

Notice

Environmental Protection Act 1994

Decision to approve a draft transitional environmental program

This notice is issued by the administering authority pursuant to section 340 of the Environmental Protection Act 1994 (the Act) to advise of a decision made on a draft transitional environmental program (TEP).

MGT Mining Limited

PO Box 226

Mt Garnet Qld 4872

Your reference: EPVL00864413

Our reference: CA31535 - MAN18680

7 November 2014

Dear Sir/Madam

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this notice advising of the decision to approve a draft transitional environmental program (TEP) is issued to MGT Mining Limited by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

This notice is issued in respect to the activities of MGT Mining Limited at Mount Veteran Mill site on Mining Leases ML4349 and ML20547.

A. Application details

Your application for the approval of a draft TEP was received by the department on 21 October 2014.

This TEP relates to conditions B1, B2, B4, B5 and B7 of Environmental Authority EPVL00864413, which authorise and specify the requirements for the release of contaminants to waters on Mining Leases ML4349 and ML20547. Specifically the TEP includes sealing the Tailings Storage Facility (TSF) with polymer to stop the seepage and pumping the water from the Mill Pond into the Fresh Water Dam (FWD).

B. Decision

The administering authority has decided to approve your application subject to conditions.

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Please note that under section 354 failure to comply with the approved TEP will remove your immunity from prosecution for the continuation of the original offence stated in the program notice.

The approved TEP (reference number MAN18680) consists of the following:

1. The notice of decision to approve a draft transitional environmental program; and,
2. The document titled "Transitional Environmental Program Mount Veteran Mill, October 2014" submitted by Biotropica Australia Pty Ltd (Consultant) on behalf of MGT Mining Limited on 21 October 2014 (attached).

The TEP will remain in force until 15 December 2014.

C. Conditions

The draft TEP is approved subject to the conditions set out in Schedule 1.

D. Grounds

The reasons for imposing the conditions set out in Schedule 1 are:

1. TEP condition 1 is required to ensure MGT regularly report on the progress of the TEP.
2. TEP condition 2 is required to ensure MGT provide a close out report detailing the completion of the TEP actions within an acceptable timeframe.
3. TEP condition 3 is required to ensure the structural integrity and stability of the proposed catch drain and water return system, it is important that the structure is designed, constructed, operated and maintained in accordance with accepted engineering standards and supervised by a suitably qualified and experienced person.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

3. within 10 business days of the decision being notified to the person;
4. be supported by enough information to enable the department to decide the application for review; and
5. be made using the application for review of an original decision form (EM709).¹

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.ehp.qld.gov.au.

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For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866).

You may have other legal rights or obligations and should seek your own legal advice.

F. Fee and annual return

Fees apply for the assessment of a draft TEP and any subsequent annual returns lodged. The applicable fees are outlined in the attached operational policy - Transitional environmental program fees (EM335).

A total fee of \$1,454.60 has been determined as appropriate for the assessment of the application, and is in accordance with the operational policy. This fee is payable and an invoice will follow shortly.

As your TEP is valid for less than 12 months, an annual return will not need to be lodged. However fees for the monitoring of the compliance program may be incurred. If fees are incurred, an invoice will be sent to you.

G. Additional information

Contaminated land

It is a requirement of the Act that if an owner or occupier of land becomes aware that a notifiable activity (as defined in schedule 3 and schedule 4 of the Act) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the department in the approved form.

Obligations under the Act

In addition to the requirements of the TEP and the conditions imposed, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example:

- the holder must comply with the following provisions of the Act:
 - general environmental duty (section 319); and
 - duty to notify of environmental harm (sections 320 - 320G);
- the holder must also ensure that they do not commit offences of:
 - causing serious or material environmental harm (sections 437 - 439);
 - causing environmental nuisance (section 440);
 - depositing prescribed water contaminants in waters and related matters (section 440ZG); and
 - placing contaminant where environmental harm or nuisance may be caused (section 443).

Should you have any queries in relation to this notice, please contact Alex Apostol of the department on telephone number 07 4222 5359.

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Signature



Date

Gus Gonzo

Manager (Compliance) Minerals

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

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CAIRNS QLD 4870

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Attachments:

- Information sheet – Internal review and appeal to Planning and Environment Court (EM1866)
- Operational policy - Transitional Environmental Program Fees (EM335)
- The document titled “Transitional Environmental Program Mount Veteran Mill, October 2014” submitted by Biotropica Australia Pty Ltd (Consultant) on behalf of MGT Mining Limited on 21 October 2014

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**Schedule 1—Conditions of transitional environmental program reference number
MAN18680**

The transitional environmental program at the location described above must be conducted in accordance with the following conditions of approval.

Agency interest: General	
Condition number	Condition
1	A progress report must be submitted to the administering authority by 15 November 2014.
2	A final/close out report must be submitted to the administering authority by 15 December 2014.
3	Design, construction, operation and maintenance of catch drain and water return system must be in accordance with accepted engineering standards and undertaken/supervised by a suitably qualified and experienced person.