

Permit¹**Environmental Protection Act 1994**
Environmental Authority (Mining Activities) Non Code Compliant Level 1 Mining Project**Permit¹ Number: MIN101211410**

This permit is issued by the administering authority to authorise the activity specified in the permit in accordance with the conditions specified in the permit. This decision was made pursuant to Section 193 of the Environmental Protection Act 1994.

Takes Effect From: 6 April 2010**Details**

Permit Holder(s)	Name	Address
Principal Holder	TEC Coal Pty Ltd	60 Albert Street BRISBANE QLD 4000

Activity(s)	Location(s)
Mining activity - schedule 6, item 2 (mineral development) investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	MDL200

The anniversary date of the environmental authority is 6 April each year.

The environmental authority is subject to the attached conditions of approval.



David Darvall
Delegate
Administering authority
Environmental Protection Act 1994
06-APR-2010

Enquiries:

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¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management

Schedule A - General**Financial assurance**

- (A1) The holder of the authority must provide a financial assurance in the amount and form required by the administering authority.

NOTE: The calculation of financial assurance for condition (A1) must be in accordance with the guideline "Financial assurance of mining activities". The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas at any one time, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest total rehabilitation cost calculated for any year of the environmental management plan.

- (A2) The financial assurance is to remain in force until the administering authority is satisfied that no claim is likely to be made on the assurance.

NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.

Maintenance of measures, plant and equipment

- (A3) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper condition; and
- operate such measures, plant and equipment in a proper manner.

Monitoring, reporting and emergency response procedures

- (A4) The holder of the environmental authority must record and notify the administering authority of any emergency or incident which demonstrates non-compliance with the environmental conditions.
- (A5) Record, compile and keep for a minimum of five years all monitoring results required by this environmental authority and make available for inspection all or any of these records upon request by the administering authority.
- (A6) Where monitoring is a requirement of this environmental authority, ensure that a competent person(s) conducts all monitoring.

Storage and handling of flammable and combustible liquids

- (A7) Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Definitions

- (A8) Words and phrases used in this environmental authority are defined in Schedule – Definitions. Where a definition for a term used in this environmental authority is not defined within this authority, the definitions in the Environmental Protection Act 1994, its Regulations and Environmental Protection Policies must be used.



Schedule B - Air**Dust nuisance**

- (B1) Subject to Conditions (B2) and (B3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive or commercial place.
- (B2) When requested by the administering authority, dust and particulate monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive or commercial place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
- (B3) If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1):
- Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with AS 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method of 2003; and
 - A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a sensitive or commercial place downwind of the operational land, when monitored in accordance with:
 - (a) Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method, when monitored in accordance with AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM (sub) 10 high volume sampler with size-selective inlet - Gravimetric method of 2003; or
 - (b) Any alternative method of sampling PM10, which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

NOTE: You must propose which monitoring method is appropriate in accordance with condition (B3) (a) or (b) or both.

- (B4) If monitoring indicates exceedence of the relevant limits in Condition (B3), then the environmental authority holder must:
- address the complaint including the use of appropriate dispute resolution if required; or
 - immediately implement dust abatement measures so that emissions of dust from the activity do not result in further environmental nuisance.

Schedule C - Water**Erosion and sediment control**

- (C1) The holder of the environmental authority must design, install and maintain adequate banks and/or diversion drains to minimise the potential for storm water runoff to enter disturbed areas.

- (C2) The holder of the environmental authority must design, install and maintain adequate erosion and sediment controls wherever necessary to prevent erosion of disturbed areas and sedimentation of any watercourse, waterway, wetland or lake.
- (C3) The holder of the environmental authority must not directly or indirectly release wastewater to any watercourse, waterway, groundwater, wetland or lake.

Schedule D - Noise and vibration**Noise nuisance**

- (D1) The holder of the environmental authority must not cause unreasonable noise at a noise sensitive place.

Schedule E - Waste

- (E1) The holder of the environmental authority must not directly or indirectly release waste from the project area to any watercourse, waterway, groundwater, wetland or lake.

Schedule F - Land**Nature conservation**

- (F1) The holder of the environmental authority 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. Exploration activities may be conducted within a category B environmentally sensitive area provided that any drilling and associated disturbance (including that caused by access to and preparation of drill sites) is confined to pre-existing tracks and roads, and that no native vegetation is removed or disturbed by or for the activities. Prior to carrying out activities in a category C environmentally sensitive area, the environmental authority holder must consult with the relevant landowner or relevant administering authority. It is determined through consultation that additional conditions are necessary, the holder must comply with those conditions.

Land disturbance

- (F2) The holder of the environmental authority must ensure that the area and duration of disturbance to land and vegetation is minimised. Not more than 1000m² can be disturbed at any one location, excluding campsites.

Nature conservation

- (F3) The holder of the environmental authority must prevent the spread of Declared Plants by ensuring that all vehicles and machinery are adequately cleaned before taking the vehicles and machinery out of a Declared Plant Area.

Roads and tracks

- (F4) The holder of the environmental authority must consult with the Landowner prior to establishing any new roads and tracks.

Drilling, excavating and sampling

- (F5) The holder of the environmental authority must ensure:
- all marker pegs are marked with contrasting colour so as to be clearly visible;
 - all marker pegs are removed from the tenement at the completion of exploration activities;
 - all permanent markers (example, concrete plugs or steel plates) are installed at ground level and made safe.
- (F6) When drilling, excavating or sampling, the holder of the environmental authority must ensure that the area and duration of disturbance to land and vegetation is minimised.

Exploration drill holes

- (F7) The holder of the environmental authority must decommission all non-artesian drill holes, apart from those still required for monitoring purposes as soon as practical, but no later than 6 months after the hole was drilled by undertaking the following actions:
- where practical dispose of all unused drill chips to the hole or to a sump pit and;
 - cap the hole at a depth that is appropriate for the previous land use of the area (unless the land owner stipulates a future use which requires the cap to be placed deeper); and
 - backfill the hole above the cap with soil or material similar to the surrounding soil or material.
- (F8) The holder of the environmental authority must ensure that exploration drill holes that are to be retained for future mineral resource evaluation purposes are cased and capped. Holes to be retained for more than three years must be capped with steel casing and appropriately identified.

Rehabilitation

- (F9) For all other areas on the mining tenement, the holder of the environmental authority must complete the rehabilitation processes on all areas disturbed by mining activities, apart from those areas currently being utilised for mining activities, as soon as practical and at least within six months of the completion of works in those areas.
- (F10) The holder of the environmental authority must backfill all excavations, drill holes or sampling sites as soon as practical following the completion of exploration activities.
- (F11) The holder of the environmental authority must rehabilitate areas disturbed by mining activities to a stable landform similar to that of surrounding undisturbed areas.
- (F12) The holder of the environmental authority must complete rehabilitation of disturbed areas to the satisfaction of the administering authority.

Schedule G - Community**Complaint response**

- (G1) All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

Schedule - Definitions

“ambient (or total) noise” at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

“authority” means environmental authority (mining activities) under the *Environmental Protection Act 1994*.

“blasting” means the use of explosive materials to fracture-

- (a) rock, coal and other minerals for later recovery; or
- (b) structural components or other items to facilitate removal from a site or for reuse.

“commercial place” means a work place used as an office or for business or commercial purposes, which is not part of the mining activity and does not include employees accommodation or public roads.

“environmental authority holder” means the holder of this environmental authority.

“hazardous waste” means any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health.

“ $L_{A\ 10, \text{adj}, 10 \text{ mins}}$ ” means the A-weighted sound pressure level, (*adjusted for tonal character and impulsiveness of the sound*) exceeded for 10% of any 10-minute measurement period, using Fast response.

“ $L_{A\ 1, \text{adj}, 10 \text{ mins}}$ ” means the A-weighted sound pressure level, (*adjusted for tonal character and impulsiveness of the sound*) exceeded for 1% of any 10-minute measurement period, using Fast response

“ $L_{A, \text{max adj}, T}$ ” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

“land” in the “land schedule” of this document means land excluding waters and the atmosphere.

“land capability” as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

“land suitability” as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

“land use” term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

“noxious” means harmful or injurious to health or physical well being, other than trivial harm.

“offensive” means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

“peak particle velocity (ppv)” means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms⁻¹).

“protected area” means - a protected area under the *Nature Conservation Act 1992*; or

- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

“progressive rehabilitation” means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

“reference site” (or analogue site) may reflect the original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be as photographs, computer generated images and vegetation models etc.

“rehabilitation” the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

“representative” means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

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“self sustaining” means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

“sensitive place” means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- an educational institution; or
- a medical center or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public park or gardens.

“significant disturbance” – includes land

- (a) if it is contaminated land; or
- (b) it has been disturbed and human intervention is needed to rehabilitate it.
 - i. to a state required under the relevant environmental authority; or
 - ii. if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Some examples of disturbed land include:

- areas where soil has been compacted, removed, covered, exposed or stockpiled;
- areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation & topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining activities occur;
- areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;
- areas under temporary infrastructure. Temporary infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be removed after mining activities have ceased; or
- areas where land has been contaminated and a suitability statement has not been issued.

However, the following areas are not included:

- areas off lease (e.g. roads or tracks which provide access to the mining lease);
- areas previously significantly disturbed which have achieved the rehabilitation outcomes;
- by agreement with the EPA, areas previously significantly disturbed which have not achieved the rehabilitation objective(s) due to circumstances beyond the control of the mine operator (such as climatic conditions);
- areas under permanent infrastructure. Permanent infrastructure includes any infrastructure (roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, airstrips, helipads etc) which is to be left by agreement with the landowner. The agreement to leave permanent infrastructure must be recorded in the Landowner Agreement and lodged with the EPA;
- disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

“stable” means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation / settlement of the wastes deposited, and sliding / slumping instability has ceased.

“trivial harm” means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than \$5,000.

“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.

“waters” includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea) or any part thereof.