

Permit

Environmental Protection Act 1994

Environmental authority EPPR03671515

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

Environmental authority number: EPPR03671515

Environmental authority takes effect on 29 April 2020

Environmental authority holder(s)

Name(s)	Registered address
Byerwen Coal Pty Ltd	Level 15 40 Creek Street BRISBANE QLD 4001

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Resource Activity, Non-Scheduled, Mining Activity, Mineral Development Licence-MDL	MDL443

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or

- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days)

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise- one the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Gillian Naylor

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

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Date Issued: 29 April 2020

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Natural Resources, Mines and Energy (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Conditions of environmental authority

With the exception of any variations, the conditions of approval for this environmental authority are the standard conditions contained within the attached documents:

Eligibility criteria and standard conditions for exploration and mineral development projects, version 2.

All reasonable steps must be taken to ensure the activity complies with the eligibility criteria and standard conditions.

Schedule C: Variations to the standard conditions	
Condition number	Condition
C1	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 a matter, the lack of a condition or silence shall not be construed as authorising harm.
C2	For exploration activities the environmental authority holder must comply with each of the standard environmental conditions contained in the <i>Eligibility criteria and standard conditions for exploration and mineral development projects, version 2</i> , except Condition 13, which is replaced by conditions C1 to C15 in this environmental authority.
C3	The environmental authority holder 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. Prior to carrying out mining activities in a Category C Environmentally Sensitive Area, consultation must be held with the administering authority to determine if additional conditions are necessary.
C4	Exploration Drilling Program – within 500m of any Category B Environmentally Sensitive Areas The environmental authority holder is authorised to carry out exploration mining activities on MDL443 within 500 metres of any Category B Environmentally Sensitive Areas in accordance with Table C1: Authorised drill sites within 500m of any Category B Environmentally Sensitive Areas and illustrated in Attachment 1: Authorised drill sites within 500m of any Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems).
C5	Drill sites - All drill sites are to be located outside of Endangered Regional Ecosystems, essential habitat areas and watercourses; and - Sump size is to be no greater than 10m²; and - All clearing of mature trees must be prevented or minimised.

C6	Roads and Tracks – General a) All tracks to be located outside of Endangered Regional Ecosystems, essential habitat areas and watercourses; and b) Spacing's between tracks must not be less than 250m; and c) Existing access and fence line tracks must be used wherever possible; and d) Any new tracks are to be constructed by linking naturally cleared or disturbed areas; and e) Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be prevented or minimised; and f) All tracks must be constructed and maintained with adequate drainage to avoid accelerated erosion; and Construction of new access tracks must be in accordance with Table C1: Authorised within 500m of any Category B Environmentally Sensitive Areas.
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Table C1: Authorised disturbance within 500m of any Category B Environmentally Sensitive Areas

Activity	Limitation of activity within Category B Environmentally Sensitive Area 500m buffer	Maximum footprint of disturbance permitted for each activity within Category B Environmentally Sensitive Area 500m buffer	Maximum disturbance authorised within Category B Environmentally Sensitive Are 500m buffer
Exploration Drill Holes	21 drill holes	600m ² per drill site 12,600m ²	1.26ha
Access Tracks	5.312 km	3m wide per track 15,936 m ²	1.59ha

C7	Topsoil stripping within 500 metres of any Category B Environmentally Sensitive Areas must be limited to the sump area. Where topsoil is removed it must be stockpiled for resspreading at the completion of use.
C8	The environmental authority holder is authorised to undertake rehabilitation work within 500 metres of any Category B Environmentally Sensitive Areas as per the rehabilitation requirements of this environmental authority.
C9	All waste must be removed and disposed offsite.
C10	Activities within 500 metres of any Category B Environmentally Sensitive Areas must not include seismic lines, costeaning or bulk sampling.
C11	Vegetation and Tree Protection Clearing native plants or interfering with animal breeding places is not permitted unless authorised under the <i>Nature Conservation Act 1992</i> .
C12	All equipment such as earthmoving and drilling equipment must be used in a manner which prevents the spread of weeds, minimises unnecessary disturbance of topsoil and ground cover vegetation.
C13	Burning of vegetation is not permitted.
C14	Rehabilitation The holder of the environmental authority must complete the rehabilitation processes on all areas disturbed by mining activities, within 500m of Category B Environmentally Sensitive Areas, as soon as practical and at least within three months of the completion of works in those areas. 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. <i>Note 1: Where practical undertake progressive rehabilitation wherever possible</i>
C15	Reporting An annual report must be prepared each year and submitted with each annual return. The report must include a map identifying all exploration activities undertaken within 500 metres of any Category B Environmentally Sensitive Areas to date. The map is to clearly distinguish between proposed, completed and rehabilitated mining activities to demonstrate compliance with this environmental authority.

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 *Eligibility criteria and standard conditions for exploration and mineral development projects, version 2* and the definitions in the *Environmental Protection Act 1994*, its regulations and policies must be used.

Authority - Means environmental authority (resource activities) under the *Environmental Protection Act 1994*.

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 - Means:

- (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:

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

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.

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.

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.

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:

- (a) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity, flammability; or
- (b) 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.

Holder of this environmental authority - means the principal holder of this environmental authority.

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—

- (a) the mortgagee is acting as a mortgagee in possession of the land and has the exclusive management and control of the land; or
- (b) 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)
- (2) that is not trivial or negligible in nature, extent or context; or
- (3) 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
- (4) 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

- (a) winning mineral from a place where it occurs; or

- (b) extracting mineral from its natural state; or
- (c) 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

- (a) a process in a smelter, refinery or anywhere else by which mineral is changed to another substance; or
- (b) testing or assaying small quantities of mineral in teaching institutions or laboratories, other than laboratories situated on a mining lease; or
- (c) an activity, prescribed under a regulation, that is not directly associated with winning mineral from a place where it occurs.
- (d) For subsection (1), includes the disposal of tailings and waste rock.

5. 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 –

- (a) a dwelling;
- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution;
- (d) 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;
- (e) a marine park under the Marine Parks Act 1982; and
- (f) 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:

- (i) 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);
- (ii) 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)

- (a) that causes actual or potential harm to environmental values that is irreversible, of a high impact or widespread; or

- (b) that causes actual or potential harm to environmental values of an area of high conservation value or special significance; or
- (c) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or
- (d) 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 & 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:
 - i. its characteristics;
 - ii. its intrusiveness;
 - iii. the time at which it is made;
 - iv. where it can be heard;
 - v. other noises ordinarily present at the place where it can be heard; and
 - vi. is not declared to be reasonable in Schedule 2 of the Environmental Protection (Noise) Policy 1997

vii. 'Reasonable Noise Levels'.

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

- (a) cause unlawful environmental harm; and
- (b) is unreasonable having regard to the following matters:

- i. its characteristic;
- ii. its intrusiveness;
- iii. other releases of contaminants at the place affected by the release;
- iv. where the effect of the release of the contaminants can be noticed; or
- v. 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.

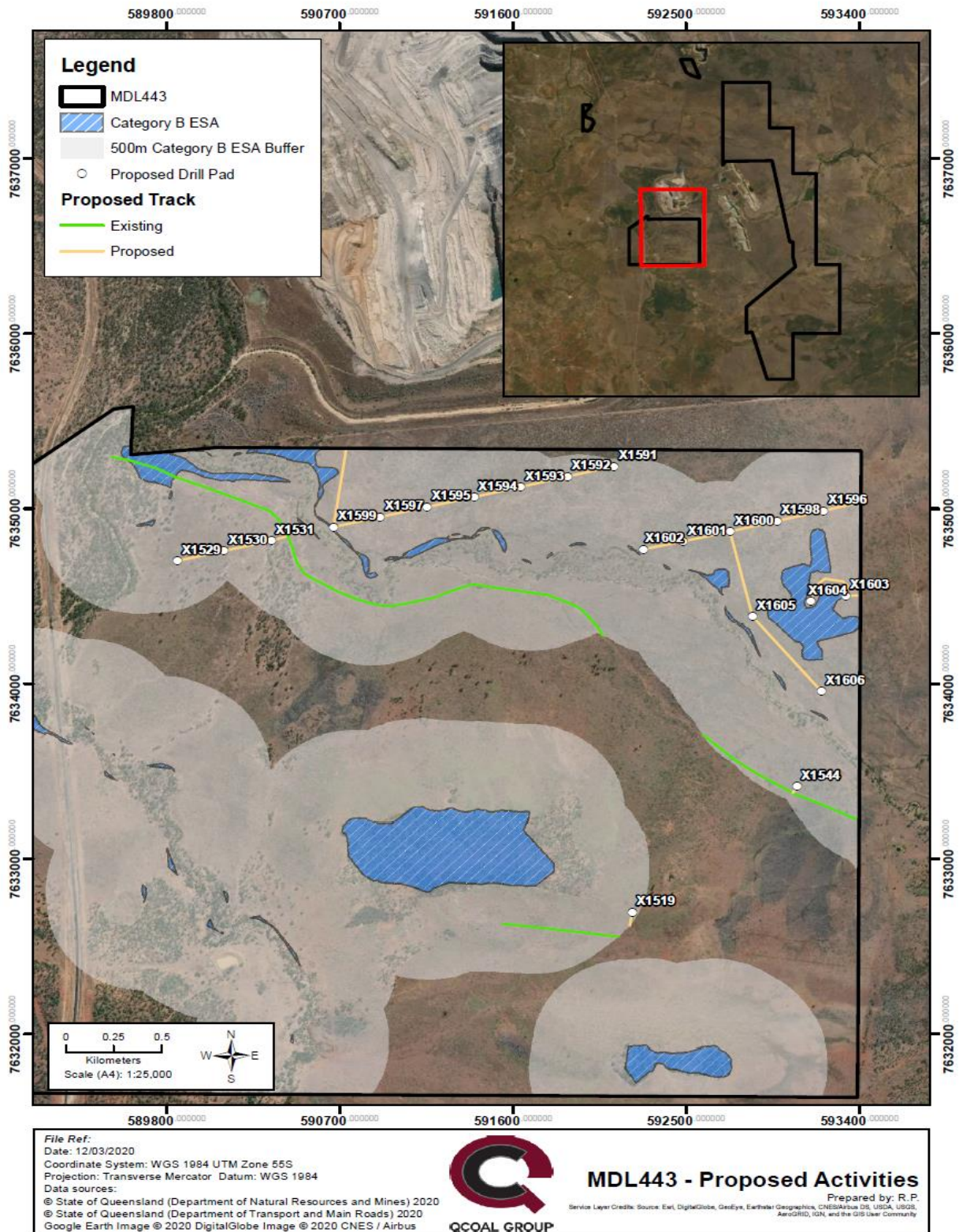
Watercourse - Means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with clear bed and banks and evidence of biological dependence.

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.

END OF DEFINITIONS

Attachment 1: Authorised drill sites within 500m of any Category B Environmentally Sensitive Areas (Endangered Regional Ecosystems).



Appendix: Eligibility criteria and standard conditions for exploration and mineral development projects, version 2.

END OF ENVIRONMENTAL AUTHORITY