



**Government  
of South Australia**

*Mining Act 1971*

**TENEMENT DOCUMENT**

**MISCELLANEOUS PURPOSES LICENCE**

**TENEMENT HOLDER** OZM Carrapateena Pty Ltd (ACN 007 756 443) and  
OZ Minerals Carrapateena Pty Ltd (ACN 149 626 255)

**MISCELLANEOUS PURPOSES  
LICENCE NUMBER** 153

**PURPOSE** Eastern Radial Wellfield:  
Authorised mining related activities as specified in the  
First Schedule.

**COMMENCEMENT DATE** 3 January 2018

**TERM OF MINING TENEMENT** Twenty-one (21) years

**EXPIRY DATE** 2 January 2039

**AREA OF MINING TENEMENT** 3,029 hectares

**DATE BY WHICH THE PROPOSED PEPR MUST BE SUBMITTED: 2 January 2019**

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### **Details of Grant of a Mining Tenement**

1. On 3 January 2018, pursuant to Part 8 of the Act, the Minister made a statutory grant of a miscellaneous purposes licence (the Mining Tenement) described in this Tenement Document.
2. The Mining Tenement is granted:
  - 2.1. To OZM Carrapateena Pty Ltd (ACN 007 756 443) and OZ Minerals Carrapateena Pty Ltd (ACN 149 626 255);
  - 2.2. For the purpose of authorised mining related activities as specified in the First Schedule.
3. The Mining Tenement is numbered MPL 153.
4. The Mining Tenement is:
  - 4.1. Subject to the Terms and Conditions prescribed by the Act and Regulations and specified in this Tenement Document; and
  - 4.2. Subject to the Additional Terms and Conditions specified in the First and Second Schedules (respectively) of this Tenement Document.

### **Terms and conditions required by the Act to be specified in the Tenement Document**

#### **Description of the Land**

5. The Mining Tenement is granted over an area of 3,029 hectares and is located in the Pernatty area, approximately 67km east of Woomera.
6. The location of the Mining Tenement is more specifically defined in the map and coordinates specified in the Third Schedule of this Tenement Document.

#### **Term, Commencement and Expiration**

7. The Mining Tenement is granted for the term of twenty-one (21) years. The term of the Mining Tenement commenced on 3 January 2018, and, unless it is earlier renewed, surrendered or cancelled, the Mining Tenement will cease on 2 January 2039.

#### **Rental**

8. The Tenement Holder shall pay, by way of rental, such sums as may be prescribed and in accordance with section 52(6), (7), (8) and (9) of the Act and regulation 54 of the Regulations.

### **Compensation**

9. The Minister may, at any time, require the Tenement Holder to pay to any person an amount of compensation stipulated by the Minister, to which that person is, in the opinion of the Minister, entitled in consequence of mining operations in pursuance of the rights granted and the obligations imposed by the grant of the Mining Tenement.

### **Suspension and Cancellation: Stipulation of Process**

10. Pursuant to subsection 56(1) of the Act, the Minister may suspend or cancel the Mining Tenement if the Tenement Holder contravenes or fails to comply with a term or condition of this Tenement Document or a provision of the Act (which includes the Regulations).
11. Pursuant to subsection 56(2) of the Act, the Minister may stipulate in the tenement document a process for suspension or cancellation that must be followed before the powers in subsection 56(1) may be exercised.
12. The process for suspension of the Mining Tenement shall be as stipulated in the Fourth Schedule of this Tenement Document.
13. The process for cancellation of the Mining Tenement shall be as stipulated in the Fifth Schedule of this Tenement Document.

### **Environmental outcomes specified pursuant to Regulation 65 of the Regulations**

14. The Sixth Schedule of this Tenement Document sets out outcomes contemplated in regulation 65(2) of the Regulations, that the Tenement Holder is required to address in any program submitted in accordance with Part 10A of the Act.

*Explanatory note: The Sixth Schedule may also contain strategies and criteria which the Department has formed the view would address the outcomes set out in that Schedule.*

### **Restatement of selected provisions from the Act**

**Explanation of Restatements**

15. All of the restatements in this portion of this Tenement Document are included for guidance only and do not replace the substantive provisions of the Act or the Regulations.
16. If any restatement is inconsistent with the substantive provisions of the Act or the Regulations, the restatement will be invalid and the substantive provision of the Act or the Regulations will prevail and the Tenement Holder is required to comply with the substantive provision of the Act or the Regulations.
17. The Tenement Holder is still required to comply with any provision of the Act or Regulations that is not restated in this Tenement Document.

**Restatement of obligations imposed on Tenement Holder: Program for environment protection and rehabilitation**

18. The Tenement Holder must not carry out mining operations unless there is an approved program for environment protection and rehabilitation (an Approved PEPR).
19. A Proposed PEPR will only be approved when it complies with the requirements of Part 10A of the Act and the Regulations.
20. To comply with Part 10A of the Act, the Proposed PEPR must:
  - 20.1. Contain the information specified in section 70B(2) of the Act and regulation 65(2), (5), (6) of the Regulations and determinations made by the Minister under regulation 65(7) of the Regulations (if any);
  - 20.2. Comply with any applicable conditions specified in this Tenement Document (if any);
  - 20.3. Address any relevant environmental outcomes listed in the Sixth Schedule of this Tenement Document.

*Explanatory note: At the date of grant, the determinations are available at:  
[www.minerals.dpc.sa.gov.au/publications\\_and\\_information/ministerial\\_determinations](http://www.minerals.dpc.sa.gov.au/publications_and_information/ministerial_determinations)*

21. In accordance with regulation 65(10) of the Regulations, the Tenement Holder must submit to the Department of the Premier and Cabinet for ministerial approval a Proposed

PEPR that fully complies with the Act and Regulations within twelve (12) months after the grant of the Mining Tenement unless the Tenement Holder has been granted an extension of time for such submission.

*Explanatory note: Until otherwise notified, the Tenement Holder may apply for an extension of time in writing to the Director of Mines, GPO Box 320, Adelaide, SA 5001, setting out the reasons why the Tenement Holder seeks an extension and the date when the Tenement Holder estimates that the document will be ready for submission to the Minister.*

**Restatement of obligations imposed on Tenement Holder: Other**

22. In addition to obligations about the conduct of mining operations and rehabilitation, the Act and Regulations impose other obligations on the Tenement Holder including obligations to:
  - 22.1. Comply with the applicable provisions of Part 9 of the Act (entry onto land and use of declared equipment).
  - 22.2. Comply with the applicable provisions of Part 9B of the Act (native title).
  - 22.3. Comply with the provisions of section 76 of the Act (mining returns) to the extent relevant to a miscellaneous purposes licence.
  - 22.4. Comply with section 77 of the Act (records and geological samples) and regulation 84 of the Regulations.
  - 22.5. Comply, as necessary, with section 83 of the Act (ministerial consent for dealings in relation to the Tenement) and regulations 44 and 70 of the Regulations.
  - 22.6. Comply, insofar as applicable to a miscellaneous purposes licence, with regulation 86 of the Regulations (compliance reports).
  - 22.7. Comply with the requirement in regulation 55 of the Regulations to maintain all posts, boundary indicator markers and notices in the positions required by the Regulations as applicable.
  - 22.8. Permit the pastoral lessee (if any) of the Land to have free access and use at all times for domestic purposes, and for the purposes of watering stock from any surface water on the land which shall not have been provided or stored by artificial means by the Tenement Holder.

**Restatement of Exempt Land**

23. In accordance with section 9 of the Act, the grant of the Mining Tenement does not authorise prospecting, exploring or mining upon any exempt land unless or until the benefit of the exemption is waived under section 9AA.

**Restatement of Bond**

24. In accordance with section 62 of the Act, the Minister may by written notice require the Tenement Holder to pay a bond in such sum and subject to such terms and conditions as ensure, in the opinion of the Minister, that the following will be satisfied:
- 24.1. Any civil or statutory liability likely to be incurred by the Tenement Holder in the course of carrying out mining operations;
- 24.2. The present and future obligations of the Tenement Holder in relation to the rehabilitation of land disturbed by mining operations.

*Explanatory note: The terms and conditions referred to in this paragraph will be imposed in the written notice given by the Minister. The Minister may include a term or condition that the bond may be increased if circumstances arise during the term of this Miscellaneous Purposes Licence which increases the rehabilitation liability or increases the cost of civil or statutory liability.*

**Restatement of Fees**

25. The Tenement Holder shall pay all fees imposed by the Act and Regulations from time to time.

**Restatement of Renewal**

26. This mining Tenement shall be renewed in accordance with the Act.

**Restatement of Surrender**

27. The Tenement Holder may apply to surrender the Mining Tenement during its term in accordance with the Act and the Regulations.

**Restatement of Forfeiture**

28. The Mining Tenement is subject to the forfeiture provision of the Act being section 85.



**Restatement of Notices**

29. Notices under the Act will be served in accordance with regulation 106 of the Regulations.

**Restatement of Mining Register**

30. Section 15A of the Act requires the Mining Registrar to keep a register of, amongst other things, miscellaneous purposes licences. Upon payment of the prescribed fee, the public may inspect the Mining Register.

**Restatement of Mining Operations**

31. As defined by section 6 of the Act “mining operations” means:
- 31.1. Operations carried out in the course of prospecting, exploring or mining for minerals; or
  - 31.2. Without limiting paragraph 28.1, any operations by which minerals are recovered from any place or situation, including by recovering minerals from the sea or a natural water supply; or
  - 31.3. On-site operations undertaken to make minerals recovered from the site a commercially viable product, other operations involving such minerals, or other operations involving minerals brought on to the site of a mine for processing; or
  - 31.4. Operations for the rehabilitation of land on account of the impact of any operations under a preceding paragraph; or
  - 31.5. Operations that are directly related to any operations under a preceding paragraph;  
but does not include –
  - 31.6. An investigation or survey under section 15 of the Act; or
  - 31.7. Fossicking; or
  - 31.8. The surface removal of loose rock material disturbed by agricultural operations.
32. This definition applies to operations that occur during all phases of the Mining Tenement’s life.

**Restatement of requirement to notify of a change in status**

33. The Tenement Holder must comply with regulation 98(1)(c) and 98(2).

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- 33.1. If the Tenement Holder is a natural person, he or she is required to notify the Mining Registrar of a declaration of bankruptcy within fourteen (14) days of the declaration.
- 33.2. If the Tenement Holder is a company, it is required to notify the Mining Registrar of its being placed under official management, or in liquidation or receivership within fourteen (14) days of any of those events.

### **Restatement of Public Liability Insurance**

34. The Tenement Holder must comply with regulation 90, which concerns public liability insurance.

**Definitions**

35. In this Tenement Document, the following words have the following meanings:
- 35.1. **“Act”** means the *Mining Act 1971* of South Australia;
  - 35.2. **“Additional Terms and Conditions”** means the Additional Terms and Conditions authorised by section 52(3) of the Act and set out in the First and Second Schedules of this Tenement Document respectively;
  - 35.3. **“Approved PEPR”** means the Program for Environment Protection and Rehabilitation under Part 10A of the Act, which has received ministerial approval;
  - 35.4. **“Business Day”** means any day that is not a Saturday, Sunday or a public holiday in South Australia;
  - 35.5. **“Completion”** means the Land has been rehabilitated to an extent that the Minister could approve an application for surrender of the Mining Tenement on the basis that the Tenement holder has complied with sub-regulation 59(1) of the Regulations and there is no obstacle under sub-regulation 59(3) of the Regulations;
  - 35.6. **“Contamination”** and **“contaminated”** mean the presence of chemical substances in concentrations greater than the background concentrations (if any), where the presence of the chemical substances in the greater concentrations has resulted in
    - 35.6.1. Actual or potential harm to the health or safety of human beings that is not trivial, or
    - 35.6.2. Actual or potential harm to water that is not trivial, or
    - 35.6.3. Other actual or potential environmental harm that is not trivial;
  - 35.7. **“DRP”** means Decommissioning and Rehabilitation Plan;
  - 35.8. **“Environmental Values”** means the environmental values recognised in the South Australian Environment Protection (Water Quality) Policy 2015 and the *‘Australian and New Zealand Guidelines for Fresh and Marine Water Quality, October 2000, Paper No 4’*;
  - 35.9. **“EPA”** means the Environment Protection Authority under the *Environment Protection Act 1993* of South Australia;
  - 35.10. **“miscellaneous purposes licence”** means the Mining Tenement granted to the Tenement Holder as referred to in paragraph 1 of this Tenement Document;

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- 35.11. **“mining operations”** means the mining operations authorised by Mineral Lease 6471;
- 35.12. **“Mining Tenement”** or **“Tenement”** means the miscellaneous purposes licence granted to the Tenement Holder as referred to in paragraph 1 of this Tenement Document;
- 35.13. **“Minister”** means the Minister for Mineral Resources and Energy (or any substituted Minister);
- 35.14. **“PEPR”** means Program for Environment Protection and Rehabilitation;
- 35.15. **“Proposed PEPR”** means the document required by regulation 65(10) of the Regulations to be submitted for ministerial approval within twelve (12) months of the date of grant of the Mining Tenement;
- 35.16. **“Regulations”** means the Mining Regulations 2011 of South Australia;
- 35.17. **“Significant Environmental Benefit”** means a benefit provided as a requirement of authorisation to clear native vegetation under the Native Vegetation Regulations 2003.
- 35.18. **“site”** means the Land;
- 35.19. **“Tenement Document”** means this document;
- 35.20. **“Tenement Holder”** means the person, or persons, to whom this Mining Tenement is granted and includes;
- 35.20.1. If the Tenement Holder is a natural person the executors, administrators and assigns of that person;
- 35.20.2. If the Tenement Holder is a body corporate the successors, administrators or permitted assigns thereof.
- Explanatory note: “The Tenement Holder” has the same meaning as “the mining operator” as defined by section 6 of the Act.*
- 35.21. **“the Land”** means the land over which this Mining Tenement is granted and which is described in paragraphs 5 and 6 of this Tenement Document and in the Third Schedule of this Tenement Document;
- 35.22. **“the Program”** means the Approved PEPR as defined above;
- 35.23. **“third party land users”** means the owner of land (as defined by the Act) and any persons lawfully occupying land with the licence of the owner, or the consent of the owner and **“third party land use”** has a corresponding meaning;
- 35.24. **“Weeds”** means any invasive plant that threatens native vegetation in the local area or any species recognised as invasive in South Australia.

**Interpretation**

36. For the purposes of interpreting this Tenement Document the following will apply:
- 36.1. Unless otherwise stated, any term which is used in this Tenement Document which has a specific meaning in the Act or the Regulations, has that same meaning in this Tenement Document;
  - 36.2. The masculine shall include the feminine, words importing persons shall include corporations, and the singular shall include the plural when the context or circumstances require and unless inconsistent with or repugnant to the context the following words shall have the meanings set opposite to them respectively –
    - 36.2.1. “amendment” includes an addition, excision or substitution;
    - 36.2.2. “the Land” includes any part thereof; and
    - 36.2.3. “the term” includes any renewal or extension thereof.
  - 36.3. If the Mining Tenement is granted to more than one person, all of the persons to whom it is granted are all jointly and severally liable for compliance with the Act, the Regulations and this Tenement Document, including the Additional Terms and Conditions in the First and Second Schedules of this Tenement Document respectively;
  - 36.4. If, by virtue of a dealing under section 83 of the Act, the Mining Tenement comes to be held by more than one person, they will all be jointly and severally liable for compliance with the Act, the Regulations and this Tenement Document including the Additional Terms and Conditions in the First and Second Schedules of this Tenement Document respectively;
  - 36.5. If any act pursuant to Tenement Document would otherwise be required to be done on a day which is not a Business Day then that act may be done on the next Business Day;
  - 36.6. To the extent that there is any inconsistency, on the one hand, between a term of this Tenement Document or any Additional Term or Condition, and, on the other hand, the Act or Regulations, the Act or Regulations shall prevail;
  - 36.7. Subject to the transitional provisions in any amendment to the Act or the Regulations, all provisions referred to in this Tenement Document shall be taken to include any such amendment;

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- 36.8. Subject to the transitional provisions in any amendment to the Act or the Regulations, to the extent that there is any inconsistency, on the one hand, between a term of this Tenement Document or any Additional Term or Condition, and, on the other hand, any amendments to the Act or Regulations, the amended Act or Regulations shall prevail;
- 36.9. Footnotes and Explanatory notes do not form part of this Tenement Document;
- 36.10. The contents page does not form part of this Tenement Document;
- 36.11. The front page and all of the Schedules form part of this Tenement Document.
-

**Executed by the Tenement Holder(s) in accordance with regulation 57**

SIGNED by OZM Carrapateena Pty Ltd (ACN 007 756 443) )  
in accordance with section 127 of the )  
*Corporations Act 2001* and its Constitution )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Print Name of Director

.....  
Print Name of Director/Secretary

.....  
Date

.....  
Date

SIGNED by OZ Minerals Carrapateena Pty Ltd (ACN 149 626 255))  
in accordance with section 127 of the )  
*Corporations Act 2001* and its Constitution )

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**When executed, the Tenement Document will  
be entered into the Mining Register and will  
be available through the Mining Register  
Search Tool on the South Australian Resources  
Information Gateway (SARIG) at  
<https://map.sarig.sa.gov.au>**

Entered in the Mining Register on 3 January 2018  
In accordance with section 15A(1)(c) of the Act.

Signed by .....  
Junesse Martin  
Mining Registrar

.....  
Date

**FIRST SCHEDULE****ADDITIONAL TERMS**

*Explanatory note: A term is a clause that gives a right to a Mining Tenement.*

**Authorised Mining Related Activities**

1. The Mining Tenement is granted for the purpose of the construction, operation and rehabilitation of a:
  - 1.1. Network of local (radial) wells;
  - 1.2. Water-holding and distribution network including:
    - 1.2.1. ponds/dams;
    - 1.2.2. piping; and
    - 1.2.3. pumps;
  - 1.3. Independent power supply; and
  - 1.4. Ancillary infrastructure;directly related to the conduct of mining operations authorised under mining tenement ML 6471.
  
2. Mining related activities on the Land must be consistent with the activities described in the Miscellaneous Purposes Licence Management Plan dated 26 May 2017 and subsequent Response Documents dated 22 September 2017, 6 October 2017, 21 November 2017 and 29 November 2017.



**SECOND SCHEDULE**  
**ADDITIONAL CONDITIONS**

*Explanatory note: A condition is a clause that imposes a restriction on a Mining Tenement.*

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**Aboriginal Heritage**

1. The Tenement Holder must during construction, operation and post Completion ensure that there is no damage, disturbance or interference to Aboriginal heritage sites, objects or remains unless it is authorised under the relevant legislation.

**Waste**

2. The Tenement Holder must ensure that all commercial or industrial waste (which does not include tailings and waste rock) is disposed of in an EPA licensed facility.

**Removal of Infrastructure**

3. The Tenement Holder must ensure that all mining related infrastructure is decommissioned and removed from the Land at Completion unless the Director of Mines (or other authorised officer) has approved, in writing, for the infrastructure to remain.

**Transparency**

4. The Tenement Holder agrees to the Approved PEPR and any compliance reports and reportable incident reports, submitted in accordance with the Regulations, being made available for public inspection.

**Notification of Cessation of Operations**

5. Within thirty (30) days of becoming aware of any event or decision which is likely to give rise to the cessation of mining operations or mining related activities for a period of more than seven (7) days and where possible prior to the cessation of mining operations or mining related activities, the Tenement Holder must notify the Director of Mines in writing of the event or decision. The notice must specify the date upon which the mining operations or mining related activities are expected to cease or have ceased, an estimate of the period of cessation and an outline of the steps to develop any required DRP under Second Schedule Condition 7.

**Decommissioning and Rehabilitation Plan (DRP)**

6. The Tenement Holder must comply with a DRP approved in accordance with Second Schedule Condition 7 and 8 when decommissioning or rehabilitating the Mining Tenement.
7. Unless the Director of Mines (or other authorised officer) otherwise directs, a DRP must be submitted to the Director of Mines (or other authorised officer) for approval within sixty (60) days or such longer period which is approved by the Director of Mines (or other authorised officer) of any notification provided to the Director of Mines in relation to the notification of cessation of operations under Second Schedule Condition 5, and that DRP must:
  - 7.1. set out the activities and scheduling required for the carrying out of the rehabilitation works specified in the Approved PEPR;
  - 7.2. be prepared in accordance with any guidelines provided by the Director of Mines (or other authorised officer).
8. If, in the opinion of the Director of Mines (or other authorised officer), mining operations or mining related activities on the Mining Tenement have substantially ceased for two (2) consecutive years or more, the Director of Mines (or other authorised officer) may:
  - 8.1. require that the Tenement Holder submits a DRP for approval dealing with the requirements set out in Second Schedule Condition 7; and/or

- 8.2. direct the Tenement Holder to rehabilitate the Mining Tenement in accordance with the Approved PEPR and/or any DRP.

### **Operating Protocol**

9. The Tenement Holder must develop (in consultation with the owners of land and to the satisfaction of the Director of Mines) a communication and operating protocol, or an agreement incorporating such a protocol, between itself and owners of land adjacent to and on the Land prior to the commencement of mining operations and mining related activities that includes, unless the Director of Mines (or other authorised officer) is otherwise satisfied, the following matters:
  - 9.1. interaction with landowner operations;
  - 9.2. emergency procedures;
  - 9.3. communications and issue management processes;
  - 9.4. land management;
  - 9.5. dispute resolution;
  - 9.6. ongoing communication about the Tenement Holder's operations;
  - 9.7. receiving and considering feedback;
  - 9.8. safety procedures;
  - 9.9. access protocols; and
  - 9.10. any matters identified by the Director of Mines (or other authorised officer) in writing.
10. The Tenement Holder must:
  - 10.1. provide the protocol(s) to the Director of Mines (or other authorised officer) within six (6) months of the grant of the Mining Tenement or such longer period that the Director of Mines (or other authorised officer) may allow; and
  - 10.2. maintain and adhere to the protocol(s) to the satisfaction of the Director of Mines (or other authorised officer) for the term of the Mining Tenement.

### **Compliance with Regulation 98(1)**

11. A notification required by regulation 98(1) must be in writing.

### **Matters of National Environmental Significance**

12. To ensure the protection of Matters of National Environmental Significance, the Tenement Holder must:

- 12.1. Develop, implement and maintain appropriate management actions to ensure the control of feral animal populations, including cats and foxes;
- 12.2. Provide data from any future sightings and records of the Thick-billed Grasswren to the Biological Database of South Australia (BDBSA) to enable effective monitoring and record keeping, as per the Recovery Plan Actions;
- 12.3. Provide data from any future sightings and records of the Night Parrot to the Night Parrot Recovery Team; and
- 12.4. Provide data from any future sightings and records of the Plains Mouse to the Biological Database of South Australia (BDBSA) to enable effective monitoring and record keeping, as per the Recovery Plan Actions.

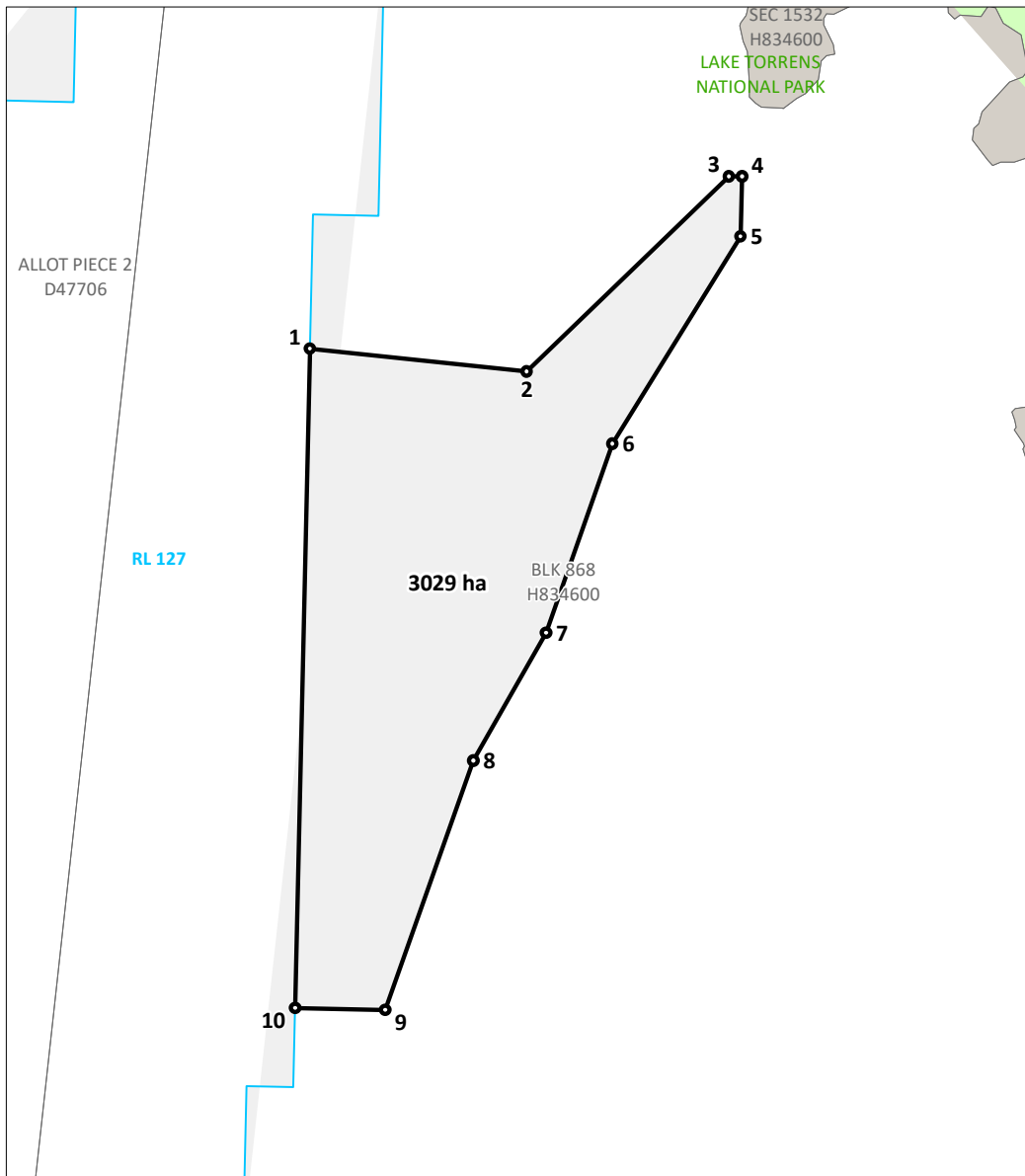
*Explanatory note: This condition reflects a commitment made in the Mining Proposal and Response Document.*

### **Other Legislation**

13. The Tenement Holder must comply with all State and Commonwealth legislation and regulations applicable to the activities undertaken pursuant to this Mining Tenement including (but not limited to) the:
  - 13.1. *Environment Protection and Biodiversity Conservation Act 1999;*
  - 13.2. *Development Act 1993;*
  - 13.3. *Planning, Development and Infrastructure Act 2016;*
  - 13.4. *Dangerous Substances Act 1979;*
  - 13.5. *National Parks and Wildlife Act 1972;*
  - 13.6. *Natural Resources Management Act 2004;*
  - 13.7. *Public and Environmental Health Act 1987;*
  - 13.8. *Aboriginal Heritage Act 1988;*
  - 13.9. *Heritage Places Act 1993;*
  - 13.10. *Work Health and Safety Act 2012;*
  - 13.11. *Environment Protection Act 1993;*
  - 13.12. *Radiation Protection and Control Act 1982;*
  - 13.13. *Native Vegetation Act 1991;*
  - 13.14. *Mines and Works Inspection Act 1920;*
  - 13.15. *Road Traffic Act 1961; and*
  - 13.16. *Wilderness Protection Act 1992.*

THIRD SCHEDULE

MAP



NOTE: The boundary of this lease is depicted so as to best represent the relationship to the surrounding cadastral parcels. The legal boundary is to be ascertained by the coordinates specified.

DATE PRODUCED: 18/12/2017

**THIRD SCHEDULE****DESCRIPTION OF AREAS**

All that part of the State of South Australia, bounded by a line joining the points of coordinates set out in the following table:

**Map Grid of Australia 1994 Zone 53**

<b>Point</b>	<b>Easting</b>		<b>Northing</b>	
1	740881.11	mE	6541815.54	mN
2	743924.76	mE	6541496.30	mN
3	746770.43	mE	6544240.16	mN
4	746954.57	mE	6544235.84	mN
5	746934.77	mE	6543391.80	mN
6	745131.01	mE	6540484.80	mN
7	744199.43	mE	6537821.59	mN
8	743174.84	mE	6536026.76	mN
9	741937.59	mE	6532520.07	mN
10	740668.63	mE	6532548.92	mN

Area: 3,029 ha

Based on information provided by the applicant.

**FOURTH SCHEDULE**  
**PROCESS FOR SUSPENSION**

**Issuance of Suspension Show Cause Notice**

1. Where the Minister is of the view that there may be grounds to consider whether to suspend the grant of the Mining Tenement, the Minister shall give written notice to the Tenement Holder, which shall:
  - 1.1. Specify the provision of the Act or the Regulations, or the term or condition of the grant of the Mining Tenement, that the Minister believes the Tenement Holder has contravened or failed to comply with; and
  - 1.2. Give the Tenement Holder thirty (30) Business Days from the date of the written notice to show cause why the grant of the Mining Tenement should not be suspended (“the Suspension Show Cause Notice”).

**Minister’s action if Tenement Holder does not respond**

2. If the Tenement Holder does not respond to the Suspension Show Cause Notice within thirty (30) Business Days, the Minister may suspend the grant of the Mining Tenement without further notice (in accordance with the process outlined below).

**Minister’s action if Tenement Holder does respond**

3. If the Tenement Holder responds to the Suspension Show Cause Notice within thirty (30) Business Days, the Minister will consider the Tenement Holder’s submission and decide whether to suspend the grant of the Mining Tenement (in accordance with the process outlined below).

**Written Notice of Minister’s decision**

4. The Minister shall give written notice to the Tenement Holder of the Minister’s decision;
  - 4.1. if the decision is to suspend the grant of the Mining Tenement, the written notice shall be called “Notice of Decision: Suspended”.
  - 4.2. if the decision is to not to suspend the grant of the Mining Tenement, the written notice shall be called “Notice of Decision: Not Suspended”.
5. A Notice of Decision: Not Suspended, may contain any information that the Minister considers relevant.
6. A Notice of Decision: Suspended, shall:

- 6.1. Specify the reason for suspension;
- 6.2. specify the period of suspension;
- 6.3. specify the action (if any) the Tenement Holder may be required to take for the Minister to consider revoking the suspension, and the time frame for taking that action;
- 6.4. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 56(3) of the Act.

#### **Minister's action if Tenement Holder takes action as specified in Notice of Decision**

7. If the Tenement Holder takes the action specified by the Minister under paragraph 6.3, the Minister will consider revoking the suspension.
8. If the Minister revokes the suspension, the Minister will, within a reasonable time write to the Tenement Holder informing the Tenement Holder of the revocation.

#### **Minister's action if Tenement Holder appeals**

9. If the Tenement Holder appeals to the Environment, Resources and Development Court the Minister will consider exercising the discretion under section 56(4) of the Act, to stay the operation of the suspension until the appeal is finally disposed of.
10. If the Environment, Resources and Development Court, or a court of further appeal finally determines it is satisfied that there is no proper ground for the suspension, and so orders, the Minister will reinstate the grant of the Mining Tenement in accordance with section 56(5) of the Act.

#### **The Mining Register**

11. All of the stages in the suspension process shall be recorded on the Mining Register by way of appropriate memoranda, for example:
  - 11.1. A memorandum Notice of Decision: Suspended;
  - 11.2. A memorandum Notice of Decision: Not Suspended;
  - 11.3. A memorandum of Minister's Decision to Revoke the Suspension;
  - 11.4. A memorandum of Appeal;
  - 11.5. A memorandum of Stay of Suspension by the Minister;
  - 11.6. Memoranda of all of the courts' orders (whether the Environment, Resources and Development Court or subsequent appeal courts).



**FIFTH SCHEDULE****PROCESS FOR CANCELLATION****Issuance of Cancellation Show Cause Notice**

1. Where the Minister is of the view that there may be grounds to consider whether to cancel the grant of the Mining Tenement, the Minister shall give written notice to the Tenement Holder, which shall:
  - 1.1. Specify the provision of the Act or the Regulations, or the term or condition of the grant of the Mining Tenement, that the Minister believes the Tenement Holder has contravened or failed to comply with; and
  - 1.2. Give the Tenement Holder sixty (60) Business Days from the date of written notice to show cause why the grant of the Mining Tenement should not be cancelled (“the Cancellation Show Cause Notice”).

**Minister’s action if the Tenement Holder does not respond**

2. If the Tenement Holder does not respond to the Cancellation Show Cause Notice within sixty (60) Business Days, the Minister may cancel the grant of the Mining Tenement without further notice (in accordance with the process outlined below).

**Minister’s action if the Tenement Holder does respond**

3. If the Tenement Holder responds to the Cancellation Show Cause Notice within sixty (60) Business Days, the Minister will consider the Tenement Holder’s submission and decide whether to cancel the grant of the Mining Tenement (in accordance with the process outlined below).

**Written notice of Minister’s decision**

4. The Minister shall give written notice to the Tenement Holder of the decision.
  - 4.1. If the decision is to cancel the grant of the Mining Tenement, the written notice shall be called “the Notice of Decision: Cancelled”.
  - 4.2. If the decision is not to cancel the grant of the Mining Tenement, the written notice shall be called “the Notice of Decision: Not Cancelled”.
5. A Notice of Decision: Not Cancelled may contain any information that the Minister considers relevant.

6. A Notice of Decision: Cancelled shall:
  - 6.1. Specify the reason for cancellation;
  - 6.2. specify the date from which cancellation is effective; and
  - 6.3. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 56(3) of the Act.

#### **Minister's action if Tenement Holder appeals**

7. If the Tenement Holder appeals to the Environment, Resources and Development Court the Minister will consider exercising his discretion under section 56(4) of the Act, to stay the operation of the cancellation until the appeal is finally disposed of.
8. If the Environment, Resources and Development Court or a court of further appeal finally determines that it is satisfied that there is no proper ground for the cancellation, and so orders, and the cancellation has not been stayed by the Minister under section 56(4) of the Act, or by order of the Environment, Resources and Development Court, the Minister will reinstate the grant of the Mining Tenement in accordance with section 56(5) of the Act.

#### **The Mining Register**

9. All stages in the cancellation process shall be recorded on the Mining Register by way of appropriate memoranda, for example:
  - 9.1. A memorandum Notice of Decision: Cancelled;
  - 9.2. A memorandum of Notice of Decision: Not Cancelled;
  - 9.3. A memorandum of Minister's Decision to Revoke the Cancellation;
  - 9.4. A memorandum of Appeal;
  - 9.5. A memorandum of Stay of Cancellation by the Minister;
  - 9.6. Memoranda of all of the courts' orders (whether the Environment, Resources and Development Court or subsequent appeal courts).

**SIXTH SCHEDULE****ENVIRONMENTAL OUTCOMES****AND ASSOCIATED CRITERIA AND STRATEGIES PURSUANT TO  
REGULATION 65 OF THE MINING REGULATIONS 2011**

*Explanatory note: The Sixth Schedule of this Tenement Document sets out outcomes contemplated in regulation 65(2) of the Regulations, that the Tenement Holder is required to address in any program submitted in accordance with Part 10A of the Act. The Sixth Schedule may also specify requirements for strategies and criteria relevant to the outcomes set out in that Schedule.*

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**Aboriginal Heritage Outcome**

1. The Tenement Holder must during construction, operation and post Completion ensure that there is no damage, disturbance or interference to Aboriginal heritage sites, objects or remains unless it is authorised under the relevant legislation.

**Public Safety Outcomes**

2. The Tenement Holder must during construction and operation ensure that unauthorised entry to the Land does not result in public injuries and or deaths that could have been reasonably prevented.

3. The Tenement Holder must demonstrate that post Completion, the risks to the health and safety of the public so far as it may be affected by mining operations or mining related activities are as low as reasonably practicable.

**Public Nuisance Outcome**

4. The Tenement Holder must during construction and operation ensure that there are no public nuisance impacts from dust and noise generated by mining operations or mining related traffic.

**Traffic Outcome**

5. The Tenement Holder must during construction and operation, ensure that there are no traffic accidents involving members of the public and mine related traffic that could have been reasonably prevented by the Tenement Holder.

**Weeds and Pests Outcome**

6. The Tenement holder must during construction and operation ensure no introduction of new species of Weeds declared or listed under relevant legislation, plant pathogens or pests (including feral animals), nor sustained increase in abundance of existing weed or pest species in the Land as a result of mining operations or mining related activities.

**Land Use and Property Outcomes**

7. The Tenement Holder must during construction, operation and post Completion ensure there are no impacts to third-party land use or property on or off the Land as a result of mining operations or mining related activities other than those agreed between the Tenement Holder and the affected user or determined by an appropriate court as evidenced in its order(s) (and the Tenement Holder must provide the Director of Mines (or other authorised officer) with a copy of the order(s), which shall be placed on the Mining Register).
8. Before Completion, the Tenement Holder must satisfy the Director of Mines (or other authorised officer) that where practicable, the pre-Tenement land use of the Land can be recommenced post Completion.
9. The Tenement Holder must ensure that the Land is progressively and finally rehabilitated to support the future land use.

**Land and Soil Outcome**

10. The Tenement Holder must, ensure that:
  - 10.1. There is no contamination of land and soils either on or off the Land as a result of mining operations or mining related activities; and
  - 10.2. No contamination of land and soils either on or off the Land post Completion occurs as a result of mining operations or mining related activities.

**Native Vegetation Outcome**

11. The Tenement Holder must during construction, operation and post Completion ensure that there is no loss of abundance and/or diversity of native vegetation on or off the Land unless a Significant Environmental Benefit has been approved in accordance with the relevant legislation.

**Native Fauna Outcome**

12. The Tenement Holder must during construction, operation and post Completion ensure that there are no native fauna injuries or deaths due to mining operations or mining related activities that could have been reasonably prevented.

**Surface Water Outcome**

13. The Tenement Holder must during construction, operation and post Completion ensure no adverse impact to surface water quality and water dependent ecosystems (excluding surface water in the mine subsidence zone), on or off the Land, as a result of contamination and sedimentation caused by mining operations or mining related activities.

**Surface Water Strategies – Contamination, Erosion and Sediments**

14. The Tenement Holder is required to address the following matters for the purposes of Regulation 65(2)(c) in relation to the Surface Water Outcome in Sixth Schedule Clause 13:
  - 14.1. Ensure that during construction, operation and post Completion no surface water contaminated (including by sedimentation) as a result of mining operations or mining related activities leaves the Land.

- 14.2. Develop and implement appropriate strategies to ensure erosion caused by mining operations and mining related activities is effectively managed and controlled.
- 14.3. Develop and implement appropriate strategies to ensure sediment caused by mining operations and mining related activities is effectively managed and controlled.
- 14.4. Ensure that topsoil and subsoil can be used for rehabilitation where appropriate.

**Groundwater Outcomes**

15. The Tenement Holder must during construction, operation and post Completion ensure that there is no adverse change to groundwater quantity within aquifers outside of the predicted extent of groundwater drawdown delineated by the groundwater model as a result of mining operations or mining related activities.