

From: Ingrid Fomiatti Minnesma [Ingrid.FomiattiMinnesma@ehp.qld.gov.au]
Sent: Thursday, 7 May 2009 4:34 PM
To: Fainton, Brian; Doran, Gary (AU - Perth); Jeffs, Matthew; John Thorogood
CC: Warwick Fegan; Ash Leavy; Dean Sharpe
Subject: Letter_FRC Environmental Extension 070509.pdf
Attachments: Letter_FRC Environmental Extension 070509.pdf

Dear Gary / Jeff and John

Please find attached a letter for extension for the item 6 of EPO Stat 448. I discussed timing with John and he has assured me that you will be able to provide the report by 15 May 2009.

Kind regards
Ingrid

RTI DL RELEASE - EHP



Enquiries Ingrid Fomiatti Minnesma
Telephone (07) 4046 6737
Your reference
Our reference

Department of
**Environment and Resource
Management**

7 May 2009

Lady Annie Operations Pty Ltd (ACN 076289097)
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St Georges Terrace
PERTH WA 6000

Dear Gary,

I refer to item six of Environmental Protection Order STAT 448 dated 20 March 2009, which required Lady Annie Operations Pty Ltd, to assess and report on the impact of the discharges of contaminated waters from the mine site in January and February 2009 on the environmental values of the receiving environment by 8 May 2009.

Mr Thorogood from FRC environmental has requested that the reporting timeframe be extended to 15 May 2009 to allow adequate time for analysis and reporting of the investigation.

The Department of Environmental and Resource Management hereby confirms that the proposed timeframes is acceptable.

Should you require any further information regarding this matter please contact me on telephone (07) 4046 6737.

Yours faithfully,

s.49 - Signature

Ingrid Fomiatti Minnesma
Acting Director
Department of Environment and Resource Management

Cc
John Thorogood, Managing Principal
FRC environmental
PO Box 2363
WELLINGTON POINT QLD 4160

Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001

RTI DL RELEASE - EHP

From: Ingrid Fomiatti Minnesma [Ingrid.FomiattiMinnesma@ehp.qld.gov.au]

Sent: Tuesday, 12 May 2009 2:55 PM

To: gdoran@deloitte.com.au

CC: Jeffs, Matthew; Fainton, Brian; Dean Sharpe; Ash Leavy; Rob Little; Crystal Whittaker; Warwick Fegan

Subject: letter

Attachments: Applications.zip; Letter_PB Proposal 120509.pdf

Dear Gary

Please find attached a letter regarding the proposed treatment of the downstream environment. The attached ZIP file contains application documents for various approvals required.

As outlined in the letter DERM will provide assistance in terms of the approval process. I will contact PB regarding this matter shortly.

Kind regards

Ingrid

Ingrid Fomiatti Minnesma

Manager - Far Northern Region

Environmental Services

Department of Environment and Resource Management

Phone: (07) 4046 6737 Fax: (07) 4046 6606

Email: Ingrid.Minnesma@epa.qld.gov.au

You can visit us online at www.epa.qld.gov.au



Enquiries Rob Lawrence
Telephone (07) 4046 6638
Your reference 2136669C-LTR008Amj
Our reference STAT448 / ISA658

Department of
**Environment and Resource
Management**

12 May 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs

I refer you to your letter dated 1 May 2009 regarding the Environmental Protection Order dated 30 March 2009.

Officers from the Department of Environment and Resource Management (DERM) have reviewed the proposal detailed in the letter to comply with the requirements of Item two (2) in Environmental Protection Order STAT448. The review of the proposal has been considered in light of discussions on 24 April 2009 during a meeting at Parsons Brinckerhoff (PB) offices in Brisbane.

DERM accepts the remediation strategy detailed in principle, however, would like to raise a number of concerns.

The hydrological calculations provide some uncertainty into the potential success of the proposal. Firstly, losses of water through ground saturation and evaporation may be significant, and as such, the calculated volumes and flush velocities could be significantly reduced.

The calculated figures show a decrease in flow velocity moving downstream. There are concerns that the flush may not have enough energy to mobilise contamination bound in sediments, and as such, primarily only treat the water. Additionally, multiple flushes would likely be required to move contamination into the treatment dams, and based on provided figures, the site has only approximately enough clean water for two flushes (based on proposed methodology).

To ensure flow velocity is maintained, it is recommended that rapid release from treatment dams is employed, to ensure that flow velocity downstream is maximized. Also, the spacing of dams may be inconsistent with the modelling, and as such, dam spacing may need to be considered at closer intervals where contamination is greatest (i.e. closer to discharge point).

The use of the underground interception trenches should be at locations of greatest underground water volumes and any pumping should be during end of flow event to move water volumes downstream.

Techniques including aeration sparging and treatment of water in collection drains will maximise residence time for the Bauxsol and increase mixing. Additionally, contingencies including the use of other chemical treatments (e.g. carbonates) should be further developed if the technique does not perform as planned.

As discussed in the meeting on 24 April 2009, this proposal will not deal with all the contamination, and there is a particular risk that sediment contamination may remain until the 2009/2010 wet season flow events. Long term management will need to identify how the flushing of the residual contamination during the initial wet season flow events will be removed to prevent further contamination downstream. While the scope of this proposal focuses on an immediate clean-up, it is expected that the outcomes of the Environmental Investigation will develop such techniques.

Additional Permitting

Review of the proposal has identified a number of additional permits under the *Integrated Planning Act 1997*, the *Environmental Protection Act 1994* and the *Water Act 2000* will be required to implement the proposed strategy. The following permits will be required:

- A development approval(s) and registration certificate(s) for ERA 16 – Extractive and Screening Activities
- Riverine Protection Permit
- An operational works approval to construct or raise a waterway

These applications must be made in the correct form. Enclosed is a CD of the application forms (and fee information) which must be completed for the three approvals required.

The fees for the relevant applications are dependant on the scale of works, and are described below:

- ERA 16 - \$500.00 application fee plus the highest relevant annual return fee (as per attached information sheet)
- Riverine Protection Permit – No associated fees
- An operational works approval to construct or raise a waterway – dependant on the scale of the works (see attached fee guideline). It is noted that there is a self assessable code for Temporary Waterways Barrier Works in Freshwater. Please review the content of the code to determine if the proposed works may be consistent with the code.

Please forward the completed application forms to the following officer who will coordinate the approval process:

Warwick Fegan
Principal Environmental Officer
Environmental Services
PO Box 2066
CAIRNS QLD 4870

DERM will endeavour to expediently process these applications so as not to inhibit the progress of remediation in accordance with Item two (2) of STAT448. To assist with a speedy approval, it is recommended that Native Title notification and landowner written consent requirements are commenced as soon as possible.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on telephone (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Director
Department of Environment and Resource Management

C/c
Matthew Jeffs and Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001

From: Ingrid Fomiatti Minnesma [Ingrid.FomiattiMinnesma@ehp.qld.gov.au]

Sent: Tuesday, 12 May 2009 2:55 PM

To: gdoran@deloitte.com.au

CC: Jeffs, Matthew; Fainton, Brian; Dean Sharpe; Ash Leavy; Rob Little; Crystal Whittaker; Warwick Fegan

Subject: letter

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Kind regards

Ingrid

Ingrid Fomiatti Minnesma

Manager - Far Northern Region

Environmental Services

Department of Environment and Resource Management

Phone: (07) 4046 6737 Fax: (07) 4046 6606

Email: Ingrid.Minnesma@epa.qld.gov.au

You can visit us online at www.epa.qld.gov.au



Enquiries Rob Lawrence
Telephone (07) 4046 6638
Your reference 2136669C-LTR008Amj
Our reference STAT448 / ISA658

Department of
**Environment and Resource
Management**

12 May 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs

I refer you to your letter dated 1 May 2009 regarding the Environmental Protection Order dated 30 March 2009.

Officers from the Department of Environment and Resource Management (DERM) have reviewed the proposal detailed in the letter to comply with the requirements of Item two (2) in Environmental Protection Order STAT448. The review of the proposal has been considered in light of discussions on 24 April 2009 during a meeting at Parsons Brinckerhoff (PB) offices in Brisbane.

DERM accepts the remediation strategy detailed in principle, however, would like to raise a number of concerns.

The hydrological calculations provide some uncertainty into the potential success of the proposal. Firstly, losses of water through ground saturation and evaporation may be significant, and as such, the calculated volumes and flush velocities could be significantly reduced.

The calculated figures show a decrease in flow velocity moving downstream. There are concerns that the flush may not have enough energy to mobilise contamination bound in sediments, and as such, primarily only treat the water. Additionally, multiple flushes would likely be required to move contamination into the treatment dams, and based on provided figures, the site has only approximately enough clean water for two flushes (based on proposed methodology). To ensure flow velocity is maintained, it is recommended that rapid release from treatment dams is employed, to ensure that flow velocity downstream is maximized. Also, the spacing of dams may be inconsistent with the modelling, and as such, dam spacing may need to be considered at closer intervals where contamination is greatest (i.e. closer to discharge point).

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Review of the proposal has identified a number of additional permits under the *Integrated Planning Act 1997*, the *Environmental Protection Act 1994* and the *Water Act 2000* will be required to implement the proposed strategy. The following permits will be required:

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- An operational works approval to construct or raise a waterway

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- An operational works approval to construct or raise a waterway – dependant on the scale of the works (see attached fee guideline). It is noted that there is a self assessable code for Temporary Waterways Barrier Works in Freshwater. Please review the content of the code to determine if the proposed works may be consistent with the code.

Please forward the completed application forms to the following officer who will coordinate the approval process:

Warwick Fegan
Principal Environmental Officer
Environmental Services
PO Box 2066
CAIRNS QLD 4870

DERM will endeavour to expediently process these applications so as not to inhibit the progress of remediation in accordance with Item two (2) of STAT448. To assist with a speedy approval, it is recommended that Native Title notification and landowner written consent requirements are commenced as soon as possible.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on telephone (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Director
Department of Environment and Resource Management

C/c
Matthew Jeffs and Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001



Enquiries Hamish Butler
Telephone (07) 4046 6723
Your reference MIN100401006
Our reference ISA 658

25 June 2009

Department of
**Environment and Resource
Management**

CopperCo Limited (ACN 004434904)
Attention: Messrs Gary Peter Doran
Receivers Managers for CopperCo Limited
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

CC: Matt Jeffs
Parsons Brinckerhoff Australia Pty Ltd
Northbank Plaza Level 4
69 Anne Street
BRISBANE QLD 4000

Dear Sir,

Plan of Operations relating to Environmental Authority MIN100401006 (ML5426, ML5435, ML5446, ML5447, ML5448, ML 5474, ML5476, ML5478, ML90168, ML90169, ML90170, ML90178, ML90179, ML90184) on 1 May 2009.

I refer to you the Plan of Operations addendum lodged on 29 May 2009 for mining operations under Environmental Authority MIN100401006.

As per our conversation on 23 June 2009, the Plan of Operations does not meet the content requirements under s234 of the *Environmental Protection Act 1994*. Details of the areas where the plan does not meet the content requirements were provided verbally to Parsons Brinckerhoff and Jason Alexander on Friday 20 June 2009 and are as follows:

- The Plan of Operations must describe the land that applies to each of the 14 mining leases granted to the Lady Annie operation. Some mining leases have been described, others have been described as "topographical similar" to other mining leases and some have not been described at all.
- Some of the control strategies outlined in the Environmental Management Plan have not been included in the Plan of Operations. Other control strategies are located in the action programme of the Plan and must be moved to the control strategy section in accordance with Guideline 9- Preparing a Plan of Operation and Audit Statement for non standard mining projects.
- The rehabilitation programme does not specify how Lady Annie Operations will meet the success criteria outlined in condition F1-1 of Environmental Authority MIN100401006. The Plan of Operations must specify how the rehabilitation commitments authorised under this condition will be achieved including rehabilitation techniques to be used.
- Statutory documents including the Environmental Evaluation and Environmental Protection Orders have not been included in the Plan of Operations. These documents outlining commitments and requirements must be included in the Plan of Operations.

- The financial assurance calculation provided contains insufficient detail to demonstrate how Lady Annie mine calculated the total proposed figure of \$7,343,331, financial assurance must be;
 1. Calculated by domain and detail the rehabilitation techniques;
 2. Be based on third party quotes which must be supplied;
 3. Include the cost of a site investigation.

As highlighted to you in our conversation, DERM records indicate that the Plan of Operations for mining operations under Environmental Authority MIN100401006 (ML5426, ML5435, ML5446, ML5447, ML5448, ML 5474, ML5476, ML5478, ML90168, ML90169, ML90170, ML90178, ML90179, ML90184) lodged on 14 April 2008 expired on 1 May 2009.

Please note that under s233 of the *Environmental Protection Act 1994* it is an offence to conduct mining activities on the mining leases identified without a current Plan of Operations:

233 Plan of operations required before acting under relevant mining lease

(1) The environmental authority holder must not carry out, or allow the carrying out, of an activity under a relevant mining lease unless—

- (a) a plan of operations for all relevant mining activities has been submitted to the administering authority; and*
- (b) at least 28 days, or a shorter period agreed in writing by the administering authority, have passed since the plan was submitted; and*
- (c) the plan complies with section 234; and*
- (d) the carrying out of the activity is—*
 - (i) consistent with the plan; and*
 - (ii) done in a period to which the plan applies.*

Maximum penalty—100 penalty units.

*(2) In this section— **plan of operations**, for a mining lease, includes any plan of operations submitted to the administering authority for a proposed mining lease substantially the same as the mining lease.*

As per our conversation on 23 June 2009, you are required to submit a Plan of Operations by **24 July 2009**.

If you require further assistance in this matter, please contact Hamish Butler on (07) 4046 6723.

s.49 - Signature

Ingrid Fomiatti Minnesma
 Manager
Regional Services
North Region
Department of Environment and Resource Management.

From: Warwick Fegan [Warwick.Fegan@ehp.qld.gov.au]
Sent: Wednesday, 22 July 2009 2:48 PM
To: Jeffs, Matthew
CC: Fainton, Brian; Crystal Whittaker
Subject: Lady Annie - Stormwater Pond
Attachments: secure lady annie 220709.pdf

Hi Matt / Brian,

Please find a letter dispatched today to Deloitte regarding actions required to secure Lady Annie Mine Site.

I have spoken internally to Russ and others. I understand that PB's scope currently does not include this.

DERM will be seeking urgent advice from Deloitte on their proposed actions.

If you have any questions, please let me know. We will talk further, and I encourage you to forward the report relating to site water balance at Lady Annie as soon as practicable to allow DERM to assess what actions may be required on site.

Thanks for your cooperation.

Regards,
Warwick

Warwick Fegan

Principal Environmental Officer
Environmental Services - Northern Region
Telephone: (07) 4046 6724 Facsimile: (07) 4046 6606
www.derm.qld.gov.au

Department of Environment and Resource Management

5b Sheridan St Cairns QLD 4870

PO Box 2066 Cairns QLD 4870

<<...>>



Enquiries Warwick Fegan
Telephone (07) 4046 6724
Your reference Lady Annie Mine Site
Our reference STAT443 / ISA658

Department of
**Environment and Resource
Management**

22 July 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs,

I refer you to the Environmental Protection Order (EPO), issued to the Receiver Managers for Lady Annie Operations Pty Ltd on 6 March 2009 (STAT443), relating to the works required on-site to repair or decommission Stormwater Pond 2.

The Department of Environment and Resource Management (DERM) is now aware that the works to repair Stormwater Pond 2 and the timeframes associated with those required works may not be realistically implemented before the 2009/2010 wet season.

DERM seeks your urgent advice in relation to this matter. If Stormwater Pond 2 can not be effectively repaired by November 2009, please detail what actions are proposed to secure the Lady Annie Site and prevent the release of contaminants into the receiving environment during the 2009/2010 wet season.

DERM seeks your response by 5 August 2009.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Director
Department of Environment and Resource Management

C/c
Matthew Jeffs and Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001

RTI DL RELEASE - EHP

Released

From: Yem, Adam [AYem@pb.com.au]
Sent: Monday, 27 July 2009 3:38 PM
To: Stewart, Richard
CC: Warwick Fegan; Jeffs, Matthew
Subject: RE: Lady Annie Mine Site

Richard,

Could you please provide us with a copy of the letter sent to the Land Council, so we may pursue the matter from our side.

Regards,

Adam Yem
Senior Planner/Licensed Surveyor

Parsons Brinckerhoff
Direct: (07) 3854 6741
Mobile: s.49
Fax: (07) 3854 6500
Email: AYem@pb.com.au

From: Stewart, Richard [mailto:Richard.Stewart@deedi.qld.gov.au]
Sent: Monday, 27 July 2009 1:41 PM
To: Warwick Fegan; Colman Errol
Cc: Yem, Adam
Subject: RE: Lady Annie Mine Site

Hi Warren,

Assessment has already begun on this application and Native Title notification has been conducted. This future act notification was sent out on the 23rd of July and we will be allowing 3 business days for the letter to arrive at the Land Council and at the native title claimants (there is an active claim over the area). So from this, the 28 day notification period will commence on the 28th July (tomorrow) and it will finish on the 26th August 2009.

As native title notification was conducted before the decision stage commenced, the commencement of the decision stage will be put on hold until either (a) we receive a response from all of the interested parties; or (b) the 28 days expires. We expect the assessment to be completed shortly after either of these scenarios ends the native title notification period.

regards,

Richard



Richard Stewart

Fisheries Biologist
Fisheries (Marine Habitat), Cairns
Primary Industries and Fisheries
Telephone 07 4057 3748 Facsimile 07 4057 3811 Qnet 87748

Email Richard.Stewart@dpi.qld.gov.au
Website www.dpi.qld.gov.au **Call Centre** 13 25 23
Profitable primary industries for Queensland

From: Warwick Fegan [mailto:warwick.fegan@derm.qld.gov.au]
Sent: Wednesday, 22 July 2009 9:36 AM
To: Colman Errol; Stewart, Richard
Subject: Lady Annie Mine Site

Good Morning all,

Just touching base on the status of the RPP and Operational Works Permit status relating to the Lady Annie Mine Discharge. Can you advise on the status of these assessments, and whether the native title notification has begun?

Many Thanks,
Warwick

Warwick Fegan
Principal Environmental Officer
Environmental Services - Northern Region
Telephone: (07) 4046 6724 Facsimile: (07) 4046 6606
www.derm.qld.gov.au

Department of Environment and Resource Management

5b Sheridan St Cairns QLD 4870

PO Box 2066 Cairns QLD 4870

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From: Warwick Fegan [Warwick.Fegan@ehp.qld.gov.au]

Sent: Wednesday, 5 August 2009 11:14 AM

To: gdoran@deloitte.com.au

CC: Crystal Whittaker; Rob Lawrence

Subject: Lady Annie Financial Assurance Realisation and EPO1

Attachments: Letter_Environmental Protection Order_STAT443 040809.pdf; Letter_Realise Financial Assurance 040809.pdf; Notice_Realise Financial Assurance 040809.pdf; Review Appeal.pdf

Hi Gary,

I am responding to you on behalf of Rob Lawrence. As per previous discussions with Rob, the Department intends to Realise Financial Assurance held against Lady Annie Mine Site to the amount of \$41,998.

Please find attached a letter and notice relating to this.

Also please find attached a letter dispatched relating to the Environmental Protection Order (STAT443) in regards to the on-site actions required at Lady Annie Mine. This letter details compliance against this Environmental Protection Order.

Originals will be forwarded to your office.

If you have any concerns, please feel free to let me know.

Kind Regards,

Warwick

Warwick Fegan

Principal Environmental Officer

Environmental Services - Northern Region

Telephone: (07) 4046 6724 Facsimile: (07) 4046 6606

www.derm.qld.gov.au

Department of Environment and Resource Management

5b Sheridan St Cairns QLD 4870

PO Box 2066 Cairns QLD 4870

<<...>> <<...>> <<...>> <<...>>



Enquiries Warwick Fegan
Telephone (07) 4046 6724
Your reference Lady Annie Mine Site
Our reference STAT443 / ISA658

4 August 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs,

I refer you to the Environmental Protection Order (EPO), issued to the Receiver Managers for Lady Annie Operations Pty Ltd on 6 March 2009 (STAT443).

Parsons Brinckerhoff acting on behalf of yourselves, have submitted reports and taken actions in response to the requirements of EPO STAT443. Detailed below is current compliance against the requirements of EPO STAT443.

Requirement 1

From the date of receipt of this Environmental Protection Order prevent any discharge from Stormwater Pond 2 off the mining lease.

To date, compliance has been achieved against this requirement. You are advised to continue taking any required action to prevent future release of contaminants from site.

Requirement 2

As soon as possible, and by no later than 5.00pm (AEST) on Monday 9 March 2009, undertake works to ensure that all stormwater which is generated outside the process and stormwater system on the premises is diverted around and away from the process and stormwater system.

The Department of Environment and Resource Management (DERM) intends to inspect the stormwater diversion works prior to the 2009/2010 wet season and consider the adequacy of these diversion works in light of the site water balance required under the Environmental Evaluation Notice (STAT449).

Requirement 3

As soon as possible and by no later than 5.00 pm (AEST) on Monday 9 March 2009, take action to commence reducing the level of waters contained in all processing and stormwater ponds on the premises to ensure that the storage capacity of the water storage infrastructure has the capacity to capture and retain on site the likely rainfall events for the remainder of the wet season.

DERM notes the use of the evaporators to reduce water levels within the stormwater ponds. DERM has deemed that this requirement has been met. DERM intends to review the site water balance required under the Environmental Evaluation Notice (STAT449) to determine if storage capacity is adequate and if further measures are required.

Requirement 4

Complete actions commenced under paragraph 3 as soon as practicable.

Actions are ongoing and yet to be complete. DERM encourages the site to continue to reduce water levels across the site prior to the pending wet season.

Requirement 5

As soon as possible and by no later than 5.00pm (AEST) on 20 March 2009 ensure that there is the ability on the premises to treat contaminated waters contained within the process and stormwater pond system to meet as a minimum the water quality limits as contained in Schedule C Table 5 of the EA (MIN100401006).

DERM intends to inspect the measures implemented to treat contaminated waters prior to the 2009/2010 wet season.

Requirement 6

By no later than 5.00 pm (AEST) on Friday 13 March 2009, provide a report to the administering authority outlining the measures taken and/ or proposed to be taken in order to comply with the requirements of this Environmental Protection Order.

DERM received correspondence detailing the proposed measures on 13 March 2009. This requirement has been complied with.

Requirement 7

By no later than 5.00 pm on Friday 20 March 2009, provide the administering authority with an interim report detailing a proposed plan of works (tasks and timeframes) to repair or decommission Stormwater Pond 2.

DERM received report on 20 March 2009. This requirement has been complied with.

Requirement 8

By no later than 5.00 pm on Thursday 2 April 2009, provide the administering authority with a final plan detailing a proposed schedule of works (tasks and timeframes) to repair or decommission Stormwater Pond 2.

DERM received report on 2 April 2009. This requirement has been complied with. DERM however further notes that the proposed methodology and strategy to repair or decommission stormwater pond 2 has varied based on new information since DERM accepted this report. As per the correspondence sent to you dated 22 July 2009, DERM are seeking urgent advice on proposed actions to prevent the release of contaminants during the 2009/2010 wet season.

DERM are satisfied from reports provided to date by Parsons Brinckerhoff Australia Pty Ltd that general compliance has been achieved with EPO STAT443. DERM will inspect the mine site and review outcomes from the Environmental Investigation to determine if further action is required.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Regional Manager
North Region
Regional Services
Department of Environment and Resource Management

C/c
Matthew Jeffs and Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001



Enquiries Warwick Fegan
Telephone (07) 4046 6724
Your reference Lady Annie Mine Site
Our reference ISA658

4 August 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs,

I refer you to the letter and notice dated 30 June 2009 detailing the Department of Environment and Resource Management's (DERM) intent to realise part of the Financial Assurance held against Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd in relation to activities on Lady Annie Mine Site.

The notice of proposal to realise or claim financial assurance dated 30 June 2009 detailed that written representation objecting to the proposal to realise financial assurance was required by 30 June 2009. No submissions were received by DERM.

Please find attached a notice of decision to realise or claim financial assurance. DERM will realise \$41,998 of financial assurance.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Regional Manager
North Region
Regional Services
Department of Environment and Resource Management

C/c
Department Employment, Economic Development and Innovation
Queensland Mines and Energy
PO Box 334
MOUNT ISA QLD 4825

RTI DL RELEASE - EHP

Notice

Environmental Operations

Decision to realise or claim on financial assurance

This statutory notice is issued by the administering authority pursuant to section 367 of the Environmental Protection Act 1994, to advise you of a decision to realise or claim on financial assurance for your licence.

Savannah Resources Pty Ltd (ACN 096358735)
Lady Annie Operations Pty Ltd (ACN076289097)
Attention Messrs Gary Peter Doran and David John Frank Lomb

Receiver Managers for Savannah Resources Pty Ltd, Lady Annie
Operations Pty Ltd

Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Your reference : MIN100401006

Our reference : ISA658

Attention: Gary Doran,

Re: Decision to realise financial assurance for a licence held by Lady Annie Operations Pty Ltd (ACN 076289097) and Savannah Resources Pty Ltd (ACN 096358735).

I refer you to the notice dated 30 June 2009 proposing to realise financial assurance in the amount of \$41,998 from Lady Annie Operations Pty Ltd (ACN 076289097) and Savannah Resources Pty Ltd (ACN 096358735).

The notice detailed that you may provide written representations to show why this financial assurance should not be realised by 30 July 2009. No written representation has been made to the Department of Environment and Resource Management.

The administering authority has decided to realise the above mentioned financial assurance as it has incurred costs in the amount of \$41,998 as a result of taking the following action to investigate the discharge of contaminated waters from Lady Annie mine site to Saga and Inca Creeks on 20 January 2009 and 7 February 2009:

Undertaking the service of external environmental consultants to assess and report on;

- Water management on the mine site,
- Integrity of Stormwater Pond 2 wall/s,
- Downstream impacts resulting from the release of contaminants from the minesite;

Proposal to realise or claim on financial assurance

- Rehabilitation solutions to address those environmental impacts.

Costs in relation to the action that has been taken have been estimated and costs in excess of this estimated amount may result in a further claim or realisation of the remaining financial assurance.

DERM will claim 100 percent of the estimated costs involved with taking the action. The amount of the financial assurance being realised is \$41,998.

You may apply to the administering authority for a review of the decision to request further information within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court.

Information outlining the review and appeal processes under the *Environmental Protection Act 1994* is included with this Notice. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any queries in relation to this Notice, Warwick Fegan of DERM on telephone (07) 4046 6724 would be happy to assist you.

s.49 - Signature

Signature

4 August 2009

Date

Rob Lawrence
Regional Manager
Delegate
Environmental Protection Act 1994

Enquiries:
Environmental Services
PO Box 2066
CAIRNS QLD 4870
Ph: (07) 4046 6602
Fax: (07) 4046 6606

Internal review (EPA), and appeal to Planning and Environment Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994 (EP Act). It gives a summary of the process for review and appeal to the Planning and Environment Court under the EP Act and subordinate legislation. Refer to sections 519–539 and schedule 2 of the EP Act for complete information about the process for internal review and appeal to the Planning and Environment Court.

Introduction

The *Environmental Protection Act 1994* (EP Act) provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation¹ made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in part 1 of schedule 2 of the EP Act², may appeal the decision to the Planning and Environment Court (the Court).

Summary of the process for internal review and appeal to the Court

Chapter 11, Part 3 of the EP Act

Division 1 — Interpretation

Section 519 Original decisions

- 1) A decision mentioned in schedule 2 is an “original decision”.
- 2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an “original decision”.

Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision.

Division 2 — Internal review of decisions

Section 521 Procedure for review

- 1) A dissatisfied person may apply for a review of an original decision.
- 2) The application must—
 - a) be made in the approved form to the administering authority within—
 - i) 10 business days³ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the “review date”); or
 - ii) the longer period the authority in special circumstances allows not later than the review date; and
 - b) be supported by enough information to enable the authority to decide the application.

Internal review (EPA), and appeal to Planning and Environment Court

- 3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - a) notice of the application (the "review notice");
 - b) a copy of the application and supporting documents.
- 4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), the authority must, within 10 business days after receiving the application—
 - a) review the original decision;
 - b) consider any submissions properly made by a recipient of the review notice; and
 - c) make a decision (the "review decision") to—
 - i) confirm or revoke the original decision; or
 - ii) vary the original decision in a way the administering authority considers appropriate.
- 6) The application does not stay the original decision.
- 7) The application must not be dealt with by—
 - a) the person who made the original decision; or
 - b) a person in a less senior office than the person who made the original decision.
- 8) Within 10 business days after making the decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- 9) The notice must—
 - a) include the reasons for the review decision; and
 - b) inform the person of their right of appeal against the decision.
- 10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.
- 11) Subsection (7) applies despite section *Acts Interpretation Act 1954*, section 27A.
- 12) This section does not apply to an original decision made by—
 - a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
 - b) for another matter — the chief executive personally.
- 13) Also, this section does not apply to an original decision to issue a clean-up notice.

Section 522 Stay of operation of original decisions

- 1) If an application is made for review of an original decision, the applicant may immediately apply for a stay of the decision to—
 - a) for an original decision mentioned in schedule 2, part 1—the Land Court; or
 - b) for an original decision mentioned in schedule 2, part 2—the Court.

Internal review (EPA), and appeal to Planning and Environment Court

- 2) The Land Court or the Court may stay the decision to secure the effectiveness of the review and any later appeal to the tribunal or the Court.
- 3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- 4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.

Division 4 — Appeals to court

Section 531 Who may appeal

- 1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1⁴ applies, may appeal against the decision to the Court.
- 2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- 3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

- 1) An appeal is started by—
 - a) filing written notice of appeal with the registrar of the Court; and
 - b) complying with rules of court applicable to the appeal.
- 2) The notice of appeal must be filed—
 - a) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made; or
 - b) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.
- 3) The Court may at any time extend the period for filing the notice of appeal.
- 4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Section 533 Appellant to give notice of appeal to other parties

- 1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - a) if the appellant is the chief executive—all persons who were given notice of the original decision; or
 - b) if the appellant is not the chief executive—the other persons who were given notice of the original decision.
- 2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

Section 534 Persons may elect to become respondents to appeal

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

Internal review (EPA), and appeal to Planning and Environment Court

Section 535 Stay of operation of decisions

- 1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- 2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
- 3) The period of a stay must not extend past the time when the Court decides the appeal.
- 4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Section 536 Hearing procedures

- 1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- 2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

Section 537 Assessors

The judge hearing an appeal may appoint one or more assessors to assist where the appeal involves a question of special knowledge and skill.

Section 538 Appeals may be heard with planning appeals

Where an appeal is also made under the *Integrated Planning Act 1997* for a premises, the court may order that both appeals be heard together or consecutively, or one stayed until the other is decided. This may occur even if the parties to the appeals are not the same. This ensures that needless delays are minimised.

Section 539 Powers of Court on appeal

- 1) In deciding an appeal, the Court may—
 - a) confirm the decision appealed against; or
 - b) vary the decision appealed against; or
 - c) set aside the decision appealed against and make a decision in substitution for the decision set aside.
- 2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Environmental Protection Agency should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved by:

Andrea Leverington
Executive Director, Environmental Services
Environmental Protection Agency

Enquiries:

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Ph: **1300 368 326**
Fax: (07) 3115 9600
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Internal review (EPA), and appeal to Planning and Environment Court

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- ¹ The original decisions under the subordinate legislation are subject to change. As at 1 January 2009 they are:
- Chapter 7 Part 3 of the *Environmental Protection Regulation 2008*; and
 - Section 68C of the *Environmental Protection (Waste Management) Regulation 2000*.
- ² An appeal may be made to the Land Court for original decisions in part 1 of schedule 2.
- ³ Under the *Environmental Protection Act 1994* "business days does not include a business day between 20 December and 5 January in the following year".
- ⁴ Subdivision 1 is about appeals to the Land Court and information about this is contained in Sections 519 to 539.

RTI DL RELEASE - EHP

From: Warwick Fegan [Warwick.Fegan@ehp.qld.gov.au]
Sent: Wednesday, 5 August 2009 11:26 AM
To: Fainton, Brian
CC: Jeffs, Matthew
Subject: EPO1 Compliance Letter
Attachments: Letter_Environmental Protection Order_STAT443 040809.pdf

Hi Brian,

As per our previous discussions, please find attached a letter sent to the operators for Lady Annie Mine relating to compliance against EPO (STAT443) relating to onsite actions required.

If you have any questions regarding the content of the letter, please feel free to give me a call.

Regards,
Warwick

Warwick Fegan
Principal Environmental Officer
Environmental Services - Northern Region
Telephone: (07) 4046 6724 Facsimile: (07) 4046 6606
www.derm.qld.gov.au

Department of Environment and Resource Management

5b Sheridan St Cairns QLD 4870

PO Box 2066 Cairns QLD 4870

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RTI DL RELEASE - EHP



Enquiries Warwick Fegan
Telephone (07) 4046 6724
Your reference Lady Annie Mine Site
Our reference STAT443 / ISA658

Department of
**Environment and Resource
Management**

4 August 2009

Lady Annie Operations Pty Ltd and Savannah Resources Pty Ltd
Attention Messrs Gary Peter Doran and David John Frank Lombe
Receiver Managers for Lady Annie Operations Pty Ltd
Deloitte Touche Tohmatsu
Woodside Plaza Level 14
240 St George Terrace
PERTH WA 6000

Dear Sirs,

I refer you to the Environmental Protection Order (EPO), issued to the Receiver Managers for Lady Annie Operations Pty Ltd on 6 March 2009 (STAT443).

Parsons Brinckerhoff acting on behalf of yourselves, have submitted reports and taken actions in response to the requirements of EPO STAT443. Detailed below is current compliance against the requirements of EPO STAT443.

Requirement 1

From the date of receipt of this Environmental Protection Order prevent any discharge from Stormwater Pond 2 off the mining lease.

To date, compliance has been achieved against this requirement. You are advised to continue taking any required action to prevent future release of contaminants from site.

Requirement 2

As soon as possible, and by no later than 5.00pm (AEST) on Monday 9 March 2009, undertake works to ensure that all stormwater which is generated outside the process and stormwater system on the premises is diverted around and away from the process and stormwater system.

The Department of Environment and Resource Management (DERM) intends to inspect the stormwater diversion works prior to the 2009/2010 wet season and consider the adequacy of these diversion works in light of the site water balance required under the Environmental Evaluation Notice (STAT449).

Requirement 3

As soon as possible and by no later than 5.00 pm (AEST) on Monday 9 March 2009, take action to commence reducing the level of waters contained in all processing and stormwater ponds on the premises to ensure that the storage capacity of the water storage infrastructure has the capacity to capture and retain on site the likely rainfall events for the remainder of the wet season.

DERM notes the use of the evaporators to reduce water levels within the stormwater ponds. DERM has deemed that this requirement has been met. DERM intends to review the site water balance required under the Environmental Evaluation Notice (STAT449) to determine if storage capacity is adequate and if further measures are required.

Requirement 4

Complete actions commenced under paragraph 3 as soon as practicable.

Actions are ongoing and yet to be complete. DERM encourages the site to continue to reduce water levels across the site prior to the pending wet season.

Requirement 5

As soon as possible and by no later than 5.00pm (AEST) on 20 March 2009 ensure that there is the ability on the premises to treat contaminated waters contained within the process and stormwater pond system to meet as a minimum the water quality limits as contained in Schedule C Table 5 of the EA (MIN100401006).

DERM intends to inspect the measures implemented to treat contaminated waters prior to the 2009/2010 wet season.

Requirement 6

By no later than 5.00 pm (AEST) on Friday 13 March 2009, provide a report to the administering authority outlining the measures taken and/ or proposed to be taken in order to comply with the requirements of this Environmental Protection Order.

DERM received correspondence detailing the proposed measures on 13 March 2009. This requirement has been complied with.

Requirement 7

By no later than 5.00 pm on Friday 20 March 2009, provide the administering authority with an interim report detailing a proposed plan of works (tasks and timeframes) to repair or decommission Stormwater Pond 2.

DERM received report on 20 March 2009. This requirement has been complied with.

Requirement 8

By no later than 5.00 pm on Thursday 2 April 2009, provide the administering authority with a final plan detailing a proposed schedule of works (tasks and timeframes) to repair or decommission Stormwater Pond 2.

DERM received report on 2 April 2009. This requirement has been complied with. DERM however further notes that the proposed methodology and strategy to repair or decommission stormwater pond 2 has varied based on new information since DERM accepted this report. As per the correspondence sent to you dated 22 July 2009, DERM are seeking urgent advice on proposed actions to prevent the release of contaminants during the 2009/2010 wet season.

DERM are satisfied from reports provided to date by Parsons Brinckerhoff Australia Pty Ltd that general compliance has been achieved with EPO STAT443. DERM will inspect the mine site and review outcomes from the Environmental Investigation to determine if further action is required.

If you have any queries with regards to the content of this letter please contact Warwick Fegan on (07) 4046 6724.

Yours sincerely

s.49 - Signature

Rob Lawrence
Regional Manager
North Region
Regional Services
Department of Environment and Resource Management

C/c
Matthew Jeffs and Brian Fainton
Parsons Brinckerhoff Australia Pty Ltd
GPO Box 2907
BRISBANE QLD 4001