

Environmental Protection Act 1994
Environmental Authority (Exploration) Non Code Compliant Level 2 Mining Project

Permit¹ Number: MIN200614607

This permit is issued by the administering authority to authorise the activity specified in the permit in accordance with the conditions specified in the permit. This decision was made pursuant to Section 171 of the Environmental Protection Act 1994.

Takes Effect From: 10 August 2009

Details

Permit Holder(s)	Name	Address
Principal Holder	Waratah Coal Pty Ltd	Level 5, 60 Edward Street BRISBANE QLD 4000

Activity(s)	Location(s)
Exploration Permit Coal	EPC1040

The anniversary date of the environmental authority is 30 October.

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


Michael Rodgerson
Delegate
Administering authority
Environmental Protection Act 1994
10-AUG-2009

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¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service

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Schedule of conditions

Schedule A - General

- (A1-1) For exploration activities 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*, except Condition 13, which is replaced by Schedule B conditions.
- (A1-2) The conditions of this environmental authority are in force until surrender of the authority is accepted pursuant to the *Environmental Protection Act 1994*. The conditions apply unless an amendment is approved pursuant to the *Environmental Protection Act 1994*.
- (A1-3) If there is any inconsistency between a standard environmental condition and an additional condition in this environmental authority, the additional condition prevails to the extent of any inconsistency.
- (A1-4) 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 *Code of Environmental Compliance for Exploration and Mineral Development Projects* and the definitions in the *Environmental Protection Act 1994*, its regulations and policies must be used.

Notification of emergencies, incidents and exceptions

- (A2-1) All reasonable actions are to be taken to minimise environmental harm, or potential environmental harm, resulting from any emergency, incident or circumstances not in accordance with the conditions of this environmental authority.
- (A2-2) As soon as practicable after becoming aware of any emergency, incident or information about circumstances which results or may result in environmental harm not in accordance with the conditions of this environmental authority, the administering authority must be notified in writing.
- (A2-3) Not more than **ten (10) business days** following the initial notification of an emergency, incident or information about circumstances which result or may result in environmental harm, written advice must be provided to the administering authority in relation to:
 - a) proposed actions to prevent a recurrence of the emergency or incident;
 - b) the outcomes of actions taken at the time to prevent or minimise environmental harm; and
 - c) proposed actions to respond to the information about circumstances which result or may result in environmental harm.
- (A2-4) As soon as practicable, but not more than **six (6) weeks** following the initial notification of an emergency, incident or information about circumstances which result or may result in environmental harm, environmental monitoring must be performed and written advice must be provided of the results of any such monitoring performed to the administering authority.

Community

Complaint response

- (A3-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

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- (A3-2) The holder of this environmental authority must record the following details for all complaints received and provide this information to the administering authority on request:
- a) time, date, name and contact details of the complainant;
 - b) reasons for the complaint;
 - c) conclusions formed; and
 - d) any actions taken.
- (A3-3) The holder of this environmental authority must, in consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the licensed place specifically or the industrial estate where the licensed place is located.

END OF CONDITIONS FOR SCHEDULE A**Schedule B – Disturbance to Category C Environmentally Sensitive Areas****General**

- (B1-1) *Desmodium macrocarpum* (refer to Schedule C – Definitions) will be protected where it occurs by establishing a clearly flagged (and mapped) protective buffer that excludes all clearing, with a minimum area of **625m² (25 m x 25 m)** with all *D. macrocarpum* **20m** inside the protective buffer.
- (B1-2) The environmental authority holder must minimise disturbance to mature trees and no clearing of any trees with visible hollows or evidence of arboreal mammal scars is authorised.
- (B1-3) Trees or shrubs with nests of birds of prey (raptors) whether active or not, or visibly active non-raptor bird nests must be protected.
- (B1-4) No dead trees are to be removed unless they are a safety risk.
- (B1-5) Debris from clearing or felling of trees must not accumulate within **2m** of any retained tree.
- (B1-6) All activities must prevent the damage of retained trees.

Drill sites

- (B2-1) The environmental authority authorises the construction of **one-hundred (100)** new drill holes within the Bimblebox Nature Refuge. The drill holes must be as far as is practicable constructed in existing disturbed areas of the Nature Refuge with a strong emphasis on retention of mature trees in all circumstances.
- (B2-2) The operational area of a drill site must be minimised and not exceed **1000m²**. Drill sites in excess of 1000m² can only be commissioned by written approval of the administering authority.
- (B2-3) Drill holes must not exceed **400mm** in diameter.
- (B2-4) The construction of sumps must not exceed **10m²**.
- (B2-5) Topsoil stripping is limited to the sump area of **10m²**. Where topsoil is removed it must be stockpiled for respreading at the completion of use.
- (B2-6) Surface runoff must be managed to prevent sedimentation and erosion.

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- (B2-7) Drilling and clearing must not be undertaken within **300m** from the Queensland Herbarium monitoring points (refer to **Attachments 1 and 2**).
- (B2-8) Proposed drill sites should be clearly marked and prior to clearing inspected by a suitably qualified ecologist to ensure compliance with **Conditions B1-1 to B1-4** of this environmental authority and to identify the presence, and if necessary, any appropriate buffering or the translocation of threatened wildlife in consultation with the administering authority.
 Note: Translocation of wildlife may require approval under the *Nature Conservation Act 1992*.
- (B2-9) The edge of a drill site should not be within **20m** of a raptor nest whether active or not, or any other active bird nest.

Tracks

- (B3-1) All tracks, including water course crossings, must be commissioned and operated in accordance with the *Code of Practice for Native Forest Timber Production*.
- (B3-2) Tracks should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.
- (B3-3) Existing access and fence line tracks must be used. New formed access tracks may only be constructed with approval of the administering authority.
- (B3-4) Constructed access tracks must be less than **5m** in width, including shoulder width.
- (B3-5) Track construction involving blade clearing of established ground cover vegetation is only permitted to allow for the safe movement of vehicles.
- (B3-6) Blading of topsoil is not permitted except to effectively drain a track.
- (B3-7) All new tracks are to be recorded with GPS and records kept of their location and made available to the administering authority on request.

Other Land Disturbance

- (B4-1) Activities must not include seismic lines, costeaning or bulk sampling.
- (B4-2) Prior to entering the Bimblebox Nature Refuge all vehicles, machinery and equipment must be washed down in accordance with the latest Department of Environment and Resource Management Queensland checklist for clean down procedures.
- (B4-3) All equipment such as earthmoving and drilling equipment must be used in a manner which prevents the spread of weeds and minimises unnecessary disturbance of topsoil and ground cover vegetation.
- (B4-4) Campsites must not be established within the nature refuge.
- (B4-5) All waste must be removed and disposed offsite.
- (B4-6) Burning of vegetation is not permitted.
- (B4-7) Sediment controls barriers installed on the tenure should be made of non-organic material to prevent the spread of weeds.

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Rehabilitation & Reporting

- (B5-1) Rehabilitation of areas disturbed within the Bimblebox Nature Refuge must commence as soon as practicable to the extent that erosion impacts are minimised, and be completed as soon as practicable, but no longer than **nine (9) months** after completion of the disturbance activity.
- (B5-2) The environmental authority holder must control buffel grass and other weeds as far as practicable (e.g. targeted herbicide spraying) to promote endemic native species establishment within the Bimblebox Nature Refuge.
- (B5-3) An annual rehabilitation report must be prepared and submitted with the annual return. The report must include a map showing the location of completed exploration drill holes on EPC1040 and outline the outcomes of progressive rehabilitation activities to demonstrate compliance, or otherwise, with **Conditions B5-1 and B5-2** of this environmental authority.
- (B5-4) All outstanding disturbance areas on EPC1040 previously approved under this environmental authority must be rehabilitated in accordance with this EA.

END OF CONDITIONS FOR SCHEDULE B

Schedule C – Definitions

“active birds nests” means those containing eggs, sitting birds, nestling or in the process of being constructed.

“administering authority” means the Department of Environment and Resource Management (DERM) or its successor.

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

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

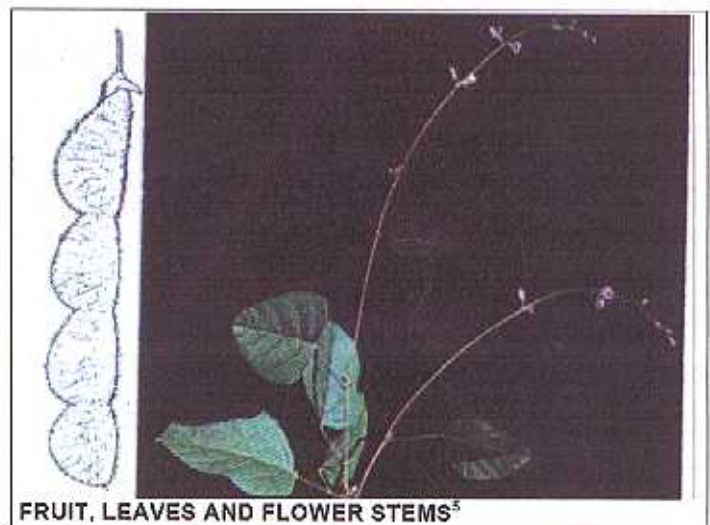
“*Desmodium macrocarpum*” means:

SPECIES PROFILE

G = see glossary

DESCRIPTION

Desmodium macrocarpum is a herbaceous perennial² with stems reaching about 0.5 m in length.³ The stems and leaf stalks are densely covered in soft, hooked hairs.³ The prominent, persistent stipules⁶ are triangular and measure 5 to 12 mm long by 5 mm wide.³ Leaves can be entire or branched into three leaflets.^{6,2,3} The coarse textured leaflets are ovate⁶ to broadly ovate and measure up to 65 mm long by 55 mm wide.³ The top leaflet is much larger.^{2,3} Both leaf surfaces are covered with soft, hooked hairs, especially along the veins.³ The leaf stalk is 5 to 35 mm long.³ The pale pink, pea flowers are loosely clustered along leafless stalks up to 25 cm long at the end of the branchlets.³ The flower calyx⁵ is about 3 mm long and the corolla⁶ about 8 mm long by 7 mm wide.^{3,4} The hairy pods are up to 35 mm long by 5 to 6 mm wide, laterally flattened and distinctly constricted between the seeds.^{3,4} Mature pods break into single seed sections.^{3,4} The light brown seeds are kidney shaped, flattened and 4.5 mm long by 3.5 mm wide.³



FRUIT, LEAVES AND FLOWER STEMS⁵

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GLOSSARY

Calyx:	leaf-like flower parts attached to the outer base of the flower and surrounding the petals.
Corolla:	the petals collectively; composed of free or united petals.
Leaflet:	section of a compound leaf that is leaf like in shape.
Stipule:	an appendage of a leaf on each side of the point of attachment of a leaf stalk to a stem.

REFERENCES AND INFORMATION SOURCES

1. *Nature Conservation (Wildlife) Regulation* 1994.
 2. Domin, K. (1926) *Desmodium*. In *Beitrage zur Flora und Pflanzengeographie Australiens. Bibliotheca Botanica* 89:765-9.
 3. Hacker, J.B. (1990) *A Guide to Herbaceous and Shrub Legumes of Queensland*, p.142. University of Queensland Press, Brisbane.
 4. Queensland Herbarium (1996) Unpublished habitat notes from Queensland Herbarium specimen records of *Desmodium macrocarpum* (1972-1993).
 5. Diagram and colour photograph reproduced with permission from Hacker, J.B. (1990) *A Guide to Herbaceous and Shrub Legumes of Queensland*, pp. 136, 142. University of Queensland Press, Brisbane.
 6. Queensland DPI Forestry (1995) Map prepared by Mapping and Geographic Information Services from information supplied by the Queensland Herbarium.
 7. Padly, L. (1996) Pers. comm., Queensland Herbarium, Environmental Protection Agency (EPA), Brisbane.
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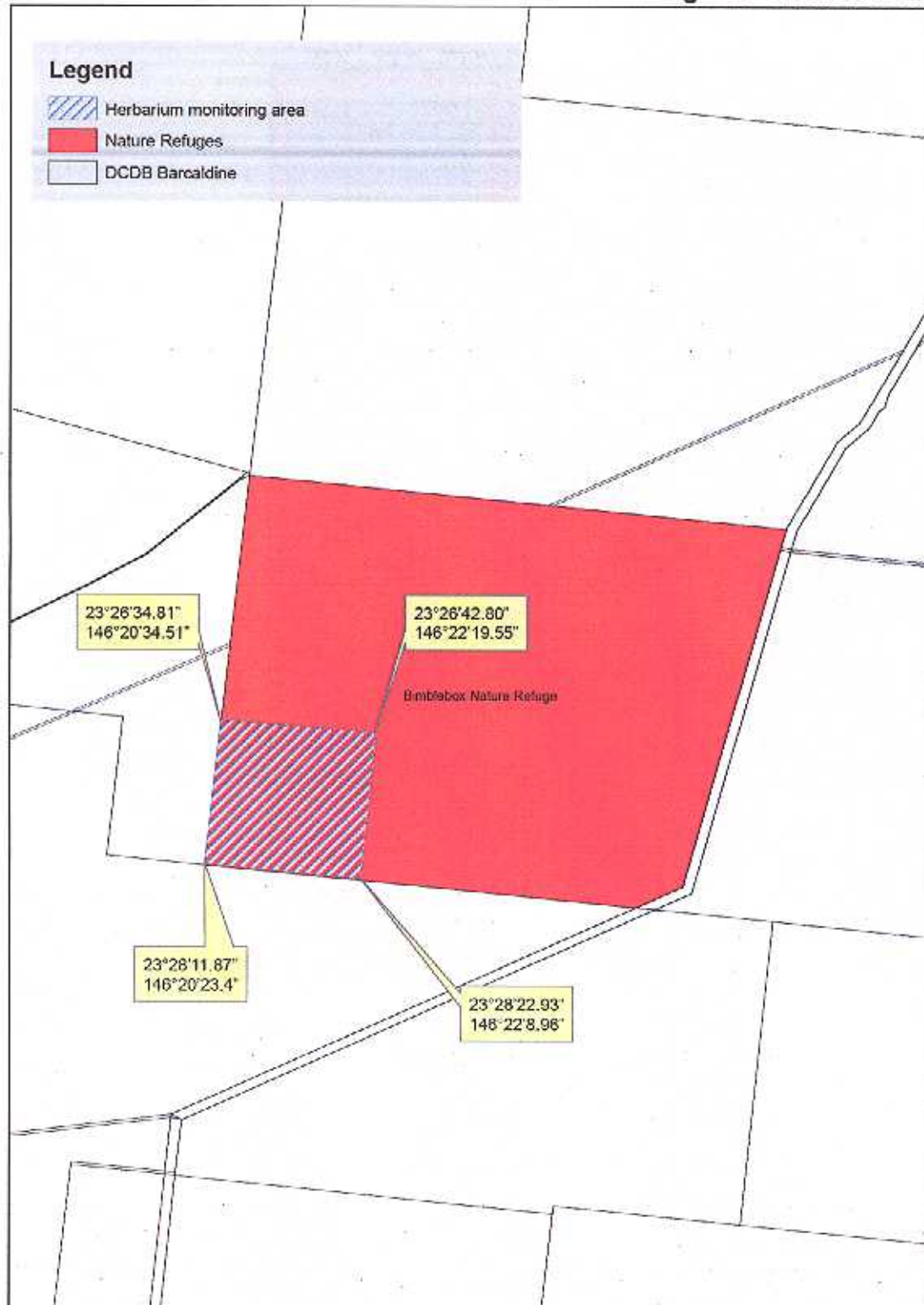
"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"Mature tree" means a tree that is 70% or greater of the predominant canopy height.

"Threatened wildlife" means threatened as defined under the *Nature Conservation Act 1992*.

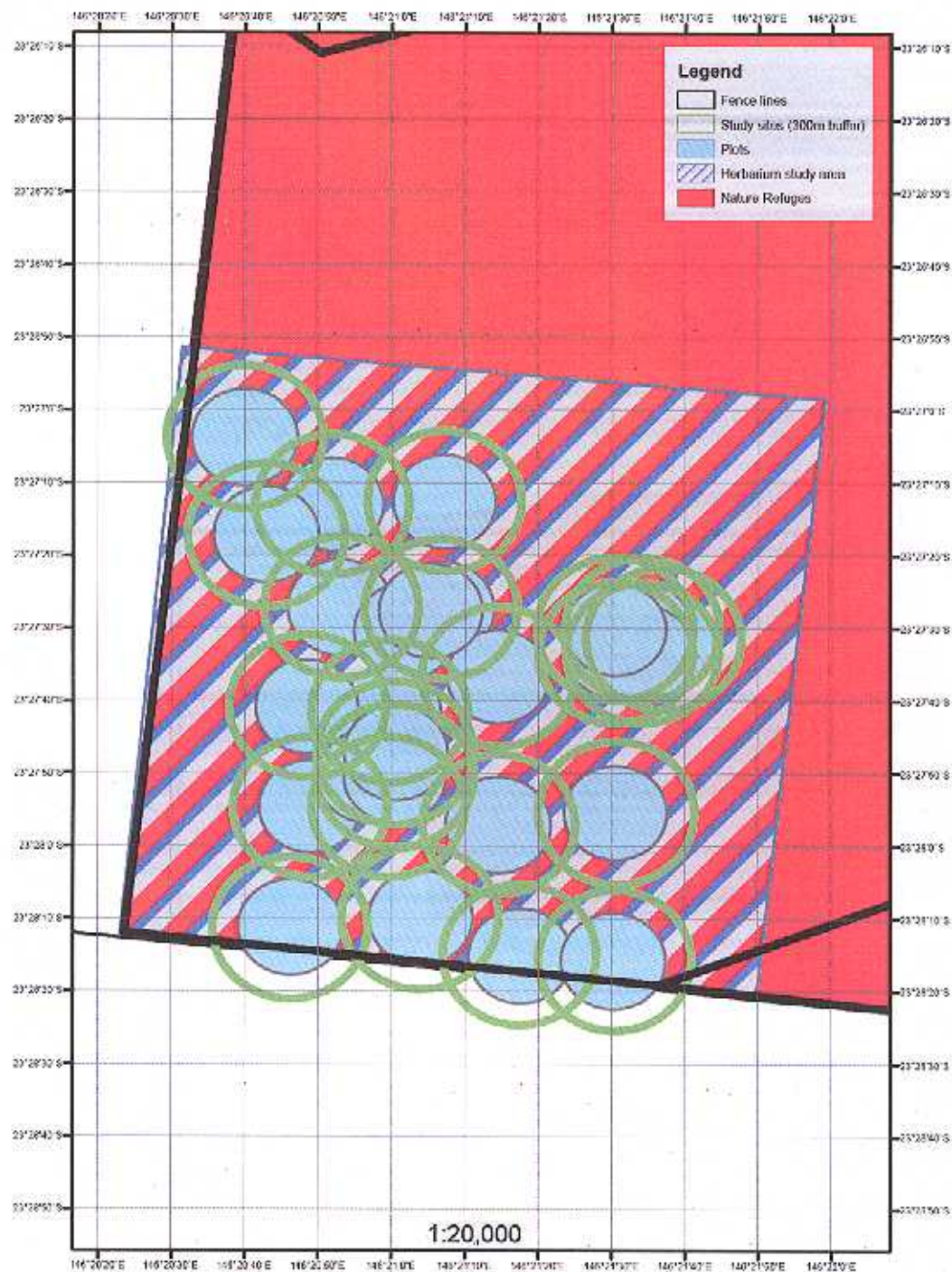
END OF CONDITIONS

ATTACHMENT 1 – Queensland Herbarium Monitoring Site exclusion zone



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ATTACHMENT 2 – Queensland Herbarium Monitoring Sites 300m buffer zone



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