26 November 2012

The Department of Environment and Heritage Protection
PO Box 937
Cairns QLD 4870

Our ref: 41/23951/442453
Your ref: MAN14060

Attention: Mr Warwick Fegan

Dear Warwick

Ostojic Group Transitional Environmental Program (MAN14060) November 2012 Milestone - Dust Control and Air Quality Monitoring

I refer to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) for their Bulk Handling Facility at Sir Hudson Fysh Drive Cloncurry and provide this notification that Ostojic Group will not be able to meet the requirement to report results of the ambient air quality and dust deposition monitoring program by 30 November 2012 as detailed in Table 1.

Ostojic Group wish to highlight that this milestone is reporting only and that there is no increase in potential environmental harm caused by this delay. However, Ostojic Group wish to ensure that they are taking the actions outlined in Table 1 and are committed to providing a report for the October-November sampling period outlining dust deposition gauge results by 21 December 2012.

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Table 1 Summary of TEP Requirement and Response for November 2012

Action	Item	Delivery Date	Ostojic Group response and actions moving forward
2(d)	Report results of monitoring program (ambient air quality and dust deposition monitoring)	30 November 2012	Dust deposition gauges were installed onsite in October 2012 in accordance with the TEP requirements. The first month of reporting will be completed prior to 30 November 2012 and sent to a NATA approved Laboratory for analysis, with reporting to DEHP available mid-December. Dust deposition gauge sampling will continue on a monthly (30 day) cycle at the start of each month with the next round commencing early December 2012. High Volume air quality (Hi Vol) samplers were installed onsite in October 2012 in accordance with the TEP requirements. Commissioning of equipment and training has been completed. Staff movements have meant a further staff member will require training which will occur in November 2012. It is expected sampling on a 6 day cycle will commence early December 2012 to align with the Mount Isa Hi Vol air quality monitoring program. A report will be submitted to DEHP by 21 December 2012 for the October – November sampling period showing meteorology and dust deposition gauge results and outlining upcoming Hi-Vol sampling.

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Action	Item	Delivery Date	Ostojic Group response and actions moving forward
			Reporting for dust deposition gauges and Hi-Vol sampling will then be conducted monthly and will be submitted to DEHP on or around the 20th day of each month.

Should you have any queries in relation to the above, please do not hesitate to contact Geoff Ford on 07 3316 3591.

Yours sincerely
GHD Pty Ltd

s.49 - Signature

Geoff Ford
Environmental C...
(07) 3316 3569

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31 October 2012

The Department of Environment and Heritage Protection
PO Box 937
Cairns QLD 4870

Our ref: 41/23951/441655
Your ref: MAN14060

Attention: Mr Warwick Fegan

Dear Warwick

Ostojic Group Transitional Environmental Program (MAN14060)
31 October 2012 Milestone – Land Remediation Plan and Air Quality Monitoring

I refer to the Ostojic Group Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012) for their Bulk Handling Facility at Sir Hudson Fysh Drive Cloncurry and provide this update of Ostojic's compliance with milestones for 31 October 2012. This is summarised below.

Table 1 Summary of TEP Requirement and Response for 31 October 2012

Action	Item	Delivery Date	Ostojic Group Response
1(e)	A land remediation plan covering areas contaminated by mineral concentrates.	31 October 2012	Ostojic Group commissioned GHD to undertake a contamination assessment of the site at Cloncurry, Queensland and prepare a land remediation plan in accordance with the requirements of the TEP. The draft land remediation plan is **attached** to this letter for consideration by the Department of Environment and Heritage Protection. Please provide comment as required.
2(c)	Undertake monthly monitoring as identified in the program.	31 October 2012	Ambient air quality and dust monitoring equipment has been installed at locations outlined in the AQMP and monitoring has commenced in line with the requirements in the TEP.

Should you have any queries in relation to the above, please do not hesitate to contact Geoff Ford on 07 3316 3591.

Yours sincerely

GHD Pty Ltd

s.49 - Signature

Geoff Ford
Environmental
(07) 3316 3569

Attachment: Draft Land Remediation Plan

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Queensland Government

Reference NOR/086766 – CR53334

3 July 2012

David Peet
Group Business HSEQ & Compliance Manager
Ostojic Group Pty Ltd
PO Box 38915 Winnellie NT 0821

Dear Sir,

Warning Letter - Stormwater Pond Overflow Incident at Ostojic Bulk Handling Facility

This warning letter is issued to you by the Department of Environment and Heritage Protection (EHP) in respect to the activities of Ostojic Group Pty Ltd at the Ostojic Bulk Handling Facility on land described as Lot 138 and Lot 142 on RP905659 situated at Sir Hudson Fysh Drive, Cloncurry (the "said premises").

During the site inspection conducted by officers of EHP on 31 January 2012, it was confirmed that Ostojic Group Pty Ltd has contravened conditions WA1 and WA3 of Development Approval (DA) SPDE01054010.

Under Section 435(2) of the *Environmental Protection Act (EP Act) 1994*, it is an offence to contravene a development condition of a development approval.

The facts and circumstances forming the basis for issuing this warning letter are:

- As the holder of DA SPDE01054010, Ostojic Group Pty Ltd is required to comply with all conditions of the DA;
- On the night of 27 January 2012, the Ostojic Bulk Handling Facility stormwater pond overflowed releasing waters into the creek located downstream of the pond;
- Conditions WA1 and WA3 of DA SPDE01054010 require sampling of waters related to the release within 2 hours of commencement of release from the stormwater settling pond and within 24 hours of the discharge event from the receiving waters within 500m downstream of the release point;
- Ostojic Group Pty Ltd did not take water samples in accordance with the DA conditions during the stormwater release. These samples are important in identifying contaminants present in the water and determining if the release will cause, or is likely to cause, environmental harm to the receiving environment;
- Section 435(2) of the EP Act 1994, creates an offence and provides penalty for contravention of a development condition of a development approval. Maximum penalty is 1665 penalty units.

As a result of the events surrounding this matter please be advised that you have been **formally**

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warned that it is a breach under section 435(2) of the *EP Act 1994* to contravene a development condition of a development approval. In addition, you are reminded of your obligations to comply with your general environmental duty under section 319 of the *Environmental Protection Act 1994* which states that *"A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise harm".*

In this instance, it has been determined that no further action will be taken in respect of the matters giving rise in this warning. If additional evidence becomes available, or if continuation of this breach and/ or other more serious matters comes to light in the future, EHP may consider taking further action, including prosecution in accordance with its Enforcement Guidelines. A copy of the guidelines is available on our website at: http://www.ehp.qld.gov.au/environmental_management/pdf/enforcement-guidelines.pdf.

Should you have any questions in relation to this matter, please contact Alex Apostol on (07) 4744 7814.

Yours faithfully,

s.49 - Signature

Warwick Fegan
A/Manager
Mining and Heavy Industry - Northern Region
Department of Environment and Heritage Protection

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