



Queensland Government

**Environmental Protection Agency
Queensland Parks and Wildlife Service**

Environmental Authority No. MIN100699608 (mining activities)

Section 194 Environmental Protection Act 1994

This environmental authority is granted under the Environmental Protection Act 1994 and includes conditions to minimise environmental harm caused, or likely to be caused, by the authorised mining activities. An environmental authority (mining activities) may be for mining activities authorised (under the Mineral Resources Act 1989) to occur under one of the following mining tenements: a prospecting permit; mining claim; exploration permit; mineral development licence; or mining lease. In general, a mining activity means: prospecting, exploring, mining; or processing minerals; remediation; rehabilitation; and includes facilitation and supporting activities and any action taken to prevent environmental harm.

Under the provisions of the Environmental Protection Act 1994 this environmental authority is issued to:

Straits Gold Pty Ltd
Level 1
35 Ventnor Street
WEST PERTH WA 6005

in respect of carrying out activities as part of the following mining project:

Type of environmental authority (mining activities)	Authorised mining tenements	Location
Exploration	EPM 8257	Mount Coolon

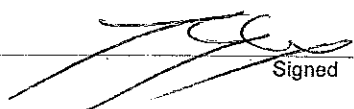
The mining activities are authorized to the extent defined in Schedule 6 of the Environmental Protection Regulation Act 1994.

Schedule 6 Part 2 Item 15 – Level 1 Mining Activities Exploration

This environmental authority is subject to the conditions set out in the attached schedules.

The anniversary date of this environmental authority is 07 September.

This amended environmental authority takes effect from 30 May 2008.


Signed

30 May 2008
Date

**Tania Laurencont
District Manager
Northern Region
Delegate of Administering Authority
Environmental Protection Act 1994**

Schedule A – General

- (A1) The environmental authority does not take effect until the grant of the tenure to the environmental authority holder, or until each environmental authority holder has become a holder, under the *Mineral Resources Act 1989*, of each of the relevant mining tenements.
- (A2) The conditions of this environmental authority are in force until a 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*.

Financial assurance

- (A3) 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.

NOTE: The calculation of financial assurance for condition (A3) must be in accordance with Guideline 17. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the EM Plan.

- (A4) 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.

- (A5) 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 (January 2001), except Condition 13, and only to the extent permitted by the conditions in this environmental authority.
- (A6) If there is any inconsistency between a standard environmental condition referred to in (A5) and an additional condition in this environmental authority, the additional condition prevails to the extent of inconsistency.

Maintenance of measures, plant and equipment

- (A7) The environmental authority holder must ensure:
- that all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority are installed; and
 - that such measures, plant and equipment are maintained in a proper condition; and
 - that such measures, plant and equipment are operated in a proper manner.

Monitoring

- (A8) Record, compile and keep for a minimum of five 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.
- (A9) Where monitoring is a requirement of this environmental authority, ensure that a competent person(s) conducts all monitoring.

Exception Reporting

- (A10) The administering authority must be notified by telephone or facsimile as soon as practicable 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; or
 - any monitoring result that indicates an exceedance of any limit specified in this environmental authority.
- (A11) The holder of this authority must notify the administering authority in writing of any monitoring result which indicates an exceedance of any limit within seven (7) days of completion of analysis.
- (A12) The written notification required by condition (A11) must include:
- the full analysis results; and
 - details of investigation or corrective actions taken; and
 - any subsequent analysis.

Storage and handling of flammable and combustible liquids

- (A13) Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 – Storage and Handling of Flammable and Combustible Liquids of 1993.

Definitions

- (A14) Words and phrases used throughout this EA are defined in Schedule H – Definitions. Where a definition for a term used in this EA is sought and the term is not defined within this EA, the definitions in the Environmental Protection Act 1994, its Regulations and Environmental Protection Policies must be used.

Schedule B – Air

- (B1) Any dust or odour nuisance complaint will be investigated by conducting appropriate air quality monitoring in accordance with AS 3580.10.1 : 2003; Methods for sampling and analysis of ambient air – Determination of particulates – Deposited Matter – Gravimetric Method. Background and impact levels will be measured and compared taking account of prevailing weather conditions throughout the monitoring period.

Schedule C – Water

- (C1) The holder of this environmental authority is authorised to carry out standard exploration activities on the exploration permit, including the Burdekin Falls Dam Declared Catchment Area, provided that the activities are compliant with the conditions of tenure documents.
- (C2) Provide written undertaking to the Department of Natural Resources and Water that there will be no disturbance, except for small-scale sampling, of any identified potential or existing dam or weir sites.
- (C3) The Department of Natural Resources and Water remain free of liability from inundation above the full supply level of the Dam or Weirs. A copy of the undertaking is to be forwarded to this Department when the offer is accepted.
- (C4) A written undertaking is to be made to indemnify the Department of Natural Resources and Water against any damage that may result of releases of water from the Dam or Weirs, with respect to any damage of equipment or injury to personnel.
- (C5) To ensure that prospecting will not adversely affect the stability of the beds and banks of the watercourses within the area and that only small scale removal of material from those beds and banks is permitted.

- (C6) There will be no activity directly or indirectly resulting in erosion of the beds and banks of any watercourses and that none of the prospecting, or any potential Mining Tenement, will result in any form of pollution of these watercourses.
- (C7) All reasonable and practicable erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
- (C8) No drill holes will be located less than 30m from the crest of the bank of a defined watercourse. Drill pads will be kept to the practical minimum to accommodate the drilling rig and ancillary equipment and will be accessed from existing disturbed areas where possible.
- (C9) Drilling contractors will be required to carry spill kits to deal with hydraulic hose failures and spillage of fuels and lubricants.

Schedule D – Noise and Vibration

- (D1) Any noise or vibration nuisance complaint will be investigated by conducting appropriate noise and vibration monitoring in accordance with the latest editions of the Environmental Protection Agency's Noise Measurement Manual and Vibration and Air Blast Overpressure Monitoring Guideline respectively. Background and impact levels will be measured and compared taking account of prevailing weather conditions throughout the monitoring period.

Schedule E – Waste

- (E1) All wastes generated in the course of the exploration program must be recovered and properly disposed of at the Yandan site landfill.

Schedule F – Land

- (F1) The holder of this environmental authority is authorised to carry out standard exploration activities on EPM 8257, in or within 500m of Category B Environmentally Sensitive Areas, designated at the exploration target areas of Golden Eye, Gemini/Illamahta and Billabong, provided that all reasonable and practicable measures are taken to prevent or minimise the likelihood of environmental harm being caused to the areas.
- (F2) Mining activities undertaken must be consistent with the "Environmental Management Plan EPM 8257 February 2008" and with the works proposed in the figures contained within the plan.
- (F3) When carrying out exploration activities in endangered regional ecosystems as permitted by F1, the environmental authority holder must do so in accordance with the following conditions:

Drill sites

- a. Operational area is no greater than 500m²; and
- b. Sump size is no greater than 10m²; and
- c. Topsoil stripping is limited to sump area; and
- d. Clearing of mature trees is prevented or minimised.

Tracks

- a. Existing access and fence line tracks must be used where possible and any new tracks must be constructed by linking natural clearings where possible; and
- b. Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is prevented or minimised; and
- c. Line of sight clearing must be avoided; and
- d. Construction of new crossings of natural drainage lines is prevented or minimised; and

- e. Access tracks must be less than 5m in width and spacing between tracks must not be less than 250m; and
- f. All tracks must be constructed and maintained with adequate drainage to avoid accelerated erosion.

Other Land Disturbance

- a. Exploration activities must not include seismic lines, costeaning or bulk sampling; and
 - b. 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 vegetation; and
 - c. Campsites must not be established.
- (F4) The holder of the environmental authority must complete the rehabilitation process on all areas disturbed by mining activities, apart from those currently being utilised for mining activities, as soon as practical and at least within six months of the completion of the works in those areas.
- (F5) 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.
- (F6) The holder of the environmental authority must rehabilitate areas disturbed by mining activities to a stable landform similar to that of the surrounding undisturbed area.
- (F7) The holder of the environmental authority must complete rehabilitation of disturbed areas to the satisfaction of the administering authority.
- (F8) In regard to complying with Standard Environmental Condition 42, the environmental authority holder must spread seeds or plant species that will promote vegetation of a similar species and density of cover to that of the predisturbed areas, within the areas identified as endangered regional ecosystem.
- (F9) Important Note to Condition (A5)

Environmentally Sensitive Areas identified in and adjacent to tenures are listed below:

Environmentally Sensitive Area: 1

Category: B

Land Area Classification: Endangered Regional Ecosystem

General Location: Scattered throughout all the EPM

Who to Contact: Environmental Protection Agency

Townsville District Office

PO Box 5391

Townsville QLD 4810

Ph: 4722 5353

Fax: 4722 5351

Schedule G – Community

- (G1) All complaints received must be recorded including details of the complaint, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

Schedule H - Definitions

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete. The acceptance criteria indicate the success of the rehabilitation outcome or remediation of areas which have been significantly been disturbed by the mining activities. Acceptance criteria may include information regarding:

- vegetation establishment, survival and succession;
- vegetation productivity, sustained growth and structure development;
- fauna colonisation and habitat development;
- ecosystem processes such as soil development and nutrient cycling, and the recolonisation of specific fauna groups such as collembola, mites and termites which are involved in these processes;
- microbiological studies including recolonisation by mycorrhizal fungi, microbial biomass and respiration;
- effects of various establishment treatments such as deep ripping, topsoil handling, seeding and fertiliser application on vegetation growth and development;
- resilience of vegetation to disease, insect attack, drought and fire;
- vegetation water use and effects on ground water levels and catchment yields.

"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the Leq for an appropriate time interval.

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

"blasting" means the use of explosive materials to fracture-

- (a) rock, coal and other minerals for later recovery; or
- (b) structural components or other items to facilitate removal from a site or for reuse.

"commercial place" means a work place used as an office or for business or commercial purposes, which is not part of the mining activity and does not include employees accommodation or public roads.

"competent person" means a person with the demonstrated skill and knowledge required to carry out the task to a standard necessary for the reliance upon collected data or protection of the environment.

"dam" means a containment or proposed containment whether permanent or temporary, which is designed to contain, divert or control flowable substances. However this does not include a fabricated or manufactured tank or container designed to a recognised standard.

"environmental authority holder" means the holder of this environmental authority.

"hazardous waste" means any substance, whether liquid, solid or gaseous, derived by or resulting from, the processing of minerals that tends to destroy life or impair or endanger health.

" $L_{A\ 10, adj, 10\ mins}$ " means the A-weighted sound pressure level, (*adjusted for tonal character and impulsiveness of the sound*) exceeded for 10% of any 10-minute measurement period, using Fast response.

" $L_{A\ 1, adj, 10\ mins}$ " means the A-weighted sound pressure level, (*adjusted for tonal character and impulsiveness of the sound*) exceeded for 1% of any 10-minute measurement period, using Fast response

" $L_{A, max\ adj, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"land capability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land suitability" as defined in the DME 1995 Technical Guidelines for the Environmental Management of Exploration and Mining in Queensland.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

"mandatory reporting level" means the volume below the spillway crest, equivalent to the lower of the AEP, 72 hour storm or the AEP wave allowance (AEP is the annual exceedence probability).

"mineral" means a substance which normally occurs naturally as part of the earth's crust or is dissolved or suspended in water within or upon the earth's crust and includes a substance which may be extracted from such a substance, and includes—

- (a) clay if mined for use for its ceramic properties, kaolin and bentonite;
- (b) foundry sand;
- (c) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with mining for shale or coal or for the purpose of enhancing the safety of current or future mining operations for coal or the extraction or production of mineral oil therefrom;
- (d) limestone if mined for use for its chemical properties;
- (e) marble;
- (f) mineral oil or gas extracted or produced from shale or coal by in situ processes;
- (g) peat;
- (h) salt including brine;
- (i) shale from which mineral oil may be extracted or produced;
- (j) silica, including silica sand, if mined for use for its chemical properties;
- (k) rock mined in block or slab form for building or monumental purposes;

but does not include—

- (l) living matter;
- (m) petroleum within the meaning of the Petroleum Act 1923;
- (n) soil, sand, gravel or rock (other than rock mined in block or slab form for building or monumental purposes) to be used or to be supplied for use as such, whether intact or in broken form;
- (o) water.

"noxious" means harmful or injurious to health or physical well being, other than trivial harm.

"non-standard" means a mining operation that if in the opinion of the administering authority does not have a low risk of serious environmental harm and the activities can not comply with the criteria for standard mining activities prescribed in schedule 1A of the *Environmental Protection Regulation 1998*. The standard mining activity trigger criteria are as follows;

- the mining activities do not or will not cause more than 10 ha of land to be significantly disturbed at any one time;
- the mining activities do not or will not cause more than 5 ha of land to be significantly disturbed at any one time;
 - (a) in a riverine area;
 - (b) because of mine workings;
- the mining activities are not or will not be carried out in, or within 2 km of a category A *Environmentally Sensitive Area*;
- the mining activities are not or will not be carried out in, or within 1 km of a category B environmentally sensitive area;
- the mining activities do not include a level 1 environmentally relevant activity
- no more than 20 persons are carrying out or will, at any one time, carry out the mining activities;

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms⁻¹).

"protected area" means - a protected area under the *Nature Conservation Act 1992*; or

- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively or a staged approach to rehabilitation as mining operations are ongoing.

"reference site" (or analogue site) may reflect the original location, adjacent area or another area where rehabilitation success has been completed for a similar biodiversity. Details of the reference site may be as photographs, computer generated images and vegetation models etc.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

"representative" means a sample set which covers the variance in monitoring or other data either due to natural changes or operational phases of the mining activities.

"residual void" means an open pit resulting from the removal of ore and/or waste rock which will remain following the cessation of all mining activities and completion of rehabilitation processes.

"self sustaining" means an area of land which has been rehabilitated and has maintained the required acceptance criteria without human intervention for a period nominated by the administering authority.

"sensitive place" means;

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- an educational institution; or
- a medical center or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public park or gardens.

"significant disturbance" – includes land

- (a) if it is contaminated land; or
- (b) it has been disturbed and human intervention is needed to rehabilitate it.
 - i. to a state required under the relevant environmental authority; or
 - ii. if the environmental authority does not require the land to be rehabilitated to a particular state – to its state immediately before the disturbance.

Some examples of disturbed land include:

- 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 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 activities have ceased; or
- areas where land has been contaminated and a suitability statement has not been issued.

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 objective(s) 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.

“spillway” means passage or outlet from the dam through which surplus water flows.

“stable” means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation / settlement of the wastes deposited, and sliding / slumping instability has ceased.

“trivial harm” means environmental harm which is not material or serious environmental harm and will not cause actual or potential loss or damage to property of an amount of, or amounts totalling more than \$5,000.

“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.

“waters” includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea) or any part thereof.

Notice

Section 195 — Environmental Protection Act 1994

Notice of condition decision regarding application or amendment application for environmental authority (exploration or mineral development) non-code compliant level 1 mining project

This notice is issued by the administering authority pursuant to section 195 of the Environmental Protection Act 1994 to advise you of a decision regarding conditions on an environmental authority.

Straits Gold Pty Ltd
PO Box 1641
WEST PERTH WA 6872

Your reference : MIN100699608

Our reference : TSV5835

Attention: Ms Kim Ferguson

Re: Application for environmental authority (exploration) by Straits Gold Pty Ltd, dated 13 February 2008, for the Yandan Exploration Area project, related to environmental authority number: MIN200395606.

The above mentioned application for environmental authority (exploration) has been considered by the administering authority. The administering authority has assessed your application and decided to impose the following conditions on the environmental authority that differ from the conditions nominated in the application:

- (A6) *If there is any inconsistency between a standard environmental condition referred to in (A5) and an additional condition in this environmental authority, the additional condition prevails to the extent of inconsistency.*
- (A10) *The administering authority must be notified by telephone or facsimile as soon as practicable after becoming aware of:*
 - a. *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; or;*
 - b. *any monitoring result that indicates an exceedance of any limit specified in this environmental authority.*
- (A11) *The holder of this authority must notify the administering authority in writing of any monitoring result which indicates an exceedance of any limit within seven (7) days of completion of analysis.*

Notice of condition decision regarding application or amendment application for
environmental authority (exploration or mineral development) non-code
compliant mining project

(A12) The written notification required by condition (A11) must include:

- the full analysis results; and
- details of investigation or corrective actions taken; and
- any subsequent analysis.

(B1) Any dust or odour nuisance complaint will be investigated by conducting appropriate air quality monitoring in accordance with AS 3580.10.1 : 2003; Methods for sampling and analysis of ambient air – Determination of particulates – Deposited Matter – Gravimetric Method. Background and impact levels will be measured and compared taking account of prevailing weather conditions throughout the monitoring period.

(C7) All reasonable and practicable erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

(C8) No drill holes will be located less than 30m from the crest of the bank of a defined watercourse. Drill pads will be kept to the practical minimum to accommodate the drilling rig and ancillary equipment and will be accessed from existing disturbed areas where possible.

(C9) Drilling contractors will be required to carry spill kits to deal with hydraulic hose failures and spillage of fuels and lubricants.

(D1) Any noise or vibration nuisance complaint will be investigated by conducting appropriate noise and vibration monitoring in accordance with the latest editions of the Environmental Protection Agency's Noise Measurement Manual and Vibration and Air Blast Overpressure Monitoring Guideline respectively. Background and impact levels will be measured and compared taking account of prevailing weather conditions throughout the monitoring period.

(E1) All wastes generated in the course of the exploration program must be recovered and properly disposed of at the Yandan site landfill.

(F2) Mining activities undertaken must be consistent with the "Environmental Management Plan EPM 8257 February 2008" and with the works proposed in the figures contained within the plan.

(F3) When carrying out exploration activities in endangered regional ecosystems as permitted by F1, the environmental authority holder must do so in accordance with the following conditions:

Drill sites

- a. Operational area is no greater than 500m²; and
- b. Sump size is no greater than 10m²; and
- c. Topsoil stripping is limited to sump area; and
- d. Clearing of mature trees is prevented or minimised.

Tracks

- a. Existing access and fence line tracks must be used where possible and any new tracks must be constructed by linking natural clearings where possible; and
- b. Track construction involving blade clearing of established ground cover vegetation and/or clearing of mature trees is prevented or minimised; and
- c. Line of sight clearing must be avoided; and
- d. Construction of new crossings of natural drainage lines is prevented or minimised; and
- e. Access tracks must be less than 5m in width and spacing between tracks must not be less than 250m; and
- f. All tracks must be constructed and maintained with adequate drainage to avoid accelerated erosion.

Other Land Disturbance

- a. Exploration activities must not include seismic lines, costeaning or bulk sampling; and
- b. 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 vegetation; and
- c. Campsites must not be established.

Notice of condition decision regarding application or amendment application for environmental authority (exploration or mineral development) non-code compliant mining project

(F8) *In regard to complying with Standard Environmental Condition 42, the environmental authority holder must spread seeds or plant species that will promote vegetation of a similar species and density of cover to that of the predisturbed areas, within the areas identified as endangered regional ecosystem.*

The reasons for the decision are as follows:

As the application was to amend Environmental Authority No. MIN200395606 the existing conditions on Environmental Authority MIN200395606 are still applicable and condition (A6) clarifies the situation where an additional condition in the amended environmental authority is inconsistent with the Code of Environmental Compliance for Exploration and Mineral Development Projects.

Conditions (A10, A11, A12) are required because stringent reporting conditions for environmental incidents are necessary when conducting mining activities within endangered regional ecosystems.

Conditions (B1) and (D1) are required to address any complaints from neighbouring pastoral station occupants.

Conditions (C7, C8, C9) are required to prevent adverse environmental impacts to watercourses.

Condition (E1) is required to ensure waste removal is conducted as detailed in the submitted Environmental Management Plan.

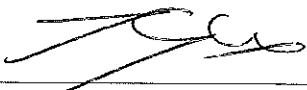
Condition (F2, F3) authorises exploration activities to be conducted within the endangered regional ecosystems as detailed in the submitted Environmental Management Plan.

Condition (F8) is required to ensure areas identified as endangered regional ecosystems are rehabilitated with appropriate plant species.

You may, within 10 business days of receiving this notice, apply to the administering authority for a review of the decision to impose the conditions on the environmental authority. You may also appeal against the review decision to the Land Court.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this Notice. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any queries in relation to this Notice, Patricia Elder of the EPA on telephone 07 4722 5353 would be happy to assist you.



Signature

30 May 2008

Date

Tania Laurencont
District Manager, Northern Region
Delegate of Administering Authority
Environmental Protection Act 1994

Enquiries:
Northern Region (Townsville)
Ph. (07) 4722 5353
Fax. (07) 4722 5351

Notice of condition decision regarding application or amendment application for
environmental authority (exploration or mineral development) non-code
compliant mining project

Extracts from the Act Regarding Tribunal Appeals

Procedure for review

521.

- 1) A dissatisfied person may apply for a review of an original decision.
- 2) The application must-
 - a) be made in the approved form to the administering authority within-
 - i) 14 days after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the "review date"); or
 - ii) the longer period the authority in special circumstances allows not later than the review date; and
 - b) supported by enough information to enable the authority to decide the application.
- 3) The applicant must give the following documents to the other persons who were given notice of the original decision-
 - a) notice of the application (the "review notice"); and
 - b) a copy of the application and supporting documents.
- 4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 7 days after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must-
 - a) review the original decision; and
 - b) make a decision (the "review decision") to-
 - i) confirm or revoke the original decision; or
 - ii) vary the original decision in a way the administering authority considers appropriate.
- 6) The application does not stay the original decision.
- 7) The application must not be dealt with by-
 - a) the person who made the original decision; or
 - b) a person in a less senior office than the person who made the original decision.
- 8) Within 14 days after making the decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- 9) The notice must-
 - a) include the reasons for the review decision; and
 - b) inform the person of their right of appeal against the decision.

Notice of condition decision regarding application or amendment application for environmental authority (exploration or mineral development) non-code compliant mining project

- 10) If the administering authority does not comply with subsection (8) within 14 days after receiving the application, the authority is taken to have made a decision at the end of the period confirming the original decision.
- 11) Subsection (7) applies despite section 27A(7) of the *Acts Interpretation Act 1954*.
- 12) This section does not apply to an original decision made by-
- a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
 - b) for another matter-the chief executive personally.

Stay of operation of original decisions

522.

- 13) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to-
- a) for an original decision mentioned in schedule 1, part 1 - the tribunal; or
 - b) for an original decision mentioned in schedule 1, part 2 - the Court.
- 14) The tribunal or Court may stay the decision to secure the effectiveness of the review and any late appeal to the tribunal or Court.
- 15) A stay may be given on conditions the tribunal or Court considers appropriate and has effect for the period stated by the tribunal or Court.
- 16) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the tribunal or Court allows the applicant to appeal against the review decision.

Review decisions subject to Tribunal Appeal

523.

This subdivision applies if the administering authority makes an original decision mentioned in schedule 1, part 1.

Right of appeal

524.

A dissatisfied person who is dissatisfied with the decision may appeal against the decision to the tribunal.

Notice of condition decision regarding application or amendment application for
environmental authority (exploration or mineral development) non-code
compliant mining project

Appeal period

525.

- 1) The appeal must be started within 30 days after the appellant receives notice of the decision.
- 2) However, the tribunal may at any time extend the time for starting the appeal.

Tribunal mediation

526.

- 3) Any party to the appeal may, at any time before the appeal is decided, ask the tribunal to conduct or provide mediation for the appeal.
- 4) The mediation must be conducted by the tribunal or a mediator chosen by the tribunal.¹

¹ For how to start the appeal, see *Land and Resources Tribunal Rules 2000*
For the conduct of the mediation, see the *Land and Resources Tribunal Act 1999*,
sections 72 to 75.