



**Government  
of South Australia**

*Mining Act 1971*

**TENEMENT DOCUMENT  
EXTRACTIVE MINERALS LEASE**

**TENEMENT HOLDER** Clay & Mineral Sales Pty Ltd (ACN 007 572 787)

**CLASS OF LEASE** Extractive Minerals Lease (EML)

**EML NUMBER** EML 6456

**COMMENCEMENT DATE** 21 March 2016

**TERM OF LEASE** Ten Years

**EXPIRY DATE** 20 March 2026

**MINERAL(S)** Extractive Minerals (Sand)

**AREA OF LEASE** 31.7 hectares

**DATE BY WHICH THE PROPOSED PEPR MUST BE SUBMITTED: 20 March 2017**

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**Details of Grant of a Mining Tenement**

1. On 21 March 2016, pursuant to Part 6 of the Act, the Minister made a statutory grant of an extractive minerals lease (the Mining Tenement) described in this Tenement Document.
2. The Mining Tenement is granted:
  - 2.1. To Clay & Mineral Sales Pty Ltd (ACN 007 572 787);
  - 2.2. For the purpose of recovering the Mineral(s) described in the First Schedule of this Tenement Document.
3. The Mining Tenement is numbered EML 6456.
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 31.7 hectares and is located in the Wami Kata area, approximately 6.5 km North East of Port Augusta.
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 ten years. The term of the Mining Tenement commenced on 21 March 2016, and, unless it is earlier renewed, surrendered or cancelled, the Mining Tenement will cease on 20 March 2026.

**Rental**

8. The Tenement Holder shall pay, by way of rental, such sums as may be prescribed and in accordance with section 40 of the Act and regulation 42 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 41(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 41(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 41(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 rights conferred on Tenement Holder**

18. The grant of the Mining Tenement confers an exclusive right upon the Tenement Holder including officers, employee(s), contractor(s) or duly authorised agent(s) of the Tenement Holder, to conduct mining operations on the Land, for the Mineral(s), subject to the provisions of the Act and the Regulations, and the terms and conditions of this Tenement Document.
19. The grant of the Mining Tenement authorises the Tenement Holder, including officers, employee(s), contractor(s) or duly authorised agent(s) of the Tenement Holder, to sell, or dispose of, the Mineral(s) recovered in the course of mining operations conducted in pursuance of the grant or to utilise any such mineral(s) for any commercial or industrial purpose, subject to the payment of royalty.

### **Restatement of rights and powers not conferred on the Tenement Holder**

20. The grant of the Mining Tenement does not confer any right on the Tenement Holder:
  - 20.1. To use the Land for any purpose other than the authorised mining operations.
  - 20.2. To confer any rights on any other person in relation to the Mining Tenement.

*Explanatory note: For example, the Tenement Holder cannot grant rights to a party under a Joint Venture Agreement (or other agreement however described), to conduct mining operations on the Land in that party's own right. The Tenement Holder may engage employees, contractors or agents to perform work on the tenement on the Tenement Holder's behalf.*

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

21. The Tenement Holder must not carry out mining operations unless there is an approved program for environment protection and rehabilitation (an APPROVED PEPR).

22. A PROPOSED PEPR will only be approved when it complies with the requirements of Part 10A of the Act and the Regulations.

23. To comply with Part 10 A of the Act, the PROPOSED PEPR must:

23.1. 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);

23.2. Comply with any applicable conditions specified in this Tenement Document (if any);

23.3. 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:  
[http://minerals.statedevelopment.sa.gov.au/knowledge\\_centre/resource\\_information\\_centre/ministerial\\_determinations](http://minerals.statedevelopment.sa.gov.au/knowledge_centre/resource_information_centre/ministerial_determinations)*

24. In accordance with regulation 65(10) of the Regulations, the Tenement Holder must submit to the Department of State Development 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, Level 7, 101 Grenfell Street, Adelaide, SA 5000, 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: Working conditions**

25. In accordance with regulation 35 of the Regulations, unless otherwise determined or agreed by the Minister, the Tenement Holder must:

25.1. Commence mining operations in accordance with the APPROVED PEPR within twelve (12) months after its approval; and

25.2. Thereafter continue mining operations in accordance with the requirements of the program in the APPROVED PEPR.

*Explanatory note: Until otherwise notified, the Tenement Holder may apply for an extension of time in writing to the Director of Mines, Level 7, 101 Grenfell Street, Adelaide, SA 5000, 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**

26. 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:

- 26.1. Comply with Part 3 of the Act (royalties).
- 26.2. Comply with the applicable provisions of Part 9 of the Act (entry onto land and use of declared equipment).
- 26.3. Comply with the applicable provisions of Part 9B of the Act (native title).
- 26.4. Comply with the provisions of section 76 of the Act (mining returns) to the extent relevant to an extractive minerals lease.
- 26.5. Comply with section 77 of the Act (records and geological samples) and regulation 84 of the Regulations.
- 26.6. 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.
- 26.7. Comply, insofar as applicable to an extractive minerals lease, with regulation 86 of the Regulations (compliance reports).
- 26.8. Comply with the requirement in regulation 43 of the Regulations to maintain all posts, boundary indicator markers and notices in the positions required by the Regulations as applicable.
- 26.9. 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**

27. 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**

28. 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:

- 28.1. Any civil or statutory liability likely to be incurred by the Tenement Holder in the course of carrying out mining operations;
- 28.2. 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 Extractive Minerals Lease which increases the rehabilitation liability or increases the cost of civil or statutory liability.*

### **Restatement of Fees**

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

### **Restatement of Renewal**

30. This Mineral Tenement shall be renewed in accordance with the Act.

### **Restatement of Surrender**

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

### **Restatement of Forfeiture**

32. The Mining Tenement is subject to the forfeiture provision of the Act being sections 70 and 85.

### **Restatement of Notices**

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

**Restatement of Mining Register**

34. Section 15A of the Act requires the Mining Registrar to keep a register of, amongst other things, extractive minerals leases. Upon payment of the prescribed fee, the public may inspect the Mining Register.

**Restatement of Mining Operations**

35. As defined by section 6 of the Act "mining operations" means:

- 35.1. Operations carried out in the course of prospecting, exploring or mining for minerals; or
- 35.2. Without limiting paragraph 35.1, 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
- 35.3. 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
- 35.4. Operations for the rehabilitation of land on account of the impact of any operations under a preceding paragraph; or
- 35.5. Operations that are directly related to any operations under a preceding paragraph;  
but does not include –
- 35.6. An investigation or survey under section 15 of the Act ; or
- 35.7. Fossicking; or
- 35.8. The surface removal of loose rock material disturbed by agricultural operations.

36. This definition applies to operations that occur during all phases of the mine's life.

**Restatement of Declaration of Insolvency**

37. Comply with regulation 98(1)(c), which concerns bankruptcy, insolvency and liquidation.

## Definitions

38. In this Tenement Document, the following words have the following meanings:

- 38.1. “**Act**” means the *Mining Act 1971* of South Australia;
- 38.2. “**Additional Terms and Conditions**” means the Additional Terms and Conditions authorised by section 34(4) of the Act and set out in the First and Second Schedule of this Tenement Document respectively;
- 38.3. “**Applicant**” means the person or persons who applied for the Mining Tenement;
- 38.4. “**APPROVED PEPR**” means the document contemplated by section 70B(5) of the Act i.e. a PROPOSED PEPR that has received ministerial approval;
- 38.5. “**Business Day**” means any day that is not a Saturday, Sunday or a public holiday in South Australia;
- 38.6. “**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
- 38.6.1 Actual or potential harm to the health or safety of human beings that is not trivial, or
- 38.6.2 Actual or potential harm to water that is not trivial, or
- 38.6.3 Other actual or potential environmental harm that is not trivial;
- 38.7. “**DSD**” means the Department of State Development and includes any substituted Department;
- 38.8. “**Environmental Values (ground and surface water)**” means the environmental values recognized in the ‘Australian and New Zealand Guidelines for Fresh and Marine Water Quality, October 2000, Paper No 4’.
- Explanatory Note: This Paper is available on line at:  
<http://www.environment.gov.au/water/quality/publications/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1>*
- 38.9. “**Extractive Minerals Lease**” means the Mining Tenement granted to the Tenement Holder as referred to in paragraphs 1 and 2 of this Tenement Document;
- 38.10. “**the Land**” means the land over which the Mining Tenement is granted and which is described in paragraphs 5 and 6 and in the Third Schedule of this Tenement Document;

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- 38.11. "**Mine 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 45(1) of the Regulations and there is no obstacle under sub-regulation 45(3) of the Regulations;
- 38.12. "**Mineral(s)**" means the Extractive Minerals referred to in the First Schedule of this Tenement Document;
- 38.13. "**Mining Tenement**" means the Extractive Minerals Lease granted to the Tenement Holder, as referred to in paragraphs 1 and 2 of this Tenement Document and all of the rights and obligations encompassed in the grant;
- 38.14. "**the Minister**" means the Minister for Mineral Resources and Energy (or any substituted Minister);
- 38.15. "**PEPR**" means Program for Environment Protection and Rehabilitation;
- 38.16. "**PROPOSED PEPR**" means the document required by regulation 65(10) to be submitted for ministerial approval within twelve (12) months of the date of grant of the Mining Tenement;
- 38.17. "**Regulations**" means the *Mining Regulations 2011* of South Australia;
- 38.18. "**site**" means the Land;
- 38.19. "**Tenement Document**" means this document;
- 38.20. "**Tenement Holder**" means the person, or persons to whom the mining tenement was granted and includes:
- 38.20.1 in the case of a natural person the executors, administrators and assigns of that person;
- 38.20.2 in the case of a body corporate the successors, administrators or permitted assigns thereof.
- 38.21. "**Weeds**" means any invasive plant that threatens native vegetation in the local area or any species recognized as invasive in South Australia.

**Interpretation**

39. For the purposes of interpreting this Tenement Document the following will apply:

- 39.1. 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;
- 39.2. 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 –
  - 39.2.1 “amendment” includes an addition, excision or substitution;
  - 39.2.2 “the Land” includes any part thereof; and
  - 39.2.3 “the term” includes any renewal or extension thereof.
- 39.3. 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;
- 39.4. 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;
- 39.5. 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;
- 39.6. 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;
- 39.7. 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;
- 39.8. 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;

- 39.9. Footnotes and Explanatory notes do not form part of this Tenement Document;
  - 39.10. The contents page does not form part of this Tenement Document;
  - 39.11. The front page and all of the Schedules form part of this Tenement Document.
-

**Executed by the Tenement Holder(s) in accordance with regulation 41**

SIGNED by Clay and Mineral Sales Pty Ltd (ACN 007 572 787) )  
in accordance with section 127 of the )  
Corporations Act 2001 and its Constitution )

*R. Fricker*  
.....  
Signature of Director (SOLE)

*R. Fricker*  
.....  
Signature of Director/Secretary

RICHARD FRICKER  
.....  
Print Name of Director

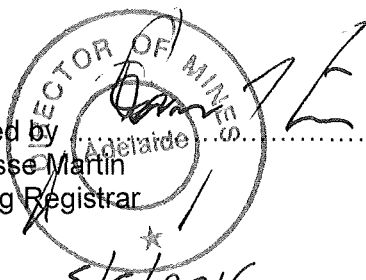
RICHARD FRICKER  
.....  
Print Name of Director/Secretary

11/4/16  
.....  
Date

11/4/16  
.....  
Date

Entered in the Mining Register on 21 March 2016  
In accordance with section 15A(1)(c) of the Act.

Signed by *[Signature]*  
Junesse Martin  
Mining Registrar  
.....  
Date 5/5/2016



**FIRST SCHEDULE**

**ADDITIONAL TERMS**

**Authorised Mining Operations**

1. Mining operations authorised by the grant of the Mining Tenement must:
  - 1.1. Only be for the recovery of extractive minerals including, but not limited to Sand; and
  - 1.2. Be consistent with the mining operations described in the mining lease proposal document dated 9 September 2015.



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

<b>INDEX TO SECOND SCHEDULE (ADDITIONAL CONDITIONS)</b>	<b>Condition No.</b>
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**Transparency**

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

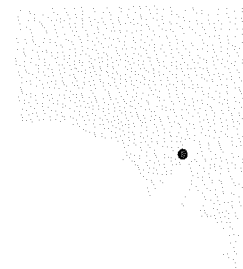
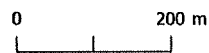
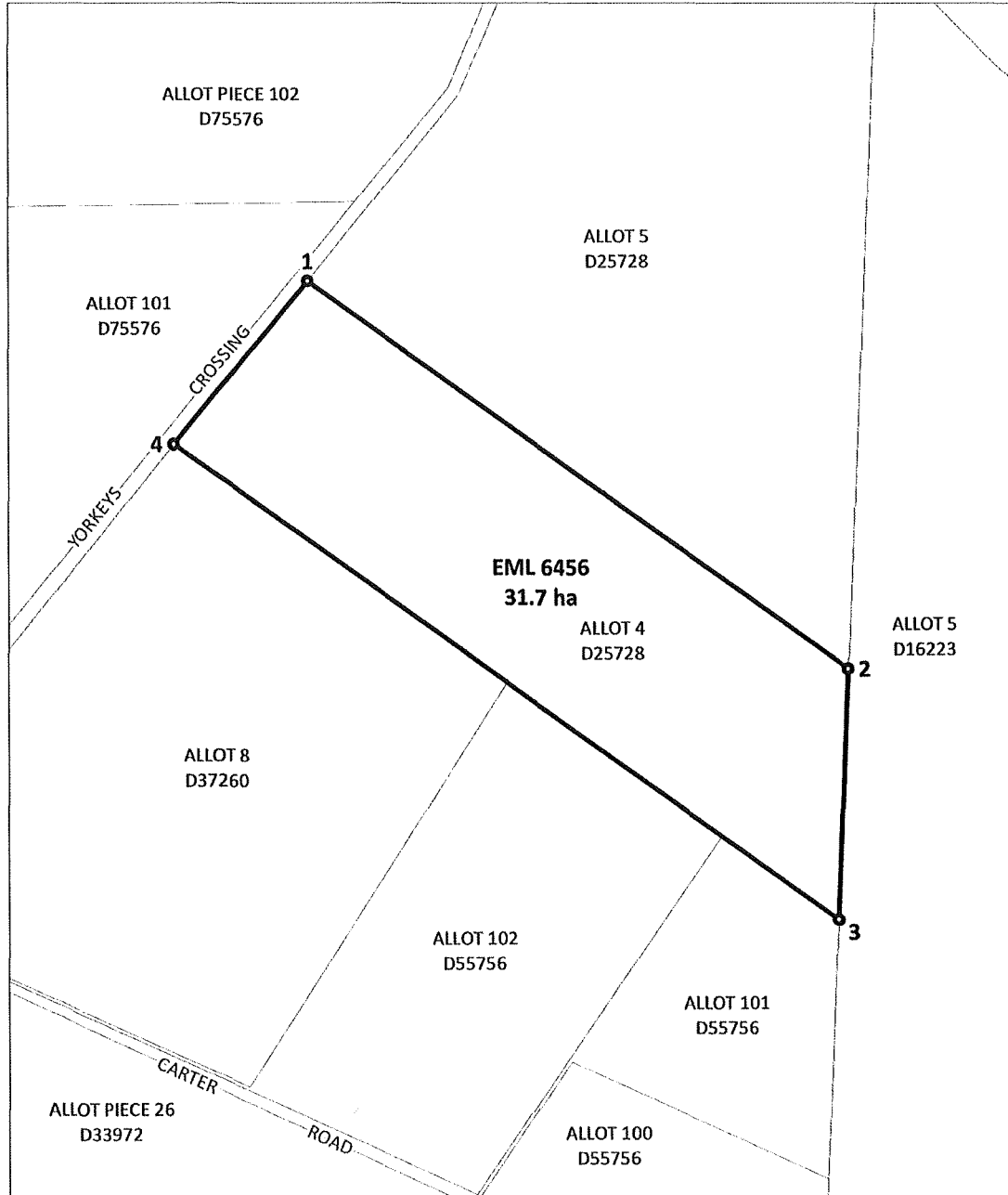
**Other Legislation**

2. The Tenement Holder must comply with all State and Commonwealth legislation and regulations applicable to the activities undertaken pursuant to grant of the Mining Tenement including (but not limited to):
  - *Environment Protection and Biodiversity Conservation Act 1999;*
  - *National Parks and Wildlife Act 1972;*
  - *Natural Resources Management Act 2004;*
  - *Public and Environmental Health Act 1987;*
  - *Aboriginal Heritage Act 1988;*
  - *Heritage Places Act 1993*
  - *Work Health and Safety Act 2012;*
  - *Environment Protection Act 1993;*
  - *Native Vegetation Act 1991;*
  - *Mines and Works Inspection Act 1920;*
  - *Road Traffic Act 1961.*

THIRD SCHEDULE

MAP

ANNEXURE



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: 24/03/2016

**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

Point	Easting		Northing	
1	763025	mE	6408015	mN
2	763791	mE	6407484	mN
3	763781	mE	6407120	mN
4	762826	mE	6407787	mN

Area: 31.7 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”.
  - 4.3. A Notice of Decision: Not Suspended, may contain any information that the Minister considers relevant.

- 4.4. A Notice of Decision: Suspended, shall:
- 4.4.1 specify the reason for suspension;
  - 4.4.2 specify the period of suspension;
  - 4.4.3 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;
  - 4.4.4 inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 41(3) of the Act.

### **The Mining Register**

5. Notice of Decision: Suspended, shall be placed on the Mining Register.

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

6. If the Tenement Holder takes the action specified by the Minister under paragraph 4.4.3, the Minister will consider revoking the suspension.
7. If the Minister revokes the suspension, the Minister will, within a reasonable time:
- 7.1. Write to the Tenement Holder informing the Tenement Holder of the revocation.
  - 7.2. Cause the revocation to be placed on the Mining Register.

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

8. If the Tenement Holder appeals to the Environment, Resources and Development Court the Minister will consider exercising the discretion under section 41(4) of the Act, to stay the operation of the suspension until the appeal is finally disposed of.
9. If the Environment, Resources and Development Court is satisfied that there is no proper ground for the suspension, and so orders, the Minister will:
- 9.1. Cause the Court's order to be placed on the Mining Register; and
  - 9.2. reinstate the grant of the Mining Tenement in accordance with section 41(5) of the Act.

**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. 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”.
  - 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. A Notice of Decision: Not Cancelled may contain any information that the Minister considers relevant.

5. A Notice of Decision: Cancelled shall:
  - 5.1. Specify the reason for cancellation;
  - 5.2. specify the date from which cancellation is effective; and
  - 5.3. inform the Tenement Holder of their right of appeal to the Environment, Resources and Development Court in accordance with subsection 41(3) of the Act.

### **The Mining Register**

6. Notice of Decision: Cancelled, shall be placed on the Mining Register.

### **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 41(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 is satisfied that there is no proper ground for the cancellation, and so orders, the Minister will:
  - 8.1. Cause the Court's order to be placed on the Mining Register; and
  - 8.2. reinstate the grant of the Mining Tenement in accordance with section 41(5) of the Act.

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

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**Heritage Outcome**

1. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that there is no disturbance to Aboriginal or European heritage sites, objects or remains unless prior approval under the relevant legislation is obtained.

**Traffic Outcome**

2. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that there are no traffic accidents involving the public at mine access points that could have been reasonably prevented by the Tenement Holder.



**Public Safety Outcomes**

3. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that no public injuries and or deaths resulting from unauthorised entry to the site that could have been reasonably prevented.
4. The Tenement Holder must ensure that no public injuries or deaths occur as a result of the final landform post mine completion.

**Weeds and Pests Outcome**

5. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure no introduction of new species of weeds or pests (including feral animals), nor increase in abundance of existing weed or pest species in the Tenement.

**Soil Outcome**

6. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that the existing (pre-mining) soil quality and quantity is maintained.

**Waste Outcome**

7. The Tenement Holder must, during construction and operation of the Mining Tenement ensure that all commercial or industrial waste is disposed of in accordance with relevant legislation.

**Noise Outcome**

8. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that there are no public nuisance impacts from noise emanating from the Tenement.

**Air Quality Outcome**

9. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that there are no nuisance impacts to local residents from dust generated by mining operations.

**Groundwater Outcome**

10. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that there is no adverse impact to ground water caused by mining operations to existing users and water dependent ecosystems.

**Visual Amenity Outcome**

11. The Tenement Holder must ensure that all rehabilitation blends in with the surrounding landscape with no impact to external visual amenity.

**Protection of Third Party Property Outcome**

12. The Tenement Holder must ensure that there is no unauthorised damage (including that caused by fire) to adjacent public or private property and infrastructure.

**Native Vegetation Outcome**

13. The Tenement Holder must ensure no loss of abundance or diversity of native vegetation on or off the tenement through;
- clearance,
  - dust/contaminant deposition,
  - fire,
  - other damage,
- unless prior approval under the relevant legislation is obtained.

**Surface Water Outcome**

14. The Tenement Holder must, during construction and operation of the Mining Tenement, ensure that no water contaminated as a result of mining operations leaves the Tenement area.

**Post Mining Land Use Outcome**

15. The Tenement Holder must ensure that all disturbed land is progressively rehabilitated to achieve the agreed post mining land use.