

Permit

Environmental Protection Act 1994

Environmental authority EPPR00615313

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

Environmental authority number: EPPR00615313

Environmental authority takes effect on 31 October 2014

The anniversary date of this environmental authority is the same day each year and remains 9 December. The payment of the annual fee will be due each year on this day.

An annual return will be due each year on 01 April.

Environmental authority holder(s)

Name(s)	Registered address
Peabody West Burton Pty Ltd	Level 14, 31 Duncan Street, Fortitude Valley QLD 4006
CITIC West/North Burton Pty Ltd	Level 7, CITIC HOUSE, 99 King Street, MELBOURNE VIC 3000

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Non-Scheduled Mining Activity - Exploration Permit Coal (EPC)	EPC836

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 EA 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 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-on 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.

Department of Environment, Science
and Innovation
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Business Centre Coal
Department of Environment, Science and Innovation
Phone: 07 4987 9320
Email: CRMining@des.qld.gov.au

Privacy statement

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able to take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

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 EP Act. 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 Resources (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

Location: EPC836

Relevant activity: Non-Scheduled Mining Activity - Exploration Permit Coal (EPC)

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency Interest: <i>General</i>	
Condition number	Condition
G1	The conditions of this environmental authority are in force until surrender of the authority is accepted pursuant to the <i>Environmental Protection Act 1994</i> . The conditions apply unless an amendment is approved pursuant to the <i>Environmental Protection Act 1994</i> .
G2	The environmental authority holder is to give the administering authority a financial assurance in the amount and form and at a time required by the administering authority.
G3	The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects</i> , except Condition 13, which is replaced by the conditions in this environmental authority.
G4	If there is any inconsistency between a standard environmental condition referred to in G3 and an additional condition in this environmental authority, the additional condition prevails to the extent of any inconsistency.
Agency Interest: <i>Land</i>	
L1	The environmental authority holder is authorised to carry out mining activities on EPC836, in or within 500m of any Endangered Regional Ecosystem.
L2	In carrying out mining activities within 500m of any Endangered Regional Ecosystem, the environmental authority holder must comply with each of the Standard Environmental Conditions contained in the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects</i> .
L3	In carrying out mining activities on EPC836 all reasonable and practicable measures must be taken to prevent or minimise the likelihood of environmental harm being caused to

	Endangered Regional Ecosystems 11.3.1, 11.4.8, 11.5.15, 11.5.16, 11.9.4, 11.9.5 & 11.9.10 identified in Attachment 1.
L4	Mining activities undertaken within Endangered Regional Ecosystems must be consistent with the <i>“Environmental Management Plan for EPC836”</i> and with the schedule of works proposed in <i>“Figure 3: EPC836 Regional Ecosystems, Buffers & Drill Sites”</i> .
L5	When carrying out mining activities within any Endangered Regional Ecosystem the holder of the environmental authority must do so in accordance with conditions L6 to L10.
L6	Drill Sites (a) Locate drill sites outside of Endangered Regional Ecosystems, where practicable; and (b) Operational area is to be no greater than 500 m²; and (c) Sump size is to be no greater than 10 m²; and (d) Topsoil stripping must be limited to sump area; and (e) All clearing of mature trees must be prevented or minimised.
L7	Drilling or Seismic Grid (a) Spacing of drilling access and 2D seismic lines is not less than 500 m apart; and (b) Spacings of drilling access and 2D seismic lines may be reduced to 250 m at no more than 20 specified points.
L8	Tracks (a) Locate tracks outside of Endangered Regional Ecosystems, where practicable; and (b) Spacings between tracks must not be less than 250 m; and (c) Existing access and fence line tracks must be used where possible and any tracks constructed must link natural clearings; and (d) Track construction involving blade clearing or established ground cover vegetation and/or clearing of mature trees is prevented or minimized; and (e) Line of site clearing must be avoided; and (f) Construction of new crossings over watercourses must be avoided and is only permitted when no reasonable alternative is available; and (g) All tracks must be constructed and maintained with adequate drainage to avoid accelerated erosion; and (h) Access tracks must be less than 5 m in width.

L9	Other Land Disturbances (a) Activities within Endangered Regional Ecosystems must not include costeaning or bulk sampling; and (b) All equipment such as earthmoving and drilling equipment must be used in a manner which prevents the spread of weeds, minimises unnecessary disturbance of topsoil and ground cover vegetation; and (c) Campsites must not be established; and (d) All waste must be removed and disposed offsite.
L10	Rehabilitation & Reporting (a) Rehabilitation of areas disturbed within Endangered Regional Ecosystems must be completed as soon as practicable but no longer than 3 months after completion of the disturbance activity; and (b) The environmental authority holder must revegetate disturbed areas of Endangered Regional Ecosystem with native plant species endemic to the area that will promote the same vegetation type and density of cover to that of the surrounding undisturbed areas of Endangered Regional Ecosystem; and (c) An annual report must be prepared each year and submitted with each annual return. The report must include details of exploration activities undertaken and details of progressive rehabilitation works completed to demonstrate compliance with L10 (b).

END OF CONDITIONS

Definitions

“authority” means environmental authority (mining activities) under the *Environmental Protection Act 1994*.

“campsite” - The area encompassing any dwelling, amenities (e.g. toilet block, power generator), sewage or general waste disposal facility and includes the office area and vehicle parking areas associated with a temporary or permanent mining camp.

“costeaning” - The digging of a trench or pit across the seam or ore body for exposing, sampling and mapping of the ore body.

“density of cover” in reference to trees and/or shrubs, it means the number of trees or shrubs in a specified area (e.g. 50 trees per square kilometre). With reference to understorey plant species (e.g. grasses and forbs), it means the percentage of surface area covered by a particular species.

“disturbed” - Any area that has had its natural state altered by the action or interference of carrying out an activity associated with the exploration project.

“environmental authority” means a licence or approval issued by the administering authority under the *Environmental Protection Act 1994*.

“environmental authority holder” means the holder of this environmental authority.

“environmentally sensitive areas” refers to locations, however large or small, that have environmental values that contribute to maintaining biological diversity and integrity, have intrinsic or attributed scientific, historical or cultural heritage value, or are important in providing amenity, harmony or sense of community. Refer to Appendix A of Code of Environmental Compliance for Exploration and Mineral Development Projects.

“financial assurance” means a security deposit, either cash or a bank guarantee, that is held by the administering authority to cover the potential:

- (a) costs to rehabilitate areas disturbed by mining activities; and
- (b) costs to restore property improvements disturbed by mining activities; and
- (c) failure of the tenure holder to pay rents and royalties.

“general waste” - Schedule 9 of the *Environmental Protection Regulation 1998* defines general waste as “means waste other than regulated waste”. Waste rock, overburden and the contents of tailings dams are not included in the definition of general waste for the purposes of these conditions.

“native vegetation” - Vegetation that occurs naturally in a certain area.

“progressive rehabilitation” means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

“rehabilitation processes” - The measures and actions taken to achieve rehabilitation outcomes, including any or all of the following:

- removing all unwanted infrastructure;
- backfilling mine excavations (e.g. pits) and capping drill holes;
- reshaping the land surface to a stable landform similar to that of surrounding undisturbed areas;
- spreading of topsoil;
- spreading seed or planting seedlings to promote revegetation;
- benching ridge cuts and removing any overhanging material.

“significantly disturbed land” - Land is significantly disturbed if –

- (a) it is contaminated land; or
- (b) it has been disturbed and human intervention is needed to rehabilitate it.

Significantly disturbed land includes:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation & topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining project activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;

- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining has ceased; or
- areas where land has been contaminated.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the EPA, areas previously significantly disturbed which have not achieved the rehabilitation objectives due to circumstances beyond the control of the mine operator (such as climatic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be
- recorded in the Landowner Agreement and lodged with the EPA;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

“standard environmental conditions” - For an environmental authority, means the standard environmental conditions approved for the authority under section 549 of the *Environmental Protection Act 1994*.

“watercourse” means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with:

- (a) continuous bed and banks;
- (b) an extended period of flow for some months after rain ceases, and
- (c) an adequacy of flow that sustains basic ecological processes and maintains biodiversity

