

Environmental authority EPVL00032413

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

Permit¹ number: EPVL00032413

Environmental authority takes effect on 10 April 2015.

The anniversary date of this environmental authority is **08 December** each year.

Environmental authority holder(s)

Name	Registered address
Enex Togara Pty Ltd	Xstrata Coal Pty Ltd Level 38, 1 Macquarie Place SYDNEY NSW 2000

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Mining – ML	ML70149

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).

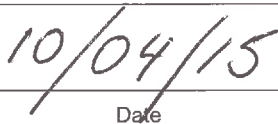
Contaminated land

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

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

Justin Cagney
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994


Date

Enquiries:
Business Center (Coal)
Department of Environmental and Heritage
Protection
PO Box 3028
Emerald QLD 4720
Phone: (07) 4987 9320
Email: CRMining@ehp.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)

Conditions of environmental authority

With the exception of any variations, the conditions of approval for this environmental authority include standard conditions contained within the attached document(s) entitled:

- Code of Environmental Compliance for Mining Lease Projects, January 2001.

Variations to the standard conditions include:

Condition Number	Condition
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	The activity must not be carried out until the environmental authority holder has given financial assurance to the administering authority as security for compliance with this environmental authority and any costs or expenses, or likely costs or expenses, mentioned in section 298 of the Act.



Roads and Tracks	
F1	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.
Rehabilitation	
F2	Rehabilitation must be carried out in accordance with the <i>Code of Environmental Compliance for Mining Lease Projects</i> .
F3	All land subject to mining activities must be rehabilitated within six (6) months of concluding mining activities to a non-polluting, safe, stable and self-sustaining landform as per the <i>Code of Environmental Compliance for Mining Lease Projects</i> .
Reporting	
F4	An annual report must be prepared each year and made available to the administering authority upon request. The report must include a map identifying all mining activities undertaken to date on each tenure under this environmental authority. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.



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 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.

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 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.

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.

END OF PERMIT



