

# Code of environmental compliance

## Mining claims and prospecting permits

*This code of environmental compliance (code) has been made under of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549 of the Environmental Protection Act 1994, for carrying out an environmental authority for a mining exploration or mineral development project which meets the prescribed eligibility criteria in schedule 3A of the Environmental Protection Regulation 2008.*

# Code of environmental compliance for mining claims and prospecting permits

Version 1.1

Superseded - Valid for approvals from 21 May 2014 to 30 March 2016

## Code of environmental compliance Mining claims and prospecting permits

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*Environmental Protection Act 1994* - changes as at 31 March 2013

The criteria, referred to as eligibility criteria from 31 March 2013, for determining whether mining claim project can be considered a standard environmental authority have been set out below. The following eligibility criteria are found in schedule 3A of the Environmental Protection Regulation 2008:

- a) the mining activity does not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;
- b) the mining activity is not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;
- c) the mining activity is not, or will not be, carried out under an environmental authority under which either of the following is, or is to be, authorised—
  - i. an environmentally relevant activity to which a section of schedule 2 applies and for which there is an aggregate environmental score;
  - ii. a resource activity, other than a mining activity, that is an ineligible ERA;
- d) the mining activity is not, or will not be, carried out in a wild river area, unless—
  - i. the mining activity is authorised under an environmental authority for a mining activity relating to a mining claim, an environmental authority for a mining activity relating to an exploration permit or an environmental authority for a mining activity relating to a mineral development licence; or
  - ii. the mining activity involves alluvial mining and is, or will be, carried out at a place that is not in a wild river high preservation area, wild river nominated waterway or wild river special floodplain management area; or
  - iii. the mining activity involves clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining and is, or will be, carried out at a place that is not in a wild river high preservation area or wild river special floodplain management area.

A nominated waterway means a nominated waterway under the Wild Rivers Act 2005.

- e) the mining activity does not, or will not, at any one time, cause more than 5000m<sup>2</sup> of land to be disturbed at a campsite;
- f) no more than 20m<sup>3</sup> of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activity in a year.

Any new mining claims commencing from 31 March 2013 that meets the eligibility criteria outlined above and that can meet all of the standard conditions can apply for a standard approval to carry out this activity. The conditions that apply to the standard approval will be the standard conditions.

From 31 March 2013, the standard environmental conditions of this code are taken to be the standard conditions for the mining activity until new standard conditions are developed.

Where the mining activity cannot meet all the standard conditions of this code, a variation application for an environmental authority can be made. The environmental authority will include the standard conditions and any variation that is approved by the administering authority.

Information on applying for an approval is at [www.business.qld.gov.au](http://www.business.qld.gov.au).

In the near future, the department will be developing a contemporary set of eligibility criteria and standard conditions that reflects changes to standards of environmental management required for mining activities and more recent legislation implementation.

*Uranium mining.*

The Queensland Government has determined that mining activities associated with uranium do not meet the eligibility criteria for this code of environmental compliance. This determination is based on an environmental impact statement (EIS) being triggered for uranium mining activities as they are defined as the “introduction of novel or unproven resource extraction process, technology or activities”. A standard application for mining activities associated with uranium therefore cannot be made. As such a site specific application is required for all mining activities associated with uranium.

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## Contents

Contents .....	4
1.0 INTRODUCTION .....	5
2.0 STANDARD ENVIRONMENTAL CONDITIONS .....	7
2.1 GENERAL CONDITIONS .....	7
Financial Assurance .....	7
Land Disturbance .....	7
Air Quality .....	8
Noise Emissions .....	8
Erosion and Sediment Control .....	8
Topsoil and Overburden Management .....	9
Hazardous Contaminants .....	10
Nature Conservation .....	11
Other Level 2 Environmentally Relevant Activities .....	12
2.2 ACTIVITY-BASED CONDITIONS .....	13
Waste Management .....	13
Service, Maintenance and Storage Areas .....	14
Monitoring, Reporting and Emergency Response Procedures .....	15
Rehabilitation .....	15
3.0 DEFINITIONS .....	18
4.0 TECHNICAL GUIDELINES .....	28
5.0 RELEVANT LEGISLATION .....	29
APPENDIX A - ENVIRONMENTALLY SENSITIVE AREAS .....	30
APPENDIX B FORMS .....	34
FORM 1 MONITORING AND RECORD KEEPING SUMMARY .....	34
FORM 2 Emergency Response Table .....	35

## 1.0 INTRODUCTION

**Note:** The key terms and/or phrases used in this Code are *highlighted in italics* followed by an (\*). They are defined in Section 4.

### **Prospecting Permits and Mining Claims**

A Mining Claim allows a miner to prospect for specified minerals and to mine them by hand methods. A range of light machinery is permitted, together with moderate blasting, temporary structures and delivery of materials to the site. The initial term of a claim cannot exceed ten years but a holder can apply for renewals. The maximum area for a claim is one hectare and a person cannot hold more than two.

Prospecting Permits entitle the holder to determine the existence, quantity and quality of a mineral in or under land using metal detectors or similar hand held instruments and hand held implements for sampling. In certain cases hand mining for minerals is permitted. A holder may also carry out activities necessary to preparing an application for a mining claim or a mining lease.

A District Prospecting Permit has a term of up to one year and the holder can prospect on all land within a Mining District. A Parcel Prospecting Permit has a term of three months and applies to a specified parcel of land owned by one owner.

Mining or exploration activities carried out under a prospecting permit or a mining claim will always be standard mining activities. A *Standard Mining Activity* is an activity that has a low risk of causing *Serious Environmental Harm*

### **About this Code**

This Code of Environmental Compliance:

- sets the environmental performance requirements as *Standard Environmental Conditions* which will be the compliance requirements of an *Environmental Authority* issued for standard mining activities (see section 2);
- provides advisory notes on how to achieve compliance with the standard environmental conditions. These are not compliance requirements and are contained in the boxes associated with the relevant standard environmental condition;
- provides definitions of terms used in this code (see section 3);
- provides references to Technical Guidelines for information on best practice environmental management (see section 4).

### **Additional Conditions for Mining Claims**

The holder of the environmental authority may apply for additional conditions at any time. The request must be made on the *Approved For\** and the applicant must supply enough information to allow the *Administering Authority\** to decide whether or not to impose the condition/s.

The administering authority may also set additional conditions on the environmental authority. However, the administering authority may only set additional conditions if the relevant mining claim would remain a standard mining activity. In deciding whether to set an additional condition, the administering authority must comply with any relevant *Environmental Protection Policy\** requirements and consider the *Standard Criteria\**.

If an application for an additional condition is granted, the additional condition will override the relevant standard environmental condition and the activity will remain a standard mining activity in accordance with section 151 of the *Environmental Protection Act 1994*.

### **Compliance Requirement**

The compliance requirements of a standard environmental authority issued under the *Environmental Protection Act 1994* for a standard mining activity are the standard environmental conditions in this code, plus any additional conditions. Failure to comply with the standard environmental conditions, or any additional conditions, is a breach of the environmental authority and the holder is liable to various compliance enforcement actions under the *Environmental Protection Act 1994*. Refer to section 430 of the Environmental Protection Act 1994 - 'offence to contravene condition of environmental authority'.

Note: Additional permits and/or licences for activities carried out on the mining claims may be required under other legislation (e.g. sale of gravel or sand). Seek advice from the administering authority before carrying out any additional activities.

### **Public Notification**

Draft environmental authorities for mining claims will be publicly advertised as part of the application process. Any person may object to the conditions of the draft environmental authority and the objections will be heard through the Land and Resources Tribunal. The findings of the Land and Resources Tribunal will be considered by the Minister for Environment and Heritage Protection, who must seek advice from the Minister for Natural Resources and Mines, in setting the final environmental conditions.

### **For More Information**

Contact the District Manager at the Department of Environment and Heritage Protection or the Mining Registrar at the Department of Natural Resources and Mines at the following locations.

#### **Department of Environment and Heritage Protection**

EHP Advisory Service - 1800 501087  
Brisbane and Toowoomba - (07) 3224 6161  
Maryborough and  
Rockhampton - (07) 4936 0511  
Mackay and Emerald - (07) 4982 4555  
Townsville- (07) 4722 5350  
Mt Isa- (07) 4744 7888  
Cairns - (07) 4046 6730

#### **Department of Natural Resources and Mines**

Brisbane (Spring Hill) - (07) 3227 1972  
Quilpie – (07) 4656 1266  
Emerald - (07) 4982 4011  
Winton – (07) 4657 1727  
Mt Isa – (07) 4747 2103  
Mareeba – (07) 4092 4211  
Charters Towers - (07) 4787 1266  
Townsville – (07) 4760 7406  
Georgetown – (07) 4062 1204  
Rockhampton – (07) 4938 4440

## 2.0 STANDARD ENVIRONMENTAL CONDITIONS

### 2.1 GENERAL CONDITIONS

#### Financial Assurance

##### Condition 1

The holder of a new *Environmental Authority*\* must submit the required amount of *Financial Assurance*\* (i.e. a security deposit) to the administering authority prior to carrying out any activities on the mining tenement. If an application is lodged to transfer the environmental authority to another person or company, the proposed transferee must submit the required financial assurance prior to the transfer taking effect.

Note 1 - A financial assurance must be calculated in accordance with the Schedule of Rehabilitation Costs in the application form.

Note 2 - Section 364 of the *Environmental Protection Act 1994*, requires that the holder of the environmental authority gives the administering authority a financial assurance in an acceptable form (i.e. either cash or a bank guarantee) and for the amount calculated in a manner decided by the administering authority. When necessary, the holder of the environmental authority must amend the financial assurance under section 366 of the *Environmental Protection Act 1994* (e.g. increasing the area of disturbance on the mining claim).

The holder of the environmental authority must lodge a single financial assurance with the Department of Mines and Energy. The financial assurance will consist of two components:

- (a) An amount to cover the potential costs of rehabilitation of areas disturbed by mining activities (i.e. Environmental Protection Agency component); and
- (b) An amount to cover the potential costs of restoring property improvements disturbed by mining activities and the failure of the tenure holder to pay rents and royalties (i.e. Department of Mines and Energy component).

#### Land Disturbance

##### Condition 2

The holder of the environmental authority must ensure that the area and duration of disturbance to land, vegetation and watercourses are minimised.

Note 3 - To minimise the area and duration of disturbance to land, vegetation and watercourses the following measures or similar measures can be used:

- where practical, avoid disturbing large and/or mature trees;
- select specific trees to be cleared and avoid causing damage to surrounding vegetation; and
- where practical, leave the rootstock intact to promote regeneration and regrowth.

## **Air Quality**

### **Condition 3**

**The holder of the environmental authority must not cause an *Unreasonable Release*\* of dust.**

Note 4 - To prevent causing an unreasonable release of dust, the following measures or similar measures can be used:

- altering work practices to avoid or minimise the generation of dust;
- scheduling activities for times when they will have least impact;
- revegetating disturbed areas as soon as practical;
- leaving or creating wind breaks or screening; and
- installing pollution control equipment (e.g. fitting bag filters or a cyclone to dust generating equipment).

## **Noise Emissions**

### **Condition 4**

**The holder of the environmental authority must not cause *Unreasonable Noise*\* at a *Noise Sensitive Place*\***

Note 5 - To prevent causing unreasonable noise at a noise sensitive place the following measures or similar measures can be used:

- construct and maintain noise barriers and enclosures around noisy equipment or along the noise transmission path;
- implement noise reduction measures at noise sensitive places;
- provide and maintain low noise equipment;
- carry out routine maintenance on fans to minimise bearing noise;
- repair or replace defective mufflers of vehicles and plant with suitable effective mufflers; and
- limit the hours of operation of the project to between the hours of 7am to 6pm Monday to Saturday.

Note 6 - If aircraft are used for mining related activities, operate them so as to minimise disturbance to livestock (e.g. helicopters).

## **Erosion and Sediment Control**

### **Condition 5**

**The holder of a environmental authority must design, install and maintain adequate banks and/or diversion drains to minimise the potential for storm water runoff to enter areas disturbed by mining activities.**

**Condition 6**

**The holder of the environmental authority must design, install and maintain adequate erosion and sediment controls wherever necessary to prevent erosion of disturbed areas and sedimentation of any *Watercourse\**, *Waterway\**, *Groundwater\**, *Wetland\** or *Lake\**.**

Note 7 - For information on the design and construction of sediment ponds refer to the

•“Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland”, Part C, “Site Water Management”.

Note 8 – Regularly clean out sediment traps, ponds and drains and maintain them in effective working order, until erosion stability has been achieved in disturbed areas.

Note 9 – The capacity of sediment traps, ponds, drains and banks should not be reduced below 70% of their design capacity.

**Condition 7**

**The holder of the environmental authority must ensure that any *Turbidity\** at a point 300m downstream from any mining activity being carried out in a watercourse, is no greater than any turbidity upstream from the activity.**

Note 10 – With regard to on site management of water refer to the *Environmental Protection (Water) Policy 1997*.

**Topsoil and Overburden Management**

**Condition 8**

**The holder of the environmental authority must ensure that *Topsoil\** is removed and stockpiled prior to carrying out any mining activity. Prevent or minimise the mixing and erosion of topsoil and *Overburden\** stockpiles.**

Note 11 - To separate topsoil and overburden and to prevent or minimise the erosion of these stockpiles the following measures or similar measures can be used:

- identify topsoil and overburden layers prior to mining;
- store topsoil and overburden in separate stockpiles;
- install silt fences or bunding around the stockpiles;
- establish and maintain a temporary cover crop on the topsoil stockpiles;
- limit the height of topsoil stockpiles to 2 m; and
- where practical, reuse stockpiled topsoil within 12 months of storage.

## **Hazardous Contaminants**

### **Condition 9**

**The holder of the environmental authority must plan and conduct activities on site to prevent any potential or actual release of a *Hazardous Contaminant*\*.**

Note 12 - Section 442 of the *Environmental Protection Act 1994* makes it an offence to release a prescribed contaminant. A prescribed contaminant is a contaminant prescribed by an Environmental Protection Policy.

Note 13 - Section 443 of the *Environmental Protection Act 1994* makes it an offence to cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Note 14 - The owner or occupier of a mining claim must notify the administering authority if the owner or occupier becomes aware that a *Notifiable Activity*\* listed in Schedule 3 of the *Environmental Protection Act 1994*, is being carried out on the land within 30 days, by giving notice to the administering authority in the approved form. For example, a mining operation that generates waste materials that contain hazardous contaminants must notify the administering authority that this activity is being carried out. Refer to section 371 of the *Environmental Protection Act 1994*.

### **Condition 10**

**The holder of the environmental authority must ensure that spills of hazardous contaminants are cleaned up as quickly as practical. Do not clean up such spillage by hosing, sweeping or otherwise releasing such contaminants to any watercourse, waterway, groundwater, wetland or lake.**

Note 15 - If a mining claim becomes *Significantly Disturbed Land*\* because it is contaminated land, it ceases to be significantly disturbed land if a Suitability Statement\* is issued for the land. Refer to section 384 of the *Environmental Protection Act 1994*.

Note 16 - A *Site Management Plan*\* approved under Part 413 of the *Environmental Protection Act 1994*, may be required by the administering authority for sites recorded on the *Environmental Management Register*\* or the *Contaminated Land Register*\*. Such sites may include acid producing waste rock stockpiles or tailings dams containing acid producing wastes.

### **Condition 11**

The holder of the environmental authority must dispose of acid producing waste rock in a mine excavation where practical and backfill as soon as practical. Where not practical, bury acid producing waste rock in an excavation or pit and backfill as soon as practical. Backfill all mine excavations, other excavations and pits containing acid producing waste rock with benign, low permeability material and seal the mine excavation, other excavation or pit with a compacted capping layer at least 1m thick.

Note 17 - For detailed information on the management of acid mine waste material refer to the "Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland", Part B, 'Assessment and Management of Acid Drainage' and the 'Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils (ASS) in Queensland'.

### **Nature Conservation**

#### **Condition 12**

The holder of the environmental authority must prevent the spread of *Declared Plants*\* by ensuring that all vehicles and machinery are adequately cleaned before taking the vehicles and machinery out of a *Declared Plant Area*\*.

Note 18 - Section 35 (a) of the Mineral Resources Regulation 1990, requires that every precaution must be taken to ensure there is no dispersal of Parthenium weed or the seed of any other declared plant within the meaning of the *Rural Lands Protection Act 1985*, as a result of mining or as a result of access to the area of the mining claim.

Note 19 - The Department of Natural Resources provide Pest Fact sheets for declared plants in Queensland as well as clean down procedures for motor vehicles and machinery. For advice on declared plant areas contact the Department of Mines and Energy, Department of Natural Resources or your Local Shire Council.

#### **Condition 13**

The holder of the environmental authority must not carry out activities in a category A or B *Environmentally Sensitive Area*\*. Prior to carrying out activities in a category C environmentally sensitive area, consult with the relevant administering authority and the Environmental Protection Agency. If it is determined through the consultation that additional conditions are necessary, comply with those conditions.

Note 20 - For information on Environmentally Sensitive Areas refer to Appendix A.

**Condition 14**

The holder of the environmental authority must not carry out activities within 100m of a *Historical\**, *Archaeological\** or *Ethnographic Site\**.

Note 21 - With regard to cultural heritage issues refer to the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987* and the *Queensland Heritage Act 1992*. Prior to carrying out any activities on the mining claim, the holder of the environmental authority should consult with the administering authority if a site has the potential to be designated as a historical, archaeological or ethnographic site.

**Other Level 2 Environmentally Relevant Activities**

**Condition 15**

The holder of the environmental authority must not carry out the following Level 2 *Environmentally Relevant Activities* (ERA) on site:

- ERA (7) Chemical Storage - storage of chemicals (other than crude oil, natural gas and petroleum products), including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers with a design storage volume of more than 10m<sup>3</sup> but less than 1000m<sup>3</sup>;
- ERA (76) Incinerating waste – operating a waste incineration facility for incinerating –
  - a) vegetation;
  - b) clean paper or cardboard;
- ERA (77) Battery Recycling - operation of a facility for receiving and recycling or reprocessing any kind of battery; and
- ERA (80) Tyre Recycling - operation of a facility for receiving and commercially recycling or reprocessing tyres (other than retreading tyres).

## 2.2 ACTIVITY-BASED CONDITIONS

### Waste Management

#### Condition 16

The holder of the environmental authority must not directly or indirectly release waste from the project area to any watercourse, waterway, groundwater, wetland or lake.

Note 22 - When managing waste materials the following strategy should be adopted:

- avoid creating excess waste;
- reuse waste materials;
- recycle waste;
- create and utilise energy from waste;
- treat waste; and
- dispose of waste (e.g. provide rubbish containers).

Note 23 - Where practicable take all *General Waste\** to a *Licensed General Waste Disposal Facility\**.

Note 24 -Up to 50 tonnes of general waste may be buried on the mining tenement per year. When burying general waste the following measures or similar measures should be used:

- locate the waste pit so as to ensure that the waste will not contaminate any watercourse, waterway, groundwater, wetland or lake;
- divert stormwater runoff from entering the pit;
- make the pit safe and protect it from scavengers;
- crush drums and other containers to reduce the volume of waste;
- backfill the pit when the level of rubbish in the pit is not less than 1m below the surface; and
- sufficiently overfill the pit to allow for settlement.

Note 25 -*Limited Regulated Waste\** may be disposed of to a licensed general waste disposal facility provided the annual volume of limited regulated waste does not exceed 10% of the annual volume of general waste (e.g. tyres).

## **Service, Maintenance and Storage Areas**

### **Condition 17**

**The holder of the environmental authority must not directly or indirectly release fuels, oils, lubricants or other *Contaminants*\* to any watercourse, waterway, groundwater, wetland or lake.**

Note 26 - To prevent the direct or indirect release of fuels, lubricants or other contaminants to any watercourse, waterway, groundwater, wetland or lake the following measures or similar measures can be used:

- maintain all refuelling equipment in good working order; and
- use groundsheets or drip trays to capture spillage during maintenance of machinery and vehicles; and
- locate all fuel storages within an impermeable bund; and
- ensure all liquid containment, including fuel tank bunds and process water ponds, have a volume at least equal to the design volume plus an additional 10% of that volume; and
- where practical, undertake all refuelling and routine maintenance of vehicles within designated service areas.

Note 27 – With regard to the management of waste water refer to the Environmental Protection (Water) Policy 1997.

### **Condition 18**

**The holder of the environmental authority must ensure that all chemical, fuel and oil storage facilities less than 10 000L on a mining claim, must be designed and operated in accordance with Australian Standard 1940 – ‘The storage and handling of flammable and combustible liquids’, Section 2, Minor Storage.**

### **Condition 19**

**The holder of the environmental authority must ensure that:**

- (1) all chemical, fuel and oil storage facilities of more than 10 000 L on a mining claim, must be banded to contain at least one hundred percent of the volume of the largest container, plus twenty-five percent of the storage capacity of the largest container up to a maximum of 10, 000 L, together with ten percent of the storage capacity beyond 10, 000 L; and**
- (2) the facility must be operated and maintained in accordance with the Australian Standard 1940 – “The Storage and Handling of flammable and combustible liquids”.**

**Monitoring, Reporting and Emergency Response Procedures**

**Condition 20**

**The holder of the environmental authority must record and notify the administering authority of any emergency or incident which demonstrates non-compliance with the Standard Environmental Conditions.**

Note 28 - A notification of any emergency or incident, which demonstrates non-compliance to the standard environmental conditions can not be used in evidence in any further action taken by the administering authority as a result of the notification.

Note 29 - To demonstrate ongoing compliance with the standard environmental conditions, complete Form 1, 'Monitoring and Record Keeping Summary'. Establish programs to monitor project activities and maintain records for review by the administering authority.

Note 30 - To demonstrate compliance with the standard environmental conditions complete Form 2, 'Emergency Response Table'. Provide and maintain appropriate emergency response equipment and inform all operational personnel, contractors and visitors of emergency response procedures.

Note 31 - Observe the provisions and regulations under the *Fire and Rescue Authority Act 1990* and the *Mine Regulation Act 1985*.

**Rehabilitation**

**Condition 21**

**The holder of the environmental authority must backfill excavations less than 3m deep with overburden and waste rock as soon as practical following the completion of mining activities.**

**Condition 22**

**Where it is impractical to return overburden and waste rock to excavations deeper than 3m, the holder of the environmental authority must construct overburden and waste rock stockpiles in accordance with Condition 25.**

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**Condition 23**

For excavations that are to remain at the completion of mining activities, by agreement with the land holder, and will be used as livestock water drinking supplies, the holder of the environmental authority must:

- (1) ensure that water quality in any remaining excavation complies with the acceptable water quality *Guidelines For Livestock Drinking Water*\* as detailed in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality; and**
- (2) provide safe access for livestock and native animals to the excavation.**

Note 32 - Install and maintain adequate warning signs, fences and rock bunds to exclude people, stock and wild animals from excavations and shafts.

Note 33 - Prior to the surrender of a mining claim all excavations that are to remain open after mining activities have ceased, need to be made safe (e.g. an open pit). Refer to the *Mines Regulation Act 1985* and the 'Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland', Part D, 'Open Pit Rehabilitation'.

Note 34 - Provide safe access to water for livestock and native animals by:

- providing hard surfaces around water storage areas; and
- fencing off any soft areas around the edge of water storage areas.

**Condition 24**

The holder of the environmental authority must complete the *Rehabilitation Processes*\* on areas disturbed by mining activities, apart from those areas currently being utilised for mining activities, as soon as practical and within six months of the completion of works in those areas.

Note 35 – Where practical undertake progressive rehabilitation of disturbed areas.

**Condition 25**

The holder of the environmental authority must rehabilitate areas disturbed by mining activities to a stable landform, similar to that of the surrounding undisturbed areas.

Note 36 - When rehabilitating disturbed areas refer to the 'Technical Guidelines for the Environmental Management of Mining and Exploration in Queensland', Part D, 'Geo-Technical Slope Stability'.









































