

Permit

Environmental Protection Act 1994

Environmental authority EPVX01592413

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

Environmental authority number: EPVX01592413

Environmental authority takes effect on 04 July 2016

Environmental authority holder(s)

Name(s)	Registered address
KC RESOURCES PTY. LTD.	Suite 3B Level 33 52 Martin Place SYDNEY NSW 2000
CITIC AUSTRALIA COPPABELLA PTY LTD	Level 7, CITIC House 99 King Street MELBOURNE VIC 3000
NS COAL PTY LTD	Level 2, Navision House 10 Market Street BRISBANE CITY QLD 4000
PEABODY COPPABELLA PTY LTD	Level 5 100 Melbourne Street SOUTH BRISBANE QLD 4101
WINCHESTER COAL OPERATIONS PTY LTD	Commonwealth Bank Building Level 25 240 Queen St BRISBANE CITY QLD 4000 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Non-Scheduled Mining Activity Mineral Development Licence - MDL	MDL494

Additional information for applicantsEnvironmentally 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-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

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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.

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

Date issued: 16 December 2020

Enquiries:

Coal & Gemstone Mining
Department of Environment and Science

Phone: 07 4987 9320

Email: crmining@des.qld.gov.au

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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)

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, Version 1” **Variations to the standard conditions include:**

Agency Interest: General	
Condition number	Condition
A1	The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the “Code of environmental compliance for exploration and mineral development projects, Version 1”, except Condition 13, which is replaced by the conditions in this environmental authority
A2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
Agency Interest: Land	
Condition number	Condition
B1	Contaminants must not be released to land.

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B2	The environmental authority holder is authorised to undertake no more than twenty nine (29) drill sites, within the 500 m buffer of any Category B Environmentally Sensitive Areas , in accordance with Attachment 1: MDL 494 Location of mineral development activities .
B3	The environmental authority holder is not authorised to undertake any mining activities within any Category B Environmentally Sensitive Area , in accordance with Attachment 1: MDL 494 Location of mineral development activities .
B4	The environmental authority holder is authorised to undertake approximately 8.2 km in length of access tracks, at a width of <5m, totaling approximately 5 ha of clearing required (maximum), within the 500 m buffer of any Category B Environmentally Sensitive Areas , in accordance with Attachment 1: MDL 494 Location of mineral development activities .
B5	The operational area of individual drill sites must not exceed 1000m ² .
B6	Drill holes constructed in accordance with condition B2 are to be located as far as practicable in previously cleared areas.
B7	Drill holes are limited to less than 250mm in diameter.
B8	The construction of sumps must not exceed 10m ² .
B9	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.
B10	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 .
B11	Constructed tracks must be less than 5 metres in width, including shoulder width.
B12	Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be minimised.
B13	Tracks should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.
B14	Topsoil stripping is limited to the sump area of 10m ² . Where topsoil is removed it must be stockpiled for re-spreading during rehabilitation.
B15	Rehabilitation must be carried out in accordance with the <i>Queensland Coal Corporation Site Preparation and Rehabilitation Guidelines</i> .
B16	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.

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B17	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.
B18	An annual report must be prepared each year and submitted with each annual return. The report must include a map identifying all mineral development activities undertaken to date on Mineral Development Licence 494. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.

END OF CONDITIONS

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.

$L_{Aeq, T}$ 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.

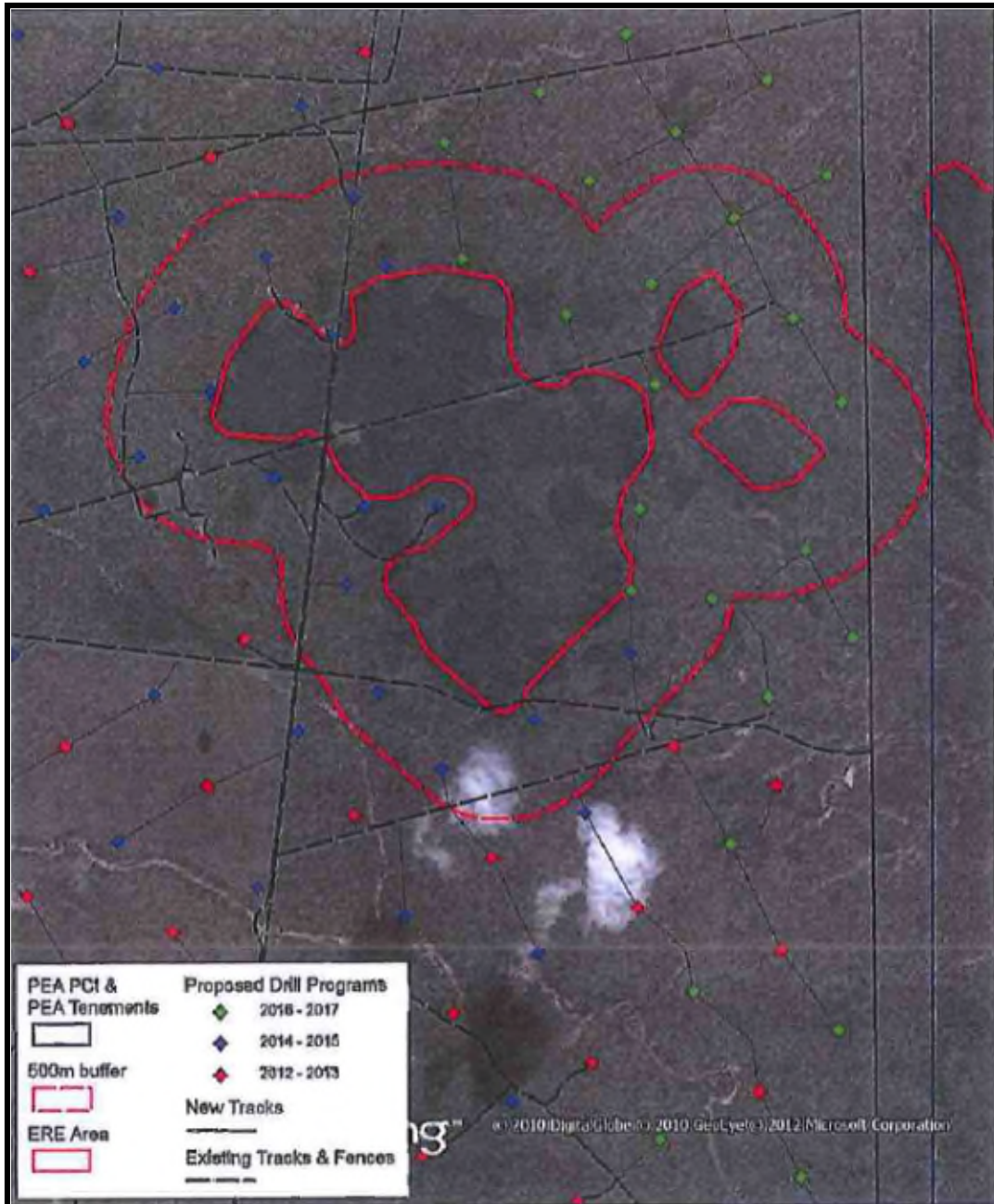
Waste as defined in section 13 of the *Environmental Protection Act 1994*.

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.

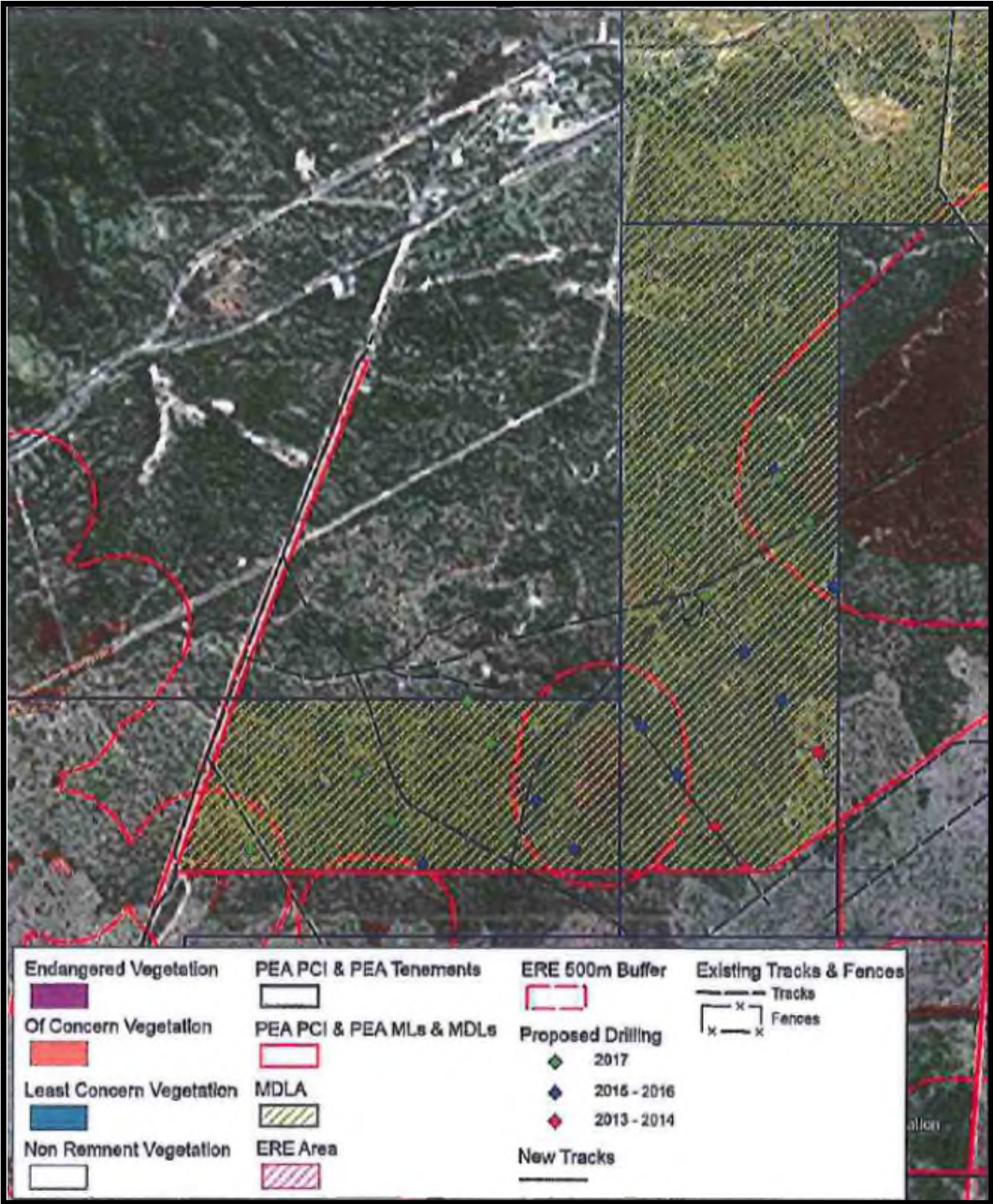
Watercourse means a watercourse as defined under the *Water Act 2000*.

END OF DEFINITIONS

Attachments

Attachment 1: MDL 494 Location of mineral development activities.**ERE Buffer zones and drill program-Spring Creek**

ERE Buffer zones and drill program-Moorvale North



END OF PERMIT

