



**Government  
of South Australia**

*Mining Act 1971*

**TENEMENT DOCUMENT**

**MISCELLANEOUS PURPOSES LICENCE**

<b>TENEMENT HOLDER</b>	Andromeda Industrial Minerals Pty Ltd (ACN 061 503 375) Great Southern Kaolin Pty Ltd (ACN 133 520 180)
<b>MISCELLANEOUS PURPOSES LICENCE NUMBER</b>	164
<b>PURPOSE</b>	Ancillary operations - construction of an Access Road
<b>GRANT DATE</b>	17 December 2021
<b>TERM OF LICENCE</b>	Thirty-five (35) years
<b>EXPIRY DATE</b>	16 December 2056
<b>AREA OF LICENCE</b>	12.69 hectares

**DATE BY WHICH THE PROPOSED PEPR MUST BE SUBMITTED: 16 December 2022**

**TABLE OF CONTENTS****Page No.**

Details of Grant of a Mineral Tenement.....	4
Terms and conditions required by the Act to be specified in the Tenement Document.....	4
Description of the Land.....	4
Term, Commencement and Expiration .....	4
Rental.....	4
Compensation .....	5
Suspension and Cancellation .....	5
Environmental outcomes specified pursuant to Section 70B(2)(b)(i) of the Act.....	5
Restatement of selected provisions from the Act.....	5
Explanation of Restatements .....	5
Restatement of obligations imposed on Tenement Holder: Program for environment protection and rehabilitation.....	5
Restatement of obligations imposed on Tenement Holder: Working conditions .....	6
Restatement of obligations imposed on Tenement Holder: Other .....	6
Restatement of Exempt Land .....	7
Restatement of Bond.....	7
Restatement of Fees .....	7
Restatement of Renewal .....	7
Restatement of Surrender .....	7
Restatement of Forfeiture .....	8
Restatement of Notices .....	8
Restatement of Mining Register.....	8
Restatement of Authorised Operations .....	8
Restatement of Mining Operations .....	8
Restatement of Ancillary Operations.....	9
Restatement of requirement to notify of a change in status .....	9
Restatement of Public Liability Insurance .....	9
Restatement of Information .....	9
Definitions.....	10
Interpretation .....	12
Executed by the Tenement Holder(s).....	14
FIRST SCHEDULE .....	15
ADDITIONAL TERMS.....	15
Authorised Ancillary Operations .....	15

MISCELLANEOUS PURPOSES LICENCE 164

SECOND SCHEDULE ..... 16

    ADDITIONAL CONDITIONS..... 16

THIRD SCHEDULE..... 18

    MAP ..... 18

    DESCRIPTION OF AREAS ..... 19

FOURTH SCHEDULE.....20

    ENVIRONMENTAL OUTCOMES, CRITERIA AND STRATEGIES .....20

## MISCELLANEOUS PURPOSES LICENCE 164

### **Details of Grant of a Mineral Tenement**

1. On 17 December 2021, pursuant to Part 8 of the Act, the Minister made a statutory grant of a miscellaneous purposes licence (the Mineral Tenement) described in this Tenement Document.
2. The Mineral Tenement is granted:
  - 2.1. To Andromeda Industrial Minerals Pty Ltd (ACN 061 503 375) and Great Southern Kaolin Pty Ltd (ACN 133 520 180);
  - 2.2. For the purpose of ancillary operations - construction of an Access Road.
3. The Mineral Tenement is numbered 164.
4. The Miscellaneous Purposes Licence is:
  - 4.1. Subject to the Terms and Conditions prescribed by the Act and Regulations; 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 Mineral Tenement is granted over an area of 12.69 hectares and is located in the Chandada area, approximately 50 km east of Streaky Bay
6. The location of the Mineral 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 date of grant of the Mineral Tenement is the date the Mineral Tenement was entered in the Mining Register in accordance with Section 15AA(2)(a) and (b) and Section 50(2) of the Act.
8. The Mineral Tenement is granted for the term of Thirty-five (35) years. The term of the Mineral Tenement commenced on 17 December 2021, and, unless it is earlier renewed, surrendered or cancelled, the Mineral Tenement will cease on 16 December 2056.

#### **Rental**

9. The Tenement Holder shall pay, by way of rental, such sums as may be prescribed and in accordance with Section 56M of the Act and Regulation 54 of the Regulations.

### **Compensation**

10. The Minister may, at any time, require the Tenement Holder to pay to any person an amount of compensation specified by the Minister, to which that person is, in the opinion of the Minister, entitled on account of loss or damage suffered by the person as a result of operations carried out under the tenement.

### **Suspension and Cancellation**

11. Pursuant to Section 56W(2) of the Act, the Minister may cancel or suspend a Mineral Tenement to which this Section applies if the Tenement Holder contravenes or fails to comply with
  - 11.1. a term or condition of the Mineral Tenement; or

### **Environmental outcomes specified pursuant to Section 70B(2)(b)(i) of the Act**

12. The Fourth Schedule of this Tenement Document sets out outcomes contemplated in Section 70B(2)(b)(i) of the Act, that the Tenement Holder is required to address in any program submitted in accordance with Part 10A of the Act.

*Explanatory note: The Fourth 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**

13. 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.
14. 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.
15. 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**

16. The Tenement Holder must not carry out authorised operations unless there is an approved program for environment protection and rehabilitation (an Approved PEPR).
17. A Proposed PEPR will only be approved when it complies with the requirements of Part 10A of the Act and the Regulations.

## MISCELLANEOUS PURPOSES LICENCE 164

18. To comply with Part 10A of the Act, the Proposed PEPR must:
  - 18.1. Contain the information specified in Section 70B(2) of the Act and Regulation 63(1),(3),(4), 64 of the Regulations and determinations made by the Minister under Regulation 63(3) and 65(1) of the Regulations (if any);
  - 18.2. Comply with any applicable conditions specified in this Tenement Document (if any);
  - 18.3. Address any relevant environmental outcomes listed in the Fourth Schedule of this Tenement Document.

*Explanatory note: At the date of grant, the determinations are available at:*

*[https://energymining.sa.gov.au/minerals/knowledge\\_centre/legislation\\_and\\_guidance/terms\\_of\\_reference\\_and\\_instructions](https://energymining.sa.gov.au/minerals/knowledge_centre/legislation_and_guidance/terms_of_reference_and_instructions)*

19. The Tenement Holder must submit to the Department of Energy and Mining for ministerial approval a Proposed PEPR that fully complies with the Act and Regulations within a period set in the Mineral Tenement conditions, or within such longer period as the Director of Mines, or an authorized officer may allow.

### **Restatement of obligations imposed on Tenement Holder: Working conditions**

20. Following approval of the PEPR, the holder of the Mineral Tenement must commence authorised operations in accordance with the program under Part 10A of the Act within the time period stipulated in the PEPR conditions or Mineral Tenement conditions, and thereafter continue authorised operations in accordance with the requirements of the PEPR.

*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**

21. In addition to obligations about the conduct of authorised operations and rehabilitation, the Act and Regulations impose other obligations on the Tenement Holder including obligations to:
  - 21.1. Comply with the applicable provisions of Part 9 of the Act (entry onto land).
  - 21.2. Comply with the applicable provisions of Part 9B of the Act (native title).
  - 21.3. Comply with the provisions of Section 17CA of the Act (mining returns) to the extent relevant to a miscellaneous purposes licence.
  - 21.4. Comply with Section 15AJ of the Act (records and geological samples) and Regulation 16 of the Regulations.
  - 21.5. Comply, as necessary, with Section 15AB of the Act (ministerial consent for dealings with Mineral Tenements) and Regulations 14 of the Regulations.

## MISCELLANEOUS PURPOSES LICENCE 164

- 21.6. Comply, insofar as applicable to a miscellaneous purposes licence, with Regulation 77 of the Regulations (compliance reports).
- 21.7. Comply with the requirement in Section 56E of the Act. If the area of the Mineral Tenement has been identified by any pegs, markers or other items on the ground take reasonable steps to ensure that the area of the Mineral Tenement continues to be so identified during the term of the Mineral Tenement.
- 21.8. 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**

22. In accordance with Section 9 of the Act, the grant of the Mineral Tenement does not authorise authorised operations upon any exempt land unless or until the benefit of the exemption is waived under Section 9AA.

### **Restatement of Bond**

23. 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:
  - 23.1. Any civil or statutory liability likely to be incurred by the Tenement Holder in the course of carrying out authorised operations;
  - 23.2. The present and future obligations of the Tenement Holder in relation to the rehabilitation of land disturbed by authorised 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**

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

### **Restatement of Renewal**

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

### **Restatement of Surrender**

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

**Restatement of Forfeiture**

27. In accordance with Section 70 of the Act, the Mineral Tenement is subject to forfeiture.

**Restatement of Notices**

28. Notices under the Act will be served in accordance with Regulation 88 of the Regulations.

**Restatement of Mining Register**

29. Section 15AA of the Act requires the Mining Registrar to keep a register of, amongst other things, mineral tenements.

**Restatement of Authorised Operations**

30. As defined by Section 6 of the Act “authorised operations” means:

- 30.1. Exploration operations; or
- 30.2. Mining operations; or
- 30.3. Ancillary operations

**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 31.1, 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 carried out at a private mine; or
- 31.5. Operations which are brought within the ambit of this definition by a determination of the Minister or by the Regulations; or
- 31.6. Operations for the rehabilitation of land on account of the impact of any operations under a preceding paragraph; or
- 31.7. Operations that are directly related to any operations under a preceding paragraph;  
but does not include –
  - 31.7.1. An investigation or survey under Section 15 of the Act; or
  - 31.7.2. Fossicking; or



## MISCELLANEOUS PURPOSES LICENCE 164

31.7.3. The surface removal of loose rock material disturbed by agricultural operations.

32. This definition applies to operations that occur during all phases of the Mineral Tenement's life.

### **Restatement of Ancillary Operations**

33. As defined by Section 6 of the Act "ancillary operations" means:

33.1. Ancillary operations for the carrying on of any business that may be conducive to the effective conduct of mining operations or operations associated with providing amenities for persons engaged in the conduct of mining operations;  
or

33.2. Operations which are brought within the ambit of this definition by a determination of the Minister or by the Regulations;

but does not include operations excluded from the ambit of this definition by a determination of the Minister or by the Regulations.

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

34. The Tenement Holder must comply with Section 15AA of the Act.

34.1. 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.

34.2. If the Tenement Holder is a company, it is required to notify the Mining Registrar of its being subject to an insolvency event within fourteen (14) days of any of those events.

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

35. The Tenement Holder must comply with Section 15AA of the Act and Regulation 81 of the Regulations, which concerns public liability insurance.

### **Restatement of Information**

36. The Tenement Holder must comply with Division 6 of the Act, which concerns the collection and reporting of information.

**Definitions**

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

- 37.1. **“Act”** means the Mining Act 1971 (South Australia);
- 37.2. **“additional terms and conditions”** means the additional terms and conditions authorised by Section 48(3) of the Act and set out in the First and Second Schedules of this Tenement Document respectively;
- 37.3. **“Applicant”** means the person or persons who applied for the Mineral Tenement;
- 37.4. **“Approved PEPR”** means the program for environment protection and rehabilitation under Part 10A of the Act, which has received ministerial approval;
- 37.5. **“business day”** means any day that is not a Saturday, Sunday or a public holiday in South Australia;
- 37.6. **“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
  - 37.6.1. actual or potential harm to the health or safety of human beings that is not trivial, or
  - 37.6.2. actual or potential harm to water that is not trivial, or
  - 37.6.3. other actual or potential environmental harm that is not trivial.
- 37.7. **“the Land”** means the land over which this Mineral 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;
- 37.8. **“completion”** means the Land has been rehabilitated to an extent that the Minister could approve an application for surrender of the Mineral Tenement made in accordance with Section 56X of the Act;
- 37.9. **“Miscellaneous Purposes Licence”** means the Mineral Tenement granted to the Tenement Holder as referred to in paragraph 1 and 2 of this Tenement Document;
- 37.10. **“Mineral Tenement”** means the Miscellaneous Purposes Licence granted to the Tenement Holder as referred to in paragraph 1 of this Tenement Document and all rights and obligations encompassed in the grant;
- 37.11. **“Minister”** means the Minister for Energy and Mining (or any substituted Minister);

## MISCELLANEOUS PURPOSES LICENCE 164

- 37.12. **“PEPR”** means Program for Environment Protection and Rehabilitation;
- 37.13. **“the Program”** means the Approved PEPR as defined above;
- 37.14. **“Proposed PEPR”** means the document required by Section 70B of the Act to be submitted for ministerial approval within the timeframe specified within Second Schedule, Clause 2 of this Licence;
- 37.15. **“Regulations”** means the Mining Regulations 2020 of South Australia;
- 37.16. **“site”** means the Land;
- 37.17. **“Tenement Document”** means this document;
- 37.18. **“Tenement Holder”** means the registered holder of the Mineral Tenement and includes;
- 37.18.1. in the case of a natural person the executors, administrators and assigns of that person;
- 37.18.2. in the case of 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.*
- 37.19. **“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;
- 37.20. **“weeds”** means any invasive plant that threatens native vegetation in the local area or any species recognised as invasive in South Australia.

**Interpretation**

38. For the purposes of interpreting this Tenement Document the following will apply:
- 38.1. 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.
  - 38.2. 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 –
    - 38.2.1. “amendment” includes an addition, excision or substitution;
    - 38.2.2. “the Land” includes any part thereof; and
    - 38.2.3. “the term” includes any renewal or extension thereof.
  - 38.3. If the Mineral 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.
  - 38.4. If, by virtue of a dealing under Section 15AB of the Act, the Mineral 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.
  - 38.5. 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.
  - 38.6. 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.
  - 38.7. 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.
  - 38.8. 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

## MISCELLANEOUS PURPOSES LICENCE 164

Condition, and, on the other hand, any amendments to the Act or Regulations, the amended Act or Regulations shall prevail.

- 38.9. Footnotes and Explanatory notes do not form part of this Tenement Document.
  - 38.10. The contents page does not form part of this Tenement Document.
  - 38.11. The front page and all of the Schedules form part of this Tenement Document.
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MISCELLANEOUS PURPOSES LICENCE 164

Executed by the Tenement Holder(s)

SIGNED by Andromeda Industrial Minerals Pty Ltd (ACN 061 503 375) )  
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 Great Southern Kaolin Pty Ltd (ACN 133 511 180) )  
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

**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://tenementregister.sarig.sa.gov.au/>**

Entered in the Mining Register on 12 December 2021  
In accordance with Sections 15AA(2)(a) and (b) 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 Mineral Tenement*

**Authorised Ancillary Operations**

1. The Mineral Tenement is granted for the purpose of ancillary operations directly related to the mining operations authorised under Mining Lease 6532 for the Great White Kaolin Project.
2. Ancillary operations on the Land must be consistent with the activities described in the Miscellaneous Purposes Licence Proposal dated 26 February 2021 and subsequent Response Document dated 14 July 2021.

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

*Explanatory Note: A condition is a clause that imposes a restriction on a Mineral Tenement.*

<b>INDEX TO SECOND SCHEDULE (ADDITIONAL CONDITIONS)</b>	<b>Condition No.</b>
Transparency.....	1
PEPR Submission.....	2
Commencement of Operations.....	3
Continuation of Operations.....	4
Other Legislation.....	5

**Transparency**

1. 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.

**PEPR Submission**

2. The Tenement Holder must submit a Proposed PEPR for the purpose of Part 10A of the Act within 12 months after the grant of the Mineral Tenement or within such longer period of time as the Director of Mines or other authorised officer may allow.

**Commencement of Operations**

3. The Tenement Holder must commence ancillary operations in accordance with the Approved PEPR under Part 10A of the Act within 12 months after the program has been approved or within such longer period as the Director of Mines or other authorised officer may allow.

**Continuation of Operations**

4. After commencement of ancillary operations, the Tenement Holder must continue ancillary operations in accordance with the requirements of the Approved PEPR or any subsequent revised PEPR.



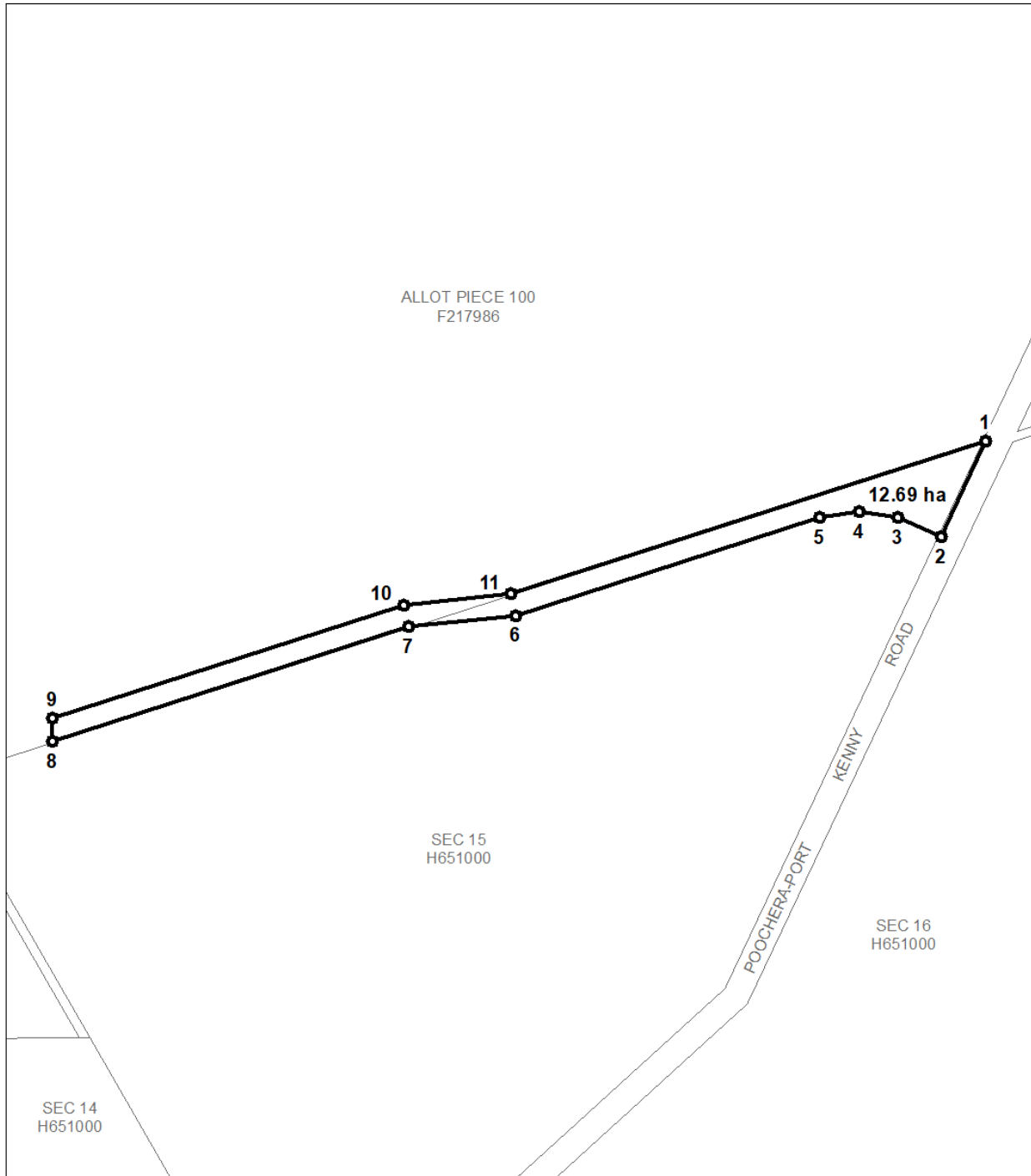
**Other Legislation**

5. The Tenement Holder must comply with all state and Commonwealth legislation and Regulations applicable to the activities undertaken pursuant the grant of the Mineral Tenement including (but not limited to) the:

- 5.1. *Dangerous Substances Act 1979;*
- 5.2. *National Parks and Wildlife Act 1972;*
- 5.3. *Landscape SA Act 2019;*
- 5.4. *Planning, Development and Infrastructure Act 2016;*
- 5.5. *Public and Environmental Health Act 1987;*
- 5.6. *Aboriginal Heritage Act 1988;*
- 5.7. *Heritage Places Act 1993*
- 5.8. *Work Health and Safety Act 2012;*
- 5.9. *Environment Protection Act 1993;*
- 5.10. *Native Vegetation Act 1991;*
- 5.11. *Mines and Works Inspection Act 1920;*
- 5.12. *Road Traffic Act 1961.*

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: 25/11/2021

**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 2020 Zone 53

Point	Easting	Northing
1	478504mE	6368342mN
2	478405mE	6368127mN
3	478306mE	6368170mN
4	478219mE	6368183mN
5	478132mE	6368170mN
6	477446mE	6367949mN
7	477203mE	6367924mN
8	476401mE	6367666mN
9	476401mE	6367718mN
10	477193mE	6367973mN
11	477435mE	6367999mN

Area: 12.69 ha

Based on information provided by the applicant.

**FOURTH SCHEDULE****ENVIRONMENTAL OUTCOMES, CRITERIA AND STRATEGIES**

AND ASSOCIATED CRITERIA PURSUANT TO SECTION 70B(2)(b) OF THE

MINING ACT 1971 AND STRATEGIES PURSUANT TO REGULATION 63(1)(b)

*Explanatory note: The Fourth Schedule of this Tenement Document sets out outcomes contemplated in Section 70B(2)(b) of the Act, that the Tenement Holder is required to address in any program submitted in accordance with Part 10A of the Act. The Fourth Schedule may also specify requirements for strategies and criteria relevant to the outcomes set out in that Schedule.*

**INDEX TO FOURTH SCHEDULE**

Clause No.

Public Safety Outcomes.....	1-2
Adjacent Land Use.....	3
Traffic Outcome.....	4
Aboriginal and European Heritage Outcome.....	5
Native Fauna Outcome.....	6
Native Vegetation Outcome.....	7
Weeds, Pests and Pathogens Outcome.....	8

**Public Safety Outcomes**

1. The Tenement Holder must during construction and operation ensure that unauthorised entry to the site does not result in public injuries and or deaths that could have been reasonably prevented.
2. 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 ancillary operations are as low as reasonably practicable.

**Adjacent Land Use**

3. The Tenement Holder must during construction and operation ensure that there are no public injuries and or deaths, no adverse impacts to adjacent land use and no unauthorised damage to public or third party private property and infrastructure as a result of fires caused by ancillary operations that could have been reasonably prevented.

**Traffic Outcome**

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

**Aboriginal and European Heritage Outcome**

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

**Native Fauna Outcome**

6. The Tenement Holder must ensure there are no native fauna injuries or deaths due to ancillary operations that could have been reasonably prevented.

**Native Vegetation Outcome**

7. The Tenement Holder must ensure there is no loss of abundance and/or diversity of native vegetation on or off the Land through clearance unless a Significant Environmental Benefit has been approved in accordance with the relevant legislation.

*Explanatory Note: the legislation that applies to this outcome is the Native Vegetation Act 1991.*

**Weeds, Pests and Pathogens Outcome**

8. The Tenement Holder must during construction and operation ensure no introduction of new species of environmental weed, plant pathogens or pests (including feral animals), nor sustained increase in abundance of existing weed or pest species on the Land.