

Environmental Authority EPVX02549314

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

Permit¹ number: EPVX02549314

Environmental authority takes effect: 28 October 2014

Anniversary day: 27 July

Environmental authority holder(s)

Name	Registered address
Aquila Coal Pty Ltd and Eagle Downs Pty Ltd.	Level 14, 225 St Georges Terrace, PERTH, WA 6000.

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Mining – MDL.	MDL444

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

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,

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

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

28 October 2014
Date

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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 1.1 (EM586)*

Variations to the standard conditions include:

- Condition 13
- Condition 21

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 authorises environmental harm referred to in the conditions. Where there is no condition or this environmental authority is silent on a matter, the lack of a condition or silence does not authorise environmental harm.
A2	The environmental authority holder must develop and implement during the continuation of this authority, a program to ensure that all employees and contractors on site are aware of and comply with the relevant requirements of this environmental authority.
A3	The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the <i>Code of Environmental Compliance for Exploration and Mineral Development Projects</i> (EM586), except Condition 13, which is replaced by conditions E1 to E14 inclusive and Condition 21, which is replaced by conditions F1 and F2 inclusive.
A4	The holder of this environmental authority must notify the administering authority by written notification within 24 hours, after becoming aware of any emergency or incident which results in the release contaminants not in accordance, or reasonably to be not in accordance with, the conditions of this environmental authority.

A5	Within 10 business days following the initial notification of an emergency or incident, or receipt of monitoring results, whichever is the latter, further written advice must be provided to the administering authority, including the following: a) results and interpretation of any samples taken and analysed; b) outcome of actions taken at the time to prevent or minimise unlawful environmental harm; and c) proposed actions to prevent a recurrence of the emergency or incident.
A6	The environmental authority holder must notify, in writing, the occupiers or registered owner of affected land and any other potentially impacted stakeholder as soon as reasonably practicable after becoming aware of any emergency or incident that has the potential to impact on environmental values or breaches any condition of this environmental authority concerning releases of contaminants to the environment.
A7	The notification in condition A6 must include the following: a) the location of the emergency or incident; b) the date and time of the emergency or incident; c) the estimated quantity and type of any substances involved in the emergency or incident; d) the potential impacts to environmental values caused by the emergency or incident; and e) where there is potential impact on livestock or human health, precautionary measures that should be taken.
A8	Except where specified otherwise in another condition of this environmental authority, all monitoring records or reports required by this environmental authority must be kept for a period of not less than 5 years.

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Agency interest: Air	
Condition number	Condition
B1	When requested by the administering authority or as a result of a complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer), dust and particulate monitoring must be undertaken, and the results thereof notified to the administering authority within fourteen (14) days following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place. Dust and particulate matter must not exceed the following levels when measured at any sensitive receptor or commercial place: (a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with <i>Australian Standard AS 3580.10.1 of 2003</i> (or more recent editions); and (b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging period, at a sensitive receptor or commercial place downwind of the site, when monitored in accordance with: (i) <i>Australian Standard AS 3580.9.6 of 2003</i> (or more recent editions) <i>Ambient air – Particulate matter – Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method</i>; or (ii) Any alternative method of monitoring PM10 which may be permitted by the current editions of the <i>Air Quality Sampling Manual</i> as published from time to time by the administering authority.
B2	If monitoring indicates exceedance of the relevant limits in condition B1, then the environmental authority holder must: (a) address the complaint including the use of appropriate dispute resolution if required; and (b) immediately implement dust abatement measures so that emissions of dust from the activity do not result in further environmental nuisance.
Agency interest: Water	
Condition number	Condition
C1	Contaminants must not be released to any water or the bed and banks of any waters.
Agency interest: Land	
Condition number	Condition
E1	The environmental authority holder must not carry out activities in a Category A Environmentally Sensitive Area. Activities involving machinery must not be carried out within 1km of a Category A environmentally sensitive area.

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E2	The environmental authority holder is authorised to undertake the construction of exploration holes and access tracks within 500m of Category B Environmentally Sensitive Areas, as identified in Table 1: Authorised Disturbance within 500 metres of Category B Environmentally Sensitive Areas and illustrated in Schedule 1 – Approved Plans .
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Table 1: Authorised Disturbance within 500 metres of Category B Environmentally Sensitive Areas.

Activity	Limitation of Activity within Category B Environmentally Sensitive Area 500m Buffer	Maximum Footprint of Disturbance Permitted for each Activity within Category B Environmentally Sensitive Area 500m Buffer
Exploration Drill Sites	3	400m ² per drill pad 300mm diameter per drill hole
Access Tracks	3 (no more than one [1] kilometre of new tracks)	3m wide per track

E3	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.
E4	Clearing native vegetation or interfering with animal breeding places is not permitted unless authorised under the <i>Nature Conservation Act 1992</i> .
E5	Burning of vegetation is not permitted.
E6	The environmental authority holder is only authorised to undertake 2D seismic surveys within 500m of a Category B Environmentally Sensitive Area within access tracks illustrated in Schedule 1 – Approved Plans of this environmental authority.
E7	The environmental authority holder is not authorised to undertake 3D seismic surveys in a Category B Environmentally Sensitive Area or within 500m of a Category B Environmentally Sensitive Area.
E8	Where topsoil is removed, it must be stockpiled for re-spreading at the completion of use.
E9	The construction of any new tracks must be recorded with a Global Positioning System (GPS) in GDA94 coordinate system and records kept of their location and made available to the administering authority upon request.
E10	Campsites must not be established in Category B Environmentally Sensitive Areas or within 500m of any Category B Environmentally Sensitive Area.
E11	All outstanding rehabilitation on mining tenure MDL444 under this environmental authority, including disturbance within the 500m buffer of any Category B Environmentally Sensitive Area must be rehabilitated within six (6) months from the effective date of this environmental authority.

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E12	Rehabilitation of areas disturbed by mining activities within the 500m buffer of any Category B Environmentally Sensitive Area must be completed as soon as practicable but no longer than six (6) months after completion of the disturbance activity.
E13	The environmental authority holder must revegetate disturbed areas within 500m of any Category B Environmentally Sensitive Area with plant species that will promote the same vegetation type and density of cover to that of the surrounding undisturbed areas.
E14	An annual report must be prepared each year and submitted with each annual return. The report must include a map and details of all exploration activities undertaken, including details of new tracks, monitoring bores and progressive rehabilitation works completed to demonstrate compliance with E11 to E13 .
Agency interest: Waste	
Condition number	Condition
F1	General waste must not be disposed of within MDL444.
F2	Regulated waste must not be disposed of within MDL444.
F3	Waste must not be burned or allowed to be burned on MDL444 unless by the approval of the administering authority.

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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 must be used. If a word remains undefined it has its ordinary meaning.

Authority - means a site specific environmental authority (resource activity) under the *Environmental Protection Act 1994*.

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 and B Environmentally Sensitive Area - means as defined in Schedule 12 of the *Environmental Protection Regulation 2008*.

Clear, for vegetation –

- a) means remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining; but
- b) does not include destroying standing vegetation by stock, or lopping a tree.

Density of cover - in reference to trees and/or shrubs, it means the number of trees or shrubs in a specified area (e.g. 50 trees per square kilometre). With reference to understorey plant species (e.g. grasses and forbs), it means the percentage of surface area covered by a particular species.

Disturbed means any area that has had its natural state altered by the action or interference of carrying out an activity associated with the exploration project.

Environmental authority - means a licence or approval issued by the administering authority under the *Environmental Protection Act 1994*.

Environmental authority holder - means the holder of this environmental authority.

General waste - Schedule 12 of the *Environmental Protection Regulation 2008* defines general waste as “means waste other than regulated waste”.

Landowner - is as per the definition in the *Code of Environmental Compliance for Exploration and Mineral Development Projects* (EM586).

Native vegetation - means vegetation that occurs naturally in a certain area.

Progressive rehabilitation - means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

Regulated Waste - as per the definition in the *Environmental Protection Regulation 2008*.

Standard environmental conditions - for an environmental authority, means the standard environmental conditions approved for the authority under section 549 of the *Environmental Protection Act 1994*.

Watercourse - means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with:

- (a) continuous bed and banks;
- (b) an extended period of flow for some months after rain ceases, and
- (c) an adequacy of flow that sustains basic ecological processes and maintains biodiversity

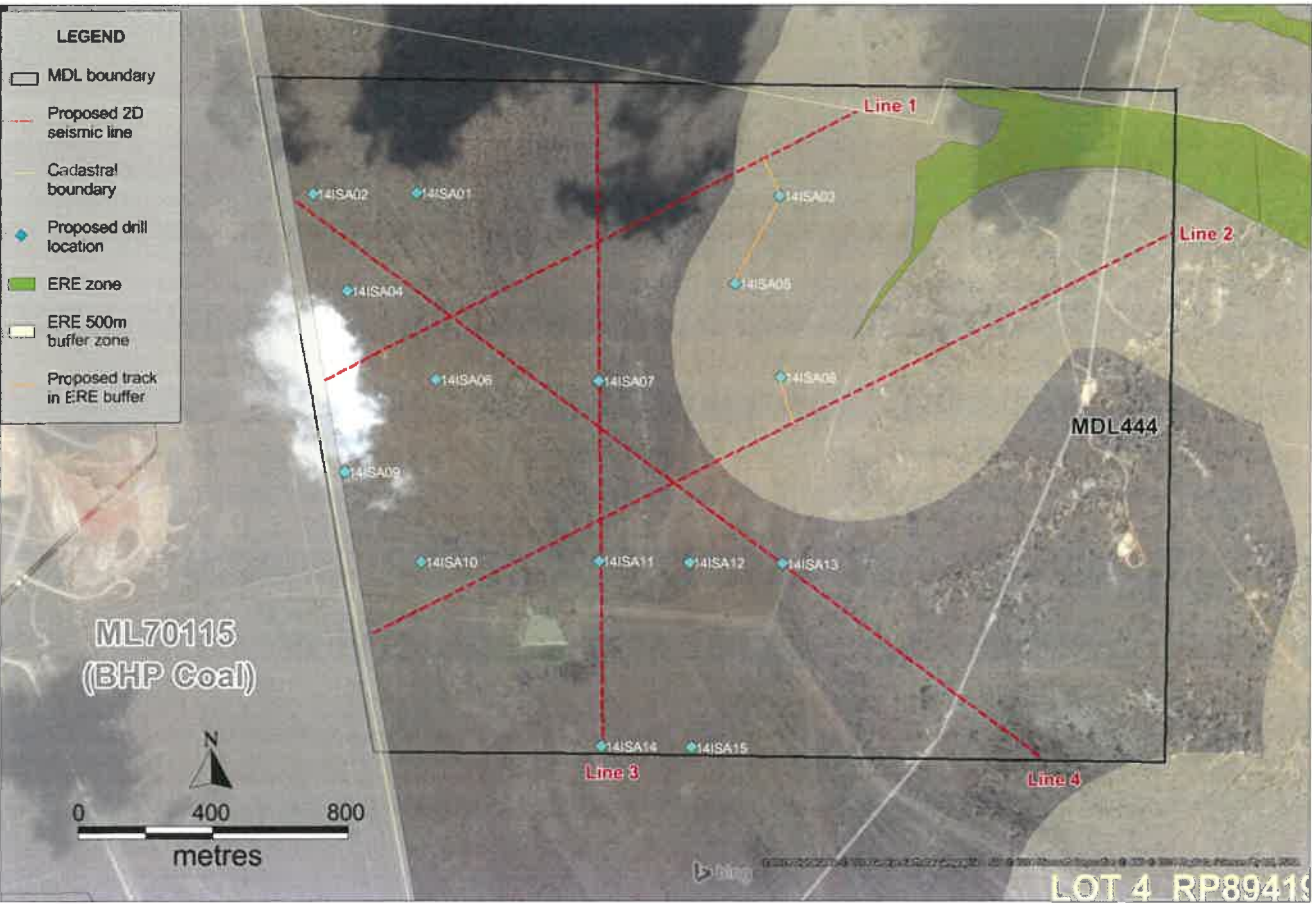
End of Definitions.

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Schedules

Schedule 1—Approved Plans.

Approved drill holes, 2D seismic surveys and access tracks within 500 metres of Category B Environmentally Sensitive Area's.



END OF PERMIT

Attachments

Code of environmental compliance for exploration and mineral development projects – EM586 Version 1.1

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