

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Superseded code of environmental compliance for certain aspects* of extractive and screening activities (ERA 16)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 6

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 prior to 9 November 2012.

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

Under criterion 4 this code cannot be used for new developments within a wild river area. However criterion 4 is met if the site of an existing operation under this code becomes part of a newly declared wild river area. This is in accordance with the intent of section 17 of the *Wild Rivers Act 2005*.

Note: A reference in this document to the Department of Environment and Resource Management should be read as a reference to the Department of Environment and Heritage Protection.

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

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1. Introduction

The Department of Environment and Resource Management (DERM) 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 of the EP Act, approved the standard environmental conditions contained in this code on 14 August 2010. 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 aspects of ERA 16 — Extractive and screening activities.

The aspects of ERA 16 — Extractive and screening activities, that this code applies to are thresholds 2(b) 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(b)	Extracting, other than by dredging, in a year, the following quantity of material— 5000t to 100000t
Threshold 3(a)	Screening, in a year, the following quantity of material— 5000t to 100000t

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ERA 16 — Extractive and screening activities

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

Criteria
1. The activity applies to the extraction and screening of material for the construction or maintenance of rail transport infrastructure and roads .
2. The quantity of material extracted or screened at any one site is between 5000 and 100000 tonnes per year and the maximum area of disturbance is 1.5 hectares.
3. There is no intentional or negligent release of contaminants to waters from the activity.
4. The activity will not be carried out in: <ul style="list-style-type: none"> - a protected area; or - in a Wild River Area as defined in the <i>Wild Rivers Act 2005</i>.
5. The activity does not include the use of explosives.
6. The activity occurs in daylight hours and between the hours of 6am and 6pm.
7. The activity does not occur within 1 kilometre of a sensitive place .
8. The activity does not occur within 100 metres of any watercourse, wetland or spring .

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 10 June 2011.

Registered operators who were carrying out ERA 16 under a development approval issued before 10 June 2011, 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 10 June 2012.

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 is not self-assessable under this code—It is an offence to undertake an activity without a development approval and penalties apply. Enforcement Guidelines published by DERM are available at <www.derm.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. Extracting from a wild river area is always assessable development under the *Sustainable Planning Act 2009* and cannot be covered by this code of environmental compliance.

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).

8. Further information or enquiries

Further information is available at <www.derm.qld.gov.au> or by contacting the relevant DERM regional office.

General enquiries or suggestions for future amendments to the code should be directed to Permit and Licence Management, Implementation Support Unit on telephone 1300 130 372 or by email at: palm@derm.qld.gov.au.

9. Standard environmental conditions and advisory notes

Standard environmental condition	Advisory note
<p>Condition 1 – Activity based management plan</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>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> <ul style="list-style-type: none"> (a) environmental commitments – a commitment by senior management to achieve relevant site specific environmental goals; (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; (c) 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 or areas of high ecological significance; (d) identification of environmental issues and potential environmental impacts from the activity; (e) control measures for routine operations to minimise the likelihood of causing environmental harm; (f) arrangements for monitoring and mitigating contaminant releases; (g) contingency plans and emergency procedures for non-routine situations; (h) organisational structure and responsibility; (i) details of site environmental management training to be provided to staff and contractors at the commencement and during the course of the activity; (j) records that are to be kept and the methods for keeping those records; (k) provisions for continuous improvement and periodic review of environmental performance; and (l) details of progressive and post-activity rehabilitation of disturbed areas. 	<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>, <i>Water Act 2000</i>.</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; and • what precautions could be taken to prevent a release. <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 condition	Advisory note
<p>Condition 2 – 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 3 – 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 4 – Bunding</p> <p>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. 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; (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 and pesticides.</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>

Standard environmental condition	Advisory note
<p>Condition 5 – 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>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>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 release of sediment or a petroleum product to land or waters.</p> <p>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.

Standard environmental condition	Advisory note
<p>Condition 6 – Notification of contaminant release</p> <p>Any release of contaminants not in accordance with the conditions of this code must be reported by telephone to the DERM Pollution Hotline or DERM office located in the area where the release occurred. Any such release must be reported as soon as possible but 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 DERM 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 release; (i) actions taken to mitigate any environmental harm caused by the release; and (j) proposed actions to prevent a recurrence of the release. 	<p>DERM may need to respond quickly to some spills with the potential to cause environmental harm. Priority should be given to notifying DERM 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 DERM office located in the area where the release occurred.</p>
<p>Condition 7 – 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 <i>Environmental Protection Policy</i>.</p>	<p>The <i>Environmental Protection (Air)</i>, <i>Environmental Protection (Noise)</i>, <i>Environmental Protection (Waste Management)</i> and <i>Environmental Protection (Water) Policies</i> are available at www.legislation.qld.gov.au.</p>

Standard environmental condition	Advisory note
<p>Condition 8 – 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 <i>Environmental Protection (Air) Policy</i>.</p>	<p>Monitoring must be in accordance with most recent edition of the administering authority's <i>Air Quality Sampling Manual</i>, available at www.derm.qld.gov.au.</p> <p>The <i>Environmental Protection (Air) Policy</i> 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> <ul 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.
<p>Condition 9 – 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 <i>Environmental Protection (Noise) Policy</i>.</p>	<p>Monitoring must be in accordance with most recent edition of the administering authority's <i>Noise Measurement Manual</i>, available at www.derm.qld.gov.au.</p> <p>The <i>Environmental Protection (Noise) Policy 2008</i> 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>

Standard environmental condition	Advisory note
<p>Condition 10 – 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 <i>State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils</i> and the relevant Guidelines.</p>	<p>The <i>State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils</i> is available on the Department of Infrastructure and Planning website: www.dip.qld.gov.au.</p>
<p>Condition 11 – Topsoil management</p> <p>Where required (i.e. for extraction activities) the topsoil must be:</p> <ul style="list-style-type: none"> (a) removed from the activity site prior to the commencement of the activity; (b) stockpiled uncompacted less than 1.5m high and in a manner that will preserve its soil profile, biological and chemical integrity; (c) used for rehabilitation of the activity site (refer to condition 14). 	<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 12 – Erosion and sediment control</p> <p>Erosion prevention and sediment control measures must be designed, implemented and maintained to prevent erosion and the release of sediment resulting from carrying out the activity.</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; (e) utilise appropriately designed and located rock check dams and silt fences for the capture and retention of sediment onsite (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; (g) divert upslope water around exposed sites by lining with timber, topsoil and overburden, and rilling along upslope edges; (h) suspend activities that cause ground disturbance during adverse weather

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	<p>conditions;</p> <ul style="list-style-type: none"> (i) install a sediment pond and/or sediment traps around topsoil stockpiles and downslope areas to capture all sediment-laden runoff; (j) install contour banks and diversion drains to exclude the potential for overland flow water to enter areas significantly disturbed by the activity; (k) provide surface drainage as part of road construction to: <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 (l) maintain a vegetation buffer around the disturbed areas.
<p>Condition 13 – Clearing vegetation</p> <p>Clearing of 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%); or (e) on dispersible soils or highly erodible soils; 	<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 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>

Standard environmental condition	Advisory note
<p>Condition 14 – Rehabilitation</p> <p>As soon as practicable and within 6 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 in accordance with EP Act requirements and this code; (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; <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. respraying any cleared vegetation; and vi. promoting establishment of vegetation of similar species composition and density of cover; and (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; (d) ensuring that the water quality of any residual water bodies meets criteria for subsequent uses and does not cause environmental harm; and (e) removing infrastructure from the site. 	<p>Measures may include, but are 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; (d) apply fertiliser where required to encourage vegetation establishment; (e) respread vegetation removed prior to commencement of activities to help minimise erosion and promote the regeneration of native vegetation; (f) surround any void remaining on site by a bund and/or fence to ensure public safety and to exclude livestock and fauna; and (g) consult the landowner/landholder regarding the rehabilitation process.

Standard environmental condition	Advisory note
<p>Condition 15 – 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 16 – 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 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 17 – Ensuring appropriate disposal of waste</p> <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 <i>Environmental Protection (Waste Management) Policy</i>.</p>	<p>Consult with your relevant local government, regional DERM office and/or private landfill operators about the range of lawful waste disposal options available for waste.</p> <p>The administering authority's waste policy <i>Environmental Protection (Waste Management) Policy 2000</i> is available at www.legislation.qld.gov.au.</p>
<p>Condition 18 – 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. 	

Standard environmental condition	Advisory note
<p>Condition 19 – 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 DERM on request.</p> <p>If the complainant does not provide their name and contact details, record this as an anonymous complaint.</p>
<p>Condition 20 – 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>

10. Definitions

Activity means an environmentally relevant activity, or aspect of an ERA to which this code relates.

Administering authority means the Chief Executive of the Department of Environment and Resource Management (or its successor).

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).

Clearing means —

- (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 —
 - i. the flattening or compaction of vegetation by vehicles if the vegetation remains living; or
 - ii. the slashing or mowing of vegetation to facilitate access tracks; or
 - iii. 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.

Contaminant (as defined in Section 11 of the *Environmental Protection Act 1994*) means —

- (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.

Declared pest plants are listed in Schedule 2 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*.

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).

Environmental harm (as defined in Section 14 of the *Environmental Protection Act 1994*) 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—

- (a) whether the harm is a direct or indirect result of the activity; or
- (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

Environmental nuisance (as defined in Section 15 of the *Environmental Protection Act 1994*) means — “unreasonable interference or likely interference with an environmental value” caused by:

- (a) aerosols, fumes, light, noise, odour, particles or smoke; or
- (b) an unhealthy, **offensive** or unsightly condition because of contamination; or
- (c) another way prescribed by regulation.

EP Act means the *Environmental Protection Act 1994*.

EP Reg means the *Environmental Protection Regulation 2008*.

ERA means an Environmentally Relevant Activity under the *Environmental Protection Regulation 2008*.

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.

High ecological significance (HES) values include protected estate (protected areas under the NC Act), World Heritage Areas, marine parks, wetlands, habitat for endangered, vulnerable, rare or near threatened species (listed under the NC Act and *Environment Protection and Biodiversity Conservation Act 1999*), 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).

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.

Infrastructure – project infrastructure includes roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, pipelines, powerlines, airstrips, helipads etc., which are constructed or installed specifically for the project.

Maintenance (as defined in Schedule 6 of the *Transport Infrastructure Act 1994*) includes—

- (a) rehabilitation; and
- (b) replacement; and
- (c) repair; and
- (d) recurrent servicing; and
- (e) preventive and remedial action; and
- (f) removal; and
- (g) alteration; and
- (h) maintaining systems and services for transport infrastructure.

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).

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*—
 - a. a place of cultural heritage significance;
 - b. 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.

Release of a contaminant into the environment, includes —

- (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.

Road (as defined in Schedule 6 of the *Land Act 1994*) means an area of land, whether surveyed or unsurveyed—

- (a) dedicated, notified or declared to be a road for public use; or
- (b) taken under an Act, for the purpose of a road for public use.

Sensitive place means —

- (a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel);
- (b) a library, childcare centre, kindergarten, school, university or other educational institution;
- (c) a medical centre, surgery or hospital;
- (d) a protected area;
- (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.

Significantly disturbed land or **significant disturbance to land** means land that is:

- (a) contaminated land; or
- (b) disturbed and human intervention is needed to rehabilitate it:
 - i. to a state required under this code; or
 - ii. if the code does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Site(s) comprise all works required to undertake the activity and may include —

- (a) stockpiles;
- (b) hardstand areas;

- (c) chemical or fuel storage areas;
- (d) any associated infrastructure; and
- (e) voids.

Spring (as defined in Schedule 26 of the *Water Act 2000*) means the land to which water rises naturally from below the ground and the land over which the water then flows.

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 *Environmental Protection Act 1994*.

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.

Void means any human made, open excavation in the ground (includes gravel pits, borrow pits and 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 Rivers area (as defined under Section 7 of the *Wild River Act 2005*) means an area declared by the Minister as a Wild Rivers area.