

Application form

Environmental Protection Act

Application for an environmental authority (mining lease) for a level 1 mining project

OFFICIAL USE ONLY

DATE RECEIVED

30 | 5 | 2011

FILE REF

Em 278564

APP. Fee \$ 515

PROJECT REF

Licence Fee \$ 26368

COMPLETE FORM

CORRECT AA

COMPLETE FEE

ADMINISTERING DISTRICT

Emerald

ENTERED BY (SIGNATURE)

DATE

30 | 5 | 11

GUIDE

Each applicant for a relevant mining tenement (i.e. applicant/s listed on the Application for mining lease form), and each holder of a relevant mining tenement (i.e. where the application relates to a current mining project), are to be the (only) applicants for EA.

Where there are several applicants, joint applicants may appoint a principal applicant, refer to Appendix A. The administering authority can then make its dealings with all applicants/holders by dealing with the principal applicant/holder.

Important information for applicants

This form must be used to apply for an environmental authority (mining lease) for a level 1 mining project under Section 154 of the *Environmental Protection Act 1994* (EP Act). This form must be submitted with the 'Application for mining lease' form to the office of the relevant local Mining Registrar, Department of Mines and Energy (DME).

If you already hold an existing environmental authority (EA) and wish to apply for an additional mining activity or additional surface area, you are required to use the form 'Application for amendment of environmental authority (mining activities)'.

To assist you in the completion of this form, you should read the following guidelines:

- Preparing an Environmental Management Plan (EM Plan) for level 1 mining projects;
- Deciding the level of impact assessment for the mining industry; and
- Financial assurance for mining activities.

Specific information requirements

1. Applicant details

1. PRINT FULL NAME AND ABN	LTD .	
WARATAH COAL PTY LIMITED	ACN 114 165 669	
Principal applicant	<input type="checkbox"/>	
REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS		
REGISTERED ADDRESS	LEVEL 8 280 QUEEN ST, BRISBANE, QLD	
POSTAL ADDRESS	c/- MINING TENEMENT SERVICES GPO BOX 215, BRISBANE, QLD, 4001	
2. PRINT FULL NAME AND ABN		
REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS		

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3. PRINT FULL NAME AND ABN
REGISTERED BUSINESS ADDRESS (OR RESIDENCE) & POSTAL ADDRESS

The business/trading name will be used for information purposes only. The EA will be issued to the applicant(s).

2. Business name or trading name, where different to principal applicant company name.

BUSINESS/TRADING NAME

E.g. consultant, operations manager

3. Who is the contact person for dealing with the environmental protection issues relating to this application?

NAME ALAN THOMPSON	
TRADING NAME MINING TENEMENT SERVICES	
REGISTERED BUSINESS ADDRESS 380 QUEEN ST BRISBANE QLD 4001	
FULL POSTAL ADDRESS GPO BOX 215 BRISBANE, QLD, 4001	
TELEPHONE (07) 3229 1707	FACSIMILIE (07) 3229 6222
MOBILE TELEPHONE	EMAIL athompson@miningtenement.com.au

Questions 4 & 5:
One of the factors that the administering authority considers when deciding an application for an environmental authority (EA) is the suitability of the applicant to hold an EA. Suitability inquiries may be made.

Under the EP Act, a conviction includes a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

Past criminal activity for environmental offences will not necessarily result in the application being refused. Each case is assessed on its merits. The EPA may contact you for more information during the decision-making period.

4. Has the applicant been convicted of an offence against the Environmental Protection Act 1994 or a corresponding law in Queensland or another jurisdiction?

Yes → Please attach a brief statement outlining the date, location and nature of the conviction

Tick to indicate attachment

No

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Where the applicant is a corporation, Questions 4 & 5 apply to all executive officers of the corporation (and relates to their current position, and any other executive positions they may have held in other corporations). Under the EP Act, an 'executive officer' includes anyone who is involved in the management of a corporation. You should make reasonable inquiries of all executive officers.

'Corresponding law' means a law of the Commonwealth or another State that provides for the same or similar matters as the EP Act.

A 'mining project' is all mining activities carried out, or proposed to be carried out, under one or more mining tenements, in any combination, as a single integrated operation.

Provide a project number where issued by DME.

5. Has the applicant held an environmental authority that has been cancelled or suspended under the *Environmental Protection Act 1994* or a corresponding law in Queensland or another jurisdiction?

Yes → Please attach a brief statement outlining the date, EA number and the nature of the cancellation or suspension

Tick to indicate attachment

No

6. Is this application intended to form a part of a current mining project?

Yes → Provide the project number below (where issued)

PROJECT NUMBER

No

7. Identify the mining tenements that comprise, or are intended to comprise, the mining project

	TENURE 1	TENURE 2	TENURE 3	TENURE 4
TENURE TYPE	EPC	EPC		
NUMBER	1040	1079		
STATUS	GRANTED	GRANTED		

If you are replacing an existing EA you should answer 'yes' at Question 8 and the following applies.

Where the existing mining project has a transitional authority, provide the previously issued EP Act approval number in the box provided. If you do not have an EP Act approval number, provide the tenement number(s).

The process to replace an EA (mining activities) is identical to the application process. The administering authority shall cancel the existing EA when the new EA is issued.

8. Does this application propose activities to be carried out as part of an existing mining project that has an existing environmental authority (EA) (mining activities)?

Yes → Provide the EA number below

EA NUMBER

No

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9. Where relevant, what is the reason for seeking a replacement environmental authority? (tick one option only)

- The existing environmental authority is for a Level 2 mining project and the activities no longer meet the prescribed criteria for a Level 2 mining project.
- The existing authority was issued as a 'standard environmental authority', and the activity no longer meets the prescribed criteria for a 'standard environmental authority'.
- An environmental authority is already granted for a mining project and the holder proposes an additional mining tenement.
- Other – please specify below:

REASON

If this application forms part of a current project, provide the existing project name. Where this application relates to a new project, nominate a name.

10. What is the name of the proposed project?

<small>PROPOSED NAME</small> CHINA FIRST COAL PROJECT
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Where other tenure applications have been lodged or are proposed to be lodged as part of the mining project, identify the status as either 'lodged' or 'proposed'.

11. Are there other tenure applications, lodged or proposed to be lodged, that are intended to form relevant mining tenements for this application and comprise the mining project?

- Yes → Provide details below:

TENURE TYPE	TOTAL NUMBER	STATUS

- No

For several tenements forming a single mining project only one EA application form is required.

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The Australian and New Zealand Standard Industrial Classification (ANZSIC) is used by the Australian Bureau of Statistics. The ANZSIC code is required to be displayed in the public register.

12. What is the ANZSIC code for the activity?

- 1101 Black coal mining 1313 Copper ore mining
- 1102 Brown coal mining 1314 Gold ore mining
- 1311 Iron ore mining 1315 Mineral sand mining
- 1312 Bauxite mining 1316 Nickel ore
- 1317 Silver-lead-zinc ore mining
- 1319 Metal ore mining (other metallic mineral ores)
- Other, specify below

CODE	DESCRIPTION

In order to answer this question, applicants must refer to the EPA's Manual for Assessing Hazard Categories and Hydraulic Performance of Dams. If necessary include supporting information in the Environmental Management Plan (EM Plan).

13. Do you have a dam, the hazard rating for which requires it to be regulated?

- Yes
- No

Please refer to the guideline 'Preparing an Environmental Management Plan (EM Plan) for level 1 mining projects' available from DME or EPA offices.

14. Is an Environmental Management Plan (EM Plan) included with this application?

- Yes → Provide its title and date below:

TITLE	DATE
See attached and will also be addressed with EIS currently being prepared	

Tick to indicate attachment

- No → An EM Plan must be lodged before this application can be decided

An applicant for an EA for a level 1 mining project must submit an Environmental Management Plan (EM Plan) for all relevant activities. The purpose of the EM Plan is to propose environmental protection commitments to help decide the conditions of the authority.

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Question 15 will be used to help decide whether an EIS is required for the project.

If you tick 'yes' for any of Questions 15a to 15j, describe how the criterion is not met by filling in the details to the right of the Yes box.

Category A and B environmentally sensitive areas are listed in Sections 25 and 26 of the *Environmental Protection Regulation 2008* (EP Regulation).

A free map service that details these areas is available from the EPA website, at: www.epa.qld.gov.au/ecoaccess/mining/

Note: 'mining' includes exploration. Environmentally Relevant Activities (ERAs) are listed in Schedule 2 of the EP Regulation - an electronic copy is available at www.legislation.qld.gov.au

Further guidance will be available at your local DME or EPA office.

Non-beneficial land capability means that after mining, the land is in a degraded state, unsuitable for its previous use, or agreement cannot be reached on an alternative future use (e.g. excavation containing acid water).

15. Tick the relevant boxes to show the scope of your project

Will the project:

	NO	YES	DESCRIBE OR ATTACH HOW CRITERION NOT MET
a) Have significant impact on Category A or B environmentally sensitive areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/> →	
b) Involve mining in a marine area?	<input checked="" type="checkbox"/>	<input type="checkbox"/> →	
c) Involve mining less than 500m from the highest astronomical tide	<input checked="" type="checkbox"/>	<input type="checkbox"/> →	
d) Require the construction of >150 new dwelling units?	<input type="checkbox"/>	<input checked="" type="checkbox"/> →	
e) Include an activity that would otherwise be a level 1 ERA with an annual fee >\$4000?	<input type="checkbox"/>	<input checked="" type="checkbox"/> →	
f) Involve the mining of >2 million tonnes of mineral or run of mine ore per year?	<input type="checkbox"/>	<input checked="" type="checkbox"/> →	
g) Involve the abstraction of >2 million m ³ of water per year from natural surface or groundwater sources?	<input type="checkbox"/>	<input checked="" type="checkbox"/> →	
h) Result in > 25 ha remaining post-mining in a non-beneficial land capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/> →	
i) Involve any level 1 mining activity less than 2km from a town?	<input checked="" type="checkbox"/>	<input type="checkbox"/> →	
j) Include any mining for uranium or asbestos	<input checked="" type="checkbox"/>	<input type="checkbox"/> →	

Tick to indicate attachments

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Question 16 n:

Note: For example the koala conservation areas and other major habitat in State Planning Policy 1/05¹

WILL MINING ACTIVITIES BE CARRIED OUT IN, OR ADJACENT TO, ANY OF THE FOLLOWING AREAS:

TICK RELEVANT BOX

IDENTITY OR LOCATION OF AREA

- n) Area declared in need of environmental protection by a State Planning Policy? No Yes→
- o) Areas of land occupied by the Bureau of Sugar Experiment Stations to conduct research?³ No Yes→

Tick to indicate attachments:

Include here a brief description of mining, processing, and machinery to be used.

Question 18:

Note: Under the EP Act, land that has been or is being used for a notifiable activity must be notified to the EPA for recording on the Environmental Management Register (EMR). Examples of notifiable activities include: mine waste storage; mineral processing; landfill; petroleum product or oil storage; chemical storage; and waste storage, treatment or disposal. For the full list of notifiable activities, refer to Schedule 3 of the EP Act or the EPA publication Information Kit – 'Assessment & Management of Contaminated Land in Queensland'.

It should be noted that an EA (mining activities) holder is required to demonstrate that any land listed on the EMR, as a result of the mining activity undertaken, has been satisfactorily rehabilitated and is not a risk to human health or the environment, prior to the EPA approving an application for surrender.

Question 19:

If this project is likely to trigger a matter of national environmental significance, it is to be referred, by the applicant, to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Further information is available at www.deh.gov.au

17. Briefly describe activities to be undertaken

ACTIVITIES

OPEN CUT AND UNDERGROUND MINING OPERATION FOR THE EXTRACTION OF COAL

18. Are you intending to carry out a notifiable activity as part of this mining project?

- Yes → You will need to lodge a 'Notification of Land' form
- No

19. Has the project been referred to the Commonwealth under the EPBC Act?

- Yes
- No
- Not applicable

Please read carefully through the certification opposite before signing. Note that the 'applicant' may be a different person or entity to the person authorised to sign this form on behalf of the applicant.

Where there is more than one applicant, this certification is to be signed by the person authorised to sign on behalf of all applicants (i.e. the principal applicant).

Where the applicant or principal applicant is a company, this form is to be signed by a person authorised in writing to sign for that company (i.e. appointed signatory).

Where there are joint applicants, please complete the "Appointment of principal applicant" form on the following page.

No information on financial assurance (FA) is required to be submitted with this application. For further details see the Guideline for setting Financial assurance for mining activities. Note that the EPA may impose as a condition of EA a requirement that the holder of the EA provide FA.

The fee for a level 1 application is detailed in Schedule 10, Part 3 of the Environmental Protection Regulation 2008.

The fees and charges associated with this application have been excluded from GST by the Commonwealth Government.

20. Applicant's certification

I/We, the applicant(s) identified in Question 1:

I, A THOMPSON
Printed name of person signing

- enclose the prescribed fee of \$26883.00;
certify that applicants for the environmental authority are all holders/applicants for a relevant mining lease(s);
solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.
understand that all information supplied on or with this application form may be made available upon request, subject to the provisions of the Freedom of Information Act 1992 and/or by EPA administrative access arrangements;
understand and agree that information supplied with the related application for mining lease (Mineral Resources Act form), including details of financial and technical resources of the applicant(s), may be provided to the EPA;
understand that suitability inquiries may be made of any applicant; and
are aware that under section 480 of the Environmental Protection Act 1994, it is an offence to give the administering authority information that is false, misleading or incomplete in any material particular. The maximum penalty for such action is 165 penalty units for an individual or 825 penalty units where the applicant is a corporation (Section 181 B (3) of the Penalties and Sentences Act 1992). Refer to the Act for the value of a penalty unit.

SIGNATURE [Handwritten Signature]

POSITION OF SIGNATORY (IE DIRECTOR, MANAGER, OWNER, PARTNER, CEO ETC)
MTS AUTHORISED AGENTS

DATE 27 / 5 / 2011

Applicant checklist

- Application form(s) completed and signed
- Fees paid or enclosed (if applicable)
- Supporting information or accreditation attached (if applicable)

Please return your completed application kit to:

The relevant district office of:

**Mining Registrar
Department of Mines and Energy**

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APPENDIX A

Appointment of principal applicant

We, being joint applicants listed below, hereby appoint

PRINTED NAME OF PRINCIPAL APPLICANT

as the principal applicant for this application for environmental authority (mining activities).

List all joint applicants

APPLICANT NAME / COMPANY		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

APPLICANT NAME / COMPANY		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

APPLICANT NAME / COMPANY		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

APPLICANT NAME / COMPANY		
SIGNATORY NAME & POSITION	SIGNATURE	DATE

The EPA may accept an application for EA made for all the joint applicants by a person who is a joint applicant if satisfied the person is authorised to make the application for each of the joint applicants. Joint holders of an EA may utilise the Appointment or Cancellation of Appointment of Principal Holder form at any time.

In deciding an application for EA, the EPA must consider any suitability report obtained for the application.