



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

**REVIEW**

# Review of Standard Conditions for Mining Tenements

Outcomes Report

October 2023

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## Introduction

The Department of Mines Industry Regulation and Safety (DMIRS) applies standard conditions to mining tenements on grant, and following Ministerial consent being granted for access to protected lands. These conditions provide a consistent approach to the regulation of activities on mining tenements granted under the *Mining Act 1978* (the Mining Act) and clarity to tenement holders of their responsibilities and obligations.

To ensure these conditions remain robust, efficacious and enforceable, DMIRS has completed a review of its [Schedule of Standard Conditions](#) (the Schedule). The review was limited to conditions imposed on grant, or those applied after Ministerial consent for access to protected lands. It did not include environment-related conditions to prevent or reduce injury to the land.

## Scope

The review sought to rationalise the Schedule with a focus on conditions that were:

- inconsistent with the Mining Act or ultra vires<sup>1</sup>;
- addressed within provisions of the Mining Act or other legislation;
- appropriate to the scope of activity on grant of tenure; and
- redundant or duplicative.

## Outcome

A total of 113 tenure-related standard conditions were reviewed. Of the 113 conditions, 42 conditions were removed, 38 conditions were retained, nine conditions amended, with the remaining 24 conditions amended as 'endorsements'. Three new conditions were added.

Conditions outside the ability of DMIRS to monitor and enforce compliance, and conditions addressed under other legislation, are recommended to be removed as conditions on title; instead they are recommended to be imposed as endorsements. Endorsements are intended to direct tenement holders to their obligations under legislation that are not administered by DMIRS, but are still relevant to activities undertaken on mining tenements. Examples of such legislation are the *Lands Administration Act 1997* and the *Rail Freight Systems Act 2000*. This is intended to provide greater clarity to the tenement holder.

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<sup>1</sup> Beyond one's legal power or authority

## Review Outcomes

Ref #	Condition	Topics	Notation	Rationale	Outcome
4	All disturbances to the surface of the land made as a result of exploration, including costeans, drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety. Backfilling and rehabilitation being required no later than 6 months after excavation unless otherwise approved in writing by the Environmental Officer, Department of Mines, Industry Regulation and Safety.	Exploration Licence (Basic) General Purpose Lease (Basic) Mining Lease (Basic) Mining Lease (Ongoing mining operations) Mining Lease for Gold (Basic) Prospecting Licence (Basic) Prospecting Licence for Gold (Basic) Retention Licence (Basic)	Impose on all P, E, R, M and G	Prescribed conditions in the <i>Mining Act 1978</i> [s.46(b)] only require excavations to be backfilled and made safe, and do not cover six month aspect or rehabilitation.  To be further considered as part of REC's review of its exploration guidance.	<b>Retain</b>  Subject to change due to DMIRS Resource and Environmental Compliance review of Programme of Work and Rehabilitation Guidance as well as the commencement of the <i>Mining Amendment Act 2022</i> .
5	All waste materials, rubbish, plastic sample bags, abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.	Exploration Licence (Basic) Mining Lease (Basic) Mining Lease (Ongoing mining operations) Mining Lease for Gold (Basic) Prospecting Licence (Basic) Prospecting Licence for Gold (Basic) Retention Licence (Basic)	Impose on all P, E, R, M and L	Intent of condition to be retained as waste and equipment removal not adequately covered under the <i>Mining Act 1978</i> .  Amend to apply to Ls and remove duplicate Condition #577.	<b>Amend</b>  <i>All waste materials, rubbish, sample bags, equipment and temporary structures being removed from the tenement prior to or at the termination of exploration program.</i>  Subject to change due to DMIRS Resource and Environmental Compliance review of Programme of Work and Rehabilitation Guidance as well as the commencement of the <i>Mining Amendment Act 2022</i> .
6	Unless the written approval of the Environmental Officer, Department of Mines, Industry Regulation and Safety is first obtained, the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costeans is prohibited. Following approval, all topsoil being removed ahead of mining operations and separately stockpiled for replacement after backfilling and/or completion of operations.	Exploration Licence (Basic) General Purpose Lease (Basic) Mining Lease (Basic) Mining Lease (Ongoing mining operations) Mining Lease for Gold (Basic) Prospecting Licence (Basic) Prospecting Licence for Gold (Basic) Retention Licence (Basic)	Impose on all P, E, R, M and G	Condition duplicates conditions and covenants under the <i>Mining Act 1978</i> for all other leases and licences (E, P, M, L).  New standard condition created for General Purpose Leases.	<b>Delete</b>  Condition redundant - to be removed on commencement of <i>Mining Amendment Act 2022</i> , since this will be captured in the Act.
7	The <b>**LESSEE**</b> notifying the holder of any underlying pastoral or grazing lease by telephone or in person, or by registered post if contact cannot be made, prior to undertaking airborne geophysical surveys or any ground disturbing activities utilising equipment such as scrapers, graders, bulldozers, backhoes, drilling rigs; water carting equipment or other mechanised equipment.	Exploration Licence (Basic) General Purpose Lease (Basic) Mining Lease (Basic) Mining Lease (Ongoing mining operations) Mining Lease for Gold (Basic) Miscellaneous Licence (Basic) Prospecting Licence (Basic) Prospecting Licence for Gold (Basic) Retention Licence (Basic)	Impose on all tenements where there is an underlying Pastoral or Grazing Lease	No change	<b>Retain</b>
8	The <b>**LESSEE**</b> or transferee, as the case may be, shall within thirty (30) days of receiving written notification of: the grant of the <b>**LEASE**</b> ; or registration of a transfer introducing a new <b>**LESSEE**</b> ; advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	Exploration Licence (Basic) General Purpose Lease (Basic) Mining Lease (Basic) Mining Lease (Ongoing mining operations) Mining Lease for Gold (Basic) Miscellaneous Licence (Basic) Prospecting Licence (Basic) Prospecting Licence for Gold (Basic) Retention Licence (Basic)	Impose on all tenements where there is an underlying Pastoral or Grazing Lease	No change	<b>Retain</b>
9	The lessee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety for their assessment and written approval prior to commencing any developmental or productive mining or construction activity.	Mining Lease (Basic) Mining Lease for Gold (Basic)	On all "M" not where ongoing min ops or Schedule C E F applied to whole lease	Condition #508 is similar to this condition but applies to Miscellaneous Licences only.  New standard condition created for all Mining Leases applied for under S74(1)(ca)(i) or (iii) to endure a mining proposal is approved before commencing and mining operations.	<b>Delete</b>  New standard condition created for all Mining Leases applied for under S74(1)(ca)(i) or (iii).  Condition to be removed on commencement of <i>Mining Amendment Act 2022</i> , since this will be captured in the Act.

Ref #	Condition	Topics	Notation	Rationale	Outcome
<b>New</b>	The Lessee obtaining the written approval of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety for a mining proposal, as defined under section 700, prior to commencing any mining operations.	Mining Lease (Basic) Mining Lease for Gold (Basic) General Purpose Lease (Basic)	Impose on all M where applied for under S74(1)(ca)(i) or (iii) and all G.	Required to ensure a Mining Proposal is approved before commencing any mining operations.	<b>New</b>
<b>14</b>	The rights of ingress to and egress from Miscellaneous Licence <b>**PROMPT**</b> being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	Ingress-Egress (Miscellaneous Licence) Miscellaneous Licence (Protection)	Protection for Miscellaneous Licence	Not enforceable by DMIRS.	<b>Delete</b> Not enforceable.
<b>17</b>	Mining on any road, road verge or road reserve being confined to below a depth of 15 metres from the natural surface.	Road	Use on leases only (road)	Protection provided under Regulation 97 and 98 of the Mining Regulations 1981. Issues dealt with under s.132 Mining Act 1978.	<b>Endorse</b> <i>The holder's attention is drawn to regulation 97 and 98 of the Mining Regulations 1981 in respect to any thoroughfare, road or highway.</i>
<b>18</b>	No excavation, excepting shafts, approaching closer to the <b>**PROMPT**</b> Highway, Highway verge or the road reserve than a distance equal to twice the depth of the excavation and mining on the <b>**PROMPT**</b> Highway or Highway verge being confined to below a depth of 30 metres from the natural surface.	Highway- on its own	Use on leases and exploration licences  (highway)	Road reserves protected under Lands Administration Act 1997. Protection provided under Regulation 97 and 98 of the Mining Regulations 1981. Issues dealt with under s.132 Mining Act 1978.	<b>Endorse</b> <i>The holder's attention is drawn to regulation 97 and 98 of the Mining Regulations 1981 in respect to any thoroughfare, road or highway.</i>
<b>19</b>	No excavation, excepting shafts, approaching closer to the <b>**PROMPT**</b> Highway, Highway verge or the road reserve than a distance equal to twice the depth of the excavation and mining on the <b>**PROMPT**</b> Highway or Highway verge being confined to below a depth of 30 metres from the natural surface, and on any other road or road verge, to below a depth of 15 metres from the natural surface.	Highway - with minor road	Use on leases and exploration licences  (highway and minor road)	Road reserves protected under Lands Administration Act 1997. Protection provided under Regulation 97 and 98 of the Mining Regulations 1981. Issues dealt with under s.132 Mining Act 1978.	<b>Endorse</b> <i>The holder's attention is drawn to regulation 97 and 98 of the Mining Regulations 1981 in respect to any thoroughfare, road or highway.</i>
<b>20</b>	The prior written consent of the Minister responsible for the Mining Act 1978 being obtained before commencing any <b>**OPTION**</b> on <b>**PROMPT**</b> .	Mining, No Mining	If used on townsite also impose Endorsement 27	No change	<b>Retain</b>
<b>21</b>	No <b>**OPTION**</b> on Cemetery Reserve <b>**PROMPT**</b> and such activities within a distance of 140 metres laterally from the Reserve being confined to below a depth of 50 metres from the lowest part of the surface of the land with rights of ingress to and egress from the said Reserve being at all times preserved to the public.	Cemetery Reserve	Cemetery Reserve  Impose on all tenements	Reword as endorsement. Protection provided in Mining Act 1978 (section 20(5)(d) for crown land and section 24 for cemetery reserves)	<b>Endorse</b> <i>The holder's attention is drawn to section 20 of the Mining Act 1978 in respect to any cemetery or burial ground.</i>
<b>22</b>	No <b>**OPTION**</b> being carried out on <b>**PROMPT**</b> Reserve <b>**PROMPT**</b> which restrict the use of the reserve.	Stock Route Reserve	Stock Route Reserve	Applied to all unvested Stock Route Reserves. Apply standard no mining condition for all vested stock route reserves – <i>No mining on <b>**PROMPT**</b> Reserve without consent of the Minister.</i>	<b>Retain</b>

Ref #	Condition	Topics	Notation	Rationale	Outcome
24	Subject to the rights of the vested authority of Reserve <b>**PROMPT**</b> and persons authorized by it to enter and remain on the reserve at all times and from time to time for any purpose connected therewith including the removal or treatment of tailings on the reserve and activities associated therewith.	Battery Reserve State Battery Reserve	Always use together  State Battery Reserve	Rights and responsibilities are provided under the <i>Gold Corporation Act 1987</i> . Gold Corp has designated ownership of tailings on all sites.  Rerword as endorsement.	<b>Endorse</b>  <i>The holder's attention is drawn to section 11(2F) of the Gold Corporation Act 1987 whereby Gold Corporation may engage or participate in industry relating to gold, either alone or with other persons or bodies, for purposes related to the processing of tailings and other processed substances containing gold.</i>
25	No interference with Geodetic Survey Station <b>**PROMPT**</b> and mining within 15 metres thereof being confined to below a depth of 15 metres from the natural surface.	Geodetic Survey Station	Geodetic Survey Station not protected by reserve	No change	<b>Retain</b>
26	No interference with the use of the Aerial Landing Ground and mining thereon being confined to below a depth of 15 metres from the natural surface.	Landing Ground	Landing Ground	Rerword for clarity and simplicity.	<b>Amend</b>  <i>No activity to be undertaken that interferes with or compromises the use of the Aerial Landing Ground.</i>
34	No mining on a strip of land 60 metres wide with the <b>**PROMPT**</b> Railway Line as the centreline and no materials being deposited or machinery or buildings being erected on such strip of land.	Railway (WAGR) (No Indenture) (Not to be used for railways on Miscellaneous Licences or State Agreements)	Always use together (no Indenture filed)  Not to be used for railways on Miscellaneous Licences or State Agreements	Rail corridors protected under the <i>Rail Freight System Act 2000</i> .  Applicable to WAGR land.	<b>Endorse</b>  <i>The holder's attention is drawn to the presence of a rail corridor and requirements under the Rail Freight Systems Act 2000.</i>
35	Blasting operations being controlled so that no damage or injury can be caused by fly rock, concussion, vibration or other means.	Railway (WAGR) (No Indenture) (Not to be used for railways on Miscellaneous Licences or State Agreements)	Always use together (no Indenture filed)  Not to be used for railways on Miscellaneous Licences or State Agreements	Inconsistent with principles of the <i>Mining Act 1978</i> and therefore not valid.  Addressed in endorsement at Condition #34.	<b>Delete</b>  Covered under endorsement at Condition #34.
36	Mining on a strip of land 30 metres wide with the Mullewa/ Meekatharra Railway Line as the centreline being confined to below a depth of 30 metres from the natural surface.	Mullewa/Meekatharra Railway Line Railway (WAGR) (Mullewa-Meekatharra)	Mullewa / Meekatharra Railway	Condition retained as rail corridor remains from Mullewa to Pindar. Former railway is Unallocated Crown land from Pindar to Meekatharra.  Where land is no longer a rail corridor it becomes 'free' of any rights to minerals i.e. rights are available to be taken up.  Refer to s.266 <i>Lands Administration Act 1997</i> .	<b>Retain</b>
47	Access to the surface of land within <b>**PROMPT**</b> Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such <b>**OPTION**</b> activities as may be approved by the Executive Director, Resource and Environmental Compliance, DMIRS.	Townsite	Utilise only if consent to mine has been given.  Insert option (mining) where tenement is a L	Condition applied on grant of consent.  Only with written consent of the Minister [s. 25(3A)] following consultation with the Minister for Lands and the local government authority [s. 25 (3B)]	<b>Amend</b>  Access to the land within <b>**Prompt**</b> Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and limited to such mining activities as may be approved by the Executive Director, Resource and Environmental Compliance, DMIRS
48	No interference with the <b>**OPTION**</b> or the installations in connection therewith, and the rights of ingress to and egress from the facility being at all times preserved to the owners thereof.	Coaxial Cable Optic Fibre Cable Power Line Transmission Line	Power Line / Transmission Line / Coaxial Cable / Optic Fibre Cable	No change	<b>Endorse</b>  <i>Holder's attention is drawn to the presence of <b>**PROMPT**</b> power transmission line and the owner's right to ingress to and egress from the line.</i>

Ref #	Condition	Topics	Notation	Rationale	Outcome
49	Mining on a strip of land 20 metres wide with any <b>**OPTION**</b> as the centreline being confined to below a depth of 31 metres from the natural surface and no mining material being deposited upon such strip and the rights of ingress to and egress from the facility being at all times preserved to the owners thereof.	Pipeline (Water)	Pipeline (water)	References to confining mining activity are not valid. Rights of egress and ingress retained and reword for simplicity and clarity.	<b>Endorse</b> <i>The holder's attention is drawn to the <b>**PROMPT**</b> pipeline and the owner's rights of ingress to and egress from the pipeline.</i>
50	Mining within a radius of 150 metres of any Australian Telecommunications Commission microwave repeater station being confined to below a depth of 60 metres from the natural surface.	Microwave (Telecom)	Microwave Always use together	Merge with Condition #51.	<b>Endorse</b> <i>The holder's attention is drawn to the presence of the Australian Telecommunications microwave repeater station and requirements under the Telecommunications Act 1997 (Cwlth).</i>
51	No interference with the Australian Telecommunications Commission microwave repeater station ray-line.	Microwave (Telecom)	Microwave Always use together	Merge with Condition #50.	<b>Endorse</b> Refer Condition #50.
52	Mining operations being carried out at such times and in such a manner as not to interfere with the full use of Rifle Range Reserve <b>**PROMPT**</b> for rifle practice and no person being domiciled on the Rifle Range.	Rifle Range	Rifle Range Reserve - Always use together	Classified as Class B reserve under the <i>Land Act 1933</i> . However, Class B reserves can no longer be created under the <i>Lands Administration Act 1997</i> . Remaining Class B reserves remain classified as if the Act had not been repealed. Condition applied on grant of consent in consultation with vesting authority. Reserved land provisions apply. Apply standard no mining condition until consent granted – <i>No mining on Rifle Range <b>**PROMPT**</b> without the consent of the Minister.</i>	<b>Retain</b>
55	Mining on a strip of land 30 metres wide with the <b>**PROMPT**</b> as the centre-line being restricted to below a depth of 15 metres from the natural surface.	Rabbit Proof Fence	Rabbit Proof Fence also includes Emu and other types of vermin	Rabbit/Emu/Vermin Proof Fence/State Barrier Fence is a State asset set within a 20 metre reserve and managed by Department of Primary Industries and Regional Development (DPIRD). Protections in Biosecurity and Agriculture Management Regulations 2013 (Item 49). Only authorised vehicles are permitted to travel on the track that runs alongside State Barrier Fence; penalties apply.	<b>Endorse</b> <i>The holder's attention is drawn to the presence of the Rabbit/Emu/Vermin/State Barrier Fence and requirements under the Biosecurity and Agriculture Management Regulations 2013.</i>
78	No activities being carried out that will adversely affect waters from surface and underground sources.	Damsite	To be applied in respect of E, P, G, L. Note M to be referred to WRC	Protected under s.20 <i>Mining Act 1978</i> .	<b>Delete</b> Refer s.20 <i>Mining Act 1978</i> .

Ref #	Condition	Topics	Notation	Rationale	Outcome
90	In the event of Explosive Reserve <b>**PROMPT**</b> being utilized for storage and/or manufacture of explosives; <ul style="list-style-type: none"> <li>mining on the reserve being confined to below a depth of 15 metres from the natural surface.</li> <li>no mining whatsoever being conducted within such distance of the explosives storage area within the reserve as may be determined by the Chief Inspector Dangerous Goods and Petroleum Safety, Department of Mines, Industry Regulation and Safety (DMIRS).</li> <li>all excavations and other disturbances to the surface of the land within the reserve made in the course of prospecting being filled in to the satisfaction of the Environmental Officer, DMIRS</li> </ul>	Explosives Reserve (on consent being granted)	Explosives Reserve	Condition applied on grant of consent in consultation with vesting authority.  Reserved land provisions apply. Apply standard no mining condition until consent granted –  <i>No mining on Explosives Reserve <b>**PROMPT**</b> without the consent of the Minister.</i>	<b>Delete</b>  Replaced by two new standard conditions below.
<b>New</b>	Mining on the Explosives Reserve <b>**PROMPT**</b> being confined to below a depth of 15 metres from the natural surface.	Explosives Reserve (on consent being granted)	Explosives Reserve Impose on Active Explosives Reserves only	Condition applied on grant of consent in consultation with vesting authority.  Reserved land provisions apply. Apply standard no mining condition until consent granted –  <i>No mining on Explosives Reserve <b>**PROMPT**</b> without the consent of the Minister.</i>	<b>New</b>
<b>New</b>	Access to the land within Explosives Reserve <b>**Prompt**</b> only with the approval of the Chief Inspector; Dangerous Goods and Petroleum Safety, Department of Mines, Industry Regulation and Safety.	Explosives Reserve (on consent being granted)	Explosives Reserve Impose on Inactive Explosives Reserves only	Condition applied on grant of consent in consultation with vesting authority.  Reserved land provisions apply. Apply standard no mining condition until consent granted –  <i>No mining on Explosives Reserve <b>**PROMPT**</b> without the consent of the Minister.</i>	<b>New</b>
93	The discharge of tailings and other pollutants being contained in accordance with the directions of the Environmental Officer, DMIRS.	Licence to Treat Tailings (Operational)	LTT's (Operational)	No new grants. Condition obsolete.	<b>Delete</b>  Condition obsolete.
94	Environmental Officer, DMIRS being notified prior to the termination of operations and all waste materials, rubbish, abandoned equipment, temporary buildings being disposed of or removed from the tenement in accordance with;the Environmental Officer's directions.	Licence to Treat Tailings (Operational)	LTT's (Operational)	No new grants. Condition obsolete.	<b>Delete</b>  Condition obsolete.
109	Prior to commencing any operations, the explorer providing the local Shire Engineer and the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety (DMIRS) with the proposed program of operations, including a plan of the location of the operations, and notifying them of any major changes to this program. No work shall commence until written approval for that work has been given by the Executive Director, Resource and Environmental Compliance, DMIRS.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b>  Addressed in Programme of Work assessment.
110	Prior to commencing any operations, the explorer providing the local Shire Engineer with an itinerary of the proposed program and notifying the Engineer of any major changes to that itinerary.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b>  Addressed in Programme of Work assessment.



Ref #	Condition	Topics	Notation	Rationale	Outcome
111	All rigs, vehicles, tools and equipment being cleaned to prevent the transporting of plant diseases or weed seeds into or between sites within the exploration area.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b> Addressed in Programme of Work assessment.
112	All necessary precautions being taken to prevent: <ul style="list-style-type: none"> <li>• destruction or damage to native vegetation,</li> <li>• major damage to the natural soil surface, or</li> <li>• an increase in the risk or soil erosion;</li> </ul> and complying with all reasonable requests of the local Shire Engineer to rehabilitate or restore vegetation or soil disturbed by the activities.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b> Addressed in Programme of Work assessment.
113	No drilling being conducted which will pollute or unduly interfere with watercourses or with any artificial drainage systems, or has a reasonable risk of causing such pollution or interference.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b> Addressed in Programme of Work assessment.
114	Any discharge of water from a drill hole being contained in a sump. Sumps are to be emplaced in pre-existing clearings, such as table drains wherever possible and backfilled upon completion of the drilling.	Mining on Road Verges Road - Drilling on Road Verges	Consent to Mine road/verge: reqs prior consent of Minister: with/ without title	Covered in Programme of Work assessment.	<b>Delete</b> Addressed in Programme of Work assessment.
125	Prior to collection of any samples from within Reserve <b>**OPTION**</b> which contains significant geological features that are listed on the State Geoheritage Register, the <b>**LESSEE**</b> to ascertain the nature of the valuable material from the Executive Director of Geoscience and Resource Strategy, Department of Mines, Industry Regulation and Safety (DMIRS) and shall not collect such material without the approval in writing of the Executive Director. Prior to commencing any activity which includes the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costeans with the reserve, the <b>**LESSEE**</b> must submit a detailed description of all such proposed activities for the written approval of the Executive Director, Resource and Environmental Compliance, DMIRS in consultation with the Executive Director of Geoscience and Resource Strategy, DMIRS.	Geoheritage Reserves	Significant geol. feature listed on State Geoheritage Register	No change	<b>Retain</b>
301	No action being taken that will interfere with or damage the Plaque commemorating the Varischetti mining incident of 1907.	Varischetti Plaque	Protection for Varischetti Plaque	No change	<b>Retain</b>
302	To properly maintain the installations as directed by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS).	Miscellaneous Licence (Pipeline) Miscellaneous Licence (Powerline) Miscellaneous Licence (Taking Water)		Managed through the Programme of Work or mining proposal assessment.	<b>Delete</b> Managed through Programme of Work.
303	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS) having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMIRS.	Miscellaneous Licence (Taking Water)		Addressed and controlled in the Programme of Work.	<b>Delete</b> Addressed in Programme of Work.
304	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, DMIRS.	Miscellaneous Licence (Pipeline) Miscellaneous Licence (Taking Water)		Addressed and controlled in the Programme of Work.	<b>Delete</b> Addressed in Programme of Work.
305	Ingress and egress of pastoralists and tenement holders to be preserved by the construction of vehicular access crossings over any pipeline constructed pursuant to this licence.	Miscellaneous Licence (Pipeline)		No change	<b>Retain</b>

Ref #	Condition	Topics	Notation	Rationale	Outcome
306	Wherever any part of a road intersects an existing fence, the holder shall where necessary construct a gate or livestock grid having such dimensions and be constructed of such materials and be of such standard as agreed with the pastoralist or as determined by the Environmental Officer, DMIRS.	Miscellaneous Licence (Road for Haulage and joins Public Road) Miscellaneous Licence (Road Joins Public Road) Miscellaneous Licence (Road)		Reword for simplicity and enforceability.	<b>Amend</b> <i>Where any part of a road intersects an existing fence, the holder is to put in place appropriate measures to protect livestock and vehicle access.</i>
307	The licensee shall keep clear such area around any powerline located within the licence area of any dry or other growth which has the potential to be a fire risk.	Miscellaneous Licence (Powerline)		Natural vegetation clearing and maintenance on Crown land is the responsibility of the Network operator (Western Power/Horizon Power) or 'line owner' (e.g. Rio Tinto, ML holder). Maintenance of cultivated vegetation is the responsibility of the landowner/holder.  Required in accordance with <i>Electricity Regulations 1947 (316A), Code of Practice for Personnel Electrical Safety for Vegetation Control Work near Live Powerlines, and the Occupational Safety and Health Regulations 1996 [3.64(1) and (2)]</i> .  DMIRS regulates through safety inspections and may issue order if non-compliant.	<b>Endorse</b> <i>The Holder's attention is drawn to the Electricity Regulations 1947 and Code of Practice for Personnel Electrical Safety for Vegetation Control Work near Live Powerlines and the Occupational Safety and Health Regulations 1996 requirement for vegetation near powerlines.</i>
308	The road to be constructed using proper materials to suit the purpose for which it is being constructed, and further that it be constructed in a workman like manner and further that it be constructed to the satisfaction of the Environmental Officer, DMIRS.	Miscellaneous Licence (Road for Haulage and joins Public Road) Miscellaneous Licence (Road Joins Public Road) Miscellaneous Licence (Road)		Construction of road responsibility of the holder.  DMIRS unable to assess compliance.	<b>Delete</b> Construction of road responsibility of holder.
309	The licensee shall maintain the road from time to time and shall be required to ensure that it is safe for the purpose that it is constructed.	Miscellaneous Licence (Road for Haulage and joins Public Road) Miscellaneous Licence (Road Joins Public Road) Miscellaneous Licence (Road)		Addressed in the Mine Safety Management Plan.	<b>Delete</b> Addressed in the Mine Safety Management Plan.
313	The aerodrome to be constructed using proper materials to suit the purpose for which it is to be used.	Miscellaneous Licence (Aerodrome)		DMIRS unable to assess compliance.	<b>Delete</b>
320	The electrical installation shall meet the requirements of relevant on-site conditions and be carried out to the satisfaction of the Special Inspector of Mines - Electrical, DMIRS.	Miscellaneous Licence (Powerline)		Not within scope of the <i>Mining Act 1978</i> .	<b>Delete</b>
321	The area of the miscellaneous licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the licence purposes.	Miscellaneous Licence (Pipeline) Miscellaneous Licence (Powerline) Miscellaneous Licence (Road for Haulage and joins Public Road) Miscellaneous Licence (Road Joins Public Road) Miscellaneous Licence (Road)		Not within scope of the <i>Mining Act 1978</i> .	<b>Delete</b>

Ref #	Condition	Topics	Notation	Rationale	Outcome
378	Prior to any activity including the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance or the excavation of costeans within the area outlined by the dotted line at page 27 of DMIRS File 768/94, the licensee submitting a detailed description of all such proposed activities for approval of the Executive Director, Resource and Environmental Compliance, DMIRS in consultation with the Executive Director of Geoscience and Resource Strategy, DMIRS.	Mount Narryer		No change	<b>Retain</b>
379	In respect to the area outlined in "red" (FNA <b>**PROMPT**</b> ) as shown in TENGRAPH the following condition shall apply: "No prospecting, exploration or mining activities being conducted that will interfere with or endanger the construction or operation of the Gas/Petroleum pipeline and associated facilities and rights of ingress to and egress from the area being at all times preserved to the holders, their employees, agents and contractors."	Gas / Petroleum Pipe Line (Proposed)	For use on proposed Gas/ Petroleum pipelines	Protections within the <i>Petroleum Pipelines Act 1969</i> .	<b>Endorse</b> <i>The holder's attention is drawn to the proposed gas petroleum pipeline outlined in red FNA <b>**PROMPT**</b> as shown in TENGRAPH.</i>
380	No prospecting, exploration or mining activities being conducted that will interfere with or endanger the construction or operation of the Gas/Petroleum pipeline and associated facilities and rights of ingress to and egress from the area being at all times preserved to the holders, their employees, agents and contractors.	Gas / Petroleum Pipe Line (Proposed)	For use on proposed Gas/ Petroleum pipelines	Not required. Addressed by Condition #379.	<b>Delete</b> Covered under Condition #379.
430	No mining within 30 metres of either side and to a depth of 15 metres of the Rail Corridor Land <b>**PROMPT**</b> as shown in TENGRAPH without the prior written approval of the Minister responsible for the <i>Mining Act 1978</i> .	Railway Corridor Land	Impose on tenements on railway corridor land - Rail Freight Systems Act 2000	Rail corridor designated under Part 3 <i>Rail Freight System Act 2000</i> .  No activity to occur within rail corridor without Ministerial consent (PTA). Condition outside of the <i>Mining Act 1978</i> . Minister for Mines does not have authority to determine within rail corridor. Minister for Transport advises Minister for Mines.  Merge with Condition #437.	<b>Endorse</b> <i>The holder's attention is drawn to the existence of the Rail Corridor Land <b>**PROMPT**</b> as shown in TENGRAPH.</i>
431	No surface excavation approaching closer to the boundary of the Safety Zone established by Condition <b>**PROMPT**</b> hereof than a distance equal to three times the depth of the excavation without the prior written approval of Mines Safety, DMIRS.	Railway Corridor Land	Impose on tenements on railway corridor land - Rail Freight Systems Act 2000	Adequately addressed through <i>Rail Freight Systems Act 2000, Rail Safety National Law (WA) Act 2015 and Railways (Access) Act 1998</i> .  Merge with Condition #432, #433 and #434.	<b>Endorse</b> <i>The Holder's attention is drawn to activity within rail corridor in accordance with requirements under the Government Railways Act 1904 and Rail Freight Systems Act 2000, Rail Safety National Law (WA) Act 2015 and Railways (Access) Act 1998.</i>
432	Mining below 15 metres from the natural surface of the land in the Safety Zone established in Condition <b>**PROMPT**</b> hereof being approved by Mines Safety, DMIRS in consultation with the operator of the railway on corridor land.	Railway Corridor Land	Impose on tenements on railway corridor land - Rail Freight Systems Act 2000	Adequately addressed through <i>Rail Freight Systems Act 2000, Rail Safety National Law (WA) Act 2015 and Railways (Access) Act 1998</i> .	<b>Delete</b> Merged with Condition #431, #433 and #434.
433	No interference with the drainage pattern, and no parking, storage or movement of equipment or vehicles used in the course of mining within the Safety Zone established by Condition <b>**PROMPT**</b> hereof without the prior approval of the operator of the railway on corridor land.	Railway Corridor Land	Impose on tenements on railway corridor land - Rail Freight Systems Act 2000	Adequately addressed through <i>Rail Freight Systems Act 2000, Rail Safety National Law (WA) Act 2015 and Railways Access Act 1998</i> .	<b>Delete</b> Merged with Condition #431, #432 and #434.

Ref #	Condition	Topics	Notation	Rationale	Outcome
434	The <b>**LESSEE**</b> not excavating, drilling, installing, erecting, depositing or permitting to be excavated, drilled, installed, erected or deposited within the Safety Zone established in Condition <b>**PROMPT**</b> hereof, any pit, well, pavement, foundation, building, or other structure or installation, or material of any nature whatsoever without the prior written consent of Mines Safety, DMIRS.	Railway Corridor Land	Impose on tenements on railway corridor land – Rail Freight Systems Act 2000	Addressed through <i>Rail Freight Systems Act 2000, Rail Safety National Law (WA) Act 2015, Railways (Access) Act 1998.</i>	<b>Delete</b> Merged with Condition #431, #432 and #433.
435	No explosives being used or stored within one hundred and fifty (150) metres of the rail corridor land without the prior written consent of the Director, Dangerous Goods and Petroleum Safety, DMIRS.	Railway Corridor Land	Impose on tenements on railway corridor land - <i>Rail Freight Systems Act 2000</i>	Not required. Covered under legislation.	<b>Delete</b> Managed under <i>Dangerous Goods Safety Act 2004.</i>
436	The rights of ingress to and egress from the rail corridor land being at all times preserved to the employees, contractors and agents of the operator of the railway on corridor land, and the Public Transport Authority of WA.	Railway Corridor Land	Impose on tenements on railway corridor land - <i>Rail Freight Systems Act 2000</i>	Matter specifically addressed under the <i>Rail Freight Systems Act 2000.</i>	<b>Endorse</b> <i>The Holder's attention is drawn to section 51-57 of the Rail Freight Systems Act 2000.</i>
437	Such further conditions as may from time to time be imposed by the Minister responsible for the <i>Mining Act 1978</i> for the purpose of protecting the rail corridor land.	Railway Corridor Land	Impose on tenements on railway corridor land - <i>Rail Freight Systems Act 2000</i>	Not required. Already covered under Condition #430.	<b>Delete</b> Addressed by Condition #430.
508	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety for their assessment and written approval prior to commencing any developmental or productive mining or construction activity.	Miscellaneous Licence (Basic)	Impose on all miscellaneous licences on grant.	Reworded for simplicity and clarity.	<b>Amend</b> <i>The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety for their assessment and written approval prior to the use of any ground disturbing equipment.</i>
515	In respect to NWN ILUA the following conditions apply:	NWN ILUA ( L and G only) NWN ILUA ( M only) NWN ILUA ( P, E and R only)		No change	<b>Retain</b>
517	The rights conferred by this <b>**OPTION**</b> may not be exercised until a Heritage Agreement (as defined in the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement) has been entered into in respect of the <b>**OPTION**</b> provided that this restriction only applies for so long as the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement is in force.	NWN ILUA ( L and G only) NWN ILUA ( M only) NWN ILUA ( P, E and R only)	Impose on P, E, R, L, & G that are subject to NWN ILUA	No change	<b>Retain</b>
518	The holder from time to time of this <b>**OPTION**</b> shall not so long as the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement is in force carry out an exploration activity (as defined in the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement) other than in accordance with the Heritage Agreement.	NWN ILUA (P, E and R only)	Imposed on P, E & R that are subject to NWN ILUA	No change	<b>Retain</b>
519	The holder from time to time of this <b>**OPTION**</b> shall not so long as the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement is in force carry out an ancillary activity (as defined in the Nharuwannga Wajarri and Ngarlawangga Indigenous Land Use Agreement) other than in accordance with the Heritage Agreement.	NWN ILUA (L and G only)	Impose on L & G that are subject to the NWN ILUA	No change	<b>Retain</b>

Ref #	Condition	Topics	Notation	Rationale	Outcome
520	If any work other than an exploration activity (as defined in the Nharluwanga Wajarri and Ngarlawanga Indigenous Land Use Agreement) is to be carried out then in addition to any other applicable legislation the carrying out of such work shall be subject to the following: <ul style="list-style-type: none"> <li>if at any time during the currency of this tenement Part 2 of the <i>Native Title (State Provisions) Act 1999</i> is operative, that Part shall apply; or</li> <li>in the event of Part 2 of the <i>Native Title (State Provisions) Act 1999</i> not being operative at any time during the currency of this tenement, nonetheless the procedures described in Part 2 shall apply, with a person appointed by the State performing the functions ascribed in Part 2 to the Commission</li> </ul>	NWN ILUA (M only)	Impose on M that is subject to NWN ILUA	No change	<b>Retain</b>
525	No construction of any building within a 500 metre strip from the coast line, without the prior written approval of the Minister responsible for the <i>Mining Act 1978</i> being obtained.	Coastal Squatters Policy	If no approval impose within 500m of coast line (Exmouth to Eucla).	Condition made for singular project.	<b>Delete</b> No longer required.
529	In respect of the area covered by this licence if the <b>**PROMPT**</b> (being the applicants in Federal Court Application No/s. <b>**PROMPT**</b> send a request by pre-paid post to the licensee's or agent's address, not more than ninety days after the grant of this licence, the licensee shall within thirty days of the request execute in favour of <b>**PROMPT**</b> the Regional Standard Heritage Agreement (RSHA) endorsed by peak industry groups and the <b>**PROMPT**</b> .	Regional Standard Heritage Agreements (NTP-Claimant)	Impose if State offers cond - obj. party may request grantee to sign RSHA. Use where claimant only.	No change	<b>Retain</b>
534	The <b>**LESSEE**</b> providing reasonable access to Main Roads' employees, contractors and agents to the land designated FNA <b>**PROMPT**</b> in Tengraph and not interfering with the operations of Main Roads' employees, contractors and agents thereon.	Main Roads (FNA)	Impose on all tenements encroaching on Main Roads FNA	The <i>Mining Act 1978</i> does not specifically mention access via other tenure by MRWA employees and/or contractors to access MRWA land.  Section 185 of the <i>Lands Administration Act 1997</i> authorises temporary use and access of land to carry out public works.  Merge with Condition #535.	<b>Endorse</b>  <i>The holder's attention is drawn to the rights of access for Main Roads WA employees, contractors and agents to undertake public works, including access to road construction materials, under s.185 Lands Administration Act 1997.</i>
535	Should any of the land designated FNA <b>**PROMPT**</b> in Tengraph be required for mining operations, the lessee entering into an agreement with Main Roads to determine the terms for removing and relocating any road making material prior to commencing any mining.	Main Roads (FNA)	Only impose on mining leases encroaching on Main Road FNA	Section 185 of the <i>Lands Administration Act 1997</i> makes provision for access and materials for road works/construction.	<b>Delete</b> Merged with Condition #534
536	No interference with <b>**OPTION**</b> Lease No. <b>**PROMPT**</b> .	Pearling and Aquaculture Leases	Impose on all mining tenements encroaching on a Pearl or Aquaculture Lease	Pearling and aquaculture leases administered by the <i>Fish Resources Management Act 1994</i> (s.97); <i>Pearling Act 1990</i> (s.24); Ministerial Policy Guideline 8.	<b>Endorse</b>  <i>The holder's attention is drawn to the presence of <b>**OPTION**</b> Lease No. <b>**PROMPT**</b> and access provisions in the <i>Fish Resources Management Act 1994</i> and <i>Pearling Act 1990</i>.</i>
537	Entry on Use & Benefit of Aborigines Reserve <b>**PROMPT**</b> and activities undertaken on the <b>**LEASE**</b> by any non-Aboriginal lessee, licensee, employee, contractor or agent being authorised by an entry permit issued under the provisions of the <i>Aboriginal Affairs Planning Authority Act 1972</i> .	Aboriginal Entry Permit	Impose where consent to mine on Use & Benefit of Aborigines Reserve is given	To be placed on title following authorisation from Minister for Aboriginal Affairs.	<b>Endorse</b>  <i>No mining within Aboriginal Reserve <b>**PROMPT**</b> without authorisation under the <i>Aboriginal Affairs Planning Authority Act 1972</i>.</i>

Ref #	Condition	Topics	Notation	Rationale	Outcome
538	The <b>**LESSEE**</b> submitting a plan of proposed measures to safeguard the environment and human health within the Asbestos Management Area (FNA 7376) as delineated in Tengraph from the risk of exposure to asbestos to DMIRS for assessment and approval before commencing any ground disturbance activity.	Asbestos Management Area	Impose on all tenements encroaching on Asbestos Management Area (FNA 7376)	No change	<b>Retain</b>
539	All activities being carried out within the Asbestos Management Area (FNA 7376) as delineated in Tengraph, in such a manner so as to prevent or minimise potential asbestos contamination and human exposure to asbestos material.	Asbestos Management Area	Impose on all tenements encroaching on Asbestos Management Area (FNA 7376)	No change	<b>Retain</b>
551	Prior to carrying out any on-ground activities, the <b>**LESSEE**</b> developing a plan of activities to ensure that electromagnetic emissions from those activities will not interfere with the radio-quiet requirements of the Murchison Radio-astronomy Observatory. The plan shall be submitted to the "Coordinator for Radio Emissions Management Issues" at the Department of Mines, Industry Regulation and Safety (DMIRS) for approval by the Director General of DMIRS.	Murchison Radio-astronomy Observatory	Impose on all mining tenements encroaching on FNA 7618 (SKA management area)	<p>Merge with Condition #552.</p> <p>Murchison Radio-astronomy Observatory managed by the CSIRO, with the Australian Radio Quiet Zone WA surrounding the facility.</p> <p><i>Mining Act 1978</i> s.19 Exemption Areas (S19/157 and S19/158) were placed to preclude further tenement activity.</p> <p>FNA established to help protect Australian Radio Quiet Zone WA - FNA 7618: Radio Telescope Mineral Resource Management Area with a circle of 70 kilometre radius around the facility.</p> <p>Radio Quiet Zone established under the <i>Radiocommunications Act 1992</i> (Cwlth).</p> <p>State Government leased Boolardy and Kalli pastoral leases to Commonwealth (CSIRO). FNA applies over the areas.</p> <p>Radio Emission Management Plan covers all activities on the tenement, not just ground-disturbing activities that require the approval of a Program of Work.</p>	<p><b>Amend</b></p> <p><i>Prior to carrying out any on-ground activities, the <b>**LESSEE**</b> to develop a plan of activities to ensure that electromagnetic emissions from those activities will not interfere with the radio-quiet requirements of the Murchison Radio-astronomy Observatory. The plan shall be submitted to the "Coordinator for Radio Emissions Management Issues" at the Department of Mines, Industry Regulation and Safety (DMIRS) for approval by the Director General of DMIRS. The approved plan to be included with any "Program of Work" or "Mining Proposal" submitted to DMIRS for approval under the Mining Act 1978.</i></p> <p><i>All activities shall comply with the commitments in the approved plan.</i></p>
552	The approved plan to be included with any "Programme of Work" or "Mining Proposal" submitted to DMIRS for approval under the <i>Mining Act 1978</i> .	Murchison Radio-astronomy Observatory	Impose on all mining tenements encroaching on FNA 7618 (SKA management area)	Merge with Condition #551.	<p><b>Delete</b></p> <p>Merged with Condition #551.</p>
553	No activities being carried out within the proposed railway corridor (designated FNA <b>**PROMPT**</b> ) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	FNA (Proposed Railway Corridor)	Impose on all tenements affecting FNA for a proposed railway corridor.	Simplify as an endorsement drawing attention to FNA.	<p><b>Endorse</b></p> <p><i>The holder's attention is drawn to the proposed railway corridor designated FNA <b>**PROMPT**</b>.</i></p>

Ref #	Condition	Topics	Notation	Rationale	Outcome
554	Rights being reserved to persons authorised by the Chief Executive Officer of the Department of Biodiversity Conservation and Attractions (DBCA) to enter the <b>**LEASE**</b> and carry out land management operations and other duties and exercise such powers as may be necessary or expedient for the administration of the <i>Conservation and Land Management Act 1984</i> and Regulations, the <i>Wildlife Conservation Act 1950</i> and Regulations, the <i>Bush Fires Act 1954</i> and Regulations and the <i>Emergency Management Act 2005</i> and Regulations.	DEC Access on Mining Tenements	Impose on all tenement types - DEC officers may access DEC lands for the purpose of land management activities.	Condition amended to clarify to holder of their obligations under relevant land management legislation.	<b>Endorse</b> <i>The holder's attention is drawn to the powers of authorised personnel from DBCA to enter the <b>**LEASE**</b> and carry out land management activities under the Conservation and Land Management Act 1984 and Regulations, the Wildlife Conservation Act 1950 and Regulations, the Bush Fires Act 1954 and Regulations and the Emergency Management Act 2005 and Regulations.</i>
555	In respect of the area covered by the licence the licensee, if so requested in writing by the <b>**PROMPT**</b> the applicants in Federal Court application No. <b>**PROMPT**</b> , such request being sent by pre-paid post to reach the licensee's address, not more than ninety days after the grant of this licence, shall within thirty days of the request execute in favour of the <b>**PROMPT**</b> the Regional Standard Heritage Agreement ("RSHA") endorsed by peak industry groups (e.g. the South West/Ngaanyatjarra/Pilbara/Yamatji/Goldfields Land and Sea Council) and offered by the Native Title Party or their representative.	Regional Standard Heritage Agreements for Kimberley (NTP-Claimant)	Impose if State offers cond. - NTP on behalf of obj. party may request grantee to sign RSHA - use where claimant only	No change	<b>Retain</b>
556	In respect of the area covered by the licence the licensee, if so requested in writing by the <b>**PROMPT**</b> , the native title prescribed body corporate holding the determined native title of the <b>**PROMPT**</b> recognised in the Federal Court application No. <b>**PROMPT**</b> , such request being sent by pre-paid post to reach the licensee's address, not more than ninety days after the grant of this licence, shall within thirty days of the request execute in favour of the <b>**PROMPT**</b> the Regional Standard Heritage Agreement ("RSHA") endorsed by peak industry groups (e.g. the South West/Ngaanyatjarra/Pilbara/Yamatji/Goldfields Land and Sea Council RSHA) and offered by the Native Title Party or their representatives.	Regional Standard Heritage Agreements for Kimberley (NTP-Determined)	Impose if State offers cond. - NTP may request grantee to sign RSHA - use where prescribed body corporate exists.	No change	<b>Retain</b>
566	The prior written consent of the Minister responsible for the <i>Mining Act 1978</i> being obtained, with the concurrence of the Minister for Environment, before entering or commencing any prospecting or exploration activity on <b>**PROMPT**</b> .	Mining, No (National Parks & Class A Nature Reserves only) No Mining (National Parks & Class A Nature Reserves only)	Impose on Prospecting & Explorations only that encroach onto National Parks or Class A Nature Reserves	No change Retain as explicit condition for conservation reserve areas.	<b>Retain</b>
567	In respect to the area of land designated File Notation Area/s <b>**PROMPT**</b> in TENGRAPH the following shall apply.	Mount Walton Intractable Waste Storage Site	Impose on all tenement types encroaching onto FNA 275, FNA 667 and/or FNA 668	Mount Walton Intractable Waste Storage Site is subject to <i>Environmental Protection Act 1986</i> . The <i>Mining Act 1978</i> does not apply to this site.  Merge with Condition #568, #569, #570 and #571	<b>Endorse</b> <i>The holder's attention is drawn to the Mount Walton Intractable Waste Storage Site designated FNA <b>**PROMPT**</b>.</i>
568	The <b>**LESSEE**</b> not establishing any camp, base works or area, fuelling depot or similar establishment on the <b>**LEASE**</b> area unless the site and access has received prior approval of the Environmental Officer, DMIRS in agreement with Building Management and Works, Western Australia (BMW).	Mount Walton Intractable Waste Storage Site	Impose on all tenement types encroaching onto FNA 275, FNA 667 and/or FNA 668	Mount Walton Intractable Waste Storage Site is subject to <i>Environmental Protection Act 1986</i> . The <i>Mining Act 1978</i> does not apply to this site.	<b>Delete</b> Administered under the <i>Environmental Protection Act 1986</i> . Merged with Condition #567, #569, #570 and #571.
569	Prior to any exploration or mining activity, the <b>**LESSEE**</b> preparing a program for each phase of the proposed exploration or mining activity for the approval of the Environmental Officer, DMIRS in agreement with BMW.	Mount Walton Intractable Waste Storage Site	Impose on all tenement types encroaching onto FNA 275, FNA 667 and/or FNA 668	Mount Walton Intractable Waste Storage Site is subject to <i>Environmental Protection Act 1986</i> . The <i>Mining Act 1978</i> does not apply to this site.	<b>Delete</b> Merged with Condition #567, #568, #570 and #571.

Ref #	Condition	Topics	Notation	Rationale	Outcome
570	On completion of an exploration/drilling program, the <b>**LESSEE**</b> to report the outcome of the program to DMIRS in accordance with section 115A of the <i>Mining Act 1978</i> . With the written approval of the <b>**LESSEE**</b> , data about surveyed locations, lithology and depths to basements will be relayed by DMIRS to BMW.	Mount Walton Intractable Waste Storage Site	Impose on all tenement types encroaching onto FNA 275, FNA 667 and/or FNA 668	Mount Walton Intractable Waste Storage Site is subject to <i>Environmental Protection Act 1986</i> . The <i>Mining Act 1978</i> does not apply to this site.	<b>Delete</b> Merged with Condition #567, #568, #569 and #571.
571	No use of the Access Road (Access Reserve No. 44102) without entering into an agreement with BMW	Mount Walton Intractable Waste Storage Site	Impose on all tenement types encroaching onto FNA 275, FNA 667 and/or FNA 668	Mount Walton Intractable Waste Storage Site is subject to <i>Environmental Protection Act 1986</i> . The <i>Mining Act 1978</i> does not apply to this site.	<b>Delete</b> Merged with Condition #567, #568, #569 and #571.
572	No interference with the purpose or installation of Earth Monitoring Sites (FNA 9206) located at Corunna Downs Pastoral Station without obtaining the prior written approval of Executive Director, Resource and Environmental Compliance, DMIRS in consultation with the Commonwealth agency Geoscience Australia.	Earth Monitoring Sites - FNA 9206 (Corunna Downs Pastoral Station)	Impose on all mining tenements encroaching onto FNA 9206	Exploration activities that do not involve ground disturbance using mechanised equipment do not require a Program of Work; therefore condition to remain to prevent damage from these types of activities.  No change.	<b>Retain</b>
576	All disturbances to the surface of the land made as a result of exploration, including costeans, drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the Environmental Officer, DMIRS. Backfilling and rehabilitation being required no later than 6 months after excavation unless otherwise approved in writing by the Environmental Officer, DMIRS.	Miscellaneous Licence (Search For Groundwater)	Impose on the grant of miscellaneous licence - search for groundwater only	Prescribed conditions in the <i>Mining Act 1978</i> [s.46(b)] only require excavations to be backfilled and made safe, and do not cover six month aspect or rehabilitation.  To be further considered as part of REC's review of its exploration guidance.	<b>Retain</b>
577	All waste materials, rubbish, plastic sample bags, abandoned equipment and temporary buildings being removed from the licence area prior to or at the termination of exploration program.	Miscellaneous Licence (Search For Groundwater)	Impose on the grant of miscellaneous licence - search for groundwater only	Condition #5 expanded to apply to L's.	<b>Delete</b> Condition redundant.
618	In respect to FNA 10129 (Salt Harvesting Protection - Lake Deborah), no unnecessary interference or obstruction with the natural surface water or groundwater flow into Lake Deborah East that may affect operations for commercial extraction and harvesting of salt, and the salt crust forming from time to time on the lake not being contaminated or damaged by water, spoil, tailings or dust from mining or mineral exploration activities.	Salt Harvesting Protection - Lake Deborah East	Impose on all tenements encroaching on FNA 10129 - Salt Harvesting Protection - Lake Deborah east	Condition not required as addressed by Programme of Work.	<b>Delete</b> Covered by Programme of Work.
620	FNA 10401 contains significant former mining sites and, prior to commencing any activity which includes the use of scrapers, graders, bulldozers, backhoes or other mechanised equipment for surface disturbance (or the excavation of costeans) within FNA 10401 the <b>**LESSEE**</b> must submit a detailed description of all proposed activities for the written approval of the Executive Director, Resource and Environmental Compliance, DMIRS in consultation with the Executive Director of Geoscience and Resource Strategy, DMIRS.	Galena Heritage Sites	Impose on all mining tenements encroaching onto FNA 10401 - Galena Heritage Sites	Condition not required.  Addressed by Programme of Work.	<b>Delete</b> Covered by Programme of Work.
625	Prior to commencement of prospecting activities the permit holder must forward a copy of the permit and map to the holder of any pastoral lease affected.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	<b>Retain</b>



Ref #	Condition	Topics	Notation	Rationale	Outcome
626	No prospecting activities are to commence within the first 21 days of the term of the permit unless a licensee statement under Regulation 4H of the Mining Regulations 1981 has been received.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
627	Prospecting under this permit is restricted to Crown land within the blocks nominated in the permit and to a depth of two (2) metres from the natural surface of the land.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
628	All disturbances to the land are to be filled or otherwise made safe after completion of prospecting activities and all waste materials, rubbish, etc to be removed from the permit area prior to leaving the area.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
629	Only hand held tools may be used and the use of explosives and powered or hydraulically driven tools is prohibited.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
630	No prospecting activities shall occur within one hundred (100) metres of any activities being carried out by or on behalf of the holder of the nominated exploration licence.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
631	Permit is only for the area within the hachured blocks as shown on the attached map.	Section 40E permits	To be used as Conditions for Section 40E permit only	No change	Retain
633	<p>As the Esperance Nyungar Government Indigenous Land Use Agreement (relevant ILUA) applies to this <b>**OPTION**</b> the licensee must before exercising any of the rights, powers or duties pursuant to this licence over that portion of the area of land the subject of the relevant ILUA, execute and enter into, in respect of this licence, one of the following types of agreements and maintain such agreement for the term of this licence:</p> <p>(i) an Aboriginal Heritage Agreement as defined in the relevant ILUA with the Esperance Nyungar Native Title Group;</p> <p>(ii) at the election of the Esperance Nyungar Native Title Group, a Regional Standard Aboriginal Heritage Agreement as defined in the relevant ILUA with the Esperance Nyungar Native Title Group;</p> <p>(iii) a PSHA as defined in the relevant ILUA with the Esperance Nyungar Native Title Group; or</p> <p>(iv) a Proponent Acceptance Deed as defined in the relevant ILUA; and</p> <p>provide to the Minister for Mines, Industry Regulation and Safety (DMIRS) a statutory declaration from the licensee, (where the licensee is a corporation, from a director of that corporation on its behalf), in the form contained in schedule 6 to the relevant ILUA, as evidence that:</p> <p>(v) the licensee has complied with the requirements of paragraph (i), (ii) or (iii) of this condition; or</p> <p>(vi) the licensee has complied with the requirements of paragraph (iv) of this condition, in circumstances where the Esperance Nyungar Native Title Group did not make an election under paragraph (ii) and the licensee made reasonable endeavours to enter into an agreement as contemplated in paragraphs (i) and (iii) of this condition but was unable to do so within 60 Business Days of the later date of the grant of this licence or the date on which the Esperance Nyungar Native Title Group received notification of such grant under clause 9.6 of the relevant ILUA.</p>	Esperance Nyungar Government Indigenous Land Use Agreement	For use with PE,R & SPL tenement types only	No change	Retain

Ref #	Condition	Topics	Notation	Rationale	Outcome
635	<p>As the Esperance Nyungar Government Indigenous Land Use Agreement (relevant ILUA) applies to this miscellaneous licence, the licensee must before exercising any of the rights, powers or duties pursuant to this licence over that portion of the area of land the subject of the relevant ILUA, execute and enter into, in respect of this licence, one of the following types of agreements and maintain such agreement for the term of this licence:</p> <p>(i) an Aboriginal Heritage Agreement as defined in the relevant ILUA with the Esperance Nyungar Native Title Group;</p> <p>(ii) at the election of the Esperance Nyungar Native Title Group, a Regional Standard Aboriginal Heritage Agreement as defined in the relevant ILUA with the Esperance Nyungar Native Title Group;</p> <p>(iii) a PSHA as defined in the relevant ILUA with the Esperance Nyungar Native Title Group; or</p> <p>(iv) a Proponent Acceptance Deed as defined in the relevant ILUA; and</p> <p>provide to the Minister for Mines, Industry Regulation and Safety (DMIRS) a statutory declaration from the licensee, (where the licensee is a corporation, from a director of that corporation on its behalf), in the form contained in schedule 6 to the relevant ILUA, as evidence that:</p> <p>(v) the licensee has complied with the requirements of paragraph (i), (ii) or (iii) of this condition; or</p> <p>(vi) the licensee has complied with the requirements of paragraph (iv) of this condition, in circumstances where the Esperance Nyungar Native Title Group did not make an election under paragraph (ii) and the licensee made reasonable endeavours to enter into an agreement as contemplated in paragraphs (i) and (iii) of this condition but was unable to do so within 60 Business Days of the later date of the grant of this licence or the date on which the Esperance Nyungar Native Title Group received notification of such grant under clause 9.7 of the relevant ILUA</p> <p>Esperance Nyungar Government Indigenous Land Use Agreement For use on L tenement types only No change.</p>	Esperance Nyungar Government Indigenous Land Use Agreement	For use on L tenement types only	No change	Retain
636	<p>In respect of the grant to the <b>**LESSEE**</b> of this <b>**LEASE**</b>, the Native Title Group's consent pursuant to clause 18 of Schedule 10 of the <b>**PROMPT**</b> Indigenous Land Use Agreement(s) (relevant ILUA) to such grant is, as a condition precedent, subject to the Minister for Mines, Industry Regulation and Safety (DMIRS) imposing the following condition:</p>	Noongar Standard Heritage Agreement (NSHA)	Use for ILUA types of Gnaala Karla Booja, South West Boojarah, Wagyl Kaip/Southern Noongar, Yued, Ballardong & Whadjuk only	No change	Retain

Ref #	Condition	Topics	Notation	Rationale	Outcome
637	<p>As the <b>PROMPT</b> ILUA (relevant ILUA) applies to this <b>OPTION</b>, the <b>LESSEE</b> must before exercising any of the rights, powers or duties pursuant to this <b>OPTION</b> over that portion of the area of land the subject of the relevant ILUA:</p> <p>(i) subject to paragraph (ii), execute and enter into in respect of this <b>OPTION</b> an Aboriginal Heritage Agreement (as defined in the relevant ILUA) with the Native Title Agreement Group or Regional Corporation (as the case requires) for the relevant ILUA on terms and conditions agreed by the <b>LESSEE</b> and the Native Title Agreement Group or Regional Corporation (as the case may be) for the relevant ILUA (the Parties) or, failing such agreement being reached between the Parties within 20 Business Days of the commencement of negotiations, execute and enter into a NSHA subject only to any necessary modifications in terminology required for the tenure;</p> <p>(ii) where:</p> <p>A. the Parties have been unable to reach agreement on the terms and conditions of an Aboriginal Heritage Agreement under paragraph (i); and</p> <p>B. the <b>LESSEE</b> executes a NSHA (subject only to any necessary modifications in terminology required for the tenure); and</p> <p>C. The <b>LESSEE</b> provides a copy of the NSHA to the Native Title Agreement Group or Regional Corporation (as the case requires) for the relevant ILUA for execution;</p> <p>if the Native Title Agreement Group or Regional Corporation (as the case requires) does not execute the NSHA and provide a copy of the executed NSHA to the <b>LESSEE</b> within 20 Business Days of receipt of the NSHA, the requirements of paragraph (i) do not apply; and</p> <p>(iii) provide to the Department of Mines, Industry Regulation and Safety (DMIRS) a statutory declaration from the <b>LESSEE</b> (or if the <b>LESSEE</b> is a corporation, from a director of that corporation on its behalf) in the form contained in Annexure U to the Settlement Terms (as defined in the relevant ILUA), as evidence that the <b>LESSEE</b> has complied with the requirements of paragraph (i) of this condition or that paragraph (ii) of this condition applies.</p>	Noongar Standard Heritage Agreement (NSHA)	Use for ILUA types of Gnaala Karla Booja, South West Boojarah, Wagyl Kaip/Southern Noongar, Yued, Ballardong & Whadjuk only	No change	<b>Retain</b>
638	The grant of this <b>LEASE</b> has been made in accordance with the Pilbara Iron - Eastern Guruma Body Corporate Indigenous Land Use Agreement (WI2007/001) between Hamersley Iron Pty Ltd, Hamersley Iron Pty Limited, Robe River Mining Company Pty Ltd, the State of Western Australia, Wintawari Guruma Aboriginal Corporation, Guruma Mali Wartu Aboriginal Corporation and Eastern Guruma Representatives dated 13 February 2008 registered under the <i>Native Title Act 1993</i> on 23 June 2008.	Pilbara Iron - Eastern Guruma Body Corporate ILUA	RIO ILUA + subsidiaries all tenements (Hamersley Group/Robe)	To be applied as an endorsement.	<b>Endorse</b> To be applied as an endorsement.
640	Consent to <b>OPTION</b> on <b>PROMPT</b> Reserve <b>PROMPT</b> granted <b>OPTION</b>	Consent to Mine on Reserves		Amend wording.	<b>Amend</b> Consent to <b>OPTION</b> on <b>PROMPT</b> Reserve <b>PROMPT</b> is granted subject to following conditions: <b>LIST</b> .

Ref #	Condition	Topics	Notation	Rationale	Outcome
641	No exploration activities or damage being done to any of the fossil outcrops, within the area outlined in red and designated FNA 1257 in Tengraph, without prior consultation with Executive Director, Geoscience and Resource Strategy or an officer delegated by him for this purpose.	Protection of Fossils - FNA 1257	Protection of stromatolites fossils within FNA 1257	Retain condition as non-ground disturbing activities may cause damage and are not covered in a Program of Work assessment.	<b>Amend</b> <i>Holder to consult with Executive Director, Geoscience and Resource Strategy prior to undertaking any activity within the area outlined in red and designated FNA 1257 in Tengraph.</i>
642	Prior to any ground activities being carried out upon the land shown as FNA 12327 in Tengraph, the <b>**LESSEE**</b> consulting with the Director, School of Physics, University of Western Australia for the most suitable times for conducting the proposed activities to minimise interference with the operation of the nearby Australian International Gravity Observatory.	Australian International Gravity Observatory (Gingin) - FNA 12327	Impose on all tenement types encroaching on FNA 12327	Retain specific condition for Gravity Observatory and in accordance with agreement between DMIRS with UWA. Addresses multiple tenure and s16(3) areas.  Note to be placed in Tengraph to alert external parties to this requirement.	<b>Retain</b>
643	No mining on FNA 2581 (Australian International Gravity Observatory - Gingin) without the written approval of the Minister responsible for the <i>Mining Act 1978</i> in consultation with the Director, School of Physics, University of Western Australia.	Australian International Gravity Observatory (Gingin) - FNA 2581	Impose on all tenement types encroaching on FNA 2581	Condition #20 has been applied to tenements applied for over FNA 2581 (no mining condition). Specific condition to be applied.  Retain specific condition for Gravity Observatory and in accordance with agreement between DMIRS with UWA. Addresses multiple tenure and s16(3) areas.  Note to be placed in Tengraph to alert external parties to this requirement.	<b>Retain</b>
660	In respect of the area covered by the licence if the <b>**PROMPT**</b> , the native title prescribed body corporate holding the determined native title of <b>**PROMPT**</b> recognised in the Federal Court application No. <b>**PROMPT**</b> , send a request by pre-paid post to the licensee's or agent's address, not more than ninety days after the grant of this licence, the licensee shall within thirty days of the request execute in favour of <b>**PROMPT**</b> the Regional Standard Heritage Agreement ("RSHA") endorsed by peak industry groups and the <b>**PROMPT**</b>	Regional Standard Heritage Agreements (NTP-Determined)	Impose if State offers cond.-NTP may request grantee to sign RSHA-use where prescribed body corporate exists	No change	<b>Retain</b>
673	No mining within 25 metres of either side of the petroleum pipeline licence area of <b>**PROMPT**</b> and to a depth of 50 metres being the Consultation Area as shown in TENGRAPH, without the mining tenement holder and the petroleum pipeline licensee consulting with each other and reaching agreement on access and mining activities to be undertaken within the Consultation Area.	DBNGP Corridor Gas / Petroleum Pipe Line (Completed) Natural Gas Pipeline (Dampier-Perth) Natural Gas Pipeline (Dongara-Pinjarra) Natural Gas Pipeline (Goldfields)	For use on completed Gas/ Petroleum Pipelines	Merge conditions #673, #674 and #675, #676 and #677 to create two new endorsements; one with reference to <i>Dampier to Bunbury Pipeline Act 1997</i> ; and another to <i>Petroleum Pipelines Act 1969</i> .	<b>Endorse</b> <i>The holder's attention is drawn to the existence of pipeline PL**XXX** licenced under the Petroleum Pipelines Act 1969, and protections under section 65 of that Act.</i>  <i>The holder's attention is drawn to the FNA ** over the Dampier Bunbury Natural Gas Pipeline Corridor, and the requirements of section 41 of the Dampier to Bunbury Pipeline Act 1997.</i>
674	No surface excavation approaching closer to the boundary of the Consultation Area than a distance equal to three times the depth of the excavation without the mining tenement holder and the petroleum pipeline licensee reaching agreement as to a lesser distance.	DBNGP Corridor Gas / Petroleum Pipe Line (Completed) Natural Gas Pipeline (Dampier-Perth) Natural Gas Pipeline (Dongara-Pinjarra) Natural Gas Pipeline (Goldfields)	For use on completed Gas/ Petroleum Pipelines.	Merge with Condition #673, #675, #676 and #677.	<b>Delete</b> Refer to Condition #673

Ref #	Condition	Topics	Notation	Rationale	Outcome
675	No explosives being used or stored within 150 metres of the petroleum licence area without the mining tenement holder and the petroleum pipeline licensee reaching agreement as to a lesser distance.	DBNGP Corridor Gas / Petroleum Pipe Line (Completed) Natural Gas Pipeline (Dampier-Perth) Natural Gas Pipeline (Dongara-Pinjarra) Natural Gas Pipeline (Goldfields)	For use on completed Gas/ Petroleum Pipelines	Merge with Condition #673, #674, #676 and #677.	<b>Delete</b> Refer to Condition #673
676	The rights of ingress to and egress from the petroleum pipeline licence area being at all times preserved for the employees, contractors and agents of the owners and operators of the pipeline.	DBNGP Corridor Gas / Petroleum Pipe Line (Completed) Natural Gas Pipeline (Dampier-Perth) Natural Gas Pipeline (Dongara-Pinjarra) Natural Gas Pipeline (Goldfields)	For use on completed Gas/ Petroleum Pipelines	Merge with Condition #673, #674, #675 and #677.	<b>Delete</b> Refer to Condition #673
677	Such further conditions as may from time to time be imposed by the Minister responsible for the <i>Mining Act 1978</i> for the purposes of protecting the pipeline and any existing condition imposed for this purpose may be cancelled or varied.	DBNGP Corridor Gas / Petroleum Pipe Line (Completed) Natural Gas Pipeline (Dampier-Perth) Natural Gas Pipeline (Dongara-Pinjarra) Natural Gas Pipeline (Goldfields)	For use on completed Gas/ Petroleum Pipelines.	Merge with Condition #673, #674, #675 and #676.	<b>Delete</b> Refer to Condition #673

Government of Western Australia

**Department of Mines, Industry Regulation  
and Safety**

8.30am – 4.30pm

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