Permit

Environmental Protection Act 1994

Environmental authority EPSX00162113

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

Environmental authority number: EPSX00162113

Environmental authority takes effect on 31 July 2019

Environmental authority holder(s)

Name(s)	Registered address
Rosella Creek Coal Pty Ltd	Level 15 40 Creek St BRISBANE CITY QLD 4000

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Resource Activity, Non-Scheduled, Mining Activity, Exploration Permit Coal - EPC	EPC1320

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:

ABN 46 640 294 485

Queensland Government

- 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 Sustainable Planning Act 2009 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.

Gillian Naylor
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 07 August 2019

Enquiries:
Coal & Gemstone Mining
Department of Environment and Science
Phone: 07 4987 9320
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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)

Legislative Requirements and Conditions of Environmental Authority

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)

Conditions of this environmental authority:

With the exception of any variations, the conditions of approval for this environmental authority are the standard conditions contained within the attached documents:
Eligibility criteria and standard conditions for exploration and mineral development projects, version 2.

All reasonable steps must be taken to ensure the activity complies with the eligibility criteria and standard conditions.

Variations to the standard conditions

Agency interest: General	
Condition number	**Condition**
A1	This environmental authority does not authorise environmental harm unless a condition contained within the authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.
A2	For exploration activities the environmental authority holder must comply with each of the standard environmental conditions contained in the *Eligibility criteria and standard conditions for exploration and mineral development projects, version 2 (ESR/2016/1985)*, except Condition A13, which is replaced by conditions B1 to C18 in this environmental authority.
A3	If there is any inconsistency between a standard environmental condition and an additional condition in this environmental authority, the additional condition prevails to the extent of any inconsistency.

Agency interest: Noise	
Condition number	**Condition**
B1	The holder of this environmental authority must ensure that noise generated by the mining activities does not cause the criteria in ***Table 1: Noise limits to be exceeded at a sensitive place***.

Table 1: Noise limits to be exceeded at a sensitive place

Sensitive place						
Noise level dB(A) measured as:	Monday to Saturday			Sundays and public holidays		
	9am to 6pm	6pm to 10pm	10pm to 9am	9am to 6pm	6pm to 10pm	10pm to 9am
LAeq, adj, 15 mins	CV = 50 AV = 5	CV = 45 AV = 5	CV = 40 AV = 0	CV = 45 AV = 5	CV = 40 AV = 5	CV = 35 AV = 0
LA1, adj, 15 mins	CV = 55 AV = 10	CV = 50 AV = 10	CV = 45 AV = 5	CV = 50 AV = 10	CV = 45 AV = 10	CV = 40 AV = 5

notes:

1. CV = Critical Value
2. AV = Adjustment Value
3. bg = background noise level (LA90, adj, 15 mins) measured over 3-5 days at the nearest sensitive receptor
4. To calculate noise limits in Table D1:
   If bg ≤ (CV – AV):
   Noise limit = bg + AV
   If (CV – AV) < bg ≤ CV:
   Noise limit = CV
   If bg > CV:
   Noise limit = bg + 0
5. In the event that measured bg (LA90, adj, 15 mins) is less than 30 dB(A), then 30 dB(A) can be substituted for the measured background level
6. If the project is unable to meet the noise limits as calculated above alternative limits may be calculated using the processes outlined in the "Planning for Noise Control" guideline.

B2	**Monitoring and Reporting** Noise monitoring and recording must include the following descriptor characteristics and matters: a) LAN,T (where N equals the statistical levels of 1, 10 and 90 and T = 15 mins) b) background noise LA90 c) the level and frequency of occurrence of impulsive or tonal noise and any adjustment and d) penalties to statistical levels e) atmospheric conditions including temperature, relative humidity and wind speed and directions f) effects due to any extraneous factors such as traffic noise g) location, date and time of monitoring h) if the complaint concerns low frequency noise, Max LpLIN,T and one third octave band measurements in dB(LIN) for centre frequencies in the 10 – 200 Hz range.

Agency interest: Land	
Condition number	**Condition**
C1	The environmental authority holder must not carry out activities in a Category A or B Environmentally Sensitive Area, except as detailed in **Condition C2**. Activities involving machinery must not be carried out within 1km of a Category A Environmentally Sensitive Area. Prior to carrying out mining activities in a Category C Environmentally Sensitive Area, consultation must be held with the administering authority to determine if additional conditions are necessary.
C2	**Exploration Drilling Program** The environmental authority holder is authorised to carry out exploration mining activities on EPC1320 within 500 metres of any Category B Environmentally Sensitive Areas in accordance with a) ***Table 2: Authorised disturbance within 500m of any Category B Environmentally Sensitive Areas on EPC1320***; b) ***Table 3: Drill site locations authorised within 500m of Category B Environmentally Sensitive Areas on EPC1320;*** and illustrated in: ***c) Appendix 1a: Map of authorised drill sites within 500m of Category B Environmentally Sensitive Areas on EPC1320***
C3	Drill pads constructed in accordance with condition C2 are to be located as far as practicable in previously cleared areas.
C4	The operational area of individual drill pads must not exceed 600m^2. Drill pads in excess of 600m^2 can only be commissioned by written approval from the administering authority.
C5	Drill holes are to be a maximum of 200mm in diameter.
C6	The construction of sumps within 500m of Category B Environmentally Sensitive Areas must not exceed 10m^2 in area per drill pad.
C7	**Roads and Tracks – General** Existing access and fence line tracks must be used wherever possible. The holder of the environmental authority must consult with the landowner prior to establishing any new tracks within 500m of any Category B Environmentally Sensitive Areas. Any new tracks are to be constructed by linking naturally cleared or disturbed areas.

C8	All new tracks within the 500m buffer zone of Category B Environmentally Sensitive Areas are to be recorded with GPS and records kept of their location and made available to the administering authority on request.
C9	Existing creek crossings are to be used as far as practicable.
C10	Topsoil stripping within 500m of any Category B Environmentally Sensitive Areas must be limited to the sump area. Where topsoil is removed it must be stockpiled for respreading at the completion of use.
C11	The environmental authority holder is authorised to undertake rehabilitation work within 500m of any Category B Environmentally Sensitive Areas as per the rehabilitation requirements of this environmental authority.
C12	All waste must be removed and disposed offsite.
C13	**Vegetation and Tree Protection** Clearing native plants or interfering with animal breeding places is not permitted unless authorised under the *Nature Conservation Act 1992*.
C14	Burning of vegetation is not permitted.
C15	**Campsites** Campsites must not be established within 500m of any Category B Environmentally Sensitive Areas.
C16	**Rehabilitation** Rehabilitation must be undertaken in accordance with requirements of the *Eligibility criteria and standard conditions for exploration and mineral development projects, version 2 (ESR/2016/1985)*, and to the satisfaction of the administering authority.
C17	Rehabilitation of disturbance within 500m of any 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.
C18	**Reporting** An annual report must be prepared each year and submitted with each annual return. The report must include a map identifying all exploration activities undertaken within 500m of any Category B Environmentally Sensitive Areas to date. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.

Table 2: Authorised disturbance within 500m of Category B Environmentally Sensitive Areas on EPC1320

Activity	Limitation of activity within 500m of Category B Environmentally Sensitive Areas	Maximum footprint of disturbance permitted for each activity within 500m of Category B Environmentally Sensitive Areas	Maximum disturbance authorised within 500m of Category B Environmentally Sensitive Areas
Exploration Drill Sites	4 drill sites	600m^2 per drill site x 4 drill sites = 2,400m^2	0.24ha
Access Tracks	Use existing tracks only	3m wide per track wide	*Nil*
Total			***0.24*ha**

Table 3. **Drill site locations authorised within 500m of Category B Environmentally Sensitive Areas on EPC1320**

Drill site	Easting (GDA94, Z56)	Nothing (GDA94, Z56)
X53	575836	7718688
X54	576023	7718779
X55	576224	7718866
X56	576436	7718937

END OF CONDITIONS

DEFINITIONS:

Key terms and/or phrases used in this document are defined in this section. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies, or the document *Eligibility criteria and standard conditions for exploration and mineral development projects*, 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 Science or its successor or predecessors.

Campsite means 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.

Category A environmentally sensitive area, has the same meaning as defined within the *Environmental Protection Regulation 2008*.

Category B environmentally sensitive area, has the same meaning as defined within the *Environmental Protection Regulation 2008*.

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 (or disturbance) land includes:
a) compacting, removing, covering, exposing or stockpiling of earth;
b) removal or destruction of vegetation or topsoil or both to an extent where the land has been made susceptible to erosion;
c) carrying out mining within a watercourse, waterway, wetland or lake;
d) the submersion of areas by tailings or hazardous contaminant storage and dam/structure walls;
e) temporary infrastructure, including any infrastructure (roads, tracks, bridges, culverts, dam/structures, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be removed after the mining activity has ceased; or

f) releasing of contaminants into the soil, or underlying geological strata.

However, the following areas are not included when calculating areas of 'disturbance':
a) areas off lease (e.g. roads or tracks which provide access to the mining lease);

b) areas previously disturbed which have achieved the rehabilitation outcomes;
c) by agreement with the administering authority, areas previously disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climatic conditions);
d) areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dam/structures, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc.) which is to be left by agreement with the landowner.
e) disturbance that pre-existed the grant of the tenure.

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.

Landowner is as per the definition in the document: *Eligibility criteria and standard conditions for exploration and mineral development projects.*

'm' means metres.

Matters of State Environmental Significance (MSES) are a component of the biodiversity state interest that is defined under the State Planning Policy (SPP) and defined under the Schedule 2 of the Environmental Offsets Regulation 2014.

Measures includes any measures to prevent or minimise environmental impacts of the mining activity such as bunds, silt fences, diversion drains, capping, and containment systems.

Prescribed Environmental Matter has the meaning in section 10 of the *Environmental Offsets Act 2014*, limited to the matters of State environmental significant listed in schedule 2 of the Environmental Offsets Regulation 2014.

Rehabilitation the process of reshaping and revegetating land to restore it to a stable landform.

Significant residual impact has the meaning in section 8 of the *Environmental Offsets Act 2014.*

the Act means the *Environmental Protection Act 1994*.

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.

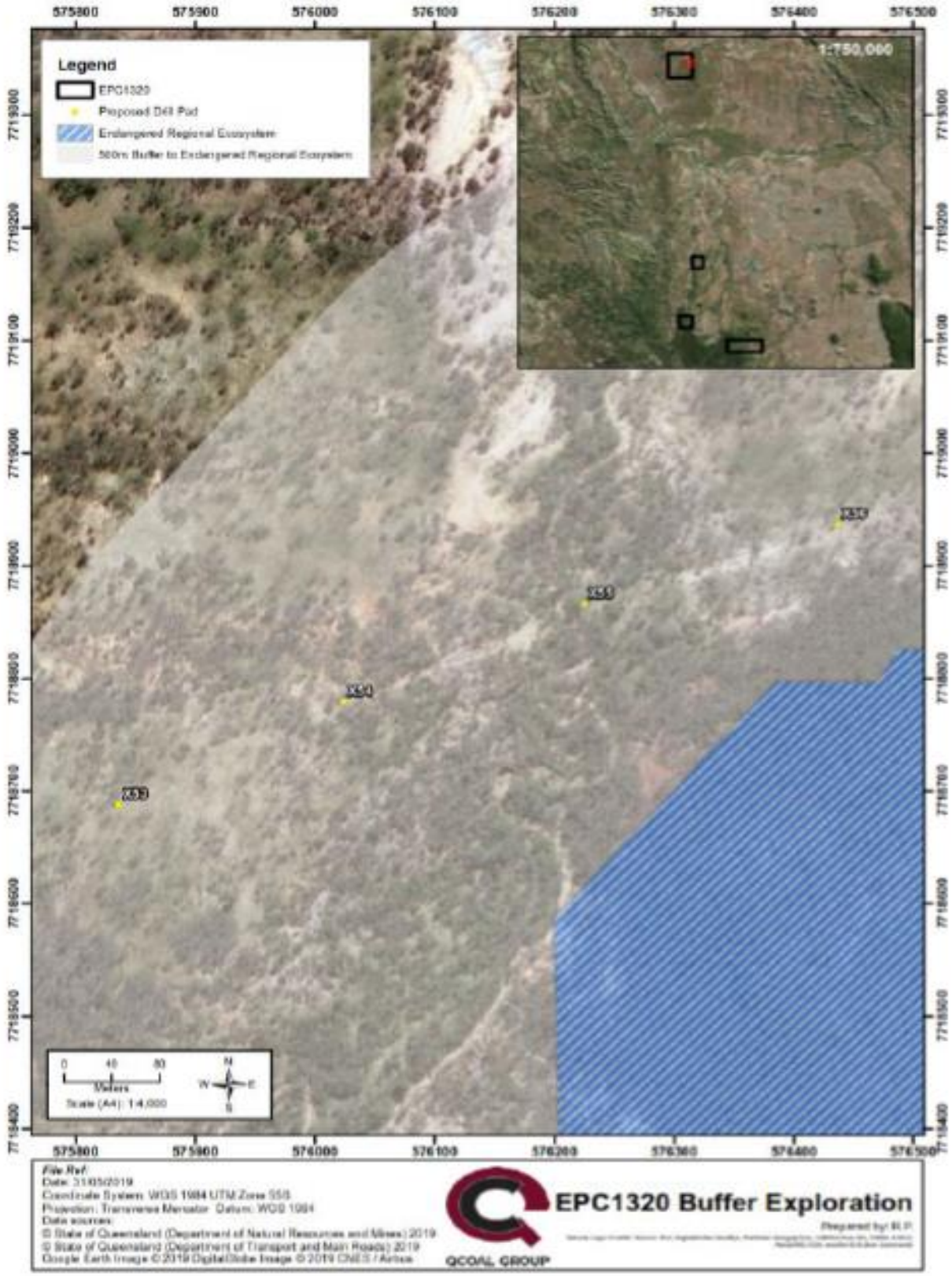
Waste as defined in section 13 of the *Environmental Protection Act 1994*.

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

END OF DEFINITIONS

APPENDICES

Appendix 1a: Map of authorised drill sites within 500m of Category B Environmentally Sensitive Areas on EPC1320



END OF ENVIRONMENTAL AUTHORITY

Attachments:

Eligibility criteria and standard conditions for exploration and mineral development projects - Version 2