

Permit

Environmental Protection Act 1994

Environmental authority EPML00350213

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

Environmental authority number: EPML00350213

Environmental authority takes effect on 18 January 2023

Environmental authority holder(s)

Name(s)	Registered address
New Oakleigh Coal Pty Ltd	Level 16, 175 Eagle Street Brisbane City QLD 4000

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Schedule 3 13: mining black coal	ML4568, ML4584, ML4675, ML4683, ML4698, ML4699, ML50175

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

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

- The happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or

- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

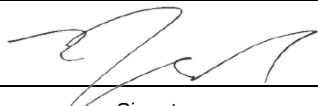
Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise- one the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.


Signature

18 January 2023
Date

Ben Byrd
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 18 January 2023

Enquiries:
Business Centre (Coal)
Environmental Services and Regulation
PO Box 3028
EMERALD QLD 4720
Phone: (07) 4987 9320
Email: CRMining@des.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Natural Resources, Mines and Energy (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Conditions of environmental authority

Schedule A: General	
Condition number	Condition
A1	Maintenance of Measures, Plant and Equipment The holder must: a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and b) maintain such measures, plant and equipment in a proper condition; and c) operate such measures, plant and equipment in a proper manner.
A2	Monitoring Record, compile and keep for a minimum of five years all monitoring results required by this environmental authority and make available for inspection all or any of these records upon request by the administering authority.
A3	Where monitoring is a requirement of this authority, ensure that a competent person(s) conducts all monitoring.
A4	Storage and handling of Flammable and Combustible Liquids Spillage of all chemicals and fuels must be contained within an on- site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 — <i>Storage and handling of Flammable and Combustible Liquids</i> of 1993 (or more recent edition).
A5	Definitions Words and phrases used throughout this environmental authority are contained in Definitions section. Where a definition for term used in this environmental authority is sought and the term is not defined within this environmental authority, the definitions in the <i>Environmental Protection Act 1994</i> , its Regulations and Environmental Protection Policies must be used.

Schedule B: Air	
Condition number	Condition
B1	Dust nuisance Subject to conditions B2 and B3 , the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive place.

B2	When requested by the administering authority, dust and particulate monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
B3	If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded, then the holder is not in breach of condition B1: a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with <i>AS 3580.10.1 Methods for sampling and analysis of ambient air — Determination of particulates — Deposited matter — Gravimetric method of 1991</i>; and b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (PM₁₀) suspended in the atmosphere of 150 micrograms per cubic metre over a 24-hour averaging time, at a sensitive place downwind of the operational land, when monitored in accordance with: i) Particulate matter — Determination of suspended particulate PM₁₀ high- volume sample with size — selective inlet — Gravimetric method, when monitored in accordance with <i>AS 3580.9.6 Methods for sampling and analysis of ambient air — Determination of suspended particulate matter — PM₁₀ high volume sampler with size — selective inlet — Gravimetric method of 1990</i>; or ii) Any alternative method of sampling PM₁₀, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority. NOTE: You must propose which monitoring method is appropriate in accordance with conditions B3 a) or B3 b), or both.
B4	If monitoring indicates exceedance of the relevant limits in condition B3, then the environmental authority holder must: a) Negotiate in good faith with the maker of the complaint in order to find a solution to the exceedance acceptable to all parties. Negotiations in good faith may include reference to appropriate dispute resolution by third parties provided the maker of the complaint and the holder agree to such dispute resolution; and/or b) If good faith negotiations pursuant to a) hereof are attempted but are not resolved to the satisfaction of both the holder and the maker of the complaint, or if no good faith negotiations are undertaken pursuant to a) hereof, immediately implement dust abatement measures so that emissions of dust from the activity do not result in further environmental nuisance.

Schedule C: Water	
Condition number	Condition
C1	Release to Waters End of pipe release limits for storm water contaminated by mining activities must be monitored at the locations and frequencies defined in Table C1 and Comply with the contaminant limits defined in Table C2 .

Table C1 End of Pipe Monitoring Locations and Frequency

Monitoring point	Longitude (GDA2020)	Latitude (GDA2020)	Monitoring frequency
OW9	152.577113	-27.622284	"Discharge event"
OW21	152.569491	-27.625140	"Discharge event"
NOTE: This does not apply to tailings dams			

Table C2 -End of Pipe Monitoring Contaminant Release Limits)

Parameter	Units	Minimum	Maximum
pH	pH units	6.5	9.0
Conductivity	µS/cm	-	1500
Total Suspended Solids	mg/L	-	50

C2	All reasonable and practicable erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
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Schedule D: Noise and Vibration	
Condition number	Condition
D1	Noise Nuisance Subject to conditions D2 and D3 , noise from the mining activity must not cause an environmental nuisance, at any noise sensitive place.
D2	When requested by the Administering Authority, noise monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint) which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any noise sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.

D3	If the environmental authority holder can provide evidence through monitoring that the limits defined in Table D1 and Table D2 inclusive are not being exceeded then the holder is not in breach of condition D1. Monitoring must include a) L_A, max adj. T; b) L_A, max adj. T; c) dB[Lin] Peak; d) the level and frequency of occurrence of impulsive or tonal noise; e) atmospheric conditions including wind speed and direction; and f) location, date and time of recording.
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Table D1 -Noise limits — 'Noise sensitive place'

Noise level dB(A) measured as	Noise measured at a 'Noise sensitive place' Average hourly A - weighted sound pressure levels, L_{Ar} , 1 hour					
	Monday to Saturday			Sundays and Public holidays		
	7am-6pm	6am-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am
L_{Ar} , 1 hour	50	45	40	50	45	40

Table D2 -Airblast Overpressure Level —'Noise sensitive place'

Noise parameter	Monday to Friday 9am — 5pm
	Saturday 9am — 1pm
Air blast overpressure level (dB[Lin] Peak)	115 dB (80 th percentile)
Air blast overpressure level (dB[Lin] Peak)	120 dB (maximum)

**Blasting not permitted on public holidays*

D4	If monitoring indicates exceedance of the limits in Table D1 and Table D2, then the environmental authority holder must: a) Negotiate in good faith with the maker of the complaint in order to find a solution to the exceedance acceptable to all parties. Negotiations in good faith may include reference to appropriate dispute resolution by third parties, provided the maker of the complaint and the holder agree to such dispute resolution; and/or b) If good faith negotiations pursuant to "a" hereof are attempted but are not resolved to the satisfaction of both the holder and the maker of the complaint or if no good faith negotiations are undertaken pursuant to "a" hereof immediately implement noise abatement measures so that emissions of noise from the activity do not result in further environmental nuisance.
D5	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's <i>Noise Measurement Manual</i> .
D6	Vibration Nuisance Subject to conditions D7 and D8 vibration from the mining activity must not cause an environmental nuisance, at any sensitive place.
D7	For each blast event, vibration monitoring must be conducted at a point adjacent to the closest noise sensitive place(s) or another place as requested by the administering authority.
D8	If the environmental holder can provide evidence through monitoring that the limits defined in Table D3 are not being exceeded then the holder is not in breach of condition D6. Monitoring must include: a) location of the blasts/s within the mining area (including which bench level); and b) atmospheric conditions including temperature, relative humidity and wind speed and direction; and c) location, date and time of recording.

Table D3 -Vibration limits – ‘Sensitive place’

Vibration parameter	Vibration measured at a sensitive place
	Monday to Friday 9 am – 5pm*
	Saturday 9 am – 1pm
‘Sensitive Place’	5 mm/s peak particle velocity

*Blasting not permitted on public holidays

D9	If monitoring indicates exceedance of the relevant limits in Schedule D — Table 3, then the environmental authority holder must: a) address any complaint including the use of appropriate dispute resolution if required; or b) as soon as practicable or at the direction of the administering authority, implement vibration abatement measures so that vibration from the activity does not result in further exceedance.
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Schedule E: Waste	
Condition number	Condition
E1	Storage of Tyres Tyres stored awaiting disposal or transport for take-back and, recycling, or waste-to-energy options should be stockpiled in volumes less than 3m in height and 200m ³ in area and at least 10m from any other tyre storage area.
E2	All reasonable and practicable fire prevention measures must be implemented, including removal of grass and other materials within a 10m radius of the scrap tyre storage area.
E3	Disposal of Tyres Avoidance – when negotiating purchase agreements with new tyre suppliers, the holder of this environmental authority must wherever possible seek take back clauses to maximise freight back loading opportunities.
E4	Recycling – the holder of this environmental authority must wherever possible endeavour to recycle scrap tyres on site and locally through use in impact absorbing surfaces, bitumen and road construction, pastoral and agricultural use and civil engineering applications.
E5	The holder of this environmental authority must wherever possible also use existing opportunities in Queensland to recover the intrinsic energy value of used tyres through waste- to- energy options.
E6	If the above strategies cannot be employed, disposing of scarp tyres in spoil in placements is acceptable, provided tyres are placed as deep in the spoil as reasonably practicable but not directly on the pit floor.
E7	Scrap tyres disposed of within the operational land must not impede saturated aquifers or compromise the stability of the consolidated landform.
E8	Off Site Movement Regulated waste must only be removed from the licensed place by a person that can legally transport this waste under the <i>Environmental Protection Act 1994</i> .
E9	Regulated waste must only be removed to a place that can legally accept this waste under the <i>Environmental Protection Act 1994</i> .
E10	Notification of Improper Disposal of Regulated Waste If the holder of this environmental authority becomes aware that person has removed waste from the licensed place and disposed of the waste in a manner which is not authorised by this environmental authority or improper or unlawful, then the holder of this environmental authority must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

Schedule F: Land Management	
Condition number	Condition
F1	Progressive Rehabilitation and Closure Plan Land disturbed by mining must be rehabilitated in accordance with the approved Progressive Rehabilitation and Closure Plan (PRCP) schedule for this environmental authority.
F2	Endangered Regional Ecosystems There must be no mining activities conducted in or within 50 metres of any Category B Environmentally Sensitive Area (except for conducting land management practices such as fire and weed management).

Schedule G: Light	
Condition number	Condition
G1	Subject to condition G3 , the emission of light resulting from the mining activity must not cause an environmental nuisance at any sensitive place.
G2	When requested by the administering authority, an assessment of the light nuisance must be undertaken within a reasonable and practicable time frame nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of the assessment.
G3	If the assessment indicates condition G1 is not being met then the environmental authority holder must: a) Negotiate in good faith with the maker of the complaint in order to find a solution to the exceedance acceptable to all parties. Negotiations in good faith may include reference to appropriate dispute resolution by third parties, provided the maker of the complaint and the holder agree to such dispute resolution; and/or b) If good faith negotiations pursuant to "a" hereof are attempted but are not resolved to the satisfaction of both the holder and the maker of complaint, or if no good faith negotiations are undertaken pursuant to "a" hereof, immediately implement light abatement measures so that emissions of light from the activity do not result in further environmental nuisance.

Schedule H: Community	
Condition number	Condition
H1	Complaint Response All complaints received must be recorded including details of complaint, reasons for the complaint investigations undertaken, conclusions formed, and actions taken. This information must be made available for inspection by the administering authority on request.
H2	A community consultation and awareness program as detailed in the project EMOS must be undertaken.

Schedule I — Interpretation

"EMOS" means the environmental management overview strategy report titled Environmental management Overview Strategy New Oakleigh Coal Mine ML4568, ML4584, ML4675, ML4683, ML4698, ML4699 and ML50175 April 2002.

Although legally the environmental authority is the enforceable document, not the EMOS, if there was any need for interpretation of the conditions, then the interpretation should be in the context of the EMOS.

END OF PERMIT CONDITIONS

Definitions

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

"administering authority" is the agency or department that administers the environmental authority provisions under the *Environmental Protection Act 1994*.

"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

"ARD" mean acid rock drainage and refers to the low pH, high heavy metal pollutant typical of sulphidic mine wastes, and most commonly associated with the production of ferrous iron and sulphuric acid through the oxidation of sulphide minerals.

"authority" means site specific environmental authority (resource activity) under the *Environmental Protection Act 1994*,

"blasting" means the use of explosive materials to fracture-

- (a) rock, coal and other minerals for later recovery; or
- (b) Structural components or other items to facilitate removal from a site or for reuse.

"climax community" flora and fauna communities have attained a stable biological diversity and have reached equilibrium with the surrounding ecosystems.

"commercial place" mean a place used as an office or business or commercial purposes, other than a place within the boundaries of the operational land.

"competent person" means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

"discharge event" means any flow of water through monitoring points OW9 and OW10 where the water level rises 10cm above the lowest point of the watercourse.

"environmental authority holder" means the holder of this environmental authority.

"flow event" means any flow of water in Western Creek at Owl 1 where the water level rises 20cm above the lowest point of the watercourse.

"LA 10, adj 10" means the A- weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10-minute measurement period, using Fast response.

"LA 1, adj, 10 mins" means the A - weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10- minute measurement period, using Fast response.

"LA, max adj, T" means the average maximum A - weighted sound pressure level, adjusted for noise character and measured over any 10 minute period using Fast response.

"LAr, 1 hour" means the rating level measured over any one hour period defined as:

- a) $LAr, 1 \text{ hour} = LAeq, 1 \text{ hour} + K1 + K2$ where

"K1" means the tone adjustment applicable to any one hour measurement period.

"K2" means the impulse adjustment applicable to any one hour measurement period.

"L Aeq, 1 hour" means the time- average A — weighted sound pressure level over any one hour measurement period.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere

"land capability" as defined in the DME 1995 *Technical Guidelines for the Environmental management of the exploration and Mining in Queensland*.

"land suitability" as defined in the DME 1995 *Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland*.

"leachate" means a liquid that has passed through or emerged from, or is likely to have passes through or emerged from, a material stored, processed or disposed of at the operational land which contains soluble, suspended or miscible contaminants likely to have been derived from the said material.

"noxious" means harmful or injurious to health or physical well-being, other than trivial harm.

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms⁻¹).

"protected area" means-

- a) a protected area under the *Nature Conservation Act 1992*; or
- b) a marine park under the *Marine Parks Act 1992*; or
- c) a World heritage Area.

"PRCP schedule" means Progressive Rehabilitation and Closure Plan (PRCP) schedule defined and approved according to the EP Act.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable condition and in accordance with the criteria for rehabilitation set out in the approved PRCP schedule and, where relevant, includes remediation of contaminated land.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

"sensitive place" means:

- a) a dwelling , resident allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel, or hostel; or
- c) a medical centre or hospital; or
- d) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- e) a public park or gardens; or
- f) a place used as a workplace, an office or for business or commercial purposes which is not a part of the mining activity and does not include employees accommodation or public records.

"stable condition" means land is in a stable condition if:

- (a) the land is safe and structurally stable; and
- (b) there is no environmental harm being caused by anything on or in the land; and
- (c) the land can sustain a post-mining land use.

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

END OF ENVIRONMENTAL AUTHORITY