

**Environmental Authority (Exploration)
Non Code Compliant Level 2 Mining Project
Permit¹ Number: MIN202616311 Byerwen Coal
Section 171B — Environmental Protection Act 1994**

Takes Effect From: 27 June 2011

Details

Permit Holder(s)	Name	Address
Principal Holder	Byerwen Coal Pty Ltd	Level 15, 40 Creek St BRISBANE QLD 4000

Activity(s)	Location(s)
Exploration Permit Coal	EPC739

The anniversary date of the environmental authority is **15 December**.

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



Christopher Loveday
Delegate of Administering Authority
Environmental Protection Agency 1994
27 June 2011

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

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CONDITIONS OF ENVIRONMENTAL AUTHORITY**Department Interest – General**

- A1** Provide a financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority.
- A2** 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.

- A3** 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*, with the exception of Condition 13, which is replaced by the conditions in this environmental authority.
- A4** 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.
- A5** The conditions of this environmental authority are in force until a surrender or 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*.
- A6** 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.

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Department Interest – Land**Drilling**

- B1** In carrying out mining activities on EPC739 all reasonable and practicable measures must be taken to prevent or minimise the likelihood of environmental harm being caused to any Category B Environmentally Sensitive Area (ESA).
- B2** Mining activities undertaken must be consistent with *Attachment 1 – Location of drill holes (EPC739) within Environmentally Sensitive Area Buffer zones, Map 1* and *Attachment 2 – Location of drill holes (EPC739) within Environmentally Sensitive Area Buffer zones, Map 2*.
- B3** Mining activities undertaken must be consistent with *Application for Amendment to Environmental Authority for EPC739 – Supporting Information*.
- B4** The environmental authority holder is not authorised to undertake any drilling activities in any Category B ESA.

Drill Holes

- B5** The environmental authority holder is authorised to carry out drilling activities on EPC739, within 500m of any Category B ESA.
- B6** The environmental authority holder is authorised to undertake a maximum of 15 drill holes within the 500m buffer zone of any Category B ESA.
- B7** The environmental authority holder is not authorised to undertake any drilling activities within any Category B ESA.
- B8** The operational area in the drill site must not exceed 1000m².
- B9** Drill holes within 500m of any Category B ESA are to be a maximum of 200mm diameter.
- B10** The construction sumps within 500m of any Category B ESA are must not exceed 10m².
- B11** The environmental authority holder must minimise disturbance within 500m of any Category B ESA and avoid clearing mature trees when undertaking drilling activities.
- B12** No clearing disturbance for access to boreholes will take place within 500m of any Category B ESA.

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- B13** Rehabilitation of drill sites and sumps will be in accordance with the *Code of Environmental Compliance for Exploration and Mineral Development Projects*.

Seismic surveys

- B14** The environmental authority holder is not authorised to undertake seismic surveying within 500m of any Category B ESA.

Tracks

- B15** Existing access and fence line tracks must be used. New tracks may only be constructed with approval from the administering authority.
- B16** Constructed tracks must be less than 3m in width.
- B17** Authorised track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is to be minimised.
- B18** All new tracks are to be recorded with GPS in GDA94 coordinate system and records kept of their location and made available to the administering authority on request.
- B19** All tracks, including watercourse crossings, must be commissioned and operated in accordance with the *Code of Practice for Native Timber Forest Production on State Lands 2007*.
- B20** Tracks should not be used when soil is saturated and prone to displacement or erosion by vehicle movement.

Other land disturbance

- B21** Activities must not include costeaning or bulk sampling.
- B22** 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.
- B23** Prior to entering any area which is within 500m of any Category B ESA all vehicles, machinery and equipment must be washed down and hold a current Weed Hygiene Declaration.

Additional information: The EA holder is required to comply with all other legislative requirements with regards invasive species management, including the *Land Protection (Pest and Stock Route Management) Act 2002* or Local Government Law.

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- B24** Campsites must not be established within a Category B ESA or within 500m of any Category B ESA.
- B25** All waste must be removed and disposed of offsite.
- B26** Burning of vegetation is not permitted.
- B27** Sediment control barriers installed on EPC739 should be made of non-organic material to prevent the spread of weeds.

Rehabilitation and reporting

- B28** Rehabilitation of areas disturbed within 500m of any Category B ESA must commence as soon as practicable to the extent that erosion impacts are minimised, and to be completed as soon as practicable but no longer than 3 months after completion of the disturbance activity.
- B29** Rehabilitation must be undertaken in accordance with requirements of the *Code of Environmental Compliance for Exploration and Mineral Development Projects*, and to the satisfaction of the administering authority.
- B30** An annual report must be prepared and submitted each year. The report must include a map showing the location of completed drill holes authorised by this environmental authority, as well as details of progressive rehabilitation works completed to demonstrate compliance with Conditions Bs8 and B29 of this environmental authority.

Department Interest – Waste

- C1** All waste generated in carrying out the 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*.

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Definitions

“Authority” means environmental authority (mining activities) 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 include the office area and vehicle parking areas associated with a temporary or permanent mining camp.

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

“Disturbed” means 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 an endangered regional ecosystem identified in the database maintained by the department 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.

“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 of Code of Environmental Compliance for Exploration and Mineral Development Projects.

“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.

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“General waste” Schedule 12 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.

“Native vegetation” means vegetation that occurs naturally in a certain area.

“Progressive rehabilitation” means rehabilitation undertaken progressively or a staged approach to rehabilitation as exploration is ongoing.

“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.

“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 containment 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;

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- be agreement with the Department of Environmental and Resource Management, 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 Department of Environmental and Resource Management;
- 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, 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.

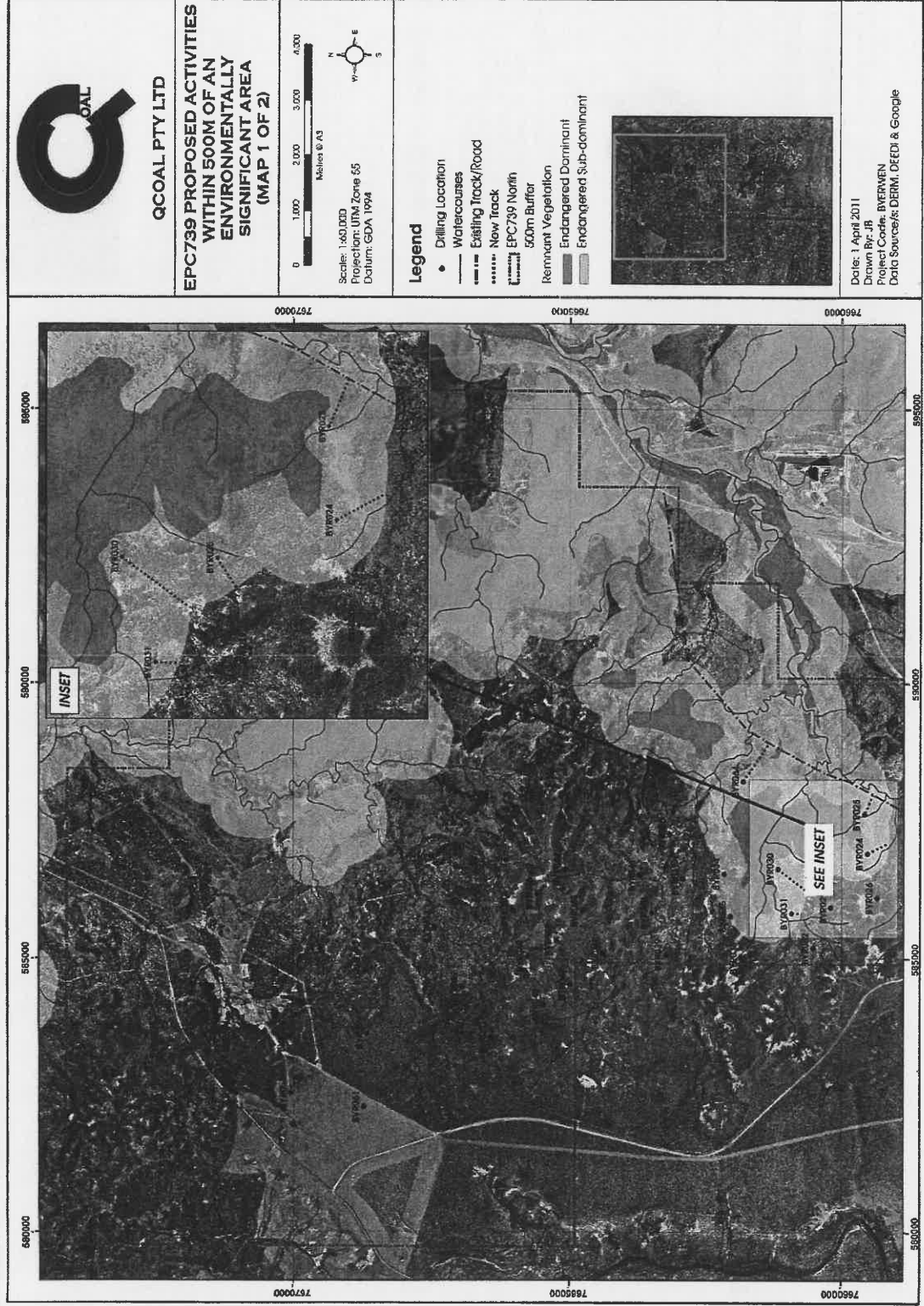
“Watercourse” means a river, creek or stream in which water flows permanently or intermittently in a visibly defined channel (natural, artificial or artificially improved) with:

- (a) continuous beds 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.

END OF CONDITIONS

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Attachment 1 – Location of drill holes (EPC739) within Environmentally Sensitive Area Buffer zones, Map 1



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Attachment 2 – Location of drill holes (EPC739) within Environmentally Sensitive Area Buffer zones, Map 2

