

Permit

Environmental Protection Act 1994

Environmental authority EPPR00925213

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

Environmental authority number: EPPR00925213

Environmental authority takes effect on 07 February 2018

Environmental authority holder(s)

Name(s)	Registered address
BLACKWOOD COAL PTY LTD	Level 15 31 Market St SYDNEY NSW 2000

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Resource Activity, Schedule 2A, 09: A mining activity involving drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	EPC1738

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'.

Environmental authority

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 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 Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Department of Environment and Heritage Protection
Phone:
Email:

Date issued: 19 February 2018

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 (EM586).

Variations to the standard conditions include

- Condition 13
- Condition 31

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:

Legislative Requirements and Conditions of Environmental Authority

Condition

General

- A1 This environmental authority does not authorise environmental harm unless a condition contained within the authority explicitly authorises that harm. Where there is no condition or the authority is silent on the matter, the lack of a condition or silence shall not be construed as authorising harm.
- A2 The environmental authority holder must provide financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.
- A3 The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely.

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.

A4 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.

A5 Activity

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.

A6 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 (EM586), except Condition 13, which is replaced by Conditions D1 to D40 in this environmental authority.

A7 Mining activities undertaken must be consistent with the "Environmental Management Plan - EPC 1738 for Cuesta Coal Limited" (dated 5 June 2012, report prepared by Environmental and Licensing Professionals Pty Ltd).

A8 Contaminants must not be released to the receiving environment unless authorised by this environmental authority.

A9 Maintenance of Measures, Plant and Equipment

The holder of this environmental authority must:

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

A10 Monitoring, Reporting and Emergency Response Procedures

The environmental authority holder must comply with each of the 'Monitoring, Reporting and Emergency Response Procedures' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects (EM586).

- A11 The environmental authority holder must notify the administering authority by written notification as soon as practicable but within twenty-four (24) hours after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance, with the conditions of this environmental authority.
- A12 The notification in Condition A11 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.
- A13 Within ten (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) outcomes 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.
- A14 The environmental authority holder must notify, in writing, the occupiers or registered owners 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.

- A15 The notification in Condition A14 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.
- A16 Record, compile and keep for a minimum of five (5) 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.
- A17 Where monitoring is a requirement of this environmental authority, ensure that a competent person(s) conduct all monitoring.

F1 Waste Management

The environmental authority holder must comply with each of the 'Waste Management' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects, except Condition 21, which is replaced by Conditions F2 to F5 of this environmental authority.

- F2 General Waste must not be disposed of within EPC1738.
- F3 Regulated Waste must not be disposed of within EPC1738.
- F4 Waste must not be burned or allowed to be burned on EPC1738 unless by the approval of the administering authority.
- F5 All waste generated in carrying out activities must be stored, handled and transferred in a proper and efficient manner. Waste must not be released to the environment, stored, transferred or disposed contrary to the Environmental Protection (Waste Management) Regulation 2000.

Condition**Air****B1 Air Quality**

The environmental authority holder must comply with each of the 'Air Quality' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects (EM586).

B2 The release of dust or particulate matter or both resulting from exploration activities must not cause an environmental nuisance at any sensitive receptor or commercial place.**B3 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 Australian Standard AS 3580.10.1 of 2003 (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) Australian Standard AS 3580.9.6 of 2003 (or more recent editions) Ambient air – Particulate matter – Determination of suspended particulate PM10 high-volume sampler with size-selective inlet – Gravimetric method; or

(ii) Any alternative method of monitoring PM10 which may be permitted by the current edition of the Air Quality Sampling Manual as published from time to time by the administering authority.

B4 If monitoring indicates exceedance of the relevant limits in Condition B3, 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.

Condition

Land

D1 Category A Environmentally Sensitive Areas

The environmental authority holder must not undertake mining activities in any Category A Environmentally Sensitive Area.

D2 The environmental authority holder must not undertake mining activities within 1 kilometre of any Category A Environmentally Sensitive Area.

D3 Exploration Drilling Program – Category B Environmentally Sensitive Areas

The environmental authority holder is authorised to undertake the construction of exploration drill holes and access tracks in Category B Environmentally Sensitive Areas and within 500m of Category B Environmentally Sensitive Areas, as mapped by the Queensland Herbarium on 4 February 2014 and as identified in tables and attachments below:

- Table 1: Authorised Disturbance within Category B Environmentally Sensitive Areas;
- Table 2: Authorised Disturbance within Category B Environmentally Sensitive Areas (2015 drilling program);
- Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems);
- Attachment 2: Authorised Access Tracks; and
- Attachment 3: Authorised disturbance in Category B ESA (drilling program 2015)

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas

(Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

D4 The construction of sumps and topsoil stripping within exploration activities outlined in Table 1: Authorised Disturbance within Category B Environmentally Sensitive Areas and Table 2: Authorised Disturbance within Category B Environmentally Sensitive Areas (2015 drilling program) must not exceed the sump area of 40 square metres.

D5 The environmental authority holder is authorised to undertake rehabilitation work in Category B Environmentally Sensitive Areas and within 500m of any Category B Environmentally Sensitive Areas as per the rehabilitation requirements of this environmental authority.

D6 Vegetation and Tree Protection

The edge of a drill site should not be within 20 meters of any raptor nest, whether active or not.

D7 Clearing native plants or interfering with animal breeding places is not permitted unless authorised under the Nature Conservation Act 1992.

D8 Burning of vegetation is not permitted.

D9 2D Seismic Surveying

The environmental authority holder is only authorised to undertake 2D seismic surveys in a Category B within access tracks illustrated in Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas

(Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

- D10 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 Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

- D11 3D Seismic Surveying

The environmental authority holder is not authorised to undertake 3D seismic surveys in any Category B Environmentally Sensitive Area.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

- D12 The environmental authority holder is not authorised to undertake 3D seismic surveys within 500m of any Category B Environmentally Sensitive Area.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally

Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

D13 Removal and Stockpiling of Topsoil

Where topsoil is removed, it must be stockpiled for re-spreading at the completion of use.

D14 Road and Tracks – General

Any existing access and fence line tracks must be used, where practical.

D15 Any new tracks are to be constructed by linking naturally cleared or previously disturbed areas, where practical.

D16 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.

D17 All explosives, hazardous chemicals, corrosive substances, toxic substances, gases and dangerous goods must be stored and handled in accordance with the current Australian Standard where such is applicable.

D18 Flammable and combustible liquids, including petroleum products, must be stored and handled in accordance with the latest edition of AS1940 - The storage and handling of flammable and combustible liquids.

D19 The environmental authority holder must minimise the potential for contamination of land and waters by diverting stormwater around contaminated areas and facilities used for the storage of chemicals and flammable or combustible liquids.

- D20 All chemicals and flammable or combustible liquids stored on site that have the potential to cause environmental harm must be stored in or serviced by an effective containment system that is impervious to the materials stored and managed to prevent the release of liquids to waters or land. Where no relevant Australian Standard is available, the following must be applied:
- (a) storage tanks must be bunded so that the capacity and construction of the bund is sufficient to contain at least 110% of a single storage tank or 100% of the largest storage tank plus 10% of the second largest storage tank in multiple storage areas, and
 - (b) drum storages must be bunded so that the capacity and construction of the bund is sufficient to contain at least 25% of the maximum design storage volume within the bund.

D21 Spill Kit

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes, chemicals and flammable and combustible liquids associated with the activity must be kept at the site.

- D22 Anyone operating with wastes, chemicals or flammable and combustible liquids under this approval must be trained in the use of the spill kit.

D23 Weed Management

All equipment such as earthmoving and drilling equipment must be used in a manner which prevents the spread of weeds and minimise unnecessary disturbance of topsoil and ground cover vegetation.

D24 Campsites

Campsites must not be established in Category B Environmentally Sensitive Areas or within 500m of any Category B Environmentally Sensitive Area.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas.

As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally

Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

D25 Service, Maintenance and Storage Areas

The environmental authority holder must comply with each of the 'Service, Maintenance and Storage Areas' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects (EM586).

D26 Non-artesian Drill Holes

The holder of the environmental authority must decommission and rehabilitate all non-artesian exploration drill holes within any Category B Environmentally Sensitive Area or within the 500m buffer of any Category B Environmentally Sensitive Area, apart from those to be converted to a monitoring bore or a water bore, but no later than three (3) months after the hole was drilled.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

D27 The holder of the environmental authority must isolate sub-artesian water aquifers where a drill hole intersects more than one water bearing strata in accordance with the 'Minimum Construction Requirements for Water Bores in Australia' (Australian Government, February 2012) or latest edition.

D28 Non-artesian exploration drill holes to be changed to water bores must be converted within three (3) months of the exploration drill hole being drilled.
Note: Water Bores are licensed under the Water Act 2000.

- D29 The holder of the environmental authority must convert all non-artesian exploration drill holes required for ongoing monitoring and evaluation purposes to monitoring bores:
- (a) within three (3) months of the exploration drill hole being drilled; and
 - (b) in accordance with the 'Minimum Construction Requirements for Water Bores in Australia' (Australian Government, February 2012) or latest edition.

- D30 The location and monitoring results of each non-artesian exploration drill hole converted to a monitoring bore must be included within the annual report (see Condition D40).

- D31 Monitoring Bores

The holder of this environmental authority must construct all monitoring bores in accordance with the Minimum Construction Requirements for Water Bores in Australia' (Australian Government, February 2012) or latest edition.

- D32 The holder of this environmental authority must decommission and rehabilitate all monitoring bores in accordance with the Minimum Construction Requirements for Water Bores in Australia' (Australian Government, February 2012) or latest edition.

- D33 Previous disturbance

Disturbance caused by mining activities on mining tenure EPC1738 must be rehabilitated in accordance with this environmental authority.

- D34 All outstanding rehabilitation on mining tenure EPC1738 under this environmental authority, including disturbance to any Category B Environmentally Sensitive Area or within the 500m buffer of any Category B Environmentally Sensitive Area must be rehabilitated by the 19 May 2017.
- The following note is only applicable to all disturbance approved prior to 2015.
- Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

D35 Rehabilitation and reporting

The environmental authority holder must comply with each of the 'Rehabilitation' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects (EM586).

- D36 The environmental authority holder must revegetate disturbed areas in 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. The following note is only applicable to all disturbance approved prior to 2015. Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

- D37 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.

The following note is only applicable to all disturbance approved prior to 2015.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

- D38 All land subject to mining activities must be rehabilitated to a non-polluting, safe, stable and self-sustaining landform.

- D39 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 Conditions D33 to D38.

D Table 1 Table 1: Authorised Disturbance within Category B Environmentally Sensitive Areas

Activity	Limitation of Activity in Category B Environmentally Sensitive Area	Limitation of Activity within Category B Environmentally Sensitive Area 500m Buffer	Maximum Footprint of Disturbance Permitted for each Activity in Category B Environmentally Sensitive Areas	Maximum Footprint of Disturbance Permitted for each Activity within Category B Environmentally Sensitive Area 500m Buffer
Exploration Drill Holes*	3	21	500 square meters per drill pad 180mm diameter per drill pad	-
Access Tracks*	3	21	3m wide per track	3m wide per track

*Authorised disturbance prior to 2015 approved drilling program

D Table 2 Table 2: Authorised Disturbance within Category B Environmentally Sensitive Areas (2015 drilling program)

Activity	Limitation of Activity within Category B ESA	Maximum Disturbance in Category B ESA
Chip Holes	25	Disturbance is limited to LOX Lines
Core Holes	45	Disturbance is limited to Fault Delineation Lines
Additional Chip/Core Holes	14	105 square meters
Access Tracks	3.9km	3m wide
Access Tracks	2.85km	5m wide

Condition

Water

C1 Erosion and Sediment Control

The environmental authority holder must comply with each of the 'Erosion and Sediment Control' Standard Environmental Conditions contained in the Code of Environmental Compliance for Exploration and Mineral Development Projects (EM586).

C2 Contaminants must not be released to any waters or the bed and banks of any waters.

C3 Sediment control barriers must be made of non-organic material to prevent the spread of weeds.

C4 Diversion drains and sediment control barriers must be in place immediately after any clearing.

Definition

Definitions Words and phrases used throughout this environmental authority are defined in the Definitions section of this authority. Where a definition for a term used in this environmental authority is sought and the term is not defined within this environmental authority, the definitions in the *Environmental Protection Regulation* and *Code of environmental compliance for exploration and mineral development projects* (EM586) or *Environmental Protection Act 1994*, its regulations and policies must be used.

artesian bore - includes a shaft, well, gallery, spear or excavation, and any works constructed in connection with the shaft well, gallery, spear or excavation, that taps an aquifer and the water flows, or has flowed, naturally to the surface.

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

borehole - means either an artesian bore or a subartesian bore.

campsite - 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 the Environmental Protection Regulation 2008.

Note: Ground-truthed data has confirmed that the authorised drill holes and access tracks in Endangered Regional Ecosystems (sub-dominant) do not contain the environmental values associated with Category B Environmentally Sensitive Areas. As such, approved disturbance within Endangered Regional Ecosystems (sub-dominant) as per Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems) of this environmental authority is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

costeaming - The digging of a trench or pit across the seam or ore body for exposing, sampling and mapping of the ore body.

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

endangered regional ecosystem - means a regional ecosystem identified as endangered in the database maintained by the administering authority called 'Regional ecosystem description database' containing regional ecosystem numbers and descriptions.

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.

financial assurance” means a security deposit, either cash or a bank guarantee, that is held by the administering authority to cover the potential:

- (a) costs to rehabilitate areas disturbed by mining activities; and
- (b) costs to restore property improvements disturbed by mining activities; and
- (c) failure of the tenure holder to pay rents and royalties.

general waste - Schedule 7 of the Environmental Protection Regulation 2008 defines general waste as “means waste other than regulated waste”. Waste rock, overburden and the contents of tailings dams are not included in the definition of general waste for the purposes of these conditions.

habitat tree - A tree used or potentially used by hollow-dwelling fauna. Habitat trees are identified as a living tree with one or more visible hollows of 10cm or more in diameter that are positioned at least 2m above the base of the tree.

landowner - is as per the definition in the Code of Environmental Compliance for Exploration and Mineral Development Projects.

mature trees - are trees greater than 20 centimetres diameter at breast height (measured at 1.3 metres from the ground).

native vegetation - Vegetation that occurs naturally in a certain area.

non-artesian exploration drill hole - An exploration drill hole that does not intersect aquifers of an artesian basin.

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.

rehabilitation processes -The measures and actions taken to achieve rehabilitation outcomes, including any or all of the following:

- (a) removing all unwanted infrastructure;
- (b) backfilling mine excavations (e.g. pits) and capping drill holes;
- (c) reshaping the land surface to a stable landform similar to that of surrounding
- (d) undisturbed areas;
- (e) spreading of topsoil;
- (f) spreading seed or planting seedlings to promote revegetation;

(g) benching ridge cuts and removing any overhanging material.

significantly disturbed land - Land is significantly disturbed if –

(a) it is contaminated land; or

(b) it has been disturbed and human intervention is needed to rehabilitate it.

Significantly disturbed land includes:

(a) areas where soil has been compacted, removed, covered, exposed or stockpiled;

(b) areas where vegetation has been removed or destroyed to an extent where the land has been made susceptible to erosion; (vegetation and topsoil)

(c) areas where land use suitability or capability has been diminished;

(d) areas within a watercourse, waterway, wetland or lake where mining project activities occur;

(e) areas submerged by tailings or hazardous contaminant storage and dam walls in all cases;

(f) 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 has ceased; or

(g) areas where land has been contaminated.

However, the following areas are not included:

(a) areas off lease (e.g. roads or tracks which provide access to the mining lease);

(b) areas previously significantly disturbed which have achieved the rehabilitation outcomes;

(c) by agreement with the administering authority, areas previously significantly disturbed which have not achieved the rehabilitation objectives due to circumstances beyond the control of the mine operator (such as climatic conditions);

(d) 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

(e) recorded in the Landowner Agreement and lodged with the administering authority;

(f) disturbances that pre-existed the grant of the tenure unless those areas are disturbed during the term of the tenure.

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.

subartesian bore - includes a shaft, well, gallery, spear or excavation (excluding the mining pits), and any works constructed in connection with the shaft, well, gallery, spear or excavation, that taps an aquifer and the water does not flow and never has flowed naturally to the surface.

subartesian water - means water that occurs naturally in, or is introduced artificially into, an aquifer, which if tapped by a bore, would not flow naturally to the surface.

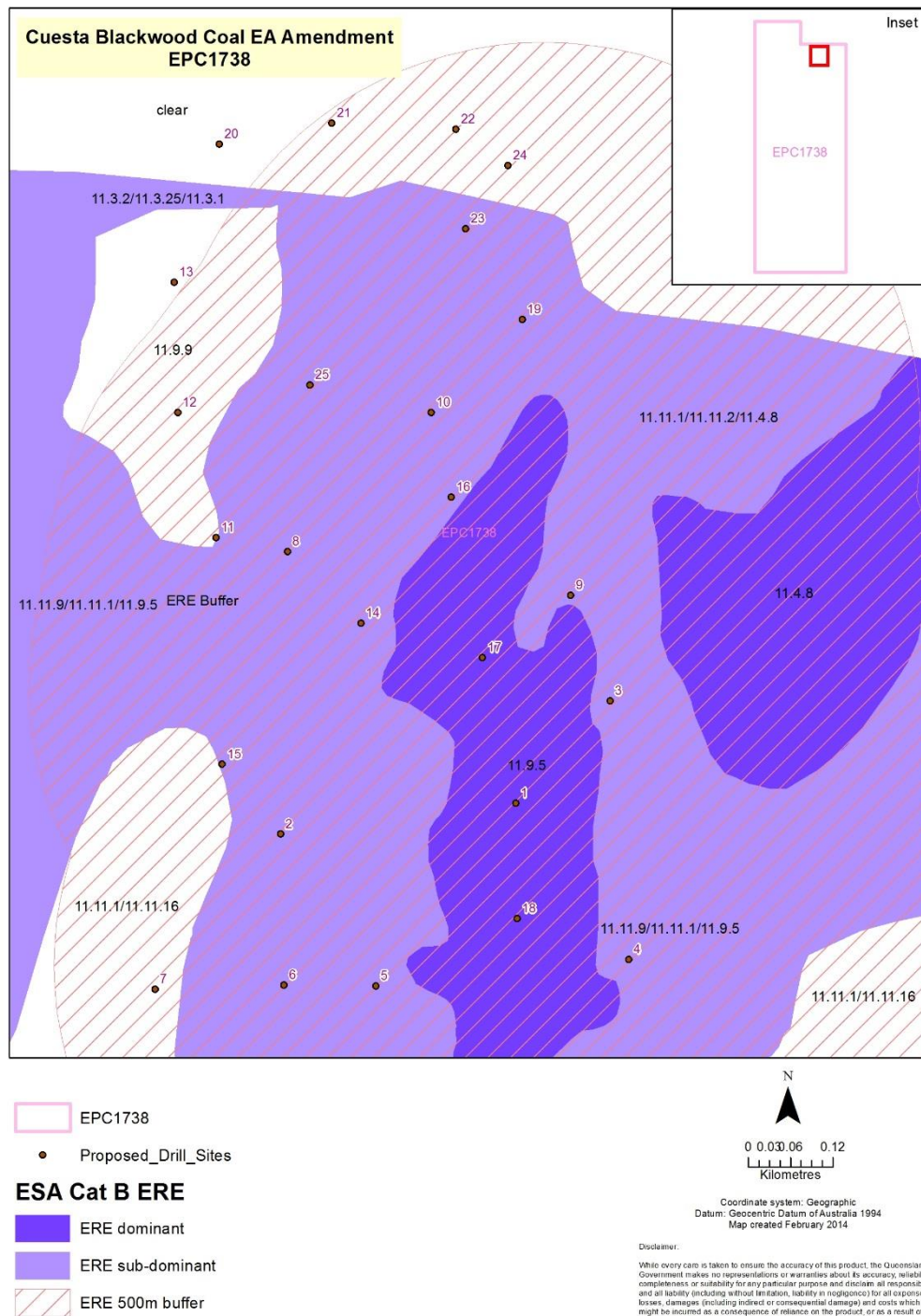
watercourse - means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with:

- (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

water bore - means an artesian bore or a subartesian bore.

water monitoring bore - means a water bore used for monitoring impacts on underground water caused by the mining activities.

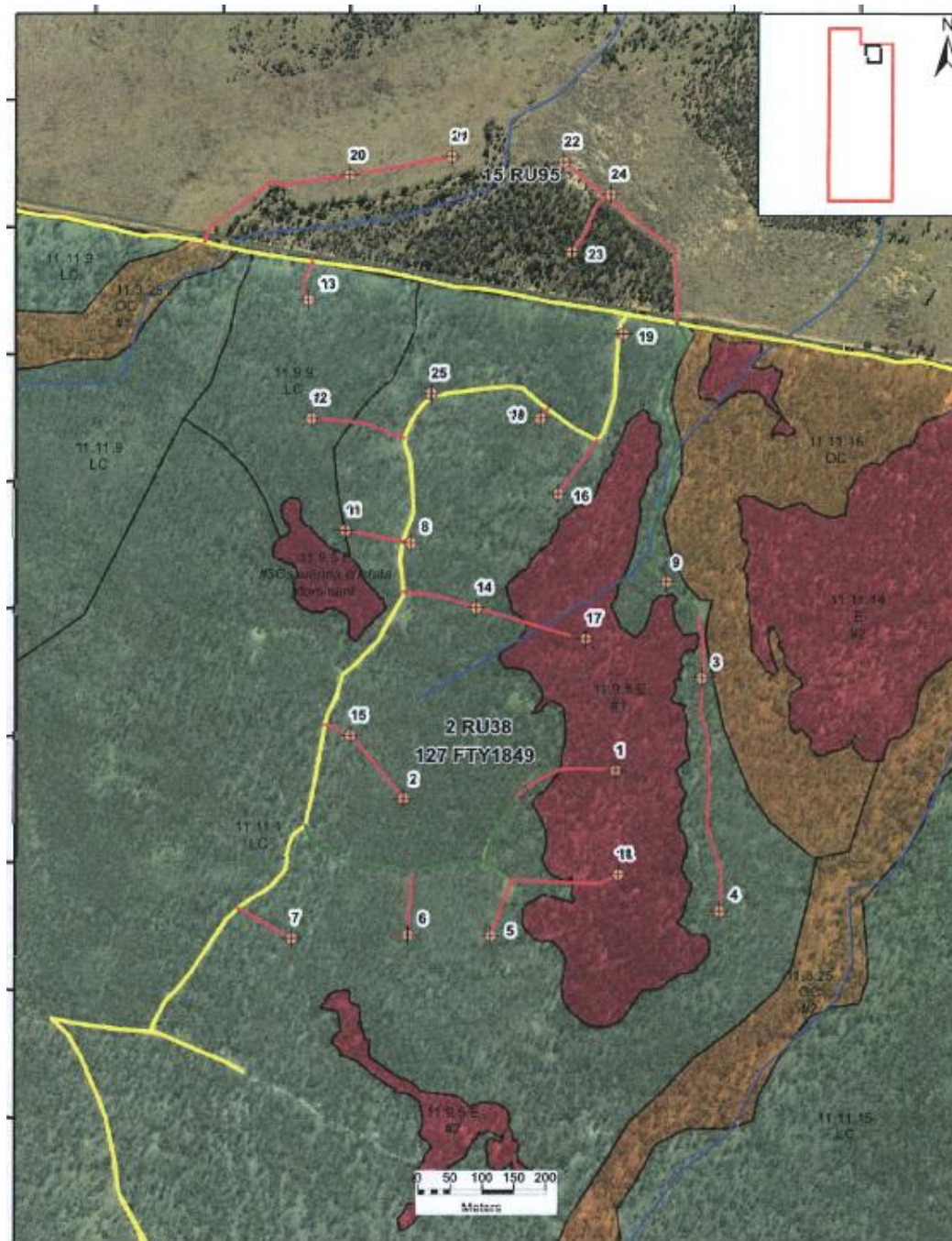
Attachment 1: Drill sites within Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems)



The following note is only applicable to all disturbance approved prior to 2015.

Note: Approved disturbance within Endangered Regional Ecosystems (sub-dominant) displayed in this attachment is not considered to constitute disturbance within a Category B Environmentally Sensitive Area.

Attachment 2: Locations of Authorised Access Tracks



Legend

EPIC 1736

Proposed Drill Sites

Existing Track

Rehabilitated Track (983m)

Proposed New Track (2578m)

Drainage Lines

Endangered

Of Concern

Least Concern

State Forest 127FTY1849

15RU/95

2RU38

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Regional Ecosystems
per Field Survey

Figure 5-4

Cuesta Coal

Date: 11/09/2013

Revision: 01

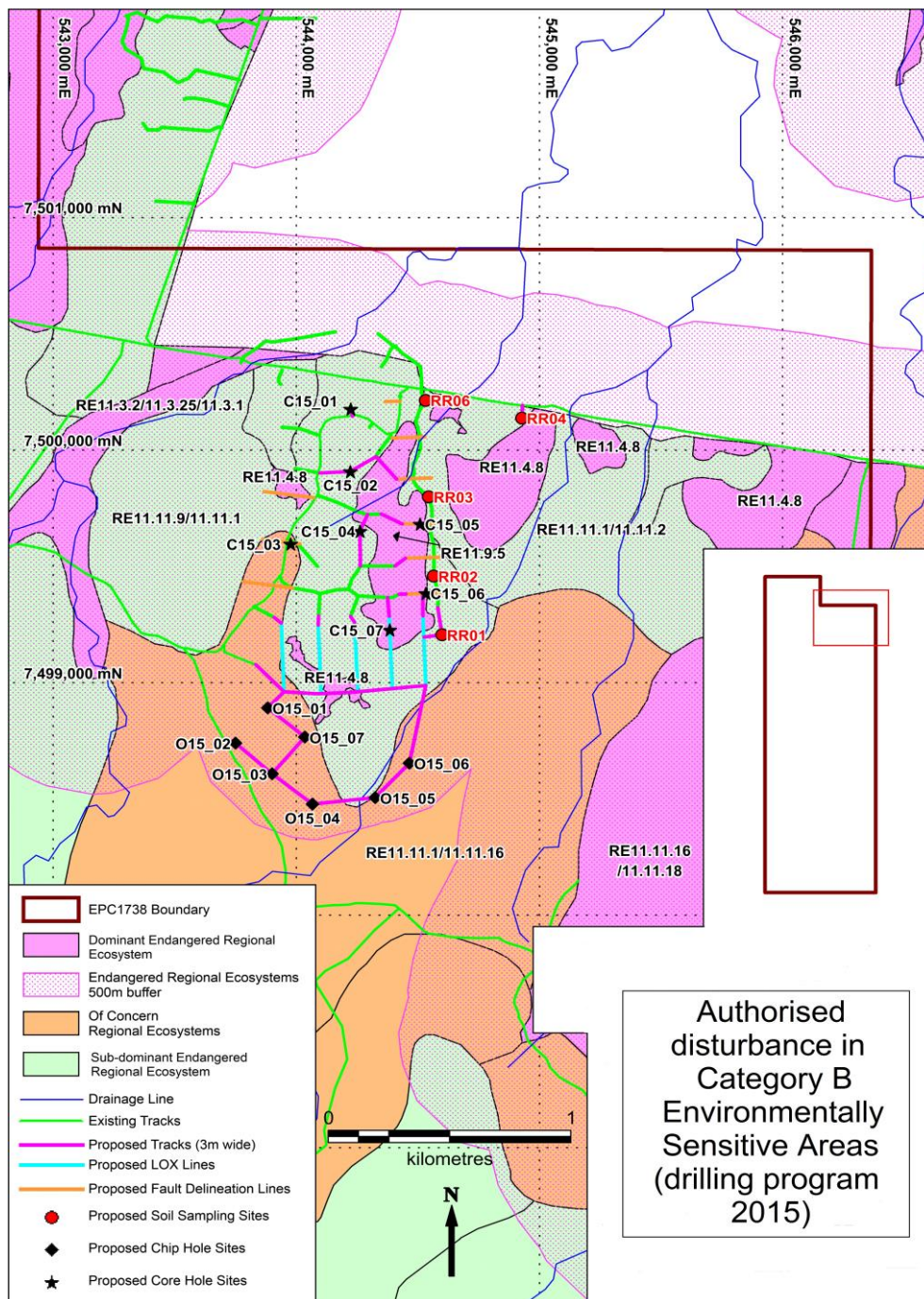
Author: ELP

Map Scale: 1:1000

Coordinate System: GDA 1984 MGA Zone 55



Attachment 3: Authorised disturbance in Category B ESA (drilling program 2015)



Code of environmental compliance

Exploration and mineral development projects

This code of environmental compliance (code) has been made under of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549 of the Environmental Protection Act 1994, for carrying out an environmental authority for a mining exploration or mineral development project which meets the prescribed eligibility criteria in schedule 3A of the Environmental Protection Regulation 2008.

Code of environmental compliance for exploration and mineral development projects

Version 1

INTRODUCTION

Note: The key terms and/or phrases used in this Code are *highlighted in italics* followed by an (*). They are defined in Section 4.

Mineral exploration activities are authorised by Exploration Permits and Mineral Development Licences issued under the *Mineral Resources Act 1989*. An Exploration Permit allows the holder to take action to determine the existence, quality and quantity of minerals by:

- prospecting;
- using instruments, vehicles, vessels, machinery and equipment and techniques appropriate to determine the existence of any mineral;
- sampling and testing of material to determine its mineral bearing capacity or properties of mineralisation; and
- carrying out other operations the Minister approves.

A Mineral Development Licence entitles the holder to carry out:

- geological, geophysical and geochemical programs and other work reasonably necessary to evaluate the potential for development of any mineral occurrence that has possible economic potential;
- mining feasibility studies;
- metallurgical testing;
- environmental studies;
- marketing studies;
- engineering and design studies; and
- other activities the Minister considers appropriate.

The regulation of environmental management for an Exploration Permit or a Mineral Development Licence is via an *Environmental Authority** issued under the *Environmental Protection Act 1994*. An exploration or mineral development project that is considered to present a low risk of causing *Serious Environmental Harm** under the *Environmental Protection Act 1994* will be assessed as a *Standard Mining Activity**. A standard mining activity is an Environmentally Relevant Activity* under the *Environmental Protection Regulation 1998* and will therefore require an environmental authority.

This Code of Environmental Compliance has been developed for standard mining activities that include an Exploration or a Mineral Development activity that, to the satisfaction of the administering authority, complies with all relevant criteria listed in schedule 1A of the *Environmental Protection Regulation 1998*.

About this Code

The Code of Environmental Compliance:

- provides the criteria used to determine the level of environmental management required for exploration or mineral development projects (see section 2);

- sets the environmental performance requirements as environmental conditions, which will be the compliance requirements of an environmental authority issued for standard exploration and mineral development projects (see section 3);
- provides advisory notes on how to achieve compliance with the standard conditions. These are not compliance requirements and are contained in the boxes associated with the relevant standard environmental condition; and
- provides definitions of terms used in this code (see section 4);
- provides references to Technical Guidelines for information on best practice environmental management (see section 5).

Additional Conditions

- The holder of the environmental authority may apply for additional conditions at any time. The request must be made on the *Approved Form** and the applicant must supply enough information to allow the *Administering Authority** to decide whether or not to impose the additional condition/s.
- The administering authority may set additional conditions on the environmental authority. The administering authority may only set additional conditions as long as the exploration or mineral development project remains a standard mining activity. In deciding whether to set an additional condition, the administering authority must comply with any relevant *Environmental Protection Policy** and consider the *Standard Criteria**.
- If an application for an additional condition is granted, the additional condition will override the relevant criteria (see section 2) or standard environmental condition (see section 3) and the activity will remain a standard mining activity in accordance with section 151 of the *Environmental Protection Act 1994*.

Compliance Requirement

- The compliance requirements of a standard environmental authority issued under the *Environmental Protection Act 1994* for a standard mining activity are the standard environmental conditions in this code, plus any additional conditions. Failure to comply with the standard environmental conditions, or any additional conditions, is a breach of the environmental authority and the holder is liable to various compliance enforcement actions under the *Environmental Protection Act 1994*. Refer to section 430 of the *Environmental Protection Act 1994* - 'offence to contravene condition of environmental authority'.

Public Notification

- Following assessment of the application for an environmental authority for a standard exploration or mineral development project, the application and the decision on the level of assessment will be publicly notified, but will not be subject to objection. The explorer will continue to notify land owners of entry to land as required under the Mineral Resources Act 1989.

For More Information on this Code

- Contact the District Manager at the Environmental Protection Agency or the Mining Registrar at the Department of Mines and Energy at the following locations.

Environmental Protection Agency

- EPA Advisory Service - 1800 501087
- Brisbane and Toowoomba - (07) 3224 6161
- Maryborough and
- Rockhampton - (07) 4936 0511
- Mackay and Emerald - (07) 4982 4555
- Townsville- (07) 4722 5350
- Mt Isa- (07) 4744 7888
- Cairns - (07) 4046 6730
- Georgetown – (07) 4062 1204

Department of Mines And Energy

- Brisbane (Spring Hill) - (07) 3227 1972
- Quilpie – (07) 4656 1266
- Emerald - (07) 4982 4011
- Winton – (07) 4657 1727
- Mt Isa – (07) 4747 2103
- Mareeba – (07) 4092 4211
- Charters Towers - (07) 4787 1266
- Townsville – (07) 4760 7406
- Rockhampton – (07) 4938 4440



Legislative Requirements and Conditions of Environmental Authority

Condition

Criteria

Criteria (S) CRITERIA FOR DETERMINING THE LEVEL OF ASSESSMENT

- (a) the mining activity does not, or will not, at any one time, cause more than 10ha of land to be significantly disturbed;
- (b) the mining activity is not, or will not be, carried out in a category A environmentally sensitive area or a category B environmentally sensitive area;
- (c) the mining activity is not, or will not be, carried out under an environmental authority under which either of the following is, or is to be, authorised-
 - (i) an environmentally relevant activity to which a section of schedule 2 applies and for which there is an aggregate environmental score;
 - (ii) a resource activity, other than a mining activity, that is an ineligible ERA;
- d) the mining activity is not, or will not be, carried out in a wild river area, unless-
 - (iii) the mining activity is authorised under an environmental authority for a mining activity relating to a mining claim, an environmental authority for a mining activity relating to an exploration permit or an environmental authority for a mining activity relating to a mineral development licence; or
 - (iv) the mining activity involves alluvial mining and is, or will be, carried out at a place that is not in a wild river high preservation area, wild river nominated waterway or wild river special floodplain management area; or
 - (v) the mining activity involves clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining and is, or will be, carried out at a place that is not in a wild river high preservation area or wild river special floodplain management area.

A nominated waterway means a nominated waterway under the Wild Rivers Act 2005.

e) the mining activity does not, or will not, at any one time, cause more than 5000m² of land to be disturbed at a campsite;

f) no more than 20m³ of any substance is, or will be, extracted from each kilometre of a riverine area affected by the mining activity in a year.

Any new mining activity commencing from 31 March 2013 that meets the eligibility criteria outlined above and that can meet all of the standard conditions can apply for a standard approval to carry out this activity. The conditions that apply to the standard approval will be the standard conditions.

From 31 March 2013, the standard environmental conditions of this code are taken to be the standard conditions for the mining activity until new standard conditions are developed.

Where the mining activity cannot meet all the standard conditions of this code, a variation application for an environmental authority can be made. The environmental authority will include the standard conditions and any variation that is approved by the administering authority.

Condition

General

Condition Financial Assurance
1 (S)

The holder of the environmental authority must submit the required amount of financial assurance to the administering authority prior to carrying out any activities on the mining tenement. If the activities that are being carried out by the holder of the environmental authority are altered so as to cause a change in the category of total area of disturbance shown in Form 3: Schedule of Rehabilitation Costs, the holder of the environmental authority must submit an application to amend their financial assurance to the administering authority. If an application is lodged to transfer the environmental authority to another person or company, the proposed transferee must submit the required financial assurance prior to the transfer taking effect.

Note 1 - Financial assurance must be calculated in accordance with Form 3: Schedule of Rehabilitation Costs.

Note 2 – Section 292 of the Environmental Protection Act 1994 requires that the holder of the environmental authority gives the administering authority a financial assurance in a form acceptable to the administering authority. When necessary, the holder of the environmental authority must submit an application to amend their financial assurance under section 294 of the Environmental Protection Act 1994. The holder of the environmental authority must lodge a single financial assurance with the District Mining Registrar, Department of Natural Resources and Mines. The financial assurance will consist of two components:

- (i) An amount to cover the potential costs of rehabilitation of areas disturbed by mining activities (ie. Environmental Protection Agency component); and
- (ii) An amount to cover the potential costs of restoring property improvements disturbed by mining activities and the failure of the tenure holder to pay rents and royalties (ie. Department of Mines and Energy component).

Condition
2 (S) Land Disturbance

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

Note 3 - To minimise the area and duration of disturbance to land and vegetation the following measures or similar measures can be used:

- avoid disturbing large and/or mature trees;
- select specific trees to be cleared and avoid causing damage to surrounding vegetation;
- where practical leave the rootstock intact to promote regeneration and regrowth.

Note 4 - Before carrying out activities on the tenement refer to the Technical Guideline 'Good Relations with Landowners' and the Department of Mines and Energy Code of Conduct, 'Procedure for Sound Landholder and Explorer Relations'.

Condition
3 (S) Air Quality

The holder of the environmental authority must not cause an unreasonable release of dust.

Note 5 - To prevent the unreasonable release of dust, the following measures or similar measures can be used:

- altering work practices to avoid or minimise the generation of dust;
- scheduling activities for times when they will have least impact;
- spraying water on roads and tracks;
- revegetating disturbed areas as soon as practicable;
- leaving or creating wind breaks or screening; and
- installing pollution control equipment (e.g. fitting bag filters or a cyclone to dust generating equipment).

Condition 4 (S) Noise Emissions

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

Note 6 - To prevent causing unreasonable noise at a noise sensitive place the following measures or similar measures can be used:

- construct and maintain noise barriers and enclosures around noisy equipment or along the noise transmission path;
- implement noise reduction measures at noise sensitive places;
- provide and maintain low noise equipment;
- carry out routine maintenance on fans to minimise bearing noise;
- repair or replace defective mufflers of vehicles and plant with suitable effective mufflers;
- limit the hours of operation of the project to between the hours of 7am to 6pm Monday to Saturday.

Note 7 - If aircraft are being used for mining activities operate them so as to minimise disturbance to livestock (e.g. helicopters).

Condition 5 (S) Erosion and Sediment Control

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.

Condition 6 (S) Erosion and Sediment Control

The holder of the environmental authority must design, install and maintain adequate erosion and sediment control structures wherever necessary to prevent or minimise erosion of disturbed areas and the sedimentation of any watercourse, waterway, wetland or lake.

Note 8 - When designing and constructing sediment ponds refer to the "Engineering Guidelines for Queensland Construction Sites" Soil Erosion and Sediment Control.

Note 9 - Regularly clean out sediment traps, ponds and drains and maintain them in effective working order, until erosion stability has been achieved in disturbed areas.

Note 10 - The capacity of sediment traps, ponds, drains and banks should not be reduced below 70 percent of their design capacity.

Condition 7 (S) Topsoil and Overburden Management

The holder of the environmental authority must ensure that Topsoil is removed and stockpiled prior to carrying out any mining activity. Prevent or minimise the mixing and erosion of topsoil and Overburden stockpiles.

Note 11 - To separate topsoil and overburden and to prevent or minimise the erosion of these stockpiles the following measures or similar measures can be used:

- Identify topsoil and overburden layers before stripping topsoil;
- Store topsoil and overburden in separate stockpiles;
- Install silt fences or bunding around the stockpiles;
- Where practical reuse topsoil stockpiles within 12 months;
- Establish and maintain a temporary cover crop on stockpiles; and
- Limit the height of topsoil stockpiles to 2 metres.

Condition 8 (S) Hazardous Contaminants

The holder of the environmental authority must plan and conduct activities on site to prevent any potential or actual release of a Hazardous Contaminant.

Note 12 - Section 442 of the Environmental Protection Act 1994 makes it an offence to release a prescribed contaminant. A prescribed contaminant is a contaminant prescribed by an Environmental Protection Policy.

Note 13 - Section 443 of the Environmental Protection Act 1994 makes it an offence to cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Condition 9 (S) The holder of the environmental authority must ensure that spills of hazardous contaminants are cleaned up as quickly as practicable. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such contaminants to any watercourse, waterway, groundwater, wetland or lake.

Note 14 - If a mining tenement becomes Significantly Disturbed Land because it is contaminated land, it ceases to be significantly disturbed land if a Suitability Statement* is issued for the land. Refer to section 384 of the Environmental Protection Act 1994.

Note 15 - A Site Management Plan approved under part 413 of the Environmental Protection Act 1994 may be required by the administering authority for sites recorded on the Environmental Management Register or Contaminated Land Register. Such sites may include acid producing overburden stockpiles and tailings dams containing acid producing wastes.

Condition 10 (S) The holder of the environmental authority must where practical separate acid producing waste rock from benign waste rock.

Condition 11 (S) The holder of the environmental authority must dispose of acid producing waste rock in an excavation or pit and backfill as soon as practical. Backfill the excavation or pit containing acid producing waste rock with benign, low permeability material and seal the excavation or pit with a compacted capping layer at least 1m thick.

Note 16 -The owner or occupier of a mining tenement must notify the administering authority if they become aware that a Notifiable Activity listed in schedule 3 of the Environmental Protection Act 1994, is being carried out on the land within 30 days, by giving notice to the administering authority in the approved form. For example, an exploration or mineral development project that generates waste materials that contain hazardous contaminants, must notify the administering authority that this activity is being carried out. Refer to section 371 of the Environmental Protection Act 1994.

Note 17 - For detailed information on the management of acid mine waste material refer to the "Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland", Part B, 'Assessment and Management of Acid Drainage' and the 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland'.

Condition
12 (S) Nature Conservation

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.

Note 18 - Sections 23 (b) and 29 (b) of the Mineral Resources Regulation 1990 requires that every precaution be taken to ensure there is no dispersal of parthenium weed or the seed of any other declared plant within the meaning of the Rural Lands Protection Act 1985 as a result of mining activities or as a result of access to the area of the mining tenement.

Note 19 – The Department of Agriculture, Fisheries and Forestry provided Pest Facts sheets for declared plants in Queensland and clean down procedures for vehicles and machinery working in declared plant areas. For advice on declared plant areas contact the Department of Agriculture, Fisheries and Forestry or your local Council.

Condition
13 (S) The holder of the environmental authority must not carry out activities in a category A or B Environmentally Sensitive Area. Activities involving machinery must not be carried out within 1km of a category A environmentally sensitive area or within 500m of category B environmentally sensitive area. Prior to carrying out activities in a category C environmentally sensitive area, consult with the relevant administering authority and the Environmental Protection

Agency. If it is determined through the consultation that additional conditions are necessary, the holder must comply with those conditions.

Note 20 – Refer to Appendix A - Environmentally sensitive Areas.

Condition 14 (S) The holder of the environmental authority must not carry out activities within 100m of a Historical, Archaeological or Ethnographic site.

Note 21 – With regard to cultural heritage issues refer to the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 and the Queensland Heritage Act 1992. Prior to carrying out any activities on the mining tenement, the holder of the environmental authority should consult with the administering authority if a site has the potential to be designated as a historical, archaeological or ethnographic site.

Condition 15 (S) Other Level 2 Environmentally Relevant Activities

The holder of the environmental authority must not carry out the following Level 2 Environmentally Relevant Activities (ERA) on the mining tenement:

- ERA (7) Chemical Storage - storage of chemicals (other than crude oil, natural gas and petroleum products) including ozone depleting substances, gases or dangerous goods under the dangerous goods code in containers with a design storage volume of more than 10 cubic metres but less than 1000 cubic metres;
- ERA (76) Incinerating waste – operation of a waste incineration facility for incinerating –
 - a) vegetation;
 - b) clean paper or cardboard;
- ERA (77) Battery Recycling - operation of a facility for receiving and recycling or reprocessing any kind of battery; and
- ERA (80) Tyre Recycling - operation of a facility for receiving and commercially recycling or reprocessing tyres (other than retreading tyres).

Condition
16 (S) Roads And Tracks

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

Note 22 - Refer to the Technical Guidelines when planning and constructing all new roads and tracks.

Note 23 - Repair all damage to existing private roads and tracks resulting from mining activities, so that they are as trafficable as they were prior to any damage.

Condition
17 (S) When constructing new roads and tracks, the holder of the environmental authority must ensure that the area and duration of disturbance to land, vegetation and watercourses is minimised.

Note 24 - When planning and constructing new roads and tracks the following measures or similar measures can be used to minimise the area and duration of disturbance of land, vegetation and watercourses:

- wherever possible use or upgrade existing roads and tracks;
- construct roads and tracks along natural grades;
- minimise the width of roads and tracks;
- minimise the number of crossings in riverine areas;
- construct crossings in riverine areas in a stable section of the bed;
- avoid constructing roads or tracks that run straight down the bank to the crossing;
- do not disadvantage other users of existing public roads and tracks;
- construct a bed level causeway, a culvert or a bridge where natural bed conditions within a - watercourse will not carry the intended traffic load or where crossing of the bed will generate a significant increase in turbidity;
- minimise the number of cuts and fills in riverine areas;
- position cuts and fills in riverine areas to minimise risk of erosion from subsequent flood events;

- position crossings to prevent flow being directed towards the banks and provide erosion resistance to the bed and banks downstream of a crossing for a distance equal to the width of the normal flow channel;
- do not create any downstream or upstream drops at the lip of culverts or causeways;
- regularly clean out culverts, bridges and causeways to prevent flow being impeded or redirected; and
- construct in-stream crossings outside of main fish migration periods.

Condition 18
(S) Campsites

The holder of the environmental authority must consult with the landowner prior to establishing any Campsites.

Condition 19 (S) When establishing a campsite, the holder of the environmental authority must ensure that the area and duration of disturbance to land, vegetation and watercourses is minimised.

Note 25 - When establishing and maintaining campsites the following measures or similar measures can be used to minimise the area and duration of disturbance to land, vegetation and watercourses:

- locate campsites at least 100m from any riverine areas;
- only disturb the minimum area necessary for the safe functioning of the campsite;
- install an appropriate human waste disposal facility (e.g. portable self contained toilets, pit toilets, septic tanks);
- use absorption trenches, transpiration beds or spray irrigation to dispose of grey water; and
- locate all disposal areas at least 100m distance from any watercourse, waterway, groundwater recharge area, wetland or lake.

Note 26 - With regard to the on site management of water refer to the Environmental Protection (Water) Policy 1997.

**Condition
20 (S)****Waste Management**

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.

Note 27 - When managing waste materials the following strategy should be adopted:

- avoid creating excess waste;
- reuse waste materials;
- recycle waste;
- create and utilise energy from waste;
- treat waste; and
- dispose of waste (e.g. provide rubbish containers on site).

Note 28 - Where practicable take all General Waste to a Licensed General Waste Disposal Facility.

**Condition
21 (S)**

The holder of the environmental authority must not dispose of more than 50 tonnes of General Waste on the mining tenement per year.

Note 29 - The holder of the environmental authority may bury up to 50 tonnes of general waste on the mining tenement per year. When burying general waste the following measures or similar measures should be used:

- locate the waste pit so as to ensure that the waste will not contaminate any watercourse, waterway, groundwater, wetland or lake;
- divert stormwater runoff from entering the pit;
- crush drums and other containers to reduce the volume of waste;
- make the pit safe and protect it from scavengers;
- backfill the pit when the level of rubbish in the pit is not less than 1m below the surface; and
- sufficiently overfill the pit to allow for settlement.

Note 30 - The holder of the environmental authority may dispose of limited regulated waste to a licensed general waste disposal facility provided the annual volume of limited regulated waste does not exceed 10 percent of the annual volume of general waste (e.g. tyres).

Condition 22 (S) Service, Maintenance and Storage Areas

The holder of the environmental authority must not directly or indirectly release fuels, oils, lubricants or other contaminants to any watercourse, waterway, groundwater, wetland or lake.

Note 31 - To prevent the direct or indirect release of fuels, lubricants or other contaminants to any watercourse, waterway, groundwater, wetland or lake the following measures or similar measures can be used:

- maintain all refuelling equipment in good working order;
- use groundsheets or drip trays to capture spillage during maintenance of machinery and vehicles;
- locate all fuel storages within an impermeable bund;
- ensure all liquid containment, including fuel tank bunds and process water ponds, have a volume at least equal to the design volume plus an additional 10 percent of that volume; and
- where practical, undertake all refuelling and routine maintenance of vehicles within designated service areas

Condition 23 (S) The holder of the environmental authority must ensure that all chemical, fuel and oil storage facilities less than 10 000L on a mining tenement, must be designed and operated in accordance with Australian Standard 1940 - 'The storage and handling of flammable and combustible liquids', Section 2, Minor Storage.

Condition 24 (S) The holder of the environmental authority must ensure that:

- (1) all chemical, fuel and oil storage facilities of more than 10 000 L on a mining tenement, must be bunded to contain at least one hundred percent of the volume of the largest container, plus twenty-five percent

of the storage capacity of the largest container up to a maximum of 10,000 L, together with ten percent of the storage capacity beyond 10,000 L; and

(2) the facility must be operated and maintained in accordance with the Australian Standard 1940 - "The Storage and Handling of flammable and combustible liquids".

Condition 25 Drilling, Excavating and Sampling
(S)

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.

Condition 26 (S) 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.

Note 32 - When drilling, excavating or sampling the following measures or similar measures can be used to minimise the area and duration of disturbance to land and vegetation:

- consider seasonal influences, such as rainfall before excavating or establishing a drill site;
- construct drill pads no larger than necessary to safely accommodate the drilling rigs and ancillary equipment;
- use excavators or backhoes wherever possible in preference to bulldozers; and
- use drilling fluids and other process fluids which are non-toxic.

Note 33 - Prior to working in riverine areas refer to the "Technical Guidelines for the Environmental Management of Mining and Exploration in Queensland", Part B, "Exploration and Mining in Watercourses".

Note 34 - Install and maintain adequate warning signs, fences and rock bunds to exclude people, livestock and native animals from excavations and shafts.

Note 35 - Provide safe access to water for livestock and native animals by:

- providing hard surfaces around water storage areas; and
- fencing off any soft areas around the edge of water storage areas.

Condition
27 (S)

The holder of the environmental authority must not drill, excavate or clear vegetation:

- in standing waters, wetlands or lakes; or
- on the sloped banks or within 3m of the top of the bank or 5m of the toe of the bank; or
- within, or on the levee banks of the normal flow channel.

Note 36 - For representative diagrams that define the different landform elements that make up a watercourse refer to Figure 1 - Cross Section Through a Watercourse and Figure 2 - Plan View of a Watercourse.

Condition
28 (S)

The holder of the environmental authority must not directly or indirectly release wastewater to any watercourse, waterway, groundwater, wetland or lake.

Note 37 - To prevent the direct or indirect release of waste water to any watercourse, waterway or groundwater, wetland or lake the following measures or similar measures can be used:

- where practical recycle all waste water (e.g. recycle waste water for drilling water);
- use waste water for dust suppression;
- discharge waste water onto benign overburden or waste rock heaps for absorption; and

- discharge wastewater to an evaporation pond.

Note 38 - With regard to the on site management of water refer to the Environmental Protection (Water) Policy 1997.

Condition
29 (S) Exploration drill holes

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.

Note 39 - The following depths are considered as appropriate for capping:

- surface level in rock outcrops; and
- at least 1 metre below the surface on land used for cropping; and
- at least 300 mm below the surface on other land.

Condition
30 (S) The holder of the environmental authority must isolate non artesian aquifers where a drill hole intersects more than one water bearing strata by casing or plugging the hole as soon as practical after the hole is no longer required, but no later than 2 months after the hole was drilled, apart from those holes that are still required for monitoring purposes if:

- the flow difference between aquifers exceeds 500 L per hour; and
- the difference in electrical conductivity of water is greater than 10 percent of the lower value.

- Condition 31 (S) Conditions 29 and 30 do not apply to a non-artesian exploration drill hole if:
- the land owner and the explorer have agreed that it should be left for conversion to a water bore; and -the
 - landowner gives a written undertaking to accept responsibility for the hole; and
 - the details of the agreement and the drill hole (such as its GPS location and the drill logs showing the water bearing strata and flow rates) are provided to the Department of Natural Resources within 30 days of the land owner giving the undertaking; and
 - the hole is temporarily capped so as to prevent possible ingress of surface waters and associated sediments and pollutants.

Note 40 - Drill holes that are to be converted to a water bore must be done so by a licensed water bore driller.

- Condition 32 (S) The holder of the environmental authority must ensure that exploration drill holes that strike artesian flows of water that exceeds 500 L per hour for seven days must be either:
- (1) decommissioned as soon as practical, but no later than 1 month after the hole was drilled, apart from holes that are still required for monitoring or evaluation purposes. Refer to Report No. SW4 – “Minimum Construction Requirements for Water Bores in Australia”, (ARMCANZ 1997); or
 - (2) capped to allow for future conversion into a controlled artesian bore by a licensed water bore driller; or
 - (3) converted into a controlled artesian bore by a licensed water bore driller, provided that:
 - (a) the land owner has undertaken in writing to accept responsibility for the drill hole; and
 - (b) the explorer provides details of the agreement and the drill hole to the Department of Natural Resources within 30 days of obtaining the landowner’s agreement.

Note 41 - Provisions apply under the Water Act 2000 with respect to the utilisation of ground water from boreholes in Proclaimed Areas (which include all Artesian Basin areas) and the rehabilitation of boreholes.

Condition 33 (S) 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.

Condition 34 (S) Gridlines and Geophysical Surveys

The holder of the environmental authority must plan and determine the final position of gridlines and geophysical lines in consultation with the landowner.

Condition 35 (S) When constructing gridlines and geophysical lines, the holder of the environmental authority must ensure that the area and duration of disturbance to land and vegetation is minimised.

Note 42 - When constructing gridlines and geophysical lines the following measures or similar measures can be used to ensure that the area and duration of disturbance to land and vegetation is minimised:

- conduct surveying of gridlines on foot;
- use existing gates, tracks, roads and seismic lines;
- before deciding on the location of new seismic lines, record the location of all underground or surface pipelines, cables, power lines, etc. and avoid these areas;
- in planning for drilling and sampling activities, where possible, ensure the activities occur at least 100m from riverine areas;
- construct seismic lines that do not exceed the width necessary to safely undertake the survey;
- use Global Positioning Systems (GPS), or other techniques, to reduce the need for line of sight clearing;
- maintain buffer widths of at least 25m between all disturbed areas;
- minimise the use of bulldozers and excavators when cutting gridlines and or seismic lines; and
- notify landowners at least 24 hours prior to detonating seismic explosives.

Condition 36 (S) Monitoring, Reporting and Emergency Response Procedures

The holder of the environmental authority must record and notify the administering authority of any emergency or incident which demonstrates non-compliance with the Standard Environmental Conditions.

Note 43 - A notification of any emergency or incident which demonstrates non-compliance to the standard environmental conditions cannot be used in evidence in any further action taken by the administering authority as a result of the notification.

Note 44 - To demonstrate ongoing compliance with the standard environmental conditions, the holder complete Form 1, 'Monitoring and Record Keeping Summary' and establish programs to monitor project activities and maintain monitoring records for review by the administering authority.

Note 45 -To demonstrate compliance complete Form 2, 'Emergency Response Table'. Provide and maintain appropriate emergency response equipment and inform all operational personnel, contractors and visitors of emergency procedures.

Note 46 - Observe the provisions and regulations under the Fire and Rescue Authority Act 1990 and the Mines Regulation Act 1985.

Condition 37 (S) Rehabilitation

In Riverine Areas, 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 prior to the onset of the wet season.

Note 47 - Condition 37 is to ensure that there is adequate erosion protection in riverine areas prior to the onset of the wet season. In Queensland the wet season is generally considered to be from November to April each year.

Condition 38 (S) 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.

Note 48 - Where practical undertake progressive rehabilitation wherever possible.

Condition 39 (S) 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.

Condition 40 (S) Condition 39 does not apply to any excavations, drill holes or sampling sites that are to remain after the completion of exploration activities, by agreement with the land owner.

Condition 41 (S) The holder of the environmental authority must rehabilitate areas disturbed by mining activities to a stable landform similar to that of surrounding undisturbed areas.

Note 49 - When rehabilitating disturbed areas refer to the "Technical Guidelines for the Environmental Management of Mining and Exploration in Queensland", Part D, 'Geo-technical Slope Stability'.

Condition 42 (S) The holder of the environmental authority must spread seeds or plant species that will promote vegetation of a similar species and Density of Cover to that of the surrounding undisturbed areas or vegetation that is appropriate for providing erosion control and stabilisation of the disturbed areas.

Note 50 - To revegetate disturbed areas the following measures or similar measures can be used:

- for areas which have become compacted during the project, break up the soil surface to a depth
- that is suitable for establishing vegetation; and

- spread stockpiled topsoil over disturbed areas to a depth that is suitable as a rooting medium for
- the revegetation process; and
- provide suitable nutrient conditions for planting by using fertiliser if necessary; and
- collect and store native seeds to be used in rehabilitation.

Note 51 - When revegetating disturbed areas, the holder of the environmental authority should plant native species endemic to the area and location in the landscape (e.g. if clearing has occurred in a riverine area, revegetate the disturbed area using local riverine species).

Note 52 - Vegetation used to provide erosion protection and stabilise disturbed areas in the short term should be comprised of sterile, short-lived species (e.g. a cover crop). However, the long term aim of revegetating any disturbed area is to establish a stable vegetation community that is similar to that of the surrounding undisturbed areas or endemic species.

Note 53 - The environmental authority holder is not liable for rehabilitating disturbed areas that existed prior to the grant of the tenure unless those areas are disturbed during the term of the tenure.

Condition 43 (S) For any Mine Infrastructure to remain after all mining activities have ceased the holder of the environmental authority must obtain the written agreement of the land owner stating they will take over responsibility for that infrastructure.

Condition 44 (S) The holder of the environmental authority must complete rehabilitation of disturbed areas to the satisfaction of the administering authority.

Note 54 - Condition 44 is a requirement of the Environmental Protection Act 1994. The environmental authority holder must submit a Final Rehabilitation Report (FRR) and an Environmental Audit Statement (EAS) prior to the cancellation or expiry of the mining tenement. The surrender of the environmental authority will not be granted until the administering authority has accepted the FRR and the EAS.

Definitions

Definitions (S) Administrating authority - Means

(a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 of the Environmental Protection Act 1994; or

(b) for all other matters - the Chief Executive of the Environmental Protection Agency; or

(c) another State Government Department, Authority, Storage Operator, Board or Trust, who's role is to administer provisions under other enacted legislation (e.g. Department of Natural Resources who licence referable dams under the Water Act 2000).

Annual exceedence probability (AEP) -For a given rainfall event the AEP is the probability that the event will be exceeded within a one year period. The AEP is usually expressed as a one in 'n' (years) or a percentage.

Approved form - Means a form approved by the administrating authority.

Archaeological site - A site that has physical evidence of the past, which has the potential to increase our knowledge of earlier human occupation, activities and events.

Artesian drill hole - An exploration drill hole from which water freely flows at a rate of greater than 500 L/hour for at least 7 days after being drilled.

Banks -The feature which confines major flows within a watercourse. They are steeper than a terrace and are generally of a slope greater than 1:1 on outer bends. Refer to Figure 1 – Cross Section through a Watercourse.

Bund - (a) An earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil etc); or

(b) a structure to prevent or reduce soil erosion.

Campsite - 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.

Contaminant - The Environmental Protection Act 1994 defines, under Section 11, a contaminant as:

- (c) a gas, liquid or solid; or
- (d) an odour; or
- (e) an organism (whether alive or dead), including a virus; or
- (f) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- (g) a combination of contaminants.

Contamination - Section 10 of the Environmental Protection Act 1994 defines contamination of the environment as the release (whether by act or omission) of a contaminant into the environment.

Contaminated land - Schedule 3 of the Environmental Protection Act 1994 defines contaminated land as land contaminated by a hazardous contaminant. (See below for a definition of hazardous contaminant.)

Contaminated land register - Means the register kept by the administering authority under section 541 of the Environmental Protection Act 1994.

Contour banks - Are mounds of earth constructed along the contours of the land to reduce the amount and velocity of run-off down the slope.

Costeaning - The digging of a trench or pit across the seam or ore body for exposing, sampling and mapping of the ore body.

Culvert - A covered channel, or a pipe of large diameter conveying water below ground level. Also applies to a tunnel through which water is pumped or permitted to flow.

Declared plant area - Areas designated by the Department of Natural Resources or Local Government as areas infested with plants declared under

section 69 of the Rural Lands Protection Act 1985 (section 70 (3) lists the categories of declared plants).

Declared plant - A plant that has been declared under the Rural Lands Protection Act 1985.

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.

Designated service area - Is a nominated site, selected and managed to minimise contamination of land or water, where the majority of services or maintenance of machinery or plant is to be conducted.

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

Environment - Section 8 of the Environmental Protection Act 1994 defines the environment as:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

Environmental audit statement - Verifies the accuracy of the final rehabilitation report and identifies any residual financial assurance requirements.

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

Environmental management register - Means the register kept by the administering authority under section 541 of the Environmental Protection Act 1994.

Environmental nuisance - Section 15 of the Environmental Protection Act 1994 defines environmental nuisance as “unreasonable interference or likely interference with an environmental value” caused by:

- (a) noise, dust, odour, light; or
- (b) an unhealthy, offensive or unsightly condition because of contamination; or
- (c) another way prescribed by regulation. (e.g. unreasonable noise or dust emissions)”.

Environmental protection policy - Means an environmental protection policy approved under chapter 2 of the Environmental Protection Act 1994.

Environmentally relevant activity - Means an activity prescribed by regulation as an environmental relevant activity.

Environmentally sensitive areas - Refers to locations, however large or small, that have environmental values that contribute to maintaining biological diversity and integrity, have intrinsic or attributed scientific, historical or cultural heritage value, or are important in providing amenity, harmony or sense of community. Refer to Appendix A.

Environmental value - Section 9 of the Environmental Protection Act 1994 defines an environmental value as:

- (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 (e.g. water suitable for swimming in or drinking)

Ethnographic site - An archaeological site of particular importance to the study of a cultural group.

Final rehabilitation report - Means a final rehabilitation report prepared under chapter 5, part 10, division 2, subdivision 2 of the Environmental Protection Act 1994. The report assesses the extent to which the standard environmental conditions and any additional conditions of the environmental authority have been met.

Financial assurance - Means a security deposit, either cash or a bank guarantee, that is held by the administering authority to cover the potential:

- (c) costs to rehabilitate areas disturbed by mining activities; and
- (d) costs to restore property improvements disturbed by mining activities; and
- (e) failure of the tenure holder to pay rents and royalties.

Flood flow channel - For a representative drawing of a flood flow channel refer to Figure 1 'Cross Section Through a Watercourse' and Figure 2 - 'Plan View of a Watercourse'.

General waste -Schedule 9 of the Environmental Protection Regulation 1998 defines general waste as "means waste other than regulated waste". Waste rock, overburden and the contents of tailings dams are not included in the definition of general waste for the purposes of these conditions.

Guidelines for livestock drinking water - Recommended water quality guidelines for livestock drinking water. Refer to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 1992.

Hazardous contaminant -Schedule 3 of the Environmental Protection Act 1994 defines a hazardous contaminant as "a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of:

- (f) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity, flammability; or
- (g) its physical, chemical or infectious characteristics (e.g.: spills of mercury, cyanide, petrol, diesel or oil)".

Historical site - A site containing objects from the past that allows the study of the way people lived and worked at that place in the past.

Infrastructure - Project infrastructure includes roads, tracks, bridges, culverts, dams, bores, buildings, fixed machinery, hardstand areas, pipelines, powerlines, airstrips, helipads etc, which are constructed or installed specifically for the project.

Lake - A natural or artificial body of water, either permanent or intermittent.

Landowner - Schedule 3 of the Environmental Protection Act 1994 defines the owner of the land as -

1. The "owner" of land is-

- (a) for freehold land - the person recorded in the freehold land register as the person entitled to the fee simple interest in the land; or
- (b) for land held under a lease, licence or permit under an Act - the person who holds the lease, licence or permit; or
- (c) for trust land under the Land Act 1994 - the trustees of the land; or
- (d) for Aboriginal land under the Aboriginal Land Act 1991 - the persons to whom the land has been transferred or granted; or
- (e) for Torres Strait Islander land under the Torres Strait Islander Land Act 1991 - the persons to whom the land has been transferred or granted; or
- (f) for land for which there is a native title holder under the Commonwealth Native Title Act - each registered native title party in relation to the land.

2. Also, a mortgagee of land is the owner of the land if—

- (g) the mortgagee is acting as a mortgagee in possession of the land and has the exclusive management and control of the land; or
- (h) the mortgagee, or a person appointed by the mortgagee, is in possession of the land and has the exclusive management and control of the land.

Licensed general waste disposal facility - A site authorised by the administering authority to receive general waste or limited regulated waste (e.g. a rubbish dump).

Limited regulated waste – Schedule 9 of the Environmental Protection Regulation 1998, defines limited regulated waste. The only limited regulated wastes relevant to mining projects are asbestos and tyres.

Material environmental harm – Section 16 of the Environmental Protection Act 1994 defines material environmental harm as:

- (1) material environmental harm is environmental harm (other than environmental nuisance)
 - (i) that is not trivial or negligible in nature, extent or context; or
 - (j) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount but less than the maximum amount; or
 - (k) that results in costs of more than the threshold amount but less than the maximum amount being incurred in taking appropriate action to
 - (i) prevent or minimise the harm; and
 - (ii) rehabilitate or restore the environment to its condition before the harm.

In this section

“maximum amount” means the threshold amount for serious environmental harm.

“threshold amount” means \$5 000 or, if a greater amount is prescribed by regulation, the greater amount.

Mine - Section 6A of the Mineral Resources Act 1989, defines mining as -

- (1) “Mine” means to carry on an operation with a view to, or for the purpose of
 - (h) winning mineral from a place where it occurs; or
 - (i) extracting mineral from its natural state; or
 - (j) disposing of mineral in connection with, or waste substances resulting from, the winning or extraction.

(2) For subsection (1), extracting includes the physical, chemical, electrical, magnetic or other way of separation of a mineral.

(3) Extracting includes, for example, crushing, grinding, concentrating, screening, washing, jigging, tabling, electro winning, solvent extraction electro winning (SX-EW), heap leaching, flotation, fluidised bedding, carbon-in-leach (CIL) and carbon-in-pulp (CIP) processing.

(4) However, extracting does not include

(k) a process in a smelter, refinery or anywhere else by which mineral is changed to another substance; or

(l) testing or assaying small quantities of mineral in teaching institutions or laboratories, other than laboratories situated on a mining lease; or

(m) an activity, prescribed under a regulation, that is not directly associated with winning mineral from a place where it occurs.

(5) For subsection (1), includes the disposal of tailings and waste rock.

(6) (6)A regulation under subsection (4)(c) may prescribe an activity by reference to the quantities of minerals extracted or to any other specified circumstances.

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

Noise sensitive place -Means any of the following places -

(n) a dwelling;

(o) a library, childcare centre, kindergarten, school, college, university or other educational institution;

(p) a hospital, surgery or other medical institution;

(q) a protected area or an area identified under a conservation plan as a critical habitat or an area of major interest, under the Nature Conservation Act 1992;

(r) a marine park under the Marine Parks Act 1982; and

(s) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment).

Normal flow channel - For a representative drawing of a normal flood flow channel of a water course refer to Figure 1- 'Cross Section Through a Watercourse' and Figure 2 - 'Plan View of a Watercourse'.

Notifiable activity - Means an activity in schedule 2 of the Environmental Protection Act 1994.

Outer bends - For a representative drawing of an outer bend of a watercourse refer to Figure 1- "Cross Section Through a Watercourse" and Figure 2 - "Plan View of a Watercourse".

Overburden - Material overlying a mineral ore deposit, up to but not including the topsoil.

Referable dam - The Water Resources Act 1989 defines referable dams as

(a) works or proposed works that include or would include a barrier whether permanent or temporary that does or could or would impound, divert or control water, which barrier

(i) is more than 8 m in height and has a storage capacity of more than 500 ML; or

(ii) is more than 8 m in height and has a storage capacity of more than 250 ML and a catchment area that is more than 3 times its maximum surface area or full supply level;

(b) works

(iii) that consist of or include or would consist of or include a barrier whether permanent or temporary that does or could or would impound, divert or control water or hazardous waste, other than a barrier defined in paragraph (a);

(iv) other than a barrier whether permanent or temporary that does or could or would impound, contain, divert or control hazardous waste; declared by the chief executive by notification published in the gazette to be a referable dam by reason of the danger to life or property that could or would eventuate upon the collapse or failure of or the escape of hazardous waste from those works and includes the storage areas created by the works but does not include a tank constructed of steel or concrete or a combination of those materials.

The term does not include a weir, other than a weir that has a variable flow control structure on the crest of the weir.

Regulated waste - Schedule 9 of the Environmental Protection Regulation 1998 defines regulated waste as non-domestic waste mentioned in schedule 7 (whether or not it has been treated or immobilised), and includes

for an element - any chemical compound containing the element; and
anything that has contained the waste.

(e.g. Regulated waste commonly generated from mining projects include tyres, oils, cyanide, mercury and batteries)

Rehabilitation processes - The measures and actions taken to achieve rehabilitation outcomes, including any or all of the following:

- removing all unwanted infrastructure;
- backfilling mine excavations (e.g. pits) and capping drill holes;
- reshaping the land surface to a stable landform similar to that of surrounding undisturbed areas;
- spreading of topsoil;
- spreading seed or planting seedlings to promote revegetation;
- benching ridge cuts and removing any overhanging material.

Riverine area - Refers to the land adjoining and associated with watercourses, including the bed, banks, adjoining terraced land and riparian vegetation. Refer to Figure 1 – “Cross Section Through a Watercourse”.

Sediment pond - A bunded or excavated structure used to contain and settle waterborne sediment running off disturbed areas.

Sediment trap - A device used to filter waterborne sediment running off disturbed areas. May include silt fences, hay bales or grassed strips.

Serious environmental harm - Section 17 of the Environmental Protection Act 1994 defines serious environmental harm as

- (1) environmental harm (other than environmental nuisance)

- (l) that causes actual or potential harm to environmental values that is irreversible, of a high impact or widespread; or
- (m) that causes actual or potential harm to environmental values of an area of high conservation value or special significance; or
- (n) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or
- (o) that results in costs of more than the threshold amount being incurred in taking appropriate action to
 - (i) prevent or minimise the harm; and
 - (ii) rehabilitate or restore the environment to its condition before the harm.

In this section - "Threshold amount" means \$50 000 or, if a greater amount is prescribed by regulation, the greater amount.

Significantly disturbed land - Land is significantly disturbed if -

- (a) it is contaminated land; or
- (b) it has been disturbed and human intervention is needed to rehabilitate it.

Significantly disturbed land includes:

- 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 and topsoil)
- areas where land use suitability or capability has been diminished;
- areas within a watercourse, waterway, wetland or lake where mining project 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 has ceased; or
- areas where land has been contaminated.

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 objectives 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.

Site management plan - Means a site management plan approved under chapter 7, part 8 of the Environmental Protection Act 1994.

Standard criteria - Are defined in schedule 3 of the Environmental Protection Act 1994. They are:

- (a) the principles of ecological sustainable development; and
- (b) any applicable environmental protection policy; and
- (c) any applicable Commonwealth, State or local government plans, standards, agreements or requirements; and
- (d) any applicable environmental impact study, assessment or report; and
- (e) the character, resilience and values of the receiving environment; and
- (f) all submissions made by the applicant and interested parties; and
- (g) best practice environmental management; and
- (h) financial implications; and
- (i) the public interest; and
- (j) any applicable site management plan; and

(k) any other matter prescribed under a regulation.

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.

Standard mining activity - Means a mining activity decided to be a standard activity under section 151 of the Environmental Protection Act 1994.

Suitability statement - The Environmental Protection Act 1994 defines a suitability statement as : for land, means a statement about the uses and activities for which the land is suitable.

Technical guidelines - Guidelines that indicate best practice environmental management.

Topsoil - The surface layer of a soil profile, which is usually more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. The surface layer may vary in depth depending on soil forming factors, including parent material, location and slope, but generally is not greater than about 300mm in depth from natural surface.

Unreasonable noise - Section 18 of the Environmental Protection (Noise) Policy 1997 defines unreasonable noise as - noise that

- (a) causes unlawful environmental harm; and
- (b) is unreasonable, having regard to the following matters:
 - (v) its characteristics;
 - (vi) its intrusiveness;
 - (vii) the time at which it is made;
 - (viii) where it can be heard;
 - (ix) other noises ordinarily present at the place where it can be heard; and
- (c) is not declared to be reasonable in Schedule 2 of the Environmental Protection (Noise) Policy 1997 'Reasonable Noise Levels'.

Unreasonable release -of a contaminant to the air environment, means a release of odours, dust, smoke or other atmospheric contaminants, that:

(t) cause unlawful environmental harm; and

(u) is unreasonable having regard to the following matters:

(x) its characteristic;

(xi) its intrusiveness;

(xii) other releases of contaminants at the place affected by the release;

(xiii) where the effect of the release of the contaminants can be noticed; or

(xiv) the order in which the person releasing the contaminant started to carry out the activity from which the release is made and persons affected by the release started to carry out other activities that may be affected by the release of the contaminant.

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 clear bed and banks and evidence of biological dependence.

Waterway - A naturally occurring feature where surface water runoff normally collects, such as a clearly defined swale or gully, but only flows in response to a local rainfall event.

Wetland - Are areas of permanent or periodic/intermittent inundation, whether natural or artificial, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6m. Wetlands typically include areas such as lakes, swamps, marshes, estuaries or mudflats.

TECHNICAL GUIDELINES

Australian Standard 1940 - The storage and handling of flammable and combustible liquids. Standards Australia (1993).

Australian Water Quality Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council (1992).

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Commonwealth Best Practice Environmental Management in Mining Guidelines, Environment Australia.

Dredging, Extraction and Spoil Disposal, Fish Habitat Management Operational Policy: FHMOP 004, Department of Primary Industries (1998).

Farm Water Supplies Design Manual, Department of Primary Industries, (1992).

Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland, Department of Natural Resources (1998).

Soil Erosion and Sediment Control - Engineering Guidelines for Queensland Construction Sites, The Institution of Engineers, Australia, Queensland Division (1996).

Technical Guidelines for Environmental Management of Exploration and Mining, Department of Mines and Energy, Queensland, 1995.

The Conservation Status of Queensland's Bioregional Ecosystems, Environmental Protection Agency (1999).

RELEVANT LEGISLATION

State Legislation (published by Go Print, Queensland):

Aboriginal Lands Act 1991

Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987

Environmental Protection Act 1994

Environmental Protection Regulation 1998

Fire and Rescue Authority Act 1990

Fisheries Act 1994

Land and Resources Tribunal Act 1999

Land Act 1994 Mineral Resources Act 1989

Mineral Resources Regulation 1990

Mines Regulation Act 1985

Nature Conservation Act 1992

Queensland Heritage Act 1992

Torres Strait Islander Land Act 1991

Water Act 2000

Water Resources Act 1989

Commonwealth Legislation:

Native Title Act 1993

Environmental Protection and Biodiversity Conservation Act 1999

APPENDIX A - ENVIRONMENTALLY SENSITIVE AREAS

Category A - Environmentally Sensitive Areas

LAND AREA CLASSIFICATION	ADMINISTERING LEGISLATION	ADMINISTRATING AUTHORITY
National Parks (Scientific); National Parks; National Parks (Aboriginal Land); National Parks (Torres Strait Islander Land); National Parks	Nature Conservation Act 1992	Environmental Protection Agency
Wet Tropics	Wet Tropics World Heritage Protection and Management Act 1993	Wet Tropics Management Authority
Restricted Areas (includes Constructed Water Reservoirs)	Mineral Resources Act 1989	Department of Mines and Energy
Great Barrier Reef Marine Park Region	Great Barrier Reef Marine Park Act 1975 (Cwlth)	Great Barrier Reef Marine Park Authority
Marine Parks (other than general use zones)	Marine Parks Act 1982 (Qld)	Environmental Protection Agency

Category B - Environmentally Sensitive Areas

LAND AREA CLASSIFICATION	ADMINISTERING LEGISLATION	ADMINISTRATING AUTHORITY
Coordinated Conservation Areas; Wilderness Areas; World Heritage Management Areas; International Agreement Areas; An area of Critical Habitat or Major Interest identified under a Conservation Plan; Areas subject to an Interim Conservation Order; and Forest Reserves.	Nature Conservation Act 1992	Environmental Protection Agency
An area subject to following conventions: (a) Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979); (b) Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar, 2 February 1971); and (c) Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972).	International Conventions	Environmental Protection Agency
General Use Zones of a Marine Park	Marine Parks Act 1982	Environmental Protection Agency
An Area to the Seaward Side of the Highest Astronomical Tide	Nil	Environmental Protection Agency

Place of Cultural Heritage Significance; Protected Area; Registered Places; and Restricted Zone.	Queensland Heritage Act 1992 Queensland Heritage Act 1992	Environmental Protection Agency
Designated Landscape Area (other than the area known as the 'Stanbroke Pastoral Holding')	Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987	Environmental Protection Agency
Feature Protection Area, State Forest Park or a Scientific Area	Forestry Act 1959	Department of Natural Resources
Fish Habitat Area; and A place in which a Marine Plant is situated	Fisheries Act 1994	Department of Primary Industries
Endangered Regional Ecosystems; and An area of High Nature conservation Value	Nil	Environmental Protection Agency

Category C - Environmentally Sensitive Areas

LAND AREA CLASSIFICATION	ADMINISTERING LEGISLATION	ADMINISTRATING AUTHORITY
Nature Refuges; and Resource Reserves	Nature Conservation Act 1992	Environmental Protection Agency
Declared Catchment Areas; Declared Irrigation and Irrigation Project Areas; and Water Reservoirs and Drainage Areas.	Water Act 2000, various Water Board Acts	Department of Natural Resources and/or Relevant Storage Operator or Board
River Improvement Areas	River Improvement Trust Act 1940	Department of Natural Resources and the Relevant River Trust
Designated Landscape Area (e.g. Stanbroke Pastoral Holding)	Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987	Environmental Protection Agency
Historic Mining Sites	Nil (Inter Departmental Notifications)	Environmental Protection Agency and the Department of Mines and Energy
State Forest or Timber Reserves	Forestry Act 1959	Department of Natural Resources
DPI Research Sites	Nil (Inter Departmental Agreement)	Department of Primary Industries
Critical Areas and Public Purpose Reserves	Land Act 1994	Department of Natural Resources
Areas under Coastal Management Plans and Control Districts	Coastal Protection and Management Act 1995	Environmental Protection Agency
An area subject to a State Planning Policy that the policy declares is in need of environmental protection.	Integrated Planning Act 1997	Environmental Protection Agency

Erosion Prone Areas and Coastal Management Control Districts	Beach Protection Act 1968	Environmental Protection Agency
Areas of land occupied by the Bureau of Sugar Experiment Stations to conduct research	Sugar Industry Act 1999	Department of Primary Industries

APPENDIX B – FORMS

FORM 1 Monitoring and Record Keeping Summary

Environmental Authority No:

Project No:

Term of Plan (yrs):

Commencement date:

Data and information	Method of record keeping to be used				Frequency
	Site plans	journal	photographs	other	
Topsoil stripping and stockpiling (e.g. record topsoil stockpiles, location and age)					
Area disturbed and rehabilitation (e.g. map of the area of disturbance and photos of rehabilitation)					
Pre and post-mine landform (e.g. record photographs of the area prior to and following mining)					
Water discharge quality (e.g. note colour of discharge water from sediment dams)					
Dam maintenance (e.g. record of dam maintenance such as sediment removal)					
Record of complaints (e.g. air, noise, tracks etc) (e.g. record in journal any					

complaints received by adjoining land owner, actions taken and the outcomes of the action)					
Site specific conditions (e.g. record of monitoring to demonstrate compliance with any site specific conditions)					
Remediation of contaminated land (e.g. record of current and remediated contaminated land)					
Waste Management (e.g. record of waste taken to a regulated waste collection depot)					
Rehabilitation quotes, estimates and actual costs					
Others – relevant to performance category					

FORM 2 Emergency Response Table

Emergency situation	Who to contact in case of emergency situation occurring	Equipment required to be kept and maintained on site	Procedure to be followed in case of emergency situation occurring
Hydrocarbon spill causing serious or material environmental harm			
Chemical spill causing serious or material environmental harm			
Other			

FORM 3 Schedule of Rehabilitation Costs

TOTAL AREA OF DISTURBANCE	REHABILITATION TYPES	
	LOW RISK Simple straightforward rehabilitation. Successful rehabilitation of analogous sites has previously been achieved	HIGH RISK Difficult rehabilitation (e.g. dispersive soils, steep topography, remoteness, sensitive areas, etc.)
Category 1 – Less than 1 hectare	\$2,500	\$5,000
Category 2 –1 to 4 hectares	\$10,000	\$20,000
Category 3 – 4 to 10 hectares	\$20,000	\$40,000

Notes: The final assurance for each category are based on rehabilitating the maximum area in that category (e.g. financial assurance for 1 to 4 hectares is based on the cost of rehabilitating 4 hectares). The Financial Assurance for environmental authority with additional conditions attached allow that the operator to disturb more than 10ha, will be calculated using the above schedule with the additional area of disturbance calculated according to the relevant category. For example, the financial assurance for 18ha of low risk disturbance will be \$40,000 (i.e. \$20,000 for the first 10ha and another \$20,000 for the extra 8ha because it is also in category 3).

