedule 7 of the Environmental Protection Regulation 2008.

Regulated waste includes:

- (a) for an element—any chemical compound containing the element; and
- (b) anything that contains residues of the waste.

Release in relation to contaminants means:

- (a) to deposit, discharge, emit or disturb the **contaminant**; and
- (b) to cause or allow the **contaminant** to be deposited, discharged, emitted or disturbed; and
- (c) to allow the **contaminant** to escape; and
- (d) to fail to prevent the **contaminant** from escaping.

Remnant vegetation (as defined in Schedule of the *Vegetation Management Act 1999*) means vegetation, part of which forms the predominant canopy of the vegetation:

<p>(a) covering more than 50% of the undisturbed predominant canopy; and</p> <p>(b) averaging more than 70% of the vegetation's undisturbed height; and</p> <p>(c) composed of species characteristic of the vegetation's undisturbed predominant canopy.</p>
<p>Road (as defined in Schedule 6 of the <i>Land Act 1994</i>) means an area of land, whether surveyed or unsurveyed:</p> <p>(a) dedicated, notified or declared to be a road for public use; or</p> <p>(b) taken under an Act, for the purpose of a road for public use.</p>
<p>Sensitive place means:</p> <p>(a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel);</p> <p>(b) a library, childcare centre, kindergarten, school, university or other educational institution;</p> <p>(c) a medical centre, surgery or hospital;</p> <p>(d) a protected area;</p> <p>(e) a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.</p>
<p>Significantly disturbed or to land means land that is:</p> <p>(a) contaminated land; or</p> <p>(b) disturbed and human intervention is needed to rehabilitate it:</p> <ul style="list-style-type: none">i. to a state required under this code; orii. if the code does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.
<p>Site(s) comprise all works required to undertake the activity and may include —</p> <p>(a) stockpiles;</p> <p>(b) hardstand areas;</p> <p>(c) chemical or fuel storage areas;</p> <p>(d) any associated infrastructure; and</p> <p>(e) voids.</p>
<p>Special floodplain management area (as defined in the <i>Wild Rivers Act 2005</i>) is the part of a wild river area described as the special floodplain management area in the wild river declaration for the area.</p>
<p>Spring (as defined in Schedule 26 of the <i>Water Act 2000</i>) means the land to which water rises naturally from below the ground and the land over which the water then flows.</p>
<p>Standard environmental conditions for a code of environmental compliance, means the standard environmental conditions approved for the ERA, or aspect of the ERA, under section 549 of the <i>Environmental Protection Act 1994</i>.</p>
<p>Topsoil means the surface (top) layer of a soil profile, which is more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from the natural surface.</p>
<p>Void means any human made, open excavation in the ground (includes gravel pits, borrow pits and</p>

trenches).

Watercourse (as defined in Section 5, Schedule 12 of the Environmental Protection Regulation 2008) means:

- (a) a river, creek or stream in which water flows permanently or intermittently—
- in a natural channel, whether artificially improved or not; or
 - in an artificial channel that has changed the course of the **watercourse**.
- (b) A **watercourse** includes the bed and banks and any other element of a river, creek or stream confining or containing water.

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.

Wetland (as defined in Schedule 12 of the Environmental Protection Regulation 2008) means an area shown as a **wetland** on the 'Map of referable wetlands' of April 2010, a document approved by the chief executive.

Wild river area (as defined under Section 7 of the *Wild Rivers Act 2005*) means an area declared by the Minister as a **wild river area**.

Wild river management area means an area within a **wild river area** with a management requirement and includes a **special floodplain management area**, **floodplain management area**, **preservation area** and **high preservation area**.