

Permit

Environmental Protection Act 1994

Environmental authority - EPVX00397113

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

Environmental authority number: EPVX00397113

Environmental authority takes effect on 7 August 2017

The anniversary date is 2 July

Environmental authority holder(s)

Name(s)	Registered address
Fitzroy (CQ) Pty Ltd	Level 14 12 Creek Street BRISBANE QLD 4000
Nebo Central Coal Pty Ltd	Level 11, 100 Creek Street BRISBANE QLD 4000

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Non - scheduled Mining Activity - Exploration Permit Coal - EPC	EPC719

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an 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 the 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.

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

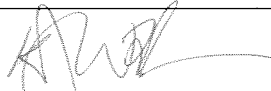
Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- 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- 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 *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.



Signature

Kylie Breaker
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

07.08.2017

Date

Enquiries:
Business Centre (Coal)
Department of Environment and Heritage
Protection
99 Hospital Road
PO Box 3028
EMERALD QLD 4720
Ph: (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)

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 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 and Mines (to clear vegetation), and the Department of Agriculture Forestry and Fisheries (to clear marine plants or to obtain a quarry material allocation).

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 Exploration and Mineral Development Projects (2001)*

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

Agency interest: General	
Condition number	Condition
A1	Prevent or Minimise the Likelihood of Environmental Harm All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
A2	Financial Assurance 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.
A3	The amount of financial assurance must be reviewed by the holder of this environmental authority when the authority is amended.

A4	Activity The holder of this environmental authority must comply with each of the environmental conditions contained in the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects (2001)</i> except condition 2 and condition 21 which is replaced by the conditions within this authority.
A5	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.
A6	Monitoring, Reporting and Emergency Response Procedures 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.
Agency interest: Water	
Condition number	Condition
B1	Contaminants must not be released to waters .
Agency interest: Waste	
Condition number	Condition
C1	All waste must be removed and disposed of offsite .
Agency interest: Land	
Condition number	Condition
D1	Land Disturbance Contaminants must not be released to land .
D2	The environmental authority holder is not authorised to undertake any mining activities within the 500m buffer zone of, or in the Category B Environmentally Sensitive Areas .
D3	Drilling, Excavation and Sampling The operational area of the individual drill site must not exceed 1000m² , except for drill sites listed in condition D4 .
D4	The operational area of up to six (6) drill sites must not exceed 1500m² . These six (6) drill sites must be located outside Category B Environmentally Sensitive Area and outside the 500m buffer of Category B Environmentally Sensitive Area .
D5	Drill holes are limited to less than 250mm in diameter.
D6	The construction of sumps must not exceed 10m² .
D7	This environmental authority does not authorise costeaning or bulk sampling on EPC 719 .

D8	No clearing of mature trees with visible hollows or evidence of arboreal mammal scars is authorised.
D9	Trees or shrubs with nests of birds of prey (raptors) whether active or not, or visibly active non-raptor bird nests must be protected.
D10	The edge of a drill site should not be within 20m of any raptor nest, whether active or not.
D11	No dead trees are to be removed unless they are a safety risk.
D12	The holder of this environmental authority is not authorised to undertake 2D or 3D seismic activity on EPC719 .
D13	Constructed tracks must be less than 5m in width, including shoulder width.
D14	Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be minimised.
D15	Construction of new crossings over watercourses must be avoided and is only permitted when no reasonable alternative is available.
D16	Tracks should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.
D17	All new tracks are to be recorded with GPS and records kept of their location and made available to the administering authority on request.
D18	Burning of vegetation is not permitted.
D19	Sediment control barriers installed on EPC719 should be made of non-organic material to prevent the spread of weeds.
D20	The environmental authority holder must control buffel grass and other weeds as far as practicable (e.g. targeted herbicide spraying) to promote the establishment of native plant species endemic to the area.
D21	Topsoil and Overburden Management Topsoil stripping is limited to the sump area of 10m² . Where topsoil is removed it must be stockpiled for re-spreading during rehabilitation.
D22	Campsites Campsites must not be established on EPC719 .
D23	Rehabilitation Rehabilitation must be carried out in accordance with the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects (2001)</i> , and to the satisfaction of the administering authority.
D24	Rehabilitation of disturbance within the 500m buffer zone and in Category B Environmentally Sensitive Area areas must be completed as soon as practicable, but no longer than three (3) months after completion of the disturbance activity.

D25	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 to date on EPC 719 . The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.
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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.

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.

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.

Disturbance of land (Disturbed) 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.

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.

Landowner is as per the definition in the *Code of Environmental Compliance for Exploration and Mineral Development Projects (2001)*.

‘m’ means metres.

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

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.

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.

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

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.

the Act means the *Environmental Protection Act 1994*.

You means the holder of the environmental authority.

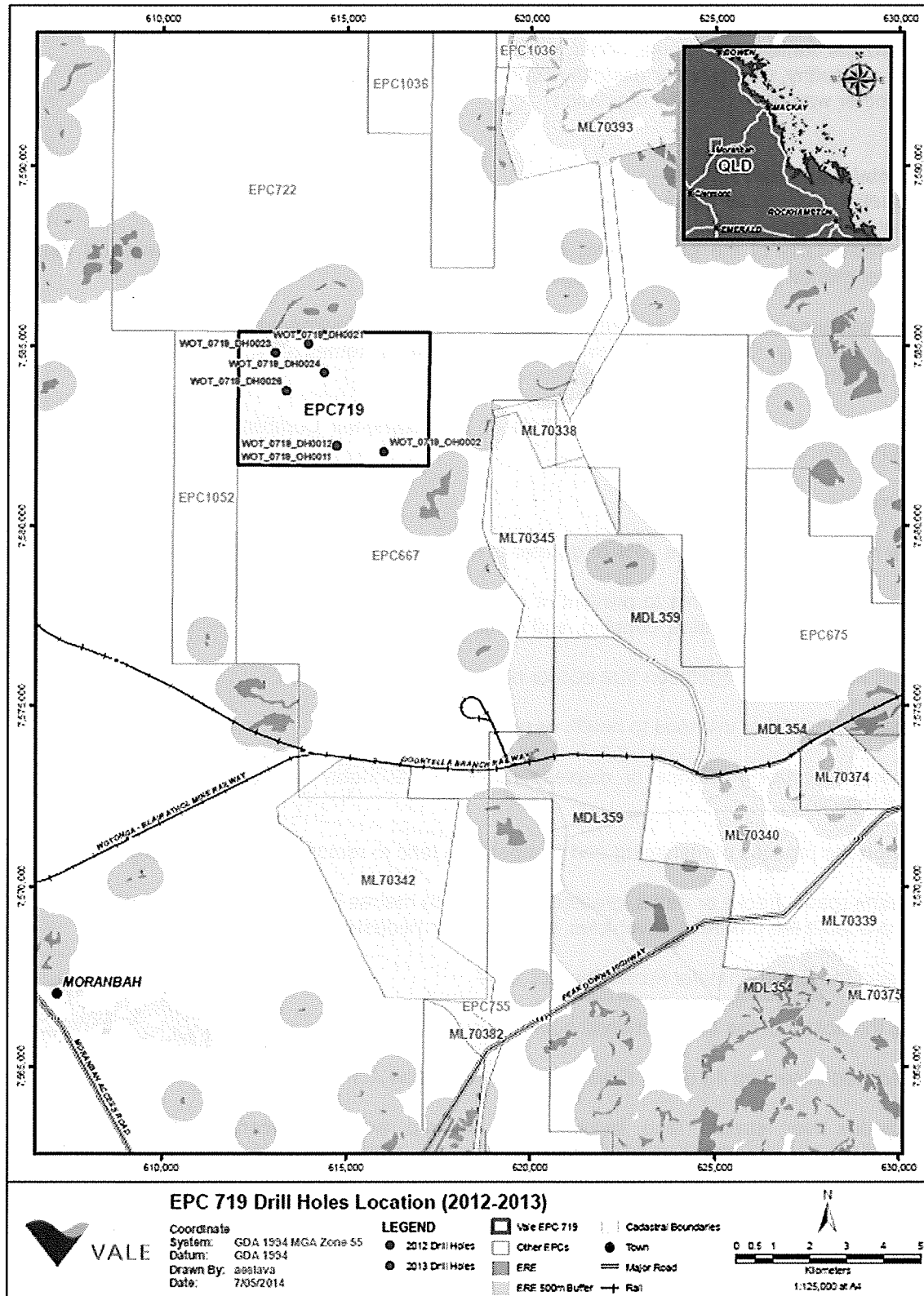
Waste as defined in section 13 of the *Environmental Protection Act 1994*.

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.

Watercourse has the same meaning given in the *Water Act 2000*.

END OF DEFINITIONS

Attachment 1: Environmentally sensitive areas located on EPC 719 and existing drill holes.



END OF PERMIT