

Permit

Environmental Protection Act 1994

Environmental authority – EPVX00943213

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

Environmental authority number: EPVX00943213

Environmental authority takes effect on 7 August 2017

The anniversary date is 13 June

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	EPC1052

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

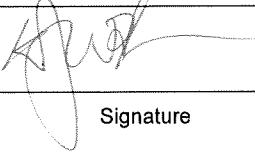
Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- 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- 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

07.08.2017

Date

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

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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, 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 Natural Resources and Mines (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

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	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.
A3	Financial assurance The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely. <i>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.</i>

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</i> except condition 2, condition 13 and Condition 21 which are 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	The conditions of this environmental authority are in force until a 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>.
A7	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 the inconsistency.
A8	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.
A9	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.
A10	If the 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.
A11	The notification in condition A10 must include, but not be limited to, the following: a) The environmental authority number and name of the holder; b) The name and telephone number of the designated contact person; c) The location of the emergency or incident; d) The date and time of the emergency or incident; e) The time the holder of the environmental authority became aware of the emergency or incident; f) Where known: i. the estimated quantity and type of substances involved in the emergency or incident; ii. the actual or potential cause of the emergency or incident; iii. a description of the nature and effects of the emergency or incident including environmental risks, and any risks to public health or livestock; g) Any sampling conducted or proposed, relevant to the emergency or incident; h) Immediate actions taken to prevent or mitigate any further environmental harm caused by the emergency or incident; and i) What notification of stakeholders who may be affected by the emergency or incident has occurred or is being undertaken.

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 authorised to undertake no more than three (3) drill sites, within the 500 m buffer of any Category B Environmentally Sensitive Areas , in accordance with Attachment 1: Location of EPC 1052 .
D3	The environmental authority holder is not authorised to undertake any mining activities within any Category B Environmentally Sensitive Area , in accordance with Attachment 2: Proposed drill locations and access track on EPC 1052
D4	The environmental authority holder is authorised to undertake approximately 90m in length of an access track, at a width of <5m, totaling approximately 450m ² of clearing required (maximum), within the 500 m buffer of any Category B Environmentally Sensitive Areas , in accordance with Attachment 2: Proposed drill locations and access track on EPC 1052
D5	Drilling, Excavation and Sampling The operational area of the individual drill site must not exceed 1500m² .
D6	Drill holes constructed in accordance with condition D2 are to be located as far as practicable in previously cleared areas.
D7	Drill holes are limited to less than 250mm in diameter.
D8	The construction of sumps must not exceed 10m ² .
D9	Activities must not include costeaning or bulk sampling.
D10	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 .
D11	Constructed tracks must be less than 5 metres in width, including shoulder width.

D12	Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be minimised.
D13	Tracks should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.
D14	All new tracks are to be recorded with GPS and records kept of their location and made available to the administering authority on request.
D15	Burning of vegetation is not permitted.
D16	Topsoil and Overburden Management Topsoil stripping is limited to the sump area of 10m ² . Where topsoil is removed it must be stockpiled for respreading during rehabilitation.
D17	Campsites This environmental authority does not authorise a camp on EPC 1052.
D18	Rehabilitation Rehabilitation must be carried out in accordance with the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects</i> .
D19	Rehabilitation of disturbance within the 500m buffer 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.
D20	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 1052. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.

END OF ENVIRONMENTAL AUTHORITY

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.

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

$L_{Aeq\ adj,T}$ means the adjusted A weighted equivalent continuous sound pressure level **measured** on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the **activity** is causing a steady state noise, and no shorter than 1 hour when the approved **activity** is causing an intermittent noise.

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 kindergarten, 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

Attachment 1: Location of EPC 1052



Attachment 2: Proposed drill locations and access track on EPC 1052



END OF PERMIT

