

Notice

Environmental Protection Act 1994

Transitional environmental program certificate of approval number MAN14060

This certificate of approval is issued by the administering authority pursuant to sections 339 and 344 of the Environmental Protection Act 1994. A transitional environmental program is a specific program that, when approved, achieves compliance with the Environmental Protection Act 1994 for the matters dealt with by the program by reducing environmental harm, or detailing the transition to an environmental standard.

Under the provisions of the *Environmental Protection Act 1994*, this amended certificate of approval is hereby granted to:

Ostojic Group Pty Ltd
PO Box 38915
WINNELLIE NT 0821

Approving the amendment to the draft transitional environmental program; titled "Ostojic Group Pty Ltd Bulk Handling Facility, Sir Hudson Fysh Drive Cloncurry Transitional Environmental Program".

The approved amendment to the draft transitional environmental program extends the delivery dates for the following actions listed in the program:

Action	Original Delivery Date	Revised Delivery Date
1(d) Installation and operation of truck washing facilities for cleaning trucks leaving the site.	31 March 2013	31 May 2013
3(b) Obtain necessary statutory approvals for site works to commence (including but not limited to, Material Change of Use and Operational Works permits).	31 January 2012	31 June 2013
3(c) Commission construction company to construct buildings and structures.	31 July 2013	31 May 2013

The amended transitional environmental program is approved subject to the following additional conditions:

1. The approved Transitional Environmental Program (TEP) applies to conditions A1 and A5 of Development Approval SPDE01054010.
2. All conditions of this approval and all conditions of Development Approval SPDE01054010 (apart from condition A1 and A5) apply during the period of this TEP.
3. A receiving environment dust monitoring program must be developed and implemented by 31 October 2012. The receiving environment dust monitoring program must:
 - (a) be developed by an appropriately qualified person;

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Transitional environmental program certificate of approval

- (b) be implemented and maintained for the period of the TEP;
 - (c) include a sufficient number of monitoring locations representative receiving environment, including sensitive places and an appropriate monitoring frequency of those locations to allow for a scientifically justifiable assessment of emissions from the activity against the ambient air quality limits listed in Table 1 of this approval;
 - (d) be undertaken in accordance with the relevant Australian Standards;
 - (e) at a minimum, monitor for:
 - i. Particulate Matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀); and
 - ii. Total Suspended Particles.
4. Dust emissions from the activity must not cause the ambient air quality limits listed in Table 1 of this approval to be exceeded when measured at a sensitive place in accordance with the receiving environment dust monitoring program.

Table 1 – Ambient Air Quality Limits

Air Quality Characteristic	Limit	Averaging Period
PM ₁₀ (particulate matter with an aerodynamic diameter of less than 10 micrometres)	50 µg/m ³	24 hours
Total Suspended Particles	90 µg/m ³	Annual
Dust Deposition (Total Insoluble Matter)	120 mg/m ² /day	Monthly

5. A report on the dust monitoring program including results of the program must be provided to the administering authority on a six monthly basis during the period of the TEP.

Definitions

“appropriately qualified person” means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

“sensitive place” means

- (a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
 - (b) an educational institution; or
 - (c) a medical centre or hospital; or
 - (d) a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
 - (e) a public park or garden,
- but does not include employee accommodation or public roads.

The transitional environmental program remains in force until 31 May 2014.

In any case where conditions are imposed upon a certificate of approval, you may apply to the administering authority for a review of the decision. You may also appeal against the decision to the Planning and Environment Court.

Transitional environmental program certificate of approval

information relating to review of decisions or appeals under the Environmental Protection Act, including with
the details. This information is intended as a guide only. You may have other requirements and obligations.

should contact the relevant **es** in relation to this notice. We, Appointed the Department of Environment and
Heritage Protection, phone number (07) 4223 5359 would be happy to assist you.

sch4p4(6) Personal information

□

Date

Signature
Appointed the Department of Environment and Heritage
Protection
Name
Title
Address
Phone
Fax

Appointed the Department of Environment and Heritage
Protection
Name
Title
Address
Phone
Fax

RTI DL RELEASE - EHP

Assessment Report

Environmental Protection Act 1994
Transitional environmental program (TEP)

Considering and making a decision about an Amendment to a TEP

This document is for internal use to assist users in critically evaluating the content of a draft TEP and making a decision to either approve (with or without conditions) or refuse a proposed amendment to a TEP.

Identifying details	
Compliance activity number	CA23909
Ecotrack number	MAN14060
Permit number	DA SPDE01054010
File number	NOR/08676
Applicant name	Ostojic Group Pty Ltd
Registered office or place of business	PO Box 38915 Winnellie Northern Territory 0821
Date draft TEP received.	Application for Amendment of TEP received 15 November 2013 Decision date is 13 December 2013.

Considering and making a decision about an amendment to a TEP

The legislative provisions in regard to transitional environmental programs (TEPs) are found in Chapter 7, Part 3 of the *Environmental Protection Act 1994* (the Act).

The holder of a TEP may submit an amendment to the TEP to the Department for consideration, voluntarily under s344 of the Act. Once an application for an amendment of a TEP is received, the Department must consider it and decide whether or not to approve it within 20 business days after the application date. Detailed below are the matters that the Department must consider when making a decision about an amendment to a TEP.

TEP Part 2 – Considering and making a decision about an amendment to TEP

1. Brief history of the matter

Briefly outline any historical information relevant to this decision.

- (a) On 18 May 2012, EHP approved the TEP (MAN14060) for Ostoic Group Pty Ltd to transition to compliance with conditions A1 and A5 of Development Approval (DA) SPDE01054010 of Ostoic Bulk Handling Facility at Lot 138 (Plan RP905659), Sir Hudson Fysh Drive, Cloncurry, Qld. The TEP requires Ostoic Group Pty Ltd to:

- take all necessary actions to achieve compliance with Condition A1 of DA SPDE01054010, and;
- take all necessary actions to achieve compliance with Condition A5 of DA SPDE01054010.

During the implementation of the actions, Ostoic has indicated that a number of items required extension of time frame due to third party delays.

- (b) On 15 November 2013 Ostoic Group Pty Ltd submitted a request to amend TEP MAN14060 following a meeting with EHP on 1 October 2013. The request to amend TEP MAN14060 involves extension of milestone dates of Action 3, 3(b), 3(c), 3(d), 3(e) and 3(f) and consequently extending the term of the TEP to 17 May 2017. The actions in TEP MAN14060 proposed to be extended include:

- Action 3 – Extension of existing shed in accordance with concept drawing numbers 1A and 1B attached at Appendix D (of the draft TEP) by 31 May 2014;
- Action 3(b) – Obtain necessary statutory approvals for site works to commence (including but not limited to, Material change of Use and Operational Works Permits) by 31 June 2013;
- Action 3(c) – Commission construction company to construct buildings and structures by 31 May 2013;
- Action 3(d) – Carry out capital works by 31 May 2014;
- Action 3(e) – Implement and maintain appropriate practices and procedures on site by 31 May 2014;
- Action 3(f) – Update Site Based Management Plan to incorporate any new capital works and improvements by 30 June 2014.

- (c) Ostoic Group Pty Ltd have requested that milestone dates in TEP MAN14060 be extended due to allow Ostoic sufficient time to complete design drawings and specifications, obtain Development Permits for Building Works and Operational Works from the Cloncurry Shire Council and to reconsider funding and execution of site works resulting from the suspension of magnetite delivery service and storage by Ernest Henry Mine. The proposed changes to the TEP milestone dates are:

- Action 3 – completed by 17 May 2017;
- Action 3(b) – completed by 30 June 2016;
- Action 3(c) – completed by 31 May 2016;
- Action 3(d) – completed by 17 May 2017;
- Action 3(e) – completed by 17 May 2017;
- Action 3(f) – completed by 17 May 2017

TEP Part 2 – Considering and making a decision about an amendment to TEP

2. Matters that must be considered when making an amendment decision about a TEP

The amended draft TEP submitted by Ostojic Group Pty Ltd on 15 November 2013 proposes changes to the milestone dates for the following actions:

Action	Item	Milestone	Original Delivery Date	Revised Delivery Date
3	Extension of existing shed in accordance with concept drawing number 1A and 1B attached at Appendix D.	Sheds have been extended in accordance with Appendix D.	31 May 2014	17 May 2017
3(b)	Obtain necessary statutory approvals for site works to commence (including but not limited to Material Change of Use and Operational Works permits).	Development Permits obtained	30 June 2013	30 June 2016
3(c)	Commission construction company to construct buildings and structures.	Construction contractor commissioned.	31 May 2013	31 May 2016
3(d)	Carry out capital works	Capital works in place	31 May 2014	17 May 2017
3(e)	Implement and maintain appropriate practices and procedures on site.	Implementation and maintenance of appropriate practices and procedures on site.	31 May 2014	17 May 2017
3(f)	Update Site Based Management Plan (SBMP) to incorporate any new capital works and improvements.	SBMP updated	30 June 2014	17 May 2017

Section 344 – Considerations for Amendment of TEP**(a) S344(2) Does the amendment extend the program beyond 5 years?**

☒ No

The term of the TEP will not extend beyond 5 years from the date the TEP commenced.

☐ Yes – public notification required

(b) s344(3) Does the amendment increase environmental harm being caused by the activity?

☐ Yes – application must be refused

TEP Part 2 – Considering and making a decision about an amendment to TEP

☒ No – provide justification:

Ostojic Bulk Handling Facility has been operating at significantly reduced volumes of 8,000 to 10,000 tonnes per month as a result of suspension of magnetite delivery from Ernest Henry Mine in early September 2013. The final load of magnetite concentrate left the facility on 28 August 2013.

Handling of significantly reduced volumes of copper concentrate, and no magnetite, at the facility will result to a reduction in dust generated by truck movements and the loading and unloading of materials onto the train.

The TEP has indicated how each proposed action will prevent or minimise any environmental harm. The amended TEP has also indicated that interim measures have been undertaken and are in place as required by EPO STAT657. These interim measures include covering of all mineral concentrate stockpiles not stored in fully enclosed sheds regular cleaning and removal of mineral concentrate spillage from the area and air quality monitoring program will continue throughout the extended term of the TEP. The interim measures will be continuously implemented throughout the duration of the TEP. If circumstances allow, Ostojic Group Pty Ltd are committed to implementing the remaining actions of the TEP prior to the proposed extended dates.

EHP is satisfied that the amendment request will not pose an increase in environmental harm being caused by carrying out of the activity under the amended approval than the environmental harm that would be caused by carrying out the activity if the approval were not granted.

(c) S344(4)(a – c) Period under original approval and changes to period.

The TEP indicates how SPDE01054010 Conditions A1 and A5 requirements will be achieved by the following proposed actions:

Proposed Action	DA SPDE01054010 Condition Addressed
Provision of dust control measures and monitoring devices	A1, A5(a)
Installation and operation of dust suppression measures such as watering systems	A1
Provision of an extended enclosed building to store the concentrates in an enclosed building.	A5(b), A5(c), A5(d), A5(f)
Use of dust control measures such as watering and truck wash down facilities	A1, A5(g)
Implementation of housekeeping checklist/procedures	A5(b), A5(e), A5(g)
Development and implementation air quality monitoring programs	A1, A5(a), A5(g)

The original Certificate of Approval for the Ostojic TEP was issued on 18 May 2012 and ends on 31 May 2014. Most of the required actions under the TEP MAN14060 Objective - "Achieve compliance with development condition A1 of Development Approval (DA) SPDE01054010" have been completed by Ostojic Group Pty Ltd. On-going action under this objective includes implementation of the monthly air quality monitoring program. The monthly air quality monitoring will continue throughout the duration of the TEP extension period. The TEP also indicates that the progress of the TEP will be monitored by Ostojic Group

TEP Part 2 – Considering and making a decision about an amendment to TEP

Pty Ltd, with 6-monthly reports provided to EHP, documenting any monitoring results and data to demonstrate the TEP progress.

The remaining actions under TEP MAN14060 refer to the objective - "Achieve compliance with development condition A5 of Development Approval (DA) SPDE01054010." Most of the actions involving the implementation of enclosed storage shed for mineral concentrates will require period extension.

Additionally, the draft TEP will be amended to indicate that at the end of the TEP period (17 May 2017), a final (close out) report will be prepared and submitted to EHP documenting how compliance with the TEP has been achieved, and how all requirements of conditions A1 and A5 of DA SPDE01054010 and general environmental duty have been met. This close out report will be based on the development and implementation of an ambient air quality and dust deposition program, and will be submitted to EHP by 17 May 2017.

As the term of TEP will be extended to 17 May 2017, the progress of the TEP will be monitored by Ostojic and documented in 6-monthly reports to EHP. The report will identify each TEP action and its status, advice program performance and meeting of performance indicators and delivery dates, provide if necessary, contingency or corrective actions required to ensure TEP compliance and will include monthly air quality monitoring results. The report will be submitted to EHP by the following dates: 5 January 2014, 30 June 2014, 5 January 2015, 30 June 2015, 5 January 2016, 30 June 2016, 5 January 2017.

(d) s344(4)(d) Nature of the environmental harm being caused by the activity

The TEP has indicated how each proposed action will prevent or minimise any environmental harm. The amended TEP has also indicated that interim measures have been undertaken and are in place as required by EPO STAT657. These interim measures include covering of all mineral concentrate stockpiles not stored in fully enclosed sheds, repair of all damaged claddings on the existing storage shed and regular cleaning and removal of mineral concentrate spillage from the area. The interim measures will be continuously implemented throughout the duration of the TEP.

The changes to the internal timeframes and the term of TEP are not expected to increase environmental harm caused by the activity, and the continual implementation of the measures required under the TEP will reduce overall environmental harm caused by the project.

Standard criteria

☒ The Department has considered all relevant matters in the standard criteria.

Provide brief details in the table below of each relevant standard criterion and how it relates to the Department's consideration of the draft TEP. If a particular criterion is not applicable, write 'N/A'.

Standard criterion	Details
Ecologically sustainable development	The proposed amendments allow for continued operation without increasing environmental risk.
Environmental protection policies (EPPs)	The EPP for Air has been considered during the assessment of the draft TEP, specifically Part 4 of the EPP (Air) 2009 referring to management hierarchy, i.e., avoiding, recycling, minimising, or managing air emissions, for an activity involving air emissions. Fugitive dust emission is generated during loading and unloading of mineral

TEP Part 2 – Considering and making a decision about an amendment to TEP

	concentrate. Reduction in copper concentrate and no magnetite handling at the facility will result to a reduction in dust generated by truck movements and the loading and unloading of materials onto the train. It is considered that a negatively pressured shed would significantly reduce fugitive air emissions coming from the site.
Plans, standards or agreements	N/A
Environmental impact study, assessment or report	N/A
Receiving environment	The risk to the receiving environment is expected not to increase due to significantly reduced volume of copper concentrate and no magnetite concentrate to be handled at Ostoic facility. Monthly air quality monitoring will be continuously undertaken until the completion of the TEP.
Submissions made by the applicant and submitters	N/A
Best practice environmental management	<p>The best practice environmental management is to fully enclose the facility with provisions for dust control measures in order to prevent the contaminants from becoming air borne. The fully enclosed shed will also reduce the risk that stormwater can be contaminated by mineral concentrate spill during loading and unloading.</p> <p>The amended draft TEP requires Ostoic Group Pty Ltd to incorporate best practice environmental management techniques where appropriate in carrying out this program. Fully enclosed negatively pressured sheds have been the minimal requirements for other similar facilities constructed in North Region. These include MMG Karumba (storage of lead and zinc concentrate), Rocklands (copper concentrate) and the Townsville port facility.</p> <p>The Site Based Management Plan proposes to be updated as part of this TEP will contain the best practice environmental management to be implemented at Ostoic Bulk Handling Facility.</p>
Financial implications	The financial implications of the amendment are considered minor. The extended term of the TEP will allow Ostoic Group Pty Ltd to reassess its financial capacity and obtain additional funding to construct the fully enclosed negatively pressured sheds.
Public interest	It is considered that it is in the public interest to transition the operation into compliance with contemporary environmental standards, as such, the amendments to the TEP are administrative in nature, and the major work required under

TEP Part 2 – Considering and making a decision about an amendment to TEP

	the TEP has not changed.
Site management plan	There is current site management in place, which is not affected by the proposed amendments. The current site management plan can still be implemented during the term of the TEP and will be updated as soon as the actions in the TEP are completed.
Environmental management systems (IEMS)	N/A

Additional information

☐ The Department has considered additional information (if any) given in relation to the TEP amendment.

OR

☒ No additional information has been provided.

Views expressed at a conference

☒ If a conference has been held in relation to the amendment to the TEP, the Department has considered the views expressed at the conference.

A meeting was held on 1 October 2013 between EHP, Ostoic Group Pty Ltd and GHD Pty Ltd. The meeting resulted in:

- Ostoic to submit application to amend internal timeframes for the TEP actions 3, 3(b), 3(c), 3(d), 3(e) and 3(f) and the term of TEP. Ostoic has indicated that the Cloncurry facility has been handling significantly reduced volume of mineral concentrate as a result of stoppage of magnetite hauling from Ernest Henry Mine since September 2013. The only mineral concentrate being handled at the facility is copper concentrate at a reduced volume of 8,000 to 10,000 tonnes per month. Ostoic is committed to building a fully enclosed negatively pressurised sheds for the copper concentrate. However, Ostoic will require additional time to secure additional funding for carrying out the capital works.
- Interim measures including covering of all mineral concentrate stockpiles not stored in fully enclosed sheds, regular cleaning and removal of mineral concentrate spillage from the area and air quality monitoring program will continue throughout the extended term of the TEP.
- EHP will assess the Ostoic TEP amendment application whether or not the amendment will result in increased environmental harm caused by the activity.

OR

☐ No conference has been held.

Consistency with development conditions of a development approval

☒ If the draft TEP has been prepared because of a development condition of a development approval, the draft TEP is consistent with other conditions of the development approval.

The TEP is consistent with the remaining conditions of the development approval.

OR

☐ The draft TEP has not been prepared because of a development condition of a development approval.

TEP Part 2 – Considering and making a decision about an amendment to TEP

Public notice of submission of amended TEP and substantial compliance with the Act

☐ If public notice is required to be given at the submission of the draft TEP, the Department is satisfied that the public notice has been properly given.

OR

☐ The Department is not satisfied that the required public notice has been properly given, but is satisfied that there has been substantial compliance with the Act and will accept this as compliance.

OR

☒ Public notice is not required.

Is the Department satisfied with the proposed amended TEP?

For the amended draft TEP to be approved, at least one box should be checked next to each of the above matters for consideration. If any of the matters remain unchecked, then the draft TEP can not be approved.

☒ If a box has been checked next to each requirement - Proceed to section 3.

☐ If a box has not been checked next to each requirement - Proceed to section 4.

3. Request for further information and/or amendments to a draft TEP

If the draft TEP substantially addresses all of the relevant matters listed under s331 of the Act, but cannot be approved unless further information is provided or some amendments are made, the Department may request that the person or public authority provide further information or an amended TEP. Note that if there are significant problems with the draft TEP and it will require major changes or re-writing before it can be approved, the Department should refuse to approve it.

If it is appropriate that further information or a request for amendments be made, officers should consider the following alternatives—

☐ Further information is required.

☐ Minor amendments are required.

☐ More substantial amendments are required.

4. Approval of the amended TEP.

Prior to making a recommendation to issue a notice of decision approving the amended TEP (with or without conditions), it is important to take into account that the Act stipulates that a TEP is a program that achieves compliance with the Act for the activity to which it relates.

If the draft TEP does **not** meet the requirements of the Act it must be refused. Whilst the Act does make provision for the approval to be subject to conditions, the conditions should address relatively minor issues only. Conditions stated in a notice of decision must not be used to rectify significant issues with an amended TEP.

A notice of decision must be issued within 8 business days of making the decision to approve the amended TEP. If the approval is subject to conditions, the notice of decision must be an information notice.

TEP Part 2 – Considering and making a decision about an amendment to TEP

- ☒ The notice of decision identifies the documents forming the approved TEP, including any amendments under section 339(1)(a)(ii).
- ☒ The notice of decision **sets** out any conditions imposed on the approval by the Department.
- ☒ The notice of decision states the day the approval ends.
- ☒ If conditions have been imposed on the approval, the notice of decision is in the form of an information notice.

If the notice is in the form of an information notice, it must include:

- ☒ the decision and
- ☒ the reasons for the decision and
- ☒ any available rights of internal and external review.

5. Refusal to approve a draft TEP

The draft TEP cannot be approved unless at least one checkbox has been checked beside each of the matters required to be addressed by the draft TEP. If the draft TEP does not meet all of the requirements, and any deficiencies will not be addressed by a request for further information and/or amendments to the draft TEP, then the Department should refuse to approve the draft TEP.

If the Department refuses to approve the TEP, the notice of decision must be an information notice. Consequently, the notice of decision must include:

- ☐ the decision and
- ☐ the reasons for the decision and
- ☐ any available rights of internal and external review.

6. Provide for natural justice

In order to provide natural justice, the Department must advise the person that submitted the amended TEP if it intends to do one of the following things—

- request further information about the amended TEP and/or
- request amendments to the amended TEP or
- refuse to approve the amended TEP.

The Department must also provide the person with the opportunity to make submissions in response to the Department's intentions.

- ☒ The person has been provided with the opportunity to put their side of the story forward.
- ☒ All information provided has been considered.
- ☒ The Department has considered the information.
- ☒ The decision-maker and environmental officer are free from bias or the perception of bias.

The department has undertaken extensive negotiations with the client, and has considered their representations in deciding the application.

TEP Part 2 – Considering and making a decision about an amendment to TEP

7. Fees

The fee for assessing an application to amend a TEP is \$206.00 (includes GST).

8. Recommendation

The assessing officer is required to make a recommendation in relation to the draft TEP.

Recommendation:

It is recommended that approval for the amended draft TEP submitted by Ostoic Group Pty Ltd be granted with conditions under Section 344 of the *Environmental Protection Act 1994*.

It is recommended that the amended TEP Certificate of Approval MAN14060 be issued to Ostoic Group Pty Ltd.

It is recommended that a notice of the decision to grant the amendment to the TEP be issued to Ostoic Group Pty Ltd under section 340 of the *Environmental Protection Act 1994*.

It is recommended that a total fee of \$206.00 be requested from Ostoic Group Pty Ltd.

9. Approval

Environmental Officer	Supervisor
<div style="border: 1px solid black; padding: 5px; text-align: center;">sch4p4(6) Personal information</div>	<div style="border: 1px solid black; padding: 5px; text-align: center;">sch4p4(6) Personal information</div>
Print name: Alex Apostol	Print name: Warwick Fegan
Date: 10/12/2013	Date: 10/12/13

Delegated decision-maker	☒ Approve ☐ Reject recommendation (circle one)
Reasons for decision. RM discussed actions 3(b) + 3(c) with assessing officers. Assessing officers advised that these actions were not met initially due to hold up/objection by Claymore Shire Council with respect to permits req. from the Council.	
Print name: R. McAuley <div style="border: 1px solid black; padding: 2px; display: inline-block;">sch4p4(6) Personal information</div>	
Date: 13 December 2013	

Permit

Environmental Protection Act 1994

Certificate of approval – transitional environmental program

This certificate of approval for a transitional environmental program (TEP) is issued by the administering authority pursuant to sections 340 and 344 of the Environmental Protection Act 1994 (the Act).

Ostojic Group Pty Ltd
PO Box 38915
WINNELLIE NT 0821

Our reference: MAN14060

13 December 2013

Certificate of approval number: MAN14060

Dear Sir / Madam,

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this certificate of approval for a transitional environmental program (TEP) is served on you by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The TEP remains in force until **17 May 2017**.

An annual return and the payment of the assessment fee is due within **22 business days** after the anniversary day, each year.

The anniversary day is **17 May**.

A. Certificate of approval issued to:

Name	Registered address
Ostojic Group Pty Ltd	115 Tivendale Rd Berrimah, Northern Territory 0828

Permit

B. Transitional environmental program details

Location(s)
Lot 138 on Plan RP905659 Sir Hudson Fysh Drive Cloncurry, Queensland 4824

The approved TEP consists of the following:

- the submitted application documents including any amendments made at the request of, or with the agreement of, the department (**attached**);
- a copy of this certificate of approval.

C. Conditions

The draft transitional environmental program is approved subject to the conditions set out in Schedule 1.

D. Additional information

Contaminated land

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

Obligations under the Act

In addition to the requirements found in the conditions of this certificate of approval, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example:

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

es in relation to the notice please contact Alex Apostol on telephone number 07 4222 5359.

sch4p4(6) Personal information

13

Rebecca McAuley

Team Leader – Mining and Heavy Industry

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1986

Enquiries:

Environmental Protection and Inspection

PO Box 722

CAIR

PO Box 1000

Department of Environment and Heritage Protection

Attachments

Approved T3

RTI DL RELEASE - EHP

- 1.
- 2.
- 3.

RTI DL RELEASE - EHP

Air Quality Characteristic	Limit	Averaging Period
		24 hours
µm ³		Annual
m ³ /day		Monthly

- 5.

Certificate of approval – transitional environmental program

- 30 June 2015
 - 5 January 2016
 - 30 June 2016
 - 5 January 2017
7. A final (close out) report will be prepared and submitted to EHP by 17 May 2017.
8. The final date for completion of the TEP is **17 May 2017**.

Definitions

“appropriately qualified person” means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods or literature.

“sensitive place” means

- (a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
 - (b) an educational institution; or
 - (c) a medical centre or hospital; or
 - (d) a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
 - (e) a public park or garden,
- but does not include employee accommodation or public roads.

END OF CERTIFICATE

Notice

Environmental Protection Act 1994

Decision to approve an amendment to a transitional environmental program

This notice is issued by the administering authority pursuant to sections 340 and 344 of the Environmental Protection Act 1994 (the Act) to advise of a decision made on a proposed amendment to a transitional environmental program.

Ostojic Group Pty Ltd
PO Box 38915
WINNELLIE NT 0821

Your reference: SPDE01054010

Our reference: MAN14060

13 December 2013

Dear Sir / Madam,

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this notice advising of the decision to approve an amendment to a transitional environmental program is issued to Ostojic Group Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

This notice is issued in respect to the activities of Ostojic Group Pty Ltd at the Cloncurry Rail Loading Facility on land described as Lot 138 on RP905659 situated Sir Hudson Fysh Drive, Cloncurry (the premises).

A. Application details

Your application for the approval of a proposed amendment to a draft transitional environmental program (TEP) was received by the department on 15 November 2013.

Certificate of Approval MAN14060.

This draft program relates to works required to transition into compliance with environmental authority SPDE01054010.

B. Decision

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

The approved TEP consists of the following:

Decision regarding a draft transitional environmental program

- the submitted application documents including any amendments made at the request of, or with the agreement of, the department; and
- a copy of the amended certificate of approval, including conditions (**attached**).

The TEP will remain in force until **17 May 2017**.

C. Grounds

- The decision to approve the amendment considered that the risk of further environmental harm occurring was low.
- Conditions were imposed to clarify the new reporting requirements as a result of changes to the timeframes specified in the transitional environmental program.

D. Reviews and appeals

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

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

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

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

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

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

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

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

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

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

Notice

E. Fee and annual return

Fees apply to the assessment of an application for a TEP and any subsequent annual returns lodged. The applicable fees are outlined in the attached operational policy - transitional environmental program fees (EM008).

A total fee of \$206.00 has been determined as appropriate for the assessment of the application and in accordance with the operational policy. This fee is payable and an invoice will follow shortly.

As your TEP is valid for 12 months or more, an annual return and assessment fees apply while the TEP is in effect. These must be submitted to the administering authority no later than 30 business days after each anniversary of the day the TEP was approved. A blank annual return for a TEP has been attached.

Should you have any queries in relation to the notice, please contact Alex Zepher, the department on telephone number 07 4222 6569.

sch4p4(6) Personal information

Signature

Date

Rebecca

Hi

Enquiries

Environmental Services and Regulation

Box 6000

STANLEY QLD 4806

Phone: 07 4222 6569

Email: info@dehp.qld.gov.au

Attachments

Certificate of approval (Notice of Approval)

Information about internal review and appeal to Planning and Environment Court (EP 166)

Operational Policy - Transitional Environmental Program Fees (EM008)



15 November 2013

Hamish Butler
Team Leader – Mining and Heavy Industry
Environmental Services and Regulation – Northern Region
Department of Environment and Heritage Protection
PO Box 937
CAIRNS QLD 4870

Our ref: 41/23951
452871
Your ref: MAN14060

Dear Hamish

**Ostojic Group Transitional Environmental Program (MAN14060)
Request for Extension of Milestone Dates and Term of TEP**

I refer to the Ostojic Group's (Ostojic) Transitional Environmental Program (Certificate of Approval Number MAN14060 dated 18 May 2012 and approved amendment dated 12 March 2013) for their bulk handling facility at Sir Hudson Fysh Drive, Cloncurry. Pursuant to s344 of the *Environmental Protection Act 1994* Ostojic Group request an extension of the term of the TEP and milestone dates for actions 3, 3(b), 3(c), 3(d), 3(e) and 3(f). This request is submitted following notice from Ostojic of the required extensions in correspondence dated 13 September 2013 and subsequent meeting held between DEHP, Ostojic Group and GHD on the 1 October 2013.

1 Recent Operational Changes

On 26 July 2013, Ostojic were notified by Xstrata's Ernest Henry Mine of their intention to suspend the magnetite delivery service and storage at Ostojic's facility from early September 2013. Such a suspension was on the basis of operational needs and/or due to a material change in the economic circumstances affecting Ernest Henry Mine. This notification was issued to Ostojic without prior warning from Xstrata.

The final load of magnetite left the facility on 28 August 2013 and since then, the facility has been operating at significantly reduced volumes of 8,000 to 10,000 tonnes per month of copper concentrate only. This situation has created an uncertain future for the facility and Ostojic has put on hold some activities to allow them to reassess their position, investigate other client opportunities and the ongoing viability of the facility.

Ostojic wish to advise EHP that while they intend to comply with all of the actions of TEP MAN14060 as soon as practicable, the stalling of various activities for a period of time will not cause an increase in potential or actual environmental harm generated by the facility. Ostojic however will require an extension of the milestone dates for actions 3, 3(b), 3(c), 3(d), 3(e) and 3(f) and to the term of the TEP beyond May 2014 to allow time to reconsider funding and execution of site works. This is discussed further below.

2 Requested Amendments

2.1 Extension of the Term

The current term of the TEP is 24 months with a completion date of 31 May 2014. The remaining actions of the TEP to be implemented will require significant capital expenditure from Ostoic. Due to the current uncertainty of the future of the facility, Ostoic seeks to extend the term of the TEP to a total of 60 months with a completion date of 31 May 2017. This requested extension is within the allowable 5 year timeframe for a program to be carried out in accordance with s344(2) of the *Environmental Protection Act 1994*.

2.2 Extension of Actions

Table 1 provides the proposed extensions to the milestone dates of actions 3, 3(b), 3(c), 3(d), 3(e) and 3(f).

Table 1 Proposed Extension of Milestone Delivery Dates

Action	Milestone	Original Delivery Date	Revised Delivery Date	
3	Extension of existing shed in accordance with concept drawing numbers 1A and 1B attached at Appendix D.	Sheds have been extended in accordance with Appendix D.	31 May 2014	31 May 2017
3(b)	Obtain necessary statutory approvals for site works to commence (including but not limited to, Material Change of Use and Operational Works permits).	Development Permits obtained.	30 June 2013	30 June 2016
3(c)	Commission construction company to construct buildings and structures.	Construction contractor commissioned.	31 May 2013	31 May 2016
3(d)	Carry out capital works.	Capital works in place.	31 May 2014	31 May 2017
3(e)	Implement and maintain appropriate practices and procedures on site.	Implementation and maintenance of appropriate practices and procedures on site.	31 May 2014	31 May 2017
3(f)	Update Site Based Management Plan to incorporate any new capital works and improvements.	SBMP updated.	30 June 2014	30 June 2017

Extension of Actions 3, 3(c), 3(d), 3(e) and 3(f)

In line with the extension of the term of the TEP, the milestone dates for actions 3, 3(d), 3(e) and 3(f) will also need to be extended to 31 May 2017 and 3(c) to 31 May 2016. If circumstances allow, it is intended that these actions be completed prior to these dates, however this timeframe will allow Ostoic sufficient time to reassess their position and reconsider funding and execution of site works.

It is important to note however, that the handling of significantly reduced volumes of copper concentrate (and no magnetite) at the facility will mean a reduction in dust generated by truck movements in the yard and the loading and unloading of materials onto the train. Management measures currently in place on site to address dust issues, in addition to the ongoing air quality monitoring program, will continue to be maintained by Ostoic during the extended period.

Extension of Action 3(b)

Action 3(b) of the TEP requires Ostoic to obtain Development Permits for Material Change of Use (Special Industry – Magnetite Concentrate Handling) Building Works (assessable under the Cloncurry Shire Planning Scheme) and Operational Works (filling and excavation). The majority of site works cannot be legally constructed unless the relevant approvals are obtained from Cloncurry Shire Council (CSC).

Ostoic submitted a development application seeking a Development Permit for Material Change of Use for Special Industry – Magnetite Concentrate Handling and for Environmentally Relevant Activity 8 – Chemical Storage in October 2011 to CSC. This development application was refused by CSC at a special meeting held on 20 July 2012. In response, Ostoic lodged an appeal with the Planning and Environment Court, Brisbane on 22 August 2012. Following notification to suspend the handling of magnetite by Xstrata on 26 July 2013, this Development Permit is no longer required and as a result, Ostoic has discontinued the appeal in the Planning and Environment Court.

Development Permits for Building Works (assessable under the Cloncurry Shire Planning Scheme) and Operational Works (filling and excavation) will still need to be obtained from CSC for remaining actions of the TEP including the proposed shed extension and associated civil works. Lodgement of these applications to CSC is currently pending completion of the required design drawings and specifications. The delivery of the design drawings and specifications has been put on hold until Ostoic have determined their strategy for moving forward.

Ostoic therefore seeks to extend the milestone date of action 3(b) to 30 June 2016 to allow sufficient time to complete the design drawings and specifications and obtain approval from CSC. In the interim, Ostoic will commit to liaising with CSC in relation to the aspects of the works and required documentation to support the applications.

3 Assessment of Section 344 of Environmental Protection Act 1994

In making this request, Ostoic submits that pursuant to s344 of the *Environmental Protection Act 1994*, if actions are undertaken in accordance with the requested amendments:

- The period over which the TEP is to be carried out is within the allowable 5 year period;

- The Department can be assured that due to the significantly reduced operational activities of the Facility, the requested amendments will not cause an increase in environmental harm, than the environmental harm that would have been caused by carrying out the activity if the approval were not granted;
- The air quality monitoring program will continue throughout the extended term of the TEF and maintenance measures currently in place at the Facility will be maintained or modified by Ostojic as required; and
- If circumstances allow, Ostojic are committed to implementing the recommended actions of the TEF prior to the proposed extended dates.

4. Conclusion

The Ostojic is intention to continue to comply with the TEF for Bulk Handling Facility. Should EHP require further clarification in relation to any issues raised in this letter, please contact the undersigned or an Ostojic representative.

Sincerely,

[Redacted Signature]

sch4p4(6) Personal information

[Redacted Contact Information]

(07) 3316 3673

DRAFT ONLY*

Ostojic Group Pty Ltd

Bulk Handling Facility, Sir
Hudson Fysh Drive Cloncurry

Transitional Environmental
Program

11 May 2012

RTI DL RELEASED

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CERT. OF APPROVAL ISSUED ON 8/10/13
TEP ENDS - 31 MAR 2014

DRAFT ONLY*

Ostojic Group Pty Ltd
Bulk Handling Facility, Sir
Hudson Fysh Drive Cloncurry
Transitional Environmental
Program
11 May 2012

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This Transitional Environmental Program ("TEP"):

- 1. has been prepared by GHD Pty Ltd ("GHD") for Ostoic Group Pty Ltd;*
- 2. may only be used and relied on by Ostoic Group Pty Ltd;*
- 3. must not be copied to, used by, or relied on by any person other than Ostoic Group Pty Ltd without the prior written consent of GHD;*
- 4. may only be used for the purpose of submission to the Department of Environment and Resource Management (DERM) (and must not be used for any other purpose).*

GHD and its servants, employees and officers otherwise expressly disclaim responsibility to any person other than Ostoic Group Pty Ltd arising from or in connection with this Report.

To the maximum extent permitted by law, all implied warranties and conditions in relation to the services provided by GHD and the Report are excluded unless they are expressly stated to apply in this Report.

The services undertaken by GHD in connection with preparing this Report:

- were limited to those specifically detailed in section 1 of this Report;*
- did not include a site inspection, or the undertaking of any testing or analysis at the site.*

The opinions, conclusions and any recommendations in this Report are based on assumptions made by GHD when undertaking services and preparing the Report ("Assumptions"), including (but not limited to):

- Information provided by Ostoic Group Pty Ltd;*
- Information required by DERM as outlined in the notice to prepare a draft transitional environmental program dated 7 December 2011.*

GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with any of the Assumptions being incorrect.

Subject to the paragraphs in this section of the Report, the opinions, conclusions and any recommendations in this Report are based on conditions encountered and information reviewed at the time of preparation and may be relied on until the Transitional Environmental Program is no longer enforce, after which time, GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with those opinions, conclusions and any recommendations.

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- C Concept Drawings 1A and 1B
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1. Introduction

1.1 Background

This Amended Transitional Environmental Program (TEP) has been developed by Ostojic Group Pty Ltd (Ostojic Group) to serve as a plan that demonstrates Ostojic Group's commitment to undertake additional works in order to comply with a development condition of their Development Approval as well as their General Environmental Duty (GED) under section 319 of the *Environmental Protection Act 1994* (Qld) (EP Act). Section 319 requires 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.

1.2 Ostojic Bulk Handling Facility, Cloncurry

Ostojic Group carries out storage, loading and unloading of mineral concentrates, both magnetite (iron ore) and copper concentrate (the Activity). Operations are based at Sir Hudson Fysh Drive, more formally known as Lot 138 RP905659 and Lot 142 on RP905659, in the Local Government Area of Cloncurry Shire Council (the site).

1.3 Site Approvals

Development approval was originally obtained for the facility from Cloncurry Shire Council (CSC) by the previous owner of the site, Ross J Kiernan Tipping Transport Pty Ltd, for a Material Change of Use for 'bulk loading facility for copper concentrate' on 29 March 1996. The erection of an additional shed as a bulk rail handling facility for copper concentrate was also approved by CSC on 29 June 1998. CSC has advised Ostojic Group in February 2011 that conditions of the existing Development Permits were not satisfactorily completed and Building Permits may not have been finalised by Ross J Kiernan Tipping Transport Pty Ltd or subsequent owners. In this regard, it is considered by CSC that the current use of the facility for materials other than copper concentrate is potentially beyond the existing CSC approvals and therefore not in compliance with the development conditions. In response, Ostojic Group submitted an application for development permit for a Material Change of Use (MCU) for 'Special Industry' and for Environmentally Relevant Activity (ERA) 8 – Chemical Storage in October 2011 to CSC.

This application is currently being assessed under the Integrated Development Assessment System (IDAS) process and includes key plans and actions such as the extension of the storage sheds, Site Based Management Plan and Stormwater Management Plan. Upon CSC approval, Ostojic Group will be able to legally implement these plans which will involve obtaining additional approvals such as an operational works permit(s). This TEP takes into consideration the typical statutory timeframes in accordance with the Sustainable Planning Act 2009. However, it is important to note that timeframes anticipated in this TEP may be delayed due to third party influences (e.g. Council refusing part or all of the application, third party appeals).

In addition to the above development approval, Ostojic Group has previously obtained a Development Permit for ERA 50(1a) Bulk Material Handling from the Department of Environment and Resource

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Management (DERM) in January 2011 (Permit No: SPDE01054010). A copy of the ERA approval is attached at Appendix A.

1.4 Recent Environmental Incidents and Ostojic Response

On 28 October 2011 officers of the DERM conducted a compliance inspection of the site and identified areas of concern including fugitive emissions, housekeeping of mineral concentrates and water management. A draft Environmental Protection Order (EPO) was issued on 18 November 2011 outlining requirements to be met by Ostojic Group for achieving compliance with the Development Permit for ERA 50(1a) (Permit No: SPDE01054010). Discussions with DERM and Ostojic Group resulted in an EPO, which is not the subject of this TEP, on 29 November 2011 to address immediate concerns and a notice to prepare a draft TEP on 7 December 2011 to address longer term mitigation measures. The notice to prepare a draft TEP issued by DERM on 7 December 2011 is attached at Appendix B. On 14 December 2011 officers of the DERM visited the site to conduct a further inspection and meet with the Ostojic Group. A follow up meeting was held on 23 December to check whether the requirements of the EPO issued on the 29 November 2011 were being implemented by Ostojic Group. DERM issued correspondence on 13 January 2012 advising that Ostojic Group has achieved compliance with the requirements of the EPO and that the EPO is now considered finalised by the Department.

The notice to prepare a draft TEP dated 7 December 2011 outlines the DERM's claim that not all reasonable and practical measures have been taken at the site while the unloading, loading and storage of mineral concentrate is occurring and that consequently, the Activity is causing or is likely to cause environmental harm if further action is not taken; and which has resulted in a contravention of development conditions A1 and A5 of Development Approval (DA) SPDE01054010. These conditions are:

- A1 The release of dust and/or particulate matter resulting from bulk material handling must not cause an environmental nuisance at any nuisance sensitive or commercial place.
- A5 Mineral concentrate that may cause a dust nuisance must be stored and transferred in buildings and structures that incorporate the following dust control measures as a minimum:
 - All necessary openings and vents in the buildings (other than doorways and access ways) must be covered with filter media or other equivalent dust control measures;
 - Cladding of the buildings must be securely affixed and free of any unnecessary holes;
 - The interior of the concentrate storage shed and stockpile shed must be maintained under negative air pressure sufficient to prevent release of mineral concentrate from the buildings;
 - All doorways and access ways in the buildings or structures must be fitted with doors;
 - All doors in the buildings or structures must remain closed except when being used for access or egress;
 - All doors, doorways and access ways in the buildings or structures must be maintained in such a condition that doors, when closed, provide a seal against the release of mineral concentrate to the receiving environment;
 - Transfer of mineral concentrate to trucks must be carried out in a manner that minimises the

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likelihood of any release of mineral concentrate to the atmosphere, land or waters.

This TEP has been prepared in accordance with Chapter 7 Environmental Management, Part 3 Transitional Environmental Programs of the EP Act. In accordance with the notice to complete a draft TEP dated 7 December 2011, it is to be carried out over a maximum period of 24 months with a date of completion anticipated at 31 May 2014. The content requirements for TEPs are outlined in section 331 of the EP Act and are set out below.

331 Content of program

A transitional environmental program must, for the activity to which it relates—

- (a) state the objectives to be achieved and maintained under the program for the activity; and*
- (b) state the particular actions required to achieve the objectives, and the day by which each action must be carried out, taking into account—*
 - (i) the best practice environmental management for the activity; and*
 - (ii) the risks of environmental harm being caused by the activity; and*
- (c) state how any environmental harm that may be caused by the activity will be prevented or minimised, including any interim measures that are to be implemented; and*
- (d) if the activity is to transition to an environmental standard, state—*
 - (i) details of the standard; and*
 - (ii) how the activity is to transition to the standard before the program ends; and*
- (e) if the activity is to transition to comply with a condition of an environmental authority or code of environmental compliance, or a development condition, state—*
 - (i) details of the condition and how the activity does not comply with it; and*
 - (ii) how compliance with the condition will be achieved before the program ends; and*
- (f) state the period over which the program is to be carried out; and*
- (g) state appropriate performance indicators at intervals of not more than 6 months; and*
- (h) provide for monitoring and reporting on compliance with the program.*

Each of these requirements has been addressed in the following sections of this TEP.

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2. Objectives to be Achieved and Maintained

In accordance with section 331 of the EP Act, the objectives of this TEP are to detail activities required to secure compliance with:

- DA SPDE01054010 condition A1 (refer to Appendix A);
- DA SPDE0105401 condition A5 (refer to Appendix A); and
- EP Act, specifically Section 319 – General Environmental Duty.

As outlined in the notice to prepare a draft TEP, key areas of focus include fugitive emissions and housekeeping of mineral concentrates.

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3. Methods of Compliance with Development Approval SPDE01054010

3.1 Outline

A summary of activities and tasks necessary to bring the Ostoic site into compliance with conditions A1 and A5 contained in Development Approval No SPDE01054010, and their general environmental duty are present in Table 1.

Table 1 outlines the objectives that must be achieved and maintained as outlined in Section 2. It also includes associated actions that must be undertaken, the type of action (temporary and permanent), how the action prevents or minimises potential environmental harm, delivery dates that must be met (which provides the period over which the program is to be carried out), milestones for monitoring and feedback, and the person responsible for ensuring that the objectives are achieved and actions implemented. The actions in the table set out the reasonable and practicable tasks that will manage the potential impacts of operations of the Activity specifically relating to fugitive emissions and housekeeping of mineral concentrates. All actions are focussed at achieving and maintaining compliance with the EP Act.

It is important to note that temporary actions have been undertaken and are in place to prevent or minimise potential environmental harm as required by DERM's Environmental Protection Order (EPO - STAT657). These ongoing actions have been assessed by DERM during two compliance inspections and deemed to be satisfactory (as outlined in DERM letter dated 13 January 2012).

Table 1 also identifies actions that will bring the site in compliance with Conditions A1 and A5 of the Development Permit No SPDE01054010. Specifically the TEP has actions relating to:

- Provision of dust control measures;
- Provision of an extended enclosed building to store the concentrates in an enclosed building;
- Use of dust control measures such as watering and truck wash down facilities;
- Use and incorporation of housekeeping checklist and procedures into the Site Based Management Plan (SBMP) to systemise concentrate management actions; and
- Development and implementation of an air quality monitoring program to assess actual performance of concentrate management related actions and thereby feedback into management practices and potential infrastructure requirements.

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Table 1 Transitional Environmental Program

Objective	Actions	Type of Action	How Action prevents or minimises potential environmental harm	Delivery date	Milestone ¹	Responsibility
Achieve compliance with development condition A1 of Development Approval (DA) SPDE01054010	1 Develop and submit to the DERM a pollution abatement plan for the site. Key details of the pollution abatement plan follow below.	Permanent	A pollution abatement plan will minimise or prevent any mineral concentrate including dust emissions from leaving the site.	Submit plan to DERM by 31 May 2012 Design and installation completed by 31 March 2013 31 MAY 2013	Receipt of a satisfactory pollution abatement plan by the DERM Ongoing compliance with pollution abatement plan (longer term) (refer below for specifics)	Ostojic Group General Manager (GM)
	1(a) A housekeeping procedure, including a regular cleaning program, for the continual removal of mineral concentrate spillage and cleaning of the place.	Permanent	The regular housekeeping procedure will ensure that any potential contaminants such as mineral concentrates which are spilled on site are cleaned up and are not released to the environment. The housekeeping procedure will complement structural and procedural changes on site aimed at ensuring fugitive dust emissions and mineral concentrates do not pollute the surrounding environment.	31 May 2012	Housekeeping procedure in place	Site Manager or Supervisor
	1(b) Provision of dust control measures and monitoring devices at necessary openings of the mineral concentrate storage shed.	Permanent	Appropriate dust control measures will ensure that airborne transfer of mineral concentrate outside of mineral storage sheds is minimised.	30 September 2012	Dust controls and monitors in place	Site Manager or Supervisor
	1(c) Installation and operation of dust suppression measures such as watering systems.	Permanent	Dust suppression measures will ensure that during transferring of mineral concentrates from trucks to railway wagons, any release of mineral concentrates to the atmosphere, land or water will be minimised.	30 September 2012 27/9	Installation and operation of dust suppression measures such as watering systems will be undertaken	Group Business HSEQ and Compliance Manager
	1(d) Installation and operation of truck washing facilities for cleaning trucks leaving the site.	Permanent	Truck washing facilities will ensure that trucks leaving the site are clean and thus their external surfaces are free from potential contaminants. This will ensure that the chance of mineral concentrates leaving the site on trucks is minimised.	31 March 2013 31 MAY 2013	Installation and operation of truck washing facilities for cleaning trucks leaving the site	Site Manager or Supervisor
	A land remediation plan covering areas contaminated by mineral concentrates.	Permanent	A land remediation plan will ensure that areas potentially contaminated are appropriately remediated and consequently these areas of contamination cannot spread to the external environment.	31 October 2012	A land remediation plan covering areas contaminated by mineral concentrates will be developed	Group Business HSEQ and Compliance Manager

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¹ The performance of these milestones will be reported on a 6 month basis in the form of a report to DERM (refer to Section 3.2.1)



Objective	Actions	Type of Action	How Action prevents or minimises potential environmental harm	Delivery date	Milestone ¹	Responsibility
	1(f) Update Site Based Management Plan to reflect or incorporate the above pollution abatement plan.	Permanent	Updating the SBMP will ensure that it is consistent with the pollution abatement plan and that the requirements of each are implemented on site.	31 May 2012	Update Site Based Management Plan to reflect or incorporate the above pollution abatement plan	Group Business HSEQ and Compliance Manager
Achieve compliance with development condition A1 of Development Approval (DA) SPDE01054010	2 Design and implement monthly ambient air quality and dust deposition monitoring program on site. Key tasks for this are outlined below.	Permanent	The ambient air quality and dust deposition monitoring program will ensure, as far as is reasonably practicable, that fugitive dust emission do not leave the site and impact on the external environment including sensitive or commercial locations.	30 November 2012	Monthly ambient air quality and dust deposition monitoring program in place and first monthly report submitted to DERM	Ostojic Group General Manager (GM) and Group Business HSEQ and Compliance Manager
	2(a) Commission consultant or appropriate qualified person to prepare the monitoring program.	Permanent	Commissioning an expert will ensure that the monitoring program is prepared to appropriate industry standards.	30 June 2012	Commission Consultant to prepare monitoring program	Group Business HSEQ and Compliance Manager
	2(b) Order, purchase and construct relevant monitoring stations where applicable.	Permanent	Monitoring stations will ensure that the monitoring program utilises appropriate site data.	30 September 2012	Monitoring equipment obtained	Group Business HSEQ and Compliance Manager
	2(c) Undertake monthly monitoring as identified in the program.	Permanent	Monthly monitoring will ensure that fugitive dust emissions are checked regularly and therefore allow Ostojic Group to ensure that fugitive dust emissions are not impacting on the external environment including sensitive or commercial locations.	31 October 2012	Monitoring program in place	Site Manager and Supervisor
	2(d) Report results of monitoring program to DERM on a monthly basis.	Permanent	Provision of the monitoring results will enable the DERM to satisfy itself that Ostojic Group is complying with this transitional environmental program and it's General Environmental Duty.	30 November 2012	First monthly reporting submitted to DERM	Group Business HSEQ and Compliance Manager
	2(e) Incorporate program into Site Based Management Plan (link results to review of site operations and where reasonable, practicable and with approval, modify activities to reduce any risks of fugitive dust emissions).	Permanent	Updating the SBMP will ensure that it is consistent with the ambient air quality and dust deposition monitoring program and that the requirements of each are implemented on site.	30 September 2012	Incorporate program into Site Based Management Plan	Group Business HSEQ and Compliance Manager

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Objective	Actions	Type of Action	How Action prevents or minimises potential environmental harm	Delivery date	Milestone	Responsibility
Achieve compliance with development condition A5 of Development Approval (DA) SPDE01054010	3 Extension of existing shed in accordance with concept drawing numbers 1A and 1B attached at Appendix D.	Permanent	Extension of the sheds in accordance with concept drawing numbers 1A and 1B will provide greater on site enclosed storage capacity. This will reduce the potential for mineral concentrates to escape from the site.	31 May 2014.	Sheds have been extended in accordance with Appendix D	Ostojic Group General Manager (GM) and Group Business HSEQ and Compliance Manager
	3(a) Commission consultant to produce detailed design of building extensions as far as reasonably practicable so that storage, loading and unloading of mineral concentrates are enclosed at all times.	Permanent	Designing the buildings so that storage, loading and unloading of mineral concentrates is undertaken in enclosed buildings will reduce the potential for mineral concentrates to escape from the site.	30 June 2012	Consultant commissioned to undertake detailed design of building extension	Ostojic Group General Manager (GM) and Group Business HSEQ and Compliance Manager
	3(b) Obtain necessary statutory approvals for site works to commence (including but not limited to, Material Change of Use and Operational Works permits).	Permanent	Obtaining the necessary development approvals will ensure that the buildings comply with relevant laws.	31 January 2012 31 JUNE 2013	Development Permits obtained	Group Business HSEQ and Compliance Manager
	3(c) Commission construction company to construct buildings and structures.	Permanent	Constructing the buildings so that storage, loading and unloading of mineral concentrates is undertaken in enclosed buildings will reduce the potential for mineral concentrates to escape from the site.	31 July 2013 31 MAY 2013	Construction contractor commissioned	Ostojic Group General Manager (GM) or Chief Executive Officer (CEO)
	3(d) Carry out capital works.	Permanent	Carrying out capital works for the buildings so that storage, loading and unloading of mineral concentrates is undertaken in enclosed buildings will reduce the potential for mineral concentrates to escape from the site.	31 May 2014	Capital works in place	Group Business HSEQ and Compliance Manager
	3(e) Implement and maintain appropriate practices and procedures on site.	Permanent	Implementing and maintaining appropriate practices and procedures on site will ensure that all that storage, loading and unloading of mineral concentrates is undertaken within the extended sheds outlined in concept drawing numbers 1A and 1B.	As above	Implementation and maintenance of appropriate practices and procedures on site	Site Manager or Supervisor
	3(f) Update Site Based Management Plan to incorporate any new capital works and improvements.	Permanent	Updating the SBMP will ensure that they incorporate any changes necessary as a result of the capital works to continue to minimise or ideally prevent potential environmental harm.	As above and 30 June 2013	SBMP updated	Group Business HSEQ and Compliance Manager

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41/23951/00430181 Bulk Handling Facility, Sir Hudson Fysh Drive Cloncurry
Transitional Environmental Program



3.2 Compliance and Performance Reporting

The following dates are based on completion of the works in the TEP by 31 May 2014. It is noted that should all relevant statutory development approvals be obtained earlier, actions and the TEP may be completed ahead of the delivery date.

3.2.1 Periodic Reporting on Compliance and Performance

The progress of the TEP will be monitored by Ostojic and documented in 6-monthly reports to DERM.

The report will:

- Clearly identify each TEP action and its status;
- Advise of program performance and meeting of performance indicators and delivery dates;
- If required advise of contingency or corrective actions required to ensure TEP compliance; and
- Include any monitoring results (including air quality analysis) or data supporting TEP progress.

The report will be submitted to DERM by the following dates:

- 30 June 2012
- 5 January 2013
- 30 June 2013
- 5 Jan 2014

3.2.2 Final (Close Out) Report

A final (close out) report will be prepared and submitted to DERM by 30 June 2014.

This report will inform DERM of how compliance with the TEP has been achieved at the end of the TEP period (31 May 2014). The report will document how all requirements of conditions A1 and A5 of the Development Approval No SPDE01054010 and general environmental duty are in compliance.

3.3 Term

Ostojic Group anticipates a maximum period of 24 months will be required to achieve the objectives of this TEP. The final date for completion of the TEP is 31 May 2014.

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