

## Permit<sup>1</sup>

*Environmental Protection Act 1994*

### Environmental authority EPPR00670313

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

**Permit<sup>1</sup> number: EPPR00670313**

**Environmental authority takes effect on 19 July 2013.**

#### Environmental authority holder(s)

| Name                       | Registered address                            |
|----------------------------|-----------------------------------------------|
| Wilton Coking Coal Pty Ltd | 1/13 Manilla Street<br>East Brisbane Qld 4170 |

#### Environmentally relevant activity and location details

| Environmentally relevant activity(ies)    | Location(s) |
|-------------------------------------------|-------------|
| Mining - Exploration site specific (Coal) | MDL463      |

#### Additional information for applicants

##### Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority 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 environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

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

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

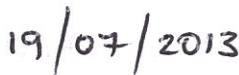


**Environmental authority EPPR00670313****Contaminated land**

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature



Date

Christopher Loveday  
Department of Environment and Heritage Protection  
Delegate of the administering authority  
*Environmental Protection Act 1994*

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## ADDITIONAL ADVICE ABOUT THIS APPROVAL

This approval pursuant to the Environmental Protection Act 1994 does not remove the need to obtain any additional approval for this activity which might be required by other State and / or Commonwealth legislation. Other legislation administered by the Queensland Government for which a permit may be required includes but is not limited to:

- Mineral Resources Act 1989;
- Forestry Act 1958;
- Strategic Cropping Land Act 2011;
- Water Act 2000; and
- Nature Conservation Act 1992.

Applicants are advised to check with all relevant statutory authorities and comply with all relevant legislation.

### 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)

### Offences under the legislation

This section sets out some of the offences that you should be aware of as you are carrying out your activity. This is not an exhaustive list of all of the environmental offences under the legislation.

- 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)

If you commit one of these offences, you could be fined, prosecuted, or required by the administering authority to take some action. If you do commit an offence while carrying out your activity, the administering authority will take enforcement action in accordance with its Enforcement Guidelines.



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**Contravention of a condition of an environmental authority**

If there is any inconsistency between a condition referred to in the *Code of Environmental Compliance for Exploration and Mineral Development Projects* and a condition in this environmental authority, the Environmental Authority additional condition prevails.

It is a legal requirement for you to comply with the conditions in your environmental authority. You must also ensure that anyone operating under the environmental authority also complies with the conditions. This might include contractors visiting the site temporarily or transport operators loading and unloading materials on site, and all staff employed at the site. Multiple people may be prosecuted if an offence is committed. If you think that you have breached a condition of your environmental authority, it is your responsibility to fix the problem and bring yourself back into compliance with the condition. You should not wait for the administering authority to tell you what to do. You may be required to contact the administering authority by the conditions in your environmental authority and the duty to notify.

Penalties for a breach of a condition of an environmental authority vary from penalty infringement notices (PIN) for one-off offences that are easily rectified to the issuing of statutory notices such as an environmental evaluation, transitional environmental program or an environmental protection order. In serious cases the administering authority may initiate court proceedings to have a court order issued or may prosecute those responsible for the breach.

The maximum penalty for breaching a condition of your environmental authority is \$1.1 million for a company or \$220,000 or 2 years in prison for an individual.



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## CONDITIONS

### Schedule A: General Conditions

#### Prevent or Minimise the Likelihood of Environmental Harm

- A1 This **environmental authority** does not authorise environmental harm unless a condition contained within the environmental authority explicitly authorises the harm. Where there is no condition or the environmental authority is silent on a matter, the lack of condition or silence shall not be construed as authorising harm.
- A2 All reasonable and practicable **measures** must be taken to minimise the likelihood of environmental harm being caused.

#### Financial Assurance

- A3 Provide a **financial assurance** in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.
- A4 The **financial assurance** is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.

*Note: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance may be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.*

#### Activity

- A5 The holder of this **environmental authority** must comply with each of the conditions contained in the *Code of Environmental Compliance for Exploration and Mineral Development Projects* except condition 13 and 21 which is replaced by conditions within this authority.
- A6 The **environmental authority holder** must develop and implement during the continuation of this environmental authority, a program to ensure that all employees and contractors on site are aware of and comply with the relevant requirements of this authority.
- A7 The conditions of this **environmental authority** are in force until a surrender of the authority is accepted pursuant to the Environmental Protection Act 1994. The conditions apply unless an amendment is approved pursuant to the Environmental Protection Act 1994.
- A8 Mining activities undertaken must be consistent with the *Environmental Management Plan for Mineral Development Licence 463 for Queensland Coal Corporation January 2012 version 3*.

#### Monitoring, Reporting and Emergency Response Procedures

- A9 Any breach of a condition of this environmental authority must be reported to the **administering authority** within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
- A10 All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years.



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- A11 If **environmental authority holder** becomes aware of any adverse impact on an **environmental value** you must notify the **administering authority** in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.

*Note: Written notification to the administering authority must be addressed to the Manager or Project Manager of the local Administering Authority via email (Manager.MiningCWR@ehp.qld.gov.au) or facsimile 4987 9399. Verbal notification may also be made to the Pollution Hotline on 1300 130 372, available 24 hours 7 days a week.*

- A12 The notification in condition A11 must include, but not be limited to, the following:
- The environmental authority number and name of the holder;
  - The name and telephone number of the designated contact person;
  - The location of the emergency or incident;
  - The date and time of the emergency or incident;
  - The time the holder of the environmental authority became aware of the emergency or incident;
  - Where known:
    - the estimated quantity and type of substances involved in the emergency or incident;
    - the actual or potential cause of the emergency or incident;
    - a description of the nature and effects of the emergency or incident including environmental risks, and any risks to public health or livestock;
  - Any sampling conducted or proposed, relevant to the emergency or incident;
  - Immediate actions taken to prevent or mitigate any further environmental harm caused by the emergency or incident; and
  - What notification of stakeholders who may be affected by the emergency or incident has occurred or is being undertaken.

### Schedule B: Air

- B1 The release of odours or airborne contaminants (including dust) resulting from the **activity** must not cause a nuisance at a **sensitive place**.

### Schedule C: Water

- C1 Contaminants must not be released to **waters**.
- C2 The holder of the **environmental authority** must not drill, excavate or adversely affect vegetation:
- in standing waters, wetlands or lakes
  - on sloped banks
  - within 3 metres of the top of the bank
  - 5 metres of the toe of the bank
  - within, or on the levee banks of, the normal flow channel.
- C3 Sediment control barriers installed on Mineral Development License 463 should be made of non-organic material to prevent the spread of weeds.

### Schedule D: Noise

- D1 Noise resulting from the **activity** must not cause a nuisance at a **sensitive place**.

### Schedule E: Waste

- E1 All waste must be removed and disposed of offsite.



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## Schedule F: Land

## Land Disturbance

- F1 Contaminants must not be released to land.
- F2 The environmental authority holder is authorised to undertake no more than **ten (10)** drill sites, within the 500 metre buffer of any **Category B Environmentally Sensitive Areas**, in accordance with **Attachment 1: MDL463 Location of exploration activities**.
- F3 The environmental authority holder is authorised to undertake no more than **eighteen (18)** drill sites, in any **Category B Environmentally Sensitive Area**, in accordance with **Attachment 1: MDL463 Location of exploration activities**.

## Drilling, Excavation and Sampling

- F5 The operational area of individual drill sites must not exceed 1000m<sup>2</sup>.
- F6 Drill holes constructed in accordance with condition F2 and F3 are to be located as far as practicable in previously cleared areas.
- F7 Drill holes are limited to less than 250mm in diameter.
- F8 The construction of sumps must not exceed 10m<sup>2</sup>.
- F9 This environmental authority does not authorise seismic activity, costeaning or bulk sampling on MDL463.

## Roads and Tracks

- F10 Existing access and fence line tracks must be used wherever possible. Any new tracks are to be constructed (with prior consultation of the landowner) by linking naturally cleared or disturbed areas.
- F11 When constructing **tracks**, the **environmental authority holder** must minimise disturbance and avoid clearing of trees in or within the 500m buffer and in **Category B Environmentally Sensitive Areas**.
- F12 Constructed **tracks** must be less than 5 metres in width, including shoulder width.
- F13 **Track** construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be minimised.
- F14 **Tracks** should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.
- F15 The environmental authority holder is authorised to undertake no more than **five (5) kilometers** of access track in total within the 500 metre buffer zone of **Category B Environmentally Sensitive Area** located within MDL463, in accordance with **Attachment 1: MDL463 Location of exploration activities**.
- F16 The environmental authority holder is authorised to undertake no more than **eleven (11) kilometers** of access track in total in **Category B Environmentally Sensitive Area** located with MDL463, in accordance with **Attachment 1: MDL463 Location of exploration activities**.



**Environmental authority EPPR00670313****Topsoil and Overburden Management**

- F17 Topsoil stripping is limited to the sump area of 10m<sup>2</sup>. Where topsoil is removed it must be stockpiled for respreading during rehabilitation.

**Campsites**

- F18 This **environmental authority** does not authorise a camp on MDL463.

**Rehabilitation**

- F19 Whilst Rehabilitation will be carried out in accordance with the *Queensland Coal Corporation Site Preparation and Rehabilitation Guidelines*, the *Code of Environmental Compliance for Exploration and Mineral Development Project* has precedence.
- F20 Rehabilitation of disturbance within the 500m buffer and in **Category B Environmentally Sensitive Areas** must be completed as soon as practicable, but no longer than **three (3) months** after completion of the disturbance activity.
- F21 All land subject to mining activities must be rehabilitated within **six (6) months** of concluding exploration activities at each drill site to a non polluting, safe, stable and self-sustaining landform.

**Reporting**

- F22 An annual report **must** be prepared each year and submitted with each annual return.  
The report must include:
- all exploration activities carried out on MDL463 including activities not requiring specific authorisation within this environmental authority;
  - colour photographs clearly showing the area in question before disturbance and after rehabilitation with corresponding dates and co-ordinates;
  - a map identifying **all** exploration activities undertaken to date on MDL463. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.

**END OF CONDITIONS**



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### DEFINITIONS

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

**Activity** means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

**Administering authority** means the Department of Environment and Heritage Protection or its successor or predecessors.

**Appropriately qualified person(s)** means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

**Boundary** means within 1m of the cadastral boundary of the approved place.

**Category B environmentally sensitive area** as per the definitions within the *Environmental Protection Regulation 2008*.

**Contaminate** means to render impure by contact or mixture.

**Contaminant** A contaminant can be –

- 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.

**Disturbed** means any area that has had its natural state altered by the action or interference of carrying out an activity associated with the mining project.

**Environmental authority** means an environmental authority under Chapter 5 of the *Environmental Protection Act 1994*.

**Environmental authority holder** means the holder of this environmental authority.

**Environmental nuisance** (the Act) is 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.

**Environmental value** (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an **environmental value** under an environmental protection policy or regulation.

**Financial assurance** means a security required under the *Environmental Protection Act 1994* by the administering authority to cover the cost of rehabilitation or remediation of disturbed land or to secure compliance with the environmental authority.



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**Prescribed contaminants** means contaminants listed within Schedule 9 of the *Environmental Protection Regulation 2008*.

**Landowner** is as per the definition in the *Code of Environmental Compliance for Exploration and Mineral Development Projects*.

**Mature tree** means any tree that is 70% or greater of the predominant canopy height.

**Measures** has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

**Native vegetation** means vegetation that occurs naturally in a certain area.

**Noxious** means harmful or injurious to health or physical well-being.

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

**Sensitive place** includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarden, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- f) a public thoroughfare, park or gardens; or
- g) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008*.
- h) a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

**Track/s** means roads, tracks or paths, greater than ten (10) metres in length, that have been fully stripped of all vegetation to enable the progress of vehicles, equipment or pedestrians.

**You** means the holder of the environmental authority.

**Waste** as defined in section 13 of the *Environmental Protection Act 1994*.

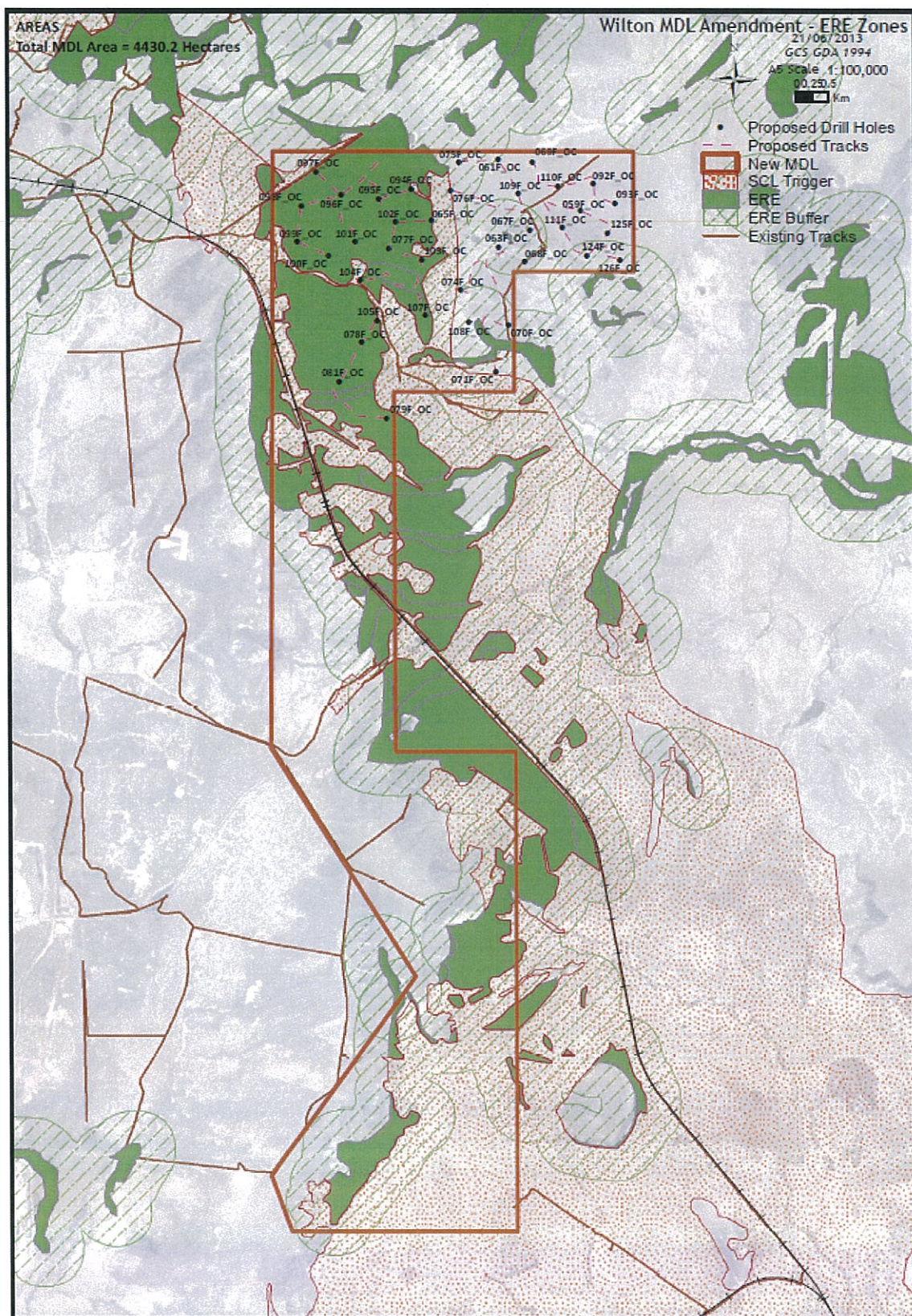
**Waters** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

**Watercourse** means a watercourse as defined under the *Water Act 2000*.

**END OF DEFINITIONS**

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## Attachment 1: MDL463 Location of exploration activities



END OF PERMIT



