

Permit¹

Environmental Protection Act 1994

Environmental authority EPVX03205315

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

Permit¹ number: EPVX03205315

Environmental authority takes effect 17 November 2015.

The anniversary date of this environmental authority is 3 March each year. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
ACN 132 668 314 Pty Ltd	Level 1, GPO, 261 Queen Street BRISBANE QLD 4001

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Mining - EPM	EPM25239

Additional information for applicants

Environmentally relevant activities

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

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority 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 if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being,

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation



contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

Hamish Butler
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994



Date

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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)

Conditions of environmental authority

The conditions of approval for this environmental authority are standard conditions contained within the attached document(s) entitled:

- Code of Environmental Compliance for Exploration and Mineral Development Projects

Variations to the standard conditions include:

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*.
- A3 The environmental authority holder is to give the administering authority a financial assurance in the amount and form and at a time required by the administering authority.

Schedule B – Land

- B1 Standard condition 13 of the *Code of Environmental Compliance for Exploration and Mineral Development Projects* is replaced by condition B2 of this environmental authority.
- B2 The holder of this environmental authority must not carry out activities in a category A or B Environmentally Sensitive Area (ESA). Activities for the purpose of exploration may be carried out within 1 km of a Category A ESA or within 500m of a Category B ESA providing the activities do not impact upon environmental values of the ESA. Prior to carrying out activities in a Category C ESA, consult with the relevant administering authority. If it is determined through the consultation that additional conditions are necessary, the holder must comply with those conditions.

Schedule C – Gulf Rivers Strategic Environmental Area and Designated Precinct

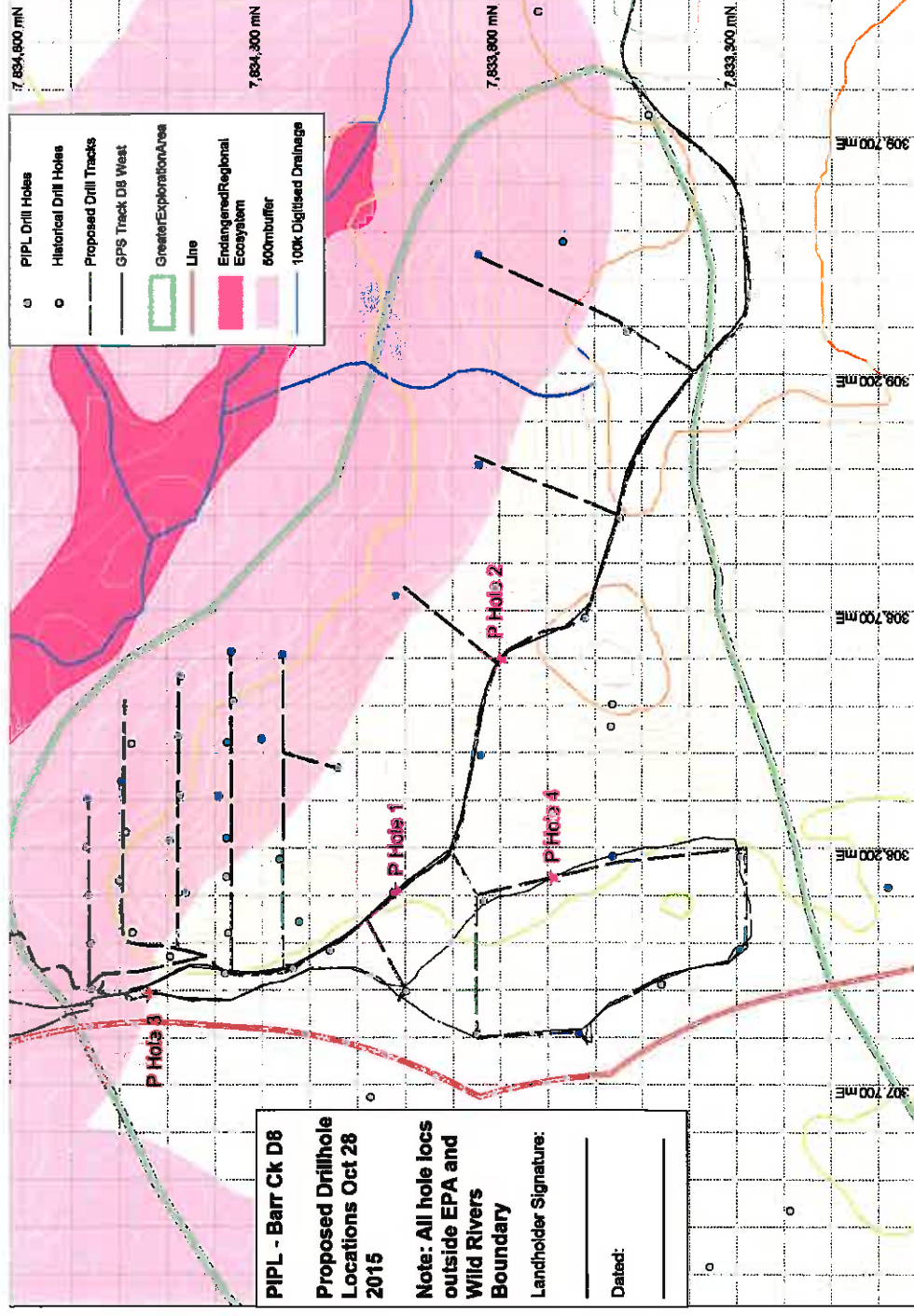
- C1 Conditions C1 to C4 are additional condition imposed on the environmental authority. If there is any inconsistency between a standard environmental condition referred to in the *Code of Environmental Compliance for Exploration and Mineral Development Projects* and an additional condition, the additional condition prevails to the extent of any inconsistency.
- C2 Mining activities are not permitted in the Gulf Rivers Designated Precinct.
- C3 Mining activities must be undertaken at the locations shown in Figure 1.
- C4 Contaminants must not be directly or indirectly released to waters in the Gulf Rivers Designated Precinct (Figure 1).
- C5 No access tracks are to be constructed through a watercourse in the Gulf Rivers Strategic Environmental Area and Designated Precinct.

END OF PERMIT

Attachments

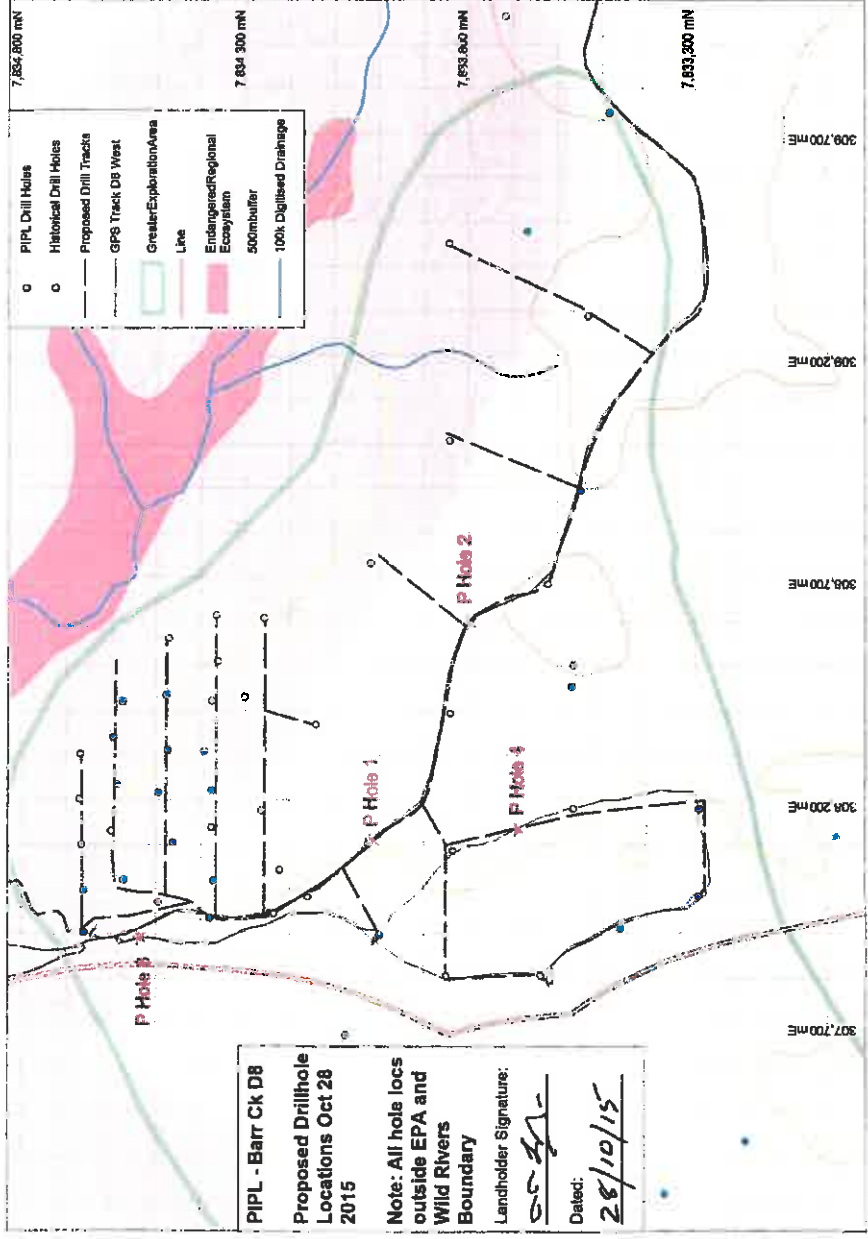
Code of Environmental Compliance for Exploration and Mineral Development Projects

Figure 1- Drillhole Map



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Figure 2 – Drillhole Map Signed by Landholder.



Information sheet

Environmental Protection Act 1994

Internal review and appeal to Land Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal under the Environmental Protection Act and subordinate legislation. Refer to ss. 519 to 530 and Part 1 of Schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Land Court.

Introduction

The *Environmental Protection Act 1994* (EP Act) provides for a right of internal review and appeal of certain decisions made under the EP Act. Decisions that can be internally reviewed are listed in Schedule 2 of the EP Act.

The EP Act also provides that a dissatisfied person for an original decision listed in Part 1 of Schedule 2 of the EP Act may appeal against the decision to the Land Court.

Summary of the process for internal review and appeal to the Land Court

This section of the document represents a direct copy of relevant sections of the EP Act regarding the review and appeal process. Any words presented in italics and underlined **have** been added to clarify the content of an EP Act section.

Chapter 11, Part 3 of the EP Act

Division 1—Interpretation

Section 519 Original decisions

- 1) A decision mentioned in schedule 2 is an 'original decision'.
- 2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an original decision.

Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision. Refer to section 520 in the EP Act for details.

Division 2—Internal review of decisions

Section 521 Procedure for review

- 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) 10 business days¹ 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; and

- b) be supported by enough information to enable the authority to decide the application.
- 3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - a) notice of the application (the 'review notice');
 - 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 5 business days (the 'submission period') after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsections (2) and (3), the authority must, within the decision period—
 - a) review the original decision;
 - b) consider any submissions properly made by a recipient of the review notice; and
 - c) 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 (*i.e. suspend or stop*) 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 10 business days after making the review 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 persons of their right of appeal against the decision.
- 10) If the administering authority does not comply with subsection (5) or (8), the authority is taken to have made a decision confirming the original decision.
- 11) Subsection (7) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- 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.
- 13) Also, this section **does not** apply to an original decision to issue a clean-up notice.
- 14) In this section—

decision period means—

- a) If a submission is received within the submission period—15 business days after the administering authority receives the application; or
- b) If no submissions are received within the submission period—10 business days after the administering authority receives the application.

Section 522 Stay of operation of particular original decisions

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

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

This subdivision applies if the administering authority makes an original decision mentioned in Schedule 2, Part 1.

Section 524 Right of appeal

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

Section 525 Appeal period

- 1) The appeal must be started within 22 business days after the appellant receives notice of the decision.
- 2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

- 1) Any party to the appeal may, at any time before the appeal is decided, ask the Land Court to conduct or provide mediation for the appeal.
- 2) The mediation must be conducted by the Land Court or a mediator chosen by the Land Court².

Section 527 Nature of appeal

The appeal is by way of rehearing, unaffected by the review decision.

Section 528 Land Court's powers for appeal

In deciding the appeal, the Land Court has the same powers as the administering authority.

Section 530 Decision for appeals

- 1) In deciding the appeal, the Land Court may—

- a) confirm the decision;
 - b) set aside the decision and substitute another decision; or
 - c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- 2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- 3) However, this part does not apply to a power exercised under subsection (2).
- 4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

¹ Under the *Environmental Protection Act 1994* business days—'generally, does not include a day between 20 December in a year and 5 January in the following year'.

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the Land Court website at <www.landcourt.qld.gov.au>.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Justin Carpenter

Signature

13/08/2015

Date

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