

Permit

Environmental Protection Act 1994

Environmental authority EPVX04183316

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

Environmental authority number: EPVX04183316

Environmental authority takes effect on 28 September 2016

The anniversary date of this environmental authority is the same day each year and remains 17 February. The payment of the annual fee will be due each year on this day.

An annual return will be due each year on 01 April.

Environmental authority holder(s)

Name(s)	Registered address
Peabody West Walker Pty Ltd	Level 14, 31 Duncan Street, Fortitude Valley 4006
CITIC West Walker Pty Ltd	Level 7, CITIC HOUSE 99 King Street, MELBOURNE VIC 3000

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Non-Scheduled Mining Activity – Mineral Development Licence (MDL)	MDL3020

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-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 *Planning Act 2016* 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.

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

Enquiries:
Business Centre Coal
Department of Environment, Science and Innovation
Phone: 07 4987 9320
Email: CRMining@des.qld.gov.au

Privacy statement

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

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 EP Act. 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 Resources (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

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

- *Eligibility criteria and standard conditions for exploration and mineral development projects—* (ESR/2016/1985). Variations to the standard conditions include:

Agency interest: General	
Condition number	Condition
A1	Activity The holder of this environmental authority must comply with each of the environmental conditions contained in the <i>Eligibility criteria and standard conditions for exploration and mineral development projects—(ESR/2016/1985)</i> with the exception of Condition A13 which is replaced by the conditions within this authority.
A2	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.

Agency interest: Land	
Condition number	Condition
B1	Land Disturbance The holder of the environmental authority must not carry out activities in Category A or B Environmentally Sensitive Areas . Activities involving machinery must not be carried out within 1km of Category A Environmentally Sensitive Areas . Activities carried out within the 500m buffer zone of Category B Environmentally Sensitive Areas are confined to areas of pre-existing disturbance.
B2	Exploration The holder of the environmental authority is not authorised to drill any drill holes within the 500m buffer zone of Category B Environmentally Sensitive Areas .
B3	Tracks constructed within the 500m buffer zone of Category B Environmentally Sensitive Areas : (a) must be less than 5 metres in width, including shoulder width and (b) must be more than 250m apart.
B4	Tracks within the 500m buffer zone of Category B Environmentally Sensitive Areas must not be used when soil is saturated or otherwise prone to displacement or erosion by vehicle movement.
B5	Campsites The holder of the environmental authority is not authorised to establish camps within Category B Environmentally Sensitive Areas or within the 500m buffer zone of Category B Environmentally Sensitive Areas .
B6	Significant residual impacts to prescribed environmental matters are not authorised under this environmental authority or the <i>Environmental Offsets Act 2014</i> .

Definitions

Words and phrases used throughout this license are defined below except where identified in the *Environmental Protection Act 1994* or subordinate legislation. Where a word or term is not defined, the ordinary English meaning applies, and regard should be given to the Macquarie Dictionary.

‘Category A environmentally sensitive area’ means any of the following—

(a) any of the following under the *Nature Conservation Act 1992*—

- (i) a national park;
- (ii) a national park (Aboriginal land);
- (iii) a national park (Torres Strait Islander land);
- (iv) a national park (Cape York Peninsula Aboriginal land);
- (v) a regional park (general);

- (vi) a forest reserve;
- (b) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*;
- (c) the Great Barrier Reef Region under the *Great Barrier Reef Marine Park Act 1975* (Cwlth);
- (d) a marine park under the *Marine Parks Act 2004*, other than a part of the park that is a general use zone under that Act.

‘Category B environmentally sensitive area’ means any of the following

- (a) any of the following areas under the *Nature Conservation Act 1992*—
 - (i) a coordinated conservation area;
 - (ii) an area of critical habitat or major interest identified under a conservation plan;
 - (iii) an area subject to an interim conservation order;
- (b) an area subject to the following conventions to which Australia is a signatory—
 - (i) the ‘Convention on the Conservation of Migratory Species of Wild Animals’ (Bonn, 23 June 1979);
 - (ii) the ‘Convention on Wetlands of International Importance, especially as Waterfowl Habitat’ (Ramsar, Iran, 2 February 1971);
 - (iii) the ‘Convention Concerning the Protection of the World Cultural and Natural Heritage’ (Paris, 23 November 1972);
- (c) a zone of a marine park under the *Marine Parks Act 2004*;
- (d) an area to the seaward side of the highest astronomical tide;
- (e) the following under the *Queensland Heritage Act 1992*—
 - (i) a place of cultural heritage significance;
 - (ii) a Queensland heritage place, unless there is an exemption certificate issued under that Act;
- (f) an area recorded in the Aboriginal Cultural Heritage Register established under the *Aboriginal Cultural Heritage Act 2003*, section 46, other than the area known as the ‘Stanbroke Pastoral Development Holding’, leased under the *Land Act 1994* by lease number PH 13/5398;
- (g) a feature protection area, State forest park or scientific area under the *Forestry Act 1959*;
- (h) a declared fish habitat area under the *Fisheries Act 1994*;
- (i) a place in which a marine plant under the *Fisheries Act 1994* is situated;
- (j) an endangered regional ecosystem identified in the database known as the ‘Regional ecosystem description database’ kept by the department.

‘Prescribed environmental matters’ has the meaning in section 10 of the *Environmental Offsets Act 2014*, limited to the matters of State environmental significance listed in schedule 2 of the Environmental Offsets Regulation 2014.

‘Significant residual impact’ has the meaning in section 8 *Environmental Offsets Act 2014*.

Attachments

Eligibility criteria and standard conditions for exploration and mineral development projects—(ESR/2016/1985).

END OF ENVIRONMENTAL AUTHORITY