



## Affidavit

WAD 37 of 2022

Federal Court of Australia  
District Registry: Western Australia  
Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

Affidavit of: **DAVID CRABTREE**  
Address: c/- Department of Mines, Industry Regulation and Safety  
100 Plain Street East Perth WA  
Occupation: Team Leader- Resource Tenure Division  
Date: 16/06/2023

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A handwritten signature in blue ink, appearing to read "David Crabtree".

A handwritten signature in blue ink, appearing to read "Alicia Warren".

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I, DAVID CRABTREE, Public Servant, care of the Department of Mines, Industry Regulation and Safety, 100 Plain Street, East Perth in the State of Western Australia, declare and affirm:

1. I am currently employed as the Team Leader of the Resource Tenure Division in the Department of Mines, Industry Regulation and Safety (**DMIRS**) within Western Australia.




2. I have worked at DMIRS for the past 42 years and held various roles within the Department. Those roles have included being a Mining Registrar in the various DMIRS Outstations, Area Manager in the Mineral Titles Division and Case Manager/Project Officer in the Tenure and Native Title Branch of DMIRS. For the last 24 years, I have been involved in the processing and determination of applications for mining tenements under the *Mining Act 1978* (WA) (**Mining Act**) and the *Native Title Act 1993* (Cth) (**NTA**).
3. DMIRS is, amongst other things, the department responsible for managing Western Australia's mining, petroleum and geothermal industries and maintains the State's official register of mining, petroleum and geothermal titles. In this affidavit I include in any reference to DMIRS, reference to DMIRS's predecessors, including the Department of Mines, the Department of Minerals and Energy, the Department of Mineral and Petroleum Resources, the Department of Industry and Resources and the Department of Mines and Petroleum.
4. In my role as Team Leader of the Resource Tenure Division, I oversee the development and implementation of strategies to progress the timely approvals of applications for mining tenements. I manage and monitor the progress of mineral title applications through the expedited procedure and right to negotiate future act processes pursuant to the NTA as administered by the National Native Title Tribunal and in line with department objectives.
5. Unless stated otherwise I affirm this affidavit on the basis of facts which have come to my knowledge, including facts which have come to my knowledge from my examination of records maintained by DMIRS and, where specified, information provided by other State government departments. Where I rely on facts outside my personal knowledge, I have identified the source of those facts and believe them to be true.
6. On 28 April 2023, DMIRS received an email from the State Solicitor's Office (**SSO**) requesting information held by DMIRS with respect to the following miscellaneous licences listed as compensable acts in native title compensation application WAD 37 of 2022 (**Yindjibarndi Compensation Application**):
  - (a) L 47/302;
  - (b) L 47/361;
  - (c) L 47/362;
  - (d) L 47/363;
  - (e) L 47/367;
  - (f) L 47/396;



- (g) L 47/472;
  - (h) L 47/697;
  - (i) L 47/801;
  - (j) L 47/813;
  - (k) L 47/814;
  - (l) L 47/914; and
  - (m) L 47/919.
7. I am informed by SSO that these miscellaneous licences are listed at paragraph 13(e) of the FMG Respondent's Amended Points of Response filed in the Federal Court of Australia on 24 February 2023 and are referred to as "*Water Management Miscellaneous Licences*" in that document.
  8. The material requested by SSO related to information held by DMIRS regarding the application for, and the grant of, the miscellaneous licences, together with details of the notifications and processes undertaken pursuant to the NTA in respect of the miscellaneous licences..
  9. The material located is described below.

#### MISCELLANEOUS LICENCES

##### L 47/302

10. On 11 July 2008, FMG Pilbara Pty Ltd (**FMG Pilbara**) lodged an application for the grant of miscellaneous licence L 47/302 for the purpose of "*road, powerline, pipeline, taking water and a conveyor system.*" A copy of that application is attached and marked "**DC1.**"
11. On 15 July 2008, FMG Pilbara sent an email to DMIRS requesting that L 47/302 be notified in accordance with section 24MD of the NTA. A copy of that email is attached and marked "**DC2.**"
12. On 28 July 2008, DMIRS sent a letter to the registered native title claimants in WAD 6005 of 2003 (**Yindjibarndi #1 claimant**) providing notification of L 47/302 pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for the purpose of section 24MD(6B)(d) expired on 4 October 2008. A copy of that letter is attached and marked "**DC3.**"
13. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/302 pursuant to section 24MD(6B)(d) of the NTA.



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14. On 16 October 2008, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the *Mining Regulations 1981* (WA) (**Mining Regulations**). A copy of that statement is attached and marked "DC4."
15. On 5 June 2009, L 47/302 was granted for the purpose of "*road, powerline, pipeline, taking water and a conveyor system.*" A copy of the entry for L 47/302 in the register maintained by the Director General of Mines pursuant to section 103F of the Mining Act (the **Mining Register**) is attached and marked "DC5."

**L 47/361**

16. On 10 March 2010, FMG Pilbara lodged an application for the grant of miscellaneous licence L 37/361 for the purpose of "*a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation and transmission facility and a storage or transportation facility for minerals or mineral concentrate.*" A copy of that application is attached and marked "DC6."
17. On 20 March 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/361 (together with associated applications L37/362 and L 37/363) pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for L 47/361 expired on 25 May 2010. A copy of that notice is attached and marked "DC7."
18. On 6 April 2010, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "DC8."
19. On 25 May 2010, DMIRS received an objection to the grant of L 47/361 (together with associated applications L37/362 and L 37/363) made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. A copy of that objection is attached and marked "DC9."
20. On 13 September 2010, FMG Pilbara provided the Yindjibarndi #1 claimant with a package of material in relation to L 47/361 (together with associated applications L47/362 and L 47/363) to assist the consultation being undertaken between those parties pursuant to section 24MD(6B)(e) of the NTA. A copy of the correspondence which attached the consultation package is attached and marked "DC10."
21. On 12 November 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant indicating that FMG Pilbara had written to the Department advising that it considered it had consulted with the Yindjibarndi #1 claimant as required by 24MD(6B)(e) of the NTA and requesting that L 47/361 (together with associated applications L37/362 and L 37/363) be granted. The letter asked that the Yindjibarndi #1 claimant indicate, within 30 days, whether it wanted the objection to the grant

of L 47/361 referred to the Independent Person pursuant to section 24MD(6B)(f) of the NTA. A copy of that letter is attached and marked "**DC11.**"

22. On 9 December 2010, the Yindjibarndi #1 claimant wrote to DMIRS requesting that the objection be heard by the Independent Person. A copy of that facsimile is attached and marked "**DC12.**"
23. I am informed by SSO that the objection was referred to the Independent Person by SSO on 18 January 2011.
24. On 1 March 2011, FMG Pilbara provided to the Independent Person a Statement of Issues, Facts and Contentions addressing the issues to be determined by the Independent Person pursuant to section 24MD(6B)(g) together with three affidavits.
25. On 15 April 2011, Independent Person (Steven Heath) made orders dismissing the objection. A copy of those orders is attached and marked "**DC13.**"
26. On 11 October 2011, L 47/361 was granted for the purpose of "*pipeline, power line, road, taking water, communication facility, bore field, aerial rope way, aerodrome, conveyor system, power generation transmission facility, storage or transportation facility for minerals or mineral concentrate.*" A copy of the Mining Register entry for L 47/361 is attached and marked "**DC14.**"

#### **L 47/362**

27. On 10 March 2010, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/362 for the purpose of "*a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation and transmission facility and a storage or transportation facility for minerals and mineral concentrate.*" A copy of that application is attached and marked "**DC15.**"
28. On 20 March 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/362 (together with associated applications L 47/361 and L 47/363) pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for L 47/362 expired on 25 May 2010. A copy of that notice is attached and marked "**DC7.**"
29. On 6 April 2010, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC16.**"

 Steven Heath JP30240



30. On 25 May 2010, DMIRS received an objection to the grant of L 47/362 (together with associated applications L 47/361 and L 47/363) made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. A copy of that objection is attached and marked "DC9."
31. On 13 September 2010, FMG Pilbara provided the Yindjibarndi #1 claimant with a package of material in relation to L 47/362 (together with associated applications L 47/361 and L 47/363) to assist the consultation being undertaken between those parties pursuant to section 24MD(6B)(e) of the NTA. A copy of the correspondence which attached the consultation package is attached and marked "DC10."
32. On 12 November 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant indicating that FMG Pilbara had written to the Department advising that it considered it had consulted with the Yindjibarndi #1 claimant as required by 24MD(6B)(e) of the NTA and requesting that L 47/362 (together with associated applications L 47/361 and L 47/363) be granted. The letter asked that the Yindjibarndi #1 claimant indicate, within 30 days, whether it wanted the objection to the grant of L 47/362 referred to the Independent Person pursuant to section 24MD(6B)(f) of the NTA. A copy of that letter is attached and marked "DC11."
33. On 9 December 2010, the Yindjibarndi #1 claimant wrote to DMIRS requesting that the objection be heard by the Independent Person. A copy of this facsimile is attached and marked "DC12."
34. I am informed by SSO that the objection was referred to the Independent Person by SSO on 18 January 2011.
35. On 1 March 2011, FMG Pilbara provided to the Independent Person a Statement of Issues, Facts and Contentions addressing the issues to be determined by the Independent Person pursuant to section 24MD(6B)(g) together with three affidavits.
36. On 15 April 2011, Independent Person (Steven Heath) made orders dismissing the objection. A copy of those orders is attached and marked "DC13."
37. On 3 May 2011, L 47/362 was granted for the purpose of "*pipeline, power line, road, taking water, communication facility, bore field, aerial rope way, aerodrome, conveyor system, power generation transmission facility, storage or transportation facility for minerals or mineral concentrate.*" A copy of the Mining Register entry for L 47/362 is attached and marked "DC17."

#### L 47/363

38. On 10 March 2010, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/363 for the purpose of "*a road, a power line, a pipeline, taking water, a communications*



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*facility, a water management facility, a bore field, an aerial rope way, a conveyor system and a storage or transportation facility for minerals and mineral concentrate."* A copy of that application is attached and marked "**DC18.**"

39. On 20 March 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/363 (together with associated applications L 47/361 and L 47/362) pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for L 47/363 expired on 25 May 2010. A copy of that notice is attached and marked "**DC7.**"
40. On 6 April 2010, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC19.**"
41. On 25 May 2010, DMIRS received an objection to the grant of L 47/363 (together with associated applications L 47/361 and L 47/362) made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. A copy of that objection is attached and marked "**DC9.**"
42. On 13 September 2010, FMG Pilbara provided the Yindjibarndi #1 claimant with a package of material in relation to L 47/363 (together with associated applications L 47/361 and L 47/362) to assist the consultation being undertaken between those parties pursuant to section 24MD(6B)(e) of the NTA. A copy of the correspondence which attached the consultation package is attached and marked "**DC10.**"
43. On 12 November 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant indicating that FMG Pilbara had written to the Department advising that it considered it had consulted with the Yindjibarndi #1 claimant as required by 24MD(6B)(e) of the NTA and requesting that L 47/363 (together with associated applications L 47/361 and L 47/362) be granted. The letter asked that the Yindjibarndi #1 claimant indicate, within 30 days, whether it wanted the objection to the grant of L 47/362 referred to the Independent Person pursuant to section 24MD(6B)(f) of the NTA. A copy of that letter is attached and marked "**DC11.**"
44. On 9 December 2010, the Yindjibarndi #1 claimant wrote to DMIRS requesting that the objection be heard by the Independent Person. A copy of this facsimile is attached and marked "**DC12.**"
45. I am informed by SSO that the objection was referred to the Independent Person by SSO on 18 January 2011.
46. On 1 March 2011, FMG Pilbara provided to the Independent Person a Statement of Issues, Facts and Contentions addressing the issues to be determined by the Independent Person pursuant to section 24MD(6B)(g) together with three affidavits.

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47. On 15 April 2011, Independent Person (Steven Heath) made orders dismissing the objection. A copy of those orders is attached and marked "**DC13.**"
48. On 3 May 2011, L 47/363 was granted for the purpose of "*pipeline, power line, road, taking water, communication facility, water management facility, bore field, aerial rope way, conveyor system, storage or transportation facility for minerals or mineral concentrate.*" A copy of the Mining Register entry for L 47/363 is attached and marked "**DC20.**"

#### L 47/ 367

49. On 28 April 2010, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/367 for the purpose of "*a road, a power line, a pipeline, taking water, a communications facility, a water management facility, an aerial rope way, a conveyor system and a storage or transportation facility for minerals or mineral concentrate.*" A copy of that application is attached and marked "**DC21.**"
50. On 14 May 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/367 pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for L 47/367 expired on 19 July 2010. A copy of that notice is attached and marked "**DC22.**"
51. On 26 May 2010, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC23.**"
52. On 23 July 2010, DMIRS received an objection to the grant of L 47/367 made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. The objection was received after the notification period for L 47/367 expired and was not considered.
53. On 2 March 2012, L 47/367 was granted for the purpose of "*road, power line, pipeline, taking water, communications facility, water management facility, aerial rope way, conveyor system storage or transportation facility for minerals or mineral concentrate.*" A copy of the Mining Register entry for L 47/367 is attached and marked "**DC24.**"

#### L 47/396

54. On 18 October 2010, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/396 for the purpose of "*a road, a pipeline, a powerline, taking water, a communications facility, a water management facility, a bore field, a bore.*" A copy of that application is attached and marked "**DC25.**"

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55. On 18 November 2010, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/396 pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for L 47/396 expired on 25 January 2011. A copy of that notice is attached and marked "DC26"
56. On 22 November 2010, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "DC27."
57. On 24 January 2011, DMIRS received an objection to the grant of L 47/396 made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. A copy of that objection is attached and marked "DC28."
58. On 16 September 2011 FMG Pilbara provided the Yindjibarndi #1 claimant with a package of material in relation to L 47/396 to assist the consultation being undertaken between those parties pursuant to section 24MD(6B)(e) of the NTA. A copy of the correspondence which attached the consultation package is attached and marked "DC29."
59. On 12 March 2012, DMIRS sent a letter to the Yindjibarndi #1 claimant indicating that FMG Pilbara had written to the Department advising that it considered it had consulted with the Yindjibarndi #1 claimant as required by 24MD(6B)(e) of the NTA and requesting that L 47/396 be granted. The letter asked that the Yindjibarndi #1 claimant indicate, within 30 days, whether it wanted the objection to the grant of L 47/396 referred to the Independent Person pursuant to section 24MD(6B)(f) of the NTA. A copy of that letter is attached and marked "DC30."
60. Yindjibarndi #1 did not respond to DMIRS letter dated 12 March 2012 and L 47/396 proceeded to grant.
61. On 23 May 2012, L 47/396 was granted for the purpose of "*a road, pipeline, powerline, taking water, communications facility, water management facility, bore field, bore.*" A copy of the Mining Register entry for L 47/396 is attached and marked "DC31."

#### L 47/472

62. On 20 April 2011, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/472 for the purpose of "*road; borefield, powerline, pipeline, taking water, communications facility, water management facility and minesite accommodation facility.*" A copy of that application is attached and marked "DC32."





63. On 25 May 2011, FMG provided the Mining Registrar with a statement under regulation 37(3) of the *Mining Regulations 1981* (WA) (**Mining Regulations**). A copy of that statement is attached and marked "**DC33**."
64. On 27 May 2011, DMIRS sent a letter to the Yindjibarndi #1 claimant enclosing a notice pursuant to section 29(2) of the NTA.
65. On 17 October 2012, DMIRS sent a letter to FMG Pilbara advising that DMIRS considered that a notice pursuant to section 24MD of the NTA should have been issued with respect to L 47/472 and that it was, therefore, considering terminating the section 29 notice and replacing it with a new notice issued pursuant to section 24MD(6B) of the NTA. In that letter, DMIRS invited comments from FMG Pilbara within 14 days of the date of the letter.
66. On 12 November 2012, FMG Pilbara emailed DMIRS confirming that FMG Pilbara was content for a notice to be issued pursuant to section 24MD(6B) with respect to L 47/472. A copy of that email is attached and marked "**DC34**."
67. On 9 May 2014, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/472 pursuant to section 24MD(6B)(c) of the NTA with respect to the purposes of "*borefield, pipeline, powerline, road, water management facility*." The letter indicated that the notification period for L 47/472 expired on 16 July 2014. A copy of that notice is attached and marked "**DC35**."
68. On 9 May 2014, DMIRS also sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/472 pursuant to section 24HA(7) with respect to the purposes of "*taking water*" and inviting comments by 20 June 2014. A copy of that notice is attached and marked "**DC36**."
69. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/472 pursuant to section 24MD(6B)(d) of the NTA.
70. On 18 July 2014, L 47/472 was granted for the purpose of "*a road, a bore field, a power line, a pipeline, taking water, a communications facility, a water management facility and a minesite accommodation facility*." A copy of the Mining Register entry for L 47/472 is attached and marked "**DC37**."

#### **L 47/697**

71. On 7 May 2013, Pilbara Gas Pipeline Pty Ltd (**Pilbara Gas Pipeline**) lodged an application for the grant of miscellaneous licence L 47/697 for the purpose of "*bore, bore field, communications*

 JP30240

*facility, pipeline, pump station, road, tunnel, taking water, workshop and storage facility."* A copy of that application is attached and marked "DC38."

72. On 11 June 2013, Pilbara Gas Pipeline provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "DC39."
73. On 24 May 2013, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/697 pursuant to section 24MD(6B)(c) of the NTA with respect to the purposes of "a bore, a bore field, a communications facility, a pipeline, a pump station, a road, a tunnel, a workshop and storage facility." The letter indicated that the notification period for L 47/697 expired on 31 July 2013. A copy of that notice is attached and marked "DC40."
74. On 24 May 2013, DMIRS also sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/697 pursuant to section 24HA(7) with respect to the purposes of "taking water" and inviting comments by 5 July 2013. A copy of that notice is attached and marked "DC41."
75. On 31 July 2013, DMIRS received an objection to the grant of L 47/697 made by the Yindjibarndi #1 claimant pursuant to section 24MD(6B)(d) of the NTA. A copy of that objection is attached and marked "DC42."
76. On 17 October 2013, DMIRS sent a letter to the Yindjibarndi #1 claimant indicating that Pilbara Gas Pipeline had written to the Department advising that it considered it had consulted with the Yindjibarndi #1 claimant as required by 24MD(6B)(e) of the NTA and requesting that L 47/697 be granted. The letter asked that the Yindjibarndi #1 claimant indicate, within 30 days, whether it wanted the objection to the grant of L 47/697 referred to the Independent Person pursuant to section 24MD(6B)(f) of the NTA. A copy of that letter is attached and marked "DC43."
77. Yindjibarndi #1 did not respond to DMIRS letter dated 17 October 2013 and L 47/697 proceeded to grant.
78. On 2 December 2013, L 47/697 was granted for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a pump station, a road, a tunnel, a workshop and storage facility and taking water.*" A copy of the Mining Register entry for L 47/697 is attached and marked "DC44."

#### **L 47/801**

79. On 25 May 2017, The Pilbara Infrastructure Pty Ltd (**Pilbara Infrastructure**) lodged an application for the grant of miscellaneous licence L 47/801 for the purpose of "*a bore, a bore*





*field, a communications facility, a pipeline, a power line, a pump station, a road, a workshop and storage facility and taking water."* A copy of that application is attached and marked "DC45."

80. On 16 June 2017, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/801 pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for the purpose of section 24MD(6B)(d) expired on 23 August 2017. A copy of that letter is attached and marked "DC46."
81. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/801 pursuant to section 24MD(6B)(d) of the NTA.
82. On 22 June 2017, Pilbara Infrastructure provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "DC47."
83. On 24 May 2019, L 47/801 was granted for the purpose of a "*bore, a bore field, a communication facility, "a bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a workshop and storage facility, taking water, a water management facility."*" A copy of the Mining Register entry for L 47/801 is attached and marked "DC48."

#### **L 47/813**

84. On 15 November 2017, Pilbara Infrastructure lodged an application for the grant of miscellaneous licence L 47/813 for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a water management facility, a workshop and storage facility and taking water."* A copy of that application is attached and marked "DC49."
85. On 12 December 2017, Pilbara Infrastructure provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "DC50."
86. On 12 January 2018, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/813 (together with associated application L 47/814) pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for the purpose of section 24MD(6B)(d) expired on 19 March 2018. A copy of that letter is attached and marked "DC51."
87. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/813 pursuant to section 24MD(6B)(d) of the NTA.






88. On 6 April 2018, L 47/813 was granted for the purpose of a "*bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a water management facility, a workshop and storage facility, and taking water.*" A copy of the Mining Register entry for L 47/813 is attached and marked "**DC52.**"

#### L 47/814

89. On 15 November 2017, Pilbara Infrastructure lodged an application for the grant of miscellaneous licence L 47/814 for the purpose of "*bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a water management facility, a workshop and storage facility and taking water.*" A copy of that application is attached and marked "**DC53.**"
90. On 12 December 2017, Pilbara Infrastructure provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC54.**"
91. On 12 January 2018, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/814 (together with associated application L 47/813) pursuant to section 24MD(6B)(c) of the NTA. The letter indicated that the notification period for the purpose of section 24MD(6B)(d) expired on 19 March 2018. A copy of that letter is attached and marked "**DC51.**"
92. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/814 pursuant to section 24MD(6B)(d) of the NTA.
93. On 6 April 2018, L 47/814 was granted for the purpose of a "*bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a water management facility, a workshop and storage facility taking water.*" A copy of the entry for L 47/814 in the Mining Register is attached and marked "**DC55.**"

#### L 47/914

94. On 20 August 2019, Pilbara Energy Pty Ltd (**Pilbara Energy**) lodged an application for the grant of miscellaneous licence L 47/914 for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a power line, a road, a search for groundwater and taking water.*" A copy of that application is attached and marked "**DC56.**"
95. On 20 August 2019, Pilbara Energy provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC57.**"

 The block contains a handwritten signature in blue ink, followed by a blue circular stamp. The stamp contains the text "Pilbara Energy" and the number "5130240".

96. On 30 August 2019, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/914 pursuant to section 24MD(6B)(c) of the NTA for the purposes of "*a bore, a bore field, a communications facility, a pipeline, a power line, a road.*" The letter indicated that the notification period for L 47/914 expired on 6 November 2019. A copy of that notice is attached and marked "**DC58.**"
97. On 30 August 2019, DMIRS also sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/914 pursuant to section 24HA(7) for the purposes of "*taking water and search for ground water*" and inviting comments by 11 October 2019. A copy of that notice is attached and marked "**DC59.**"
98. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/914 pursuant to section 24MD(6B)(d) of the NTA.
99. On 15 November 2019 L 47/914 was granted for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a power line, a road, a search for groundwater and taking water.*" A copy of the entry for L 47/914 in the Mining Register is attached and marked "**DC60.**"

#### **L 47/919**

100. On 18 October 2019, FMG Pilbara lodged an application for the grant of miscellaneous licence L 47/914 for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a search for groundwater, a water management facility, a workshop and storage facility and taking water.*" A copy of that application is attached and marked "**DC61.**"
101. On 18 October 2019, FMG Pilbara provided the Mining Registrar with a statement under regulation 37(3) of the Mining Regulations. A copy of that statement is attached and marked "**DC62.**"
102. On 25 October 2019, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/919 pursuant to section 24MD(6B)(c) of the NTA for the purposes of "*a bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a water management facility, a workshop and storage facility.*" The letter indicated that the notification period for L 47/367 expired on 1 January 2020. A copy of that notice is attached and marked "**DC63.**"
103. On 8 November 2019, DMIRS sent a letter to the Yindjibarndi #1 claimant providing notification of L 47/919 pursuant to section 24HA(7) for the purposes of "*taking water, search for ground water*" and inviting comments by 20 December 2019. A copy of that notice is attached and marked "**DC64.**"

 JP30240

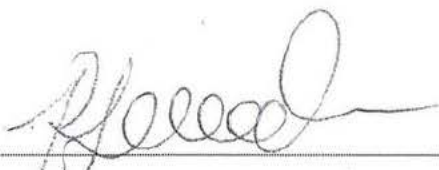
104. No objection was made by the Yindjibarndi #1 claimant with respect to the grant of L 47/919 pursuant to section 24MD(6B)(d) of the NTA.
105. On 10 January 2020, L 47/919 was granted for the purpose of "*a bore, a bore field, a communications facility, a pipeline, a power line, a pump station, a road, a search for groundwater a water management facility, a workshop and storage facility and taking water.*" A copy of the entry for L 47/919 in the Mining Register is attached and marked "**DC65.**"

Affirmed by the deponent  
at Perth in the State of Western Australia  
on 16<sup>th</sup> June 2023  
Before me:

)  
)  
)  
)  
)

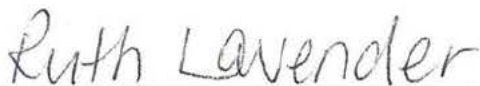


Signature of deponent



Signature of witness

**Ruth Sarah Lavender JP**  
**Justice of the Peace**  
Western Australian Reg. No: 30240



Name



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC1**

**Application for L 47/302 dated 11 July 2008**

FORM 21

WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91 Reg. 64)

08002-Stage4-Solomon Road L08

## APPLICATION FOR MINING TENEMENT

- (a) Type of tenement  
(b) Time & Date  
marked out (where applicable)  
(c) Mineral Field

(a) **Miscellaneous Licence - for the purpose of "Road, powerline, pipeline, taking water and a conveyor system"**

No. 47,302(b) 6.50 am/pm 10/7/2008(c) **West Pilbara**

## APPLICANT:

- (d) Full name } for  
(e) Address } each  
(f) No. of } appli-  
shares } cant  
(g) Total No.  
of shares

(d) &amp; (e)

**FMG Pilbara Pty Ltd**  
**C/- Tenement Administration Services**  
**Level 2, 326 Hay Street**  
**East Perth WA 6004**

(f) Shares  
100(g) **Total**

100

DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality  
(i) Datum Peg  
(j) Boundaries

(h) **Solomon East**

(i) &amp; (j)

GDA94 MGA Z50

Datum situated at	591019.79	mE	7553998.58	mN
Then to	591839.64	mE	7553850.29	mN
Then to	590865.18	mE	7553552.26	mN
Then to	590606.43	mE	7553116.10	mN
Then to	589164.60	mE	7554532.22	mN
Then to	590208.16	mE	7555151.64	mN
Then to	591024.74	mE	7555146.74	mN
Back to the datum	591019.79	mE	7553998.58	mN

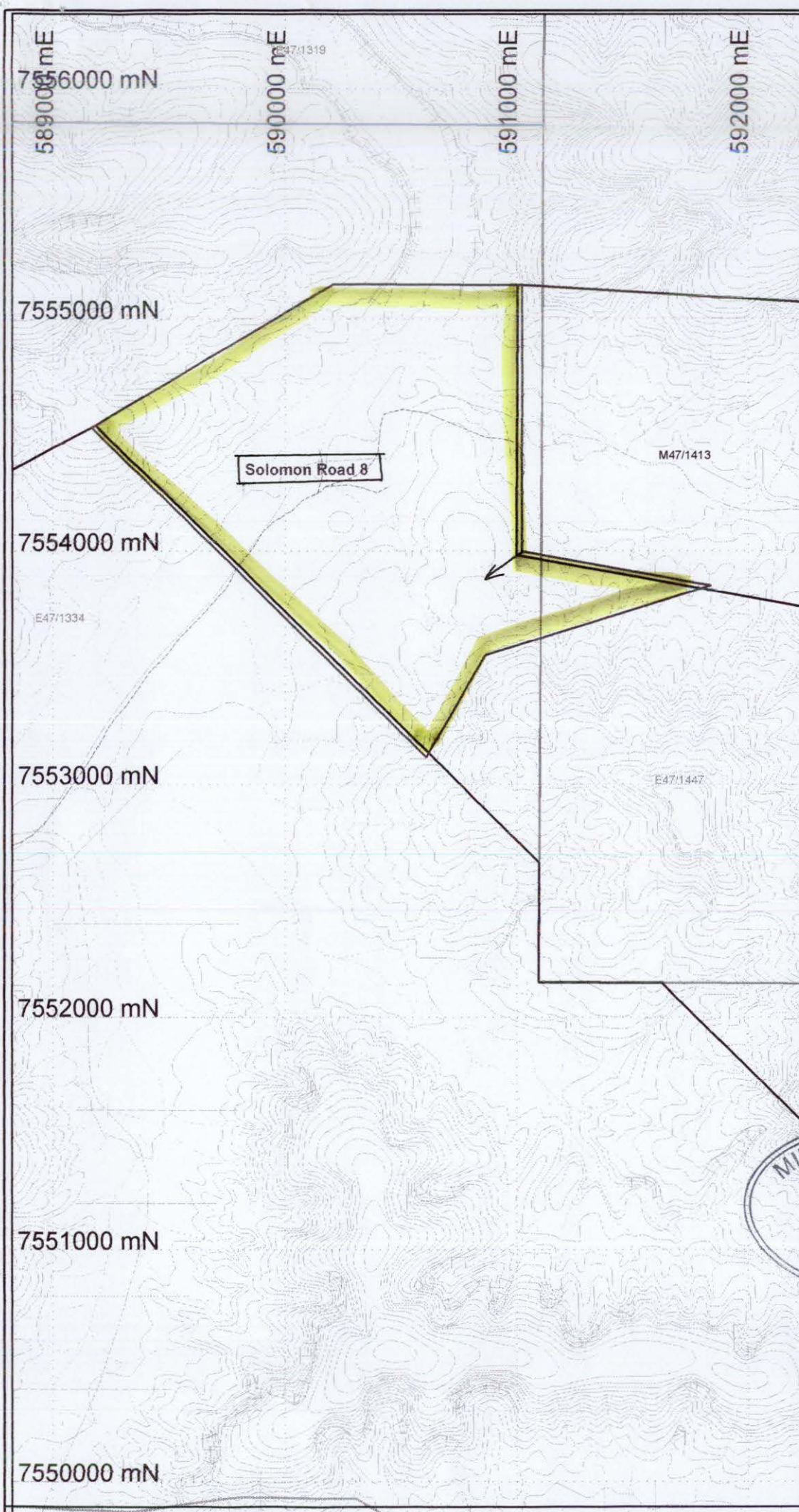
(k) Area (ha or Km<sup>2</sup>)(k) **247 ha**

- (l) Signature of  
applicant or agent

(l) \_\_\_\_\_  
as AgentDATE 11/7/08

O F F I C E S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at <u>KARRATHA</u> on or before the <u>15<sup>th</sup></u> day of <u>AUGUST</u> <u>2008</u> . Where an objection to this application is lodged the hearing will take place on a date to be set.			
	FEES PAID		\$	c
	Application		360	00
	Rent		2,988	70
TOTAL		3,348	70	
		Receipt No.: <u>451</u>		
		Shire: <u>ASHBURTON</u>		
Received at <u>830</u> a.m. on <u>11 JULY 08</u> <u>MA BAKER</u> (Mining Registrar)		Map Ref: 		
		TENGGRAPH COMPUTER ENTERED		





- Tenure**
- FMG mining lease
  - FMG or partner E or P
  - Non FMG

**Proposed FMG tenure**

- Proposed road miscellaneous licences

**FMG current development**

Roads, tracks or grids

**Pastoral leases**

- Pastoral lease



Fortescue Metals Group Ltd.

**Proposed Solomon Road 8 Marking Out Diagram**

Author: DE	Date: 07/07/2008
Drawn: DE	Revised:
Dwg No.: TEN_08_002_0	Report No.:
Projection: MGA-94 250	Scale: 1:25,000



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC2**

**Email from FMG Pilbara Pty Ltd to the Department of Mines, Industry Regulation and Safety  
dated 15 July 2008**

**LANNAN, Clyde**

---

**From:** Sara Jonsson [sjonsson@fmgl.com.au]  
**Sent:** Tuesday, 15 July 2008 5:27 PM  
**To:** LANNAN, Clyde  
**Subject:** NTA notification of L47/293-302 by FMG Pilbara Pty Ltd  
**Importance:** High

Dear Clyde,

I write on behalf of FMG Pilbara Pty Ltd who applied for Miscellaneous Licences 47/293-302 in Karratha on 11 July 2008.

Camps:

Applications L47/293-294 are for the purposes of camps at our Solomon Project in Central Pilbara (with prescribed purposes of road, taking water, minesite accommodation and associated facilities, powerline and communications to service a mining operation). As the new licences are intended to support the expansion of exploration/mining activities that are currently taking place at Solomon, we would like to expedite their grant.

Please could you advertise these two tenements in accordance with S29 Right to Negotiate procedure (RTN) under the NTA as soon as practicable.

Roads:

L47/295-302 are for the purposes of a road at our Solomon Project (with prescribed purposes of road, taking water, powerline and pipeline).

Accordingly, I would be grateful if you could arrange for the notification of these applications in accordance with S24MD of the Native title Act (i.e. the infrastructure Facility Procedure) as soon as practicable.

Please let me know if you have any further queries.

Kind regards,

**Sara Jonsson**

**Acquisitions**

**Fortescue Metals Group Ltd**

Lvl 2, 87 Adelaide Terrace, EAST PERTH, W.A. 6004

PO Box 6915, EAST PERTH, W.A. 6892

Main: + 61 8 6218 8888

Direct: + 61 8 6218 8845

E-mail: [sjonsson@fmgl.com.au](mailto:sjonsson@fmgl.com.au)

Web: <http://www.fmgl.com.au>

**THE NEW FORCE IN IRON ORE**

The information in this email and in any attachment is confidential. If you are not the intended recipient, please notify us immediately by telephoning +61 (0) 8 621 88845 and asking for the author or by returning the email. You should not copy it or use it for any other purpose, nor disclose its contents to any other person



Please consider the environment before printing this email

22/07/2008



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC3**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/302 dated 28 July 2008**



Department of Industry and Resources  
Government of Western Australia

Enquiries: Clyde Lannan  
Telephone: 9222 3828  
Facsimile: 9222 3439

Yindjibarndi #1  
Chairperson  
Yindjibarndi Aboriginal Corporation  
PO Box 111  
ROEBOURNE WA 6718

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) WC03/003**

You are hereby notified in your capacity as a registered native title claimant, native title body corporate or a representative Aboriginal Torres Strait Islander Body that application has been made for the Miscellaneous Licence/s listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the Native Title Act) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence be granted:

No	Applicant	Area	Locality	Centroid	Shire
L47/302	FMG Pilbara Pty Ltd	246.91ha	49km W'ly of Wittenoom	Lat 22°06' Long 117°52'	Ashburton

**Purposes for licence: Road, Power Line, Pipeline, Conveyor System and Taking Water (Water Management Facility)**

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the licence (ie by 4 October 2008) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on 4 October 2008. The objection must contain the following information:

- number of the Miscellaneous licence objected to;
- details of how the grant of the licence will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Mr Clyde Lannan on (08) 9222 3828.

Yours faithfully

*Clyde Lannan*

for DIRECTOR  
MINERAL & TITLE SERVICES

28 July 2008

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC4**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/302 dated 16 October 2008**



**Fortescue Metals Group Ltd**

ACN: 002 594 872  
87 Adelaide Terrace East Perth  
Western Australia 6004  
PO Box 6915, East Perth, Western Australia 6892

Telephone: +61 8 6218 8888<sup>28</sup>  
Facsimile: +61 8 9421 1816  
Website: [www.fmg1.com.au](http://www.fmg1.com.au)



16 October 2008

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE L47/302 BY FMG  
PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, powerline, pipeline, taking water and a conveyor system.

Road

A service road will be constructed to accommodate traffic between the Firetail minesite (M47/1413) and the East Solomon minesite (M47/1409) and to provide access for construction and maintenance of the powerline, conveyor and pipeline.

The road will comprise an 8-10m wide pavement with a shoulder width of 1-2m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100-50mm over a 200-250mm sub-base layer, over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks, a combination of floodway and culvert construction will be utilised to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water either through culverts or over the road surface toward spreader drains, levee banks or other measures which will reinstate natural sheet flow. These measures will be used as appropriate to maintain and promote the natural growth patterns of Mulga and other sheet flow dependent flora communities.

Taking water

A number of production bores will be installed within L47/302 for the purpose of abstracting groundwater for process water and dust suppression for the minesites.

The New Force in Iron Ore



### Pipeline

A trench will be excavated along the pipeline route to accommodate a water pipeline of approximately 560mm in diameter or larger, depending on process water requirement. The pipeline will be buried to a depth of about 1 metre. This will be used to convey water from the borefield to the two minesites. The pipeline will also link the two minesites so as to provide greater flexibility in water management across the two sites.

### Powerline

An overhead powerline will be constructed within L47/302 for the purposes of distributing electricity between the two minesites. It will allow for back up electricity supplies for both sites, and to support borefield pumps.

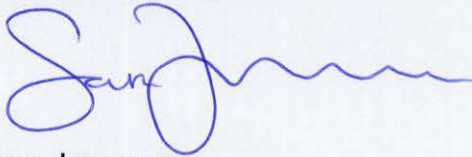
### Conveyor System

A conveyor will be constructed to transport iron ore between minesites, so as to provide flexibility in options for product handling and transport to a port. The conveyor will be either:

- An overland system, generally 1-2 metres high and supported by an onground steel structure; or
- An overhead system, where the conveyor is suspended between towers located at high points of the terrain.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**



Sara Jonsson  
Acquisitions

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC5**

**Mining Tenement Register Search for L 47/302**





# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/302

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

This Register Search issued pursuant to Section 103F(4) of  
the Mining Act, 1978 at: **10:57:14 08/12/2022**

### Tenement Summary

<b>Identifier :</b> L 47/302	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 247.00000 HA	<b>Status :</b> Dead
<b>Mark Out :</b> 10/07/2008 06:50:00	<b>Received :</b> 11/07/2008 08:30:00
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> KARRATHA
<b>Commence :</b> 05/06/2009	<b>Expiry :</b> 04/06/2030
<b>Purpose :</b> Road powerline pipeline taking water a conveyor system	<b>Death :</b> Surrendered 07/01/2013 15:35:00

### Rent Status

**Due for Year End 04/06/2023 :** N/A  
**Previous Amount Outstanding :**  
**Current Due :**  
**Rent for Year End :**

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

Name and Address	Shares
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	<b>100</b>

#### Holder Changes

Dealing	Status Date	From (Shares)	To (Shares)
---------	-------------	---------------	-------------

**Applicants on Receival****Name and Address**

FMG PILBARA PTY LTD

C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326

HAY STREET, EAST PERTH, WA, 6004

**Shares**

100

**Total Shares:**

100

**DESCRIPTION DETAILS****Description****Block Type :****Effective From :****Locality :** SOLOMON EAST**Datum :** GDA94 MGA Z50 591019.79 EASTING 7553998.58 NORTHING

**Boundary :** THENCE 591839.64 EASTING 7553850.29 NORTHING  
 THENCE 590865.18 EASTING 7553552.26 NORTHING  
 THENCE 590606.43 EASTING 7553116.10 NORTHING  
 THENCE 589164.60 EASTING 7554532.22 NORTHING  
 THENCE 590208.16 EASTING 7555151.64 NORTHING  
 THENCE 591024.74 EASTING 7555146.74 NORTHING  
 BACK TO DATUM

**Area :****Type****Dealing No****Start Date****Area**

Granted

05/06/2009

247.00000 HA

Applied For

10/07/2008

247.00000 HA

**RELATIONSHIPS****Relationships**

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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**State Agreement Conversions**

Applicable Legislation	Effective Start	Effective End
------------------------	-----------------	---------------

**SURVEY DETAILS****Survey**

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			

**GENERAL DETAILS****General****Objection Closing Date :** 15/08/2008**Application Fee :** \$360.00**File Reference :****Survey Fee :****Receipt Number :** 451**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

33

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	10/07/2008		247.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals****DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation**

Date Referred	Referral Type	Procedure	Current Status
21/07/2008	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 05/06/2009      Holder Notified : 06/06/2009      Licence/Lease 06/06/2009 issued :

**Term**

Term : 21 Years      From : 05/06/2009      To : 04/06/2030

## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the: (i) Aboriginal Heritage Act 1972 and any Regulations thereunder; (ii) Water and Rivers Commission Act 1995 and any Regulations thereunder; (iii) Rights In Water and Irrigation Act 1914 and any Regulations thereunder; and (iv) Draft Environmental Protection Groundwater Policy 1998.	05/06/2009	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	05/06/2009	
3	The land the subject of this Licence may affect a Threatened Ecological Community. The Licensee is advised to contact the Department of Environment and Conservation's Threatened Species and Communities Unit for detailed information on management.	05/06/2009	
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Director, Environment, DMP for assessment and written approval prior to commencing any development or construction.	05/06/2009	
2	Written notification, where practicable, of the time frame, type and extent of proposed ground disturbing activities being forwarded to the Department of Water Karratha seven days prior to commencement of those activities.	05/06/2009	
3	Any significant waterway (flowing or not), wetland or its fringing vegetation that may exist on site not being disturbed or removed without prior written approval from the Department of Water.	05/06/2009	
4	The rights of ingress to and egress from the Licence being at all reasonable times preserved to officers of the Department of Water for inspection and investigation purposes.	05/06/2009	
5	The storage and disposal of hydrocarbons, chemicals and potentially hazardous substances being in accordance with the Department of Water's Guidelines and Water Quality Protection Notes .	05/06/2009	

#	CONDITIONS	Start Date	End Date
6	Unless permission is first obtained from the Department of Water ground breaking activities are prohibited within the floodway and within a lateral distance of: <ul style="list-style-type: none"> <li>• 50 metres from a perennial waterway; and</li> <li>• 30 metres from a seasonal waterway.</li> </ul>	05/06/2009	
7	Activities requiring the abstraction of groundwater are prohibited unless a bore construction and abstraction licence has been granted by the Department of Water.	05/06/2009	
8	Activities requiring the abstraction of water from any waterway, wetland or drain is prohibited unless the Department of Water has granted an abstraction licence.	05/06/2009	
9	Activities that may disrupt the natural flow of any watercourse are prohibited unless a licence has been obtained from the Department of Water.	05/06/2009	
10	Activities on any existing or designated future irrigation area, or on any strip of land within 50 metres of an irrigation channel, drain wetland or watercourse being confined to surface geological, geophysical and or geochemical surveys and drilling unless the written approval of the the Department of Water is first obtained.	05/06/2009	
11	Excavation activities are prohibited on any existing or designated future irrigation districts, or on any area of land within 50 metres of the banks of an irrigation channel, drain, wetland or watercourse, unless undertaken with the written permission from the Director, Environment, DMP and the Department of Water.	05/06/2009	
12	Exploration activities or mining operations that may disrupt the natural flow of any watercourse or hydrology of a wetland is prohibited unless written approval is obtained from the Department of Water.	05/06/2009	
13	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, DMP.	05/06/2009	
14	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, DMP.	05/06/2009	
15	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	05/06/2009	
16	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	05/06/2009	
17	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	05/06/2009	
18	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, DMP.	05/06/2009	
19	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	05/06/2009	
20	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.	05/06/2009	
21	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the road, powerline, pipeline, conveyor system and taking of water.	05/06/2009	
22	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	05/06/2009	
23	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>• remove all installations constructed pursuant to this licence;</li> <li>• cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>• on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Mining Registrar or Minister responsible for the Mining Act 1978 orders or consents otherwise.	05/06/2009	

## DEALINGS DETAILS

35

Dealings**Objection KR287/089****Encumbrances**

Lodged: 11:59 15 August 2008  
 RECORDED: 11:59 15 August 2008  
 Objectors: PELLEW, Norman Desmond  
 Objection Type: Tenement Application  
 Wardens Decision 11/12/2008 00:00:00  
 Made on:  
 Wardens Decision Finalised  
 Status:  
 Wardens Decision Leave granted to Withdraw Objection KR287/089  
 Text: on 11.12.2008  
 FINALISED: 00:00 11 December 2008

**Extension of Time 300769**

Lodged 3:45 PM on 22 Aug 2008 to lodge late objection by  
 YINJIBARNDI ABORIGINAL CORPORATION, AS TRUSTEE FOR  
 THE YINDJIBARNDI PEOPLE.

REFUSED: 16:25 06 March 2009

**Surrender - Outright 414497**

Lodged: 15:35 07 January 2013  
 REGISTERED: 15:35 07 January 2013

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

**Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2013	06/06/2012		06-110715	PE	\$3,285.10	247.00000 HA	05/06/2009	\$3,285.10	\$0.00
Payment	2012	06/05/2011		93667	PE	\$3,504.93	247.00000 HA	05/06/2009	\$3,504.93	\$0.00
Payment	2011	08/06/2010		80162	PE	\$3,423.42	247.00000 HA	05/06/2009	\$3,423.42	\$0.00
Payment	2010	29/05/2009		65342	PE	\$298.87	247.00000 HA	05/06/2009	\$3,287.57	\$0.00
Payment	2010	11/07/2008		451	KR	\$2,988.70				

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

## COMBINED REPORTING DETAILS

**C Number :**

**Reporting Date :**

**Project :**

**Affecting  
Period :**

End of Search \_\_\_\_\_



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC6**

**Application for L 47/361 dated 10 March 2010**

FORM 21

WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91 Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
(b) Time & Date

**(a) Miscellaneous Licence**

For the purpose of "a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation & transmission facility and a storage or transportation facility for minerals or mineral concentrate"

No. 471.361.....

- marked out (where applicable)  
(c) Mineral Field

(b) **8.05am 05/03/2010** (c) **West Pilbara**

- APPLICANT:  
(d) Full name and ACN/ABN No.  
(e) Address  
(f) No. of shares  
(g) Total No. of shares

(d) & (e)  
**FMG Pilbara Pty Ltd (ACN 106 943 828)**  
**C/- Tenement Administration Services Pty Ltd**  
**Level 2, 326 Hay Street**  
**East Perth WA 6004**

(f) Shares  
**100**

(g) **Total** **100**

DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality  
(i) Datum Peg  
(j) Boundaries

**(h) Firetail East 2****(i) & (j)**

GDA94 MGA Zone 50



Datum situated at				
	610064.94	mE	7547115.25	mN
Then to	610808.01	mE	7546504.64	mN
Then to	606814.93	mE	7545376.18	mN
Then to	606297.64	mE	7545317.49	mN
Then to	605716.38	mE	7545418.03	mN
Then to	604317.06	mE	7546148.11	mN
Then to	602370.10	mE	7547181.24	mN
Then to	601691.93	mE	7547627.66	mN
Then to	601116.99	mE	7548136.46	mN
Then to	600549.45	mE	7548758.23	mN
Then to	598685.28	mE	7549688.88	mN
Then to	598126.98	mE	7549692.09	mN
Then to	598169.40	mE	7555269.61	mN
Then to	600270.68	mE	7555226.53	mN
Then to	602440.98	mE	7554482.08	mN
Then to	601356.71	mE	7552017.71	mN
Then to	602753.21	mE	7550655.28	mN
Then to	602690.93	mE	7549396.55	mN
Then to	603560.56	mE	7548798.61	mN
Then to	606367.99	mE	7547317.51	mN
Then to	612633.00	mE	7549158.29	mN
Back to the datum at	610064.94	mE	7547115.25	mN

(k) Area (ha or Km<sup>2</sup>)(k) **4,447 ha**

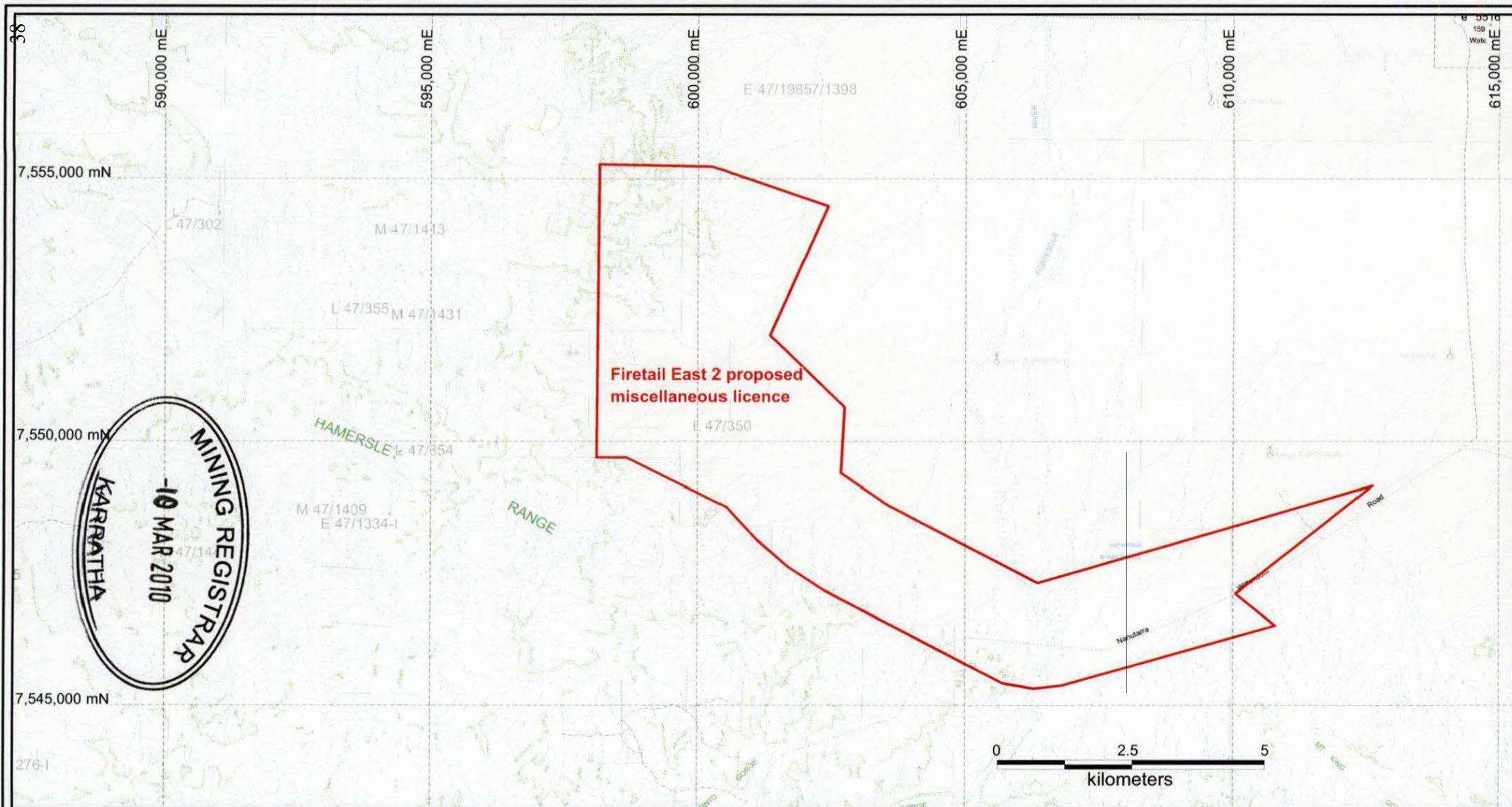
(l) Signature of  
applicant or agent

(l) \_\_\_\_\_  
as Agent

DATE **10.3.10.**

O F F I C E  U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at <b>KARRATHA</b> on or before the <b>14th</b> day of <b>APRIL 2010</b> <b>20</b>			
	Where an objection to this application is lodged the hearing will take place on a date to be set.			
	FEES PAID	\$	c	Receipt No.: <b>2331</b>
	Application	375	00	Shire: <b>ASHBURTON</b>
	Rent	56,032	20	
	TOTAL	56,407	20	
		Received at <b>15.45P</b> m	Map Ref:	
		on <b>10/03/2010</b>	 <b>TENGRAPH</b>	
		<b>M A BAKER</b> (Mining Registrar)		





**Location Map**

Project

PERTH

FMG proposed miscellaneous licence application

Other tenement

Road or track

Drainage

**Fortescue Metals Group Ltd**

**Markout diagram  
Firetail East 2  
Miscellaneous Licence Application**

Author: DE	Date: 25/02/2010
Drawn By:	Revised:
Plan No.: TEN_10_011_a	Report No.:
Projection: MGA-94 zone 50	Scale: 1:100,000

447/361



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC7**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/361, L 47/362 and L 47/363 dated 20 March 2010**

Enquiries: Clyde Lannan  
 Telephone: 9222 3828  
 Facsimile: 9222 3439

Yindjibarndi #1  
 Yindjibarndi Aboriginal Corporation  
 C/- Simon Millman  
 Slater and Gordon  
 GPO Box 2257  
 PERTH WA 6831

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) – WC03/3**

You are hereby notified in your capacity as a registered native title claimant, native title body corporate or a representative Aboriginal Torres Strait Islander Body that application has been made for the Miscellaneous Licence/s listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the Native Title Act) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence be granted:

No	Applicant	Area	Locality	Centroid	Shire
47/361	FMG Pilbara Pty Ltd	4433.12ha	34km W'ly of Wittenoom	Lat 22°08' Long 118°01'	Ashburton
47/362	FMG Pilbara Pty Ltd	3492.14ha	46km W'ly of Wittenoom	Lat 22°07' Long 117°54'	Ashburton
47/363	FMG Pilbara Pty Ltd	720.17ha	44km W'ly of Wittenoom	Lat 22°09' Long 117°55'	Ashburton

**The purposes for L47/361, L47/362 & 47/363 are: Pipeline, Power Line, Road, Taking Water, Communication Facility, Bore Field, Aerial Rope Way, Aerodrome, Conveyor System, Power Generation, Transmission Facility, Storage or Transportation Facility for minerals or mineral concentrate.**

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the licence (ie by **25 May 2010**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **25 May 2010**. The objection must contain the following information:

- number of the Miscellaneous licence objected to;
- details of how the grant of the licence will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Mr Clyde Lannan on (08) 9222 3828.

Yours faithfully

*Clyde Lannan*

for DIRECTOR  
 MINERAL TITLES DIVISION

20 March 2010

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC8**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/361 dated 6 April 2010**





**Fortescue Metals Group Ltd**

ACN: 002 594 872  
87 Adelaide Terrace East Perth  
Western Australia 6004  
PO Box 6915, East Perth, Western Australia 6892

Telephone: + 61 8 6218 8888  
Facsimile: +61 8 9421 1816  
Website: [www.fmg1.com.au](http://www.fmg1.com.au)

42

06 April 2010

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE 47/361 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation & transmission facility and a storage or transportation facility for minerals or mineral concentrate.

Road

A service road will be constructed to accommodate traffic to the Ore Processing Facility ("OPF") and train loading area at the Firetail minesite and to provide access for construction and maintenance of the powerline, borefield and pipeline.

The road will comprise an 8-10m wide pavement with a shoulder width of 1 – 2m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150mm over a 200 - 250mm sub-base layer over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

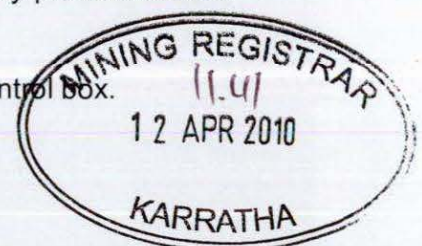
Where the road crosses creeks a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

Bore field, water management facility, and taking water

A number of production bores will be installed within L47/361 for the purpose of abstracting groundwater for various purposes including road construction use in the OPF, general mine water supply, and dust suppression.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.



**The New Force in Iron Ore**



Pipeline

A pipeline of up to 560 mm in diameter will be installed. This will be used to convey water from the production bores to the road construction locations, the OPF and other locations as required.

Power line

Overhead powerlines will be constructed within L47/361 for the purposes of providing electricity from a power station to the bore-field pumps and any other installations as required.

Communications facility

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/361 and the Firetail minesite.

A conveyor system / aerial rope way

A conveyor system will be constructed to transport iron ore from the Firetail, minesite to the OPF. The conveyors will be either:

- A conventional overland system, generally 1-2 metres high and supported by an onground steel structure; or
- An overhead rope conveyor system, where the conveyor itself is suspended from large steel catenary cables between towers located at high points of the terrain.

An aerodrome

If required, an airstrip for use of light aircraft to service the Firetail minesite will be constructed.

A power generation & transmission facility

A power generation and transmission facility will be constructed to provide power for the Firetail minesite operations.

If there is power available from generating sources outside L47/361, FMG may seek to provide a proportion of the power capacity to be reticulated to the Firetail mine areas via a distribution transmission line.

The power generation facility will consist of an appropriate number of reciprocating diesel generating sets in the range 2-5 MW each. These would have associated infrastructure including:

- Building works generally consistent with plant
- Control room
- Workshop
- Offices
- Switch yard
- Substation



- Oily waste water capture, bunding and treatment of the oily waste, suitable for disposal.


A storage or transportation facility for minerals or mineral concentrate

This facility consists of a system designed to receive iron ore, hold the ore for storage and when required, send the ore to the train loading facility.

The system will comprise a stockyard with rows of stock piles serviced by stackers and reclaimers. Conveyors will transport the ore into and out of the stockyard.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**



Sara Jonsson  
Acquisitions



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC9**

**Objection by Yindjibarndi #1 Claimants to the grant of L 47/361, L 47/362 and L47/363 dated 25**

**May 2010**



Level 2, Council House  
27-29 St. Georges Terrace  
Perth WA 6000

Telephone: (08) 9223 4800  
Facsimile: (08) 9223 4850

www.slatergordon.com.au

Correspondence to:  
Associate: Simon Millman  
Legal Assistant: Kathy Lamont

GPO Box 2257  
St Georges Terrace  
PERTH WA 6831

DX 60113 PERTH WA

Direct line: (08) 9223 4800

Email:  
katherine.lamont@slatergordon.com.au

Our Ref: PP8:CF:323268

25 May 2010

**URGENT**

General Manager  
Tenure and Native Title Branch  
Department of Mines and Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

Attention: Clyde Lannan

Email: Clyde.LANNAN@dmp.wa.gov.au

And by Facsimile: 9222 3862

*NTA s 24MD(6B) OBJECTIONS*  
*NT 45/010 - L47/361*  
*NT 46/010 - L47/362*  
*NT 47/010 - L47/363*  
*RECEIVED BY DMP ON 25/5/10*

Dear Sirs

**Miscellaneous Licence Applications: L47/361, L47/362 and L47/363**

We act for the Yindjibarndi #1 Native Title Claim Group ("Yindjibarndi") and refer to your correspondence, dated 20 March 2010, in respect of the above Miscellaneous Licence Applications lodged by FMG Pilbara Pty Ltd ("FMG").

As we understand it, FMG's Applications seek the grant of these three Miscellaneous Licences for an identical purpose; namely, a road, a powerline, pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation and transmission facility and storage or transportation facility for minerals or mineral concentrate. The total area of land that would be affected by the grant of these three Miscellaneous Licences amounts to 8,645.43ha ("area").

We note in passing that FMG has also applied for the following Miscellaneous Licences in the Yindjibarndi #1 Claim area for an identical purpose:

- Application for Miscellaneous Licence **L47/350**: 44 square kilometres.
- Application for Miscellaneous Licence **L47/354**: 721 ha.
- Application for Miscellaneous Licence **L47/355**: 3,494 ha.
- Application for Miscellaneous Licence **L47/367**: 1229 ha.
- Application for Miscellaneous Licence **L47/368**: 966 ha.

Would you kindly confirm whether or not your Department has already given, or intends to give, the Yindjibarndi notice of these Miscellaneous Licence Applications under s.24MD of the Native Title Act 1993 ("NTA"):

23

The Yindjibarndi People object to the grant of Miscellaneous Licences L47/361, L47/362 and L47/363 ("Licences") on the grounds that the grant, and the activities permitted thereby will adversely affect the registered native title rights and interests of the Yindjibarndi in the relevant land and waters. The details of how these registered native title rights will be affected are set out hereunder.

- i. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from freely exercising and enjoying their registered native title right to possess, occupy, use and enjoy the area, as against the world. This in turn will prevent the Yindjibarndi from freely exercising their religious beliefs and freely practicing the religious observances associated with the area generally and with particular sites that are situated in the area.
- ii. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to control the access of others to the area.
- iii. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to make decisions about the use and enjoyment of the area by persons who are not members of the Yindjibarndi People.
- iv. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising their registered native title right to take, use and enjoy the resources of the area, other than minerals and petroleum for a various purposes including for cultural, religious, spiritual, ceremonial and/or ritual purposes.
- v. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to maintain, conserve and protect significant places and objects and significant ceremonies, artworks, song cycles, narratives, beliefs or practices within the area by preventing by all reasonable lawful means any activity which may injure, desecrate, damage, destroy, alter or misuse any such place or object or any such ceremony, artwork, song cycle, narrative, belief or practice.
- vi. The grant of the Licences without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to prevent any use of, or activity in, the area which is unauthorised or inappropriate in accordance with traditional laws and customs in relation to significant places and objects in the area or of ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area.

According to our instructions, the relationship that subsists between the Yindjibarndi and the area is, above all else, spiritual and religious in nature; such that the welfare of the Yindjibarndi is believed to be spiritually linked to, and



directly dependent upon, their ability to carry out religious obligations in respect of the area and to freely practice particular religious observances associated with sites that are situated within the area. The Yindjibarndi instruct that, in the absence of a freely negotiated agreement in which they give their informed consent for the proposed grant, they will be prevented from carrying out their religious obligations. This will cause them harm and suffering.

Yours faithfully



Simon Millman  
Practice Group Leader  
Industrial and Employment Law  
**SLATER & GORDON**

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC10**

**Letter from FMG Pilbara Pty Ltd to the Yindjibarndi #1 Claimant attaching a consultation package with respect to L 47/361, L 47/362 and L 47/363**

**Green Legal**  
(An Incorporated Legal Practice)

Director  
**KENNETH GREEN**  
*BJuris, LLB, BCom, Grad Dip Comp Studs*



**Green Legal Pty Ltd**  
**ABN 41 105 334 763**

Suite 2, Level 4  
The BGC Centre  
28 The Esplanade  
Perth, Western Australia

**Postal: GPO Box 2522**  
**PERTH WA 6001**

Phone: (08) 9261 6192  
Fax: (08) 9414 1851

E-mail: admin@greenlegal.com.au

Our ref:FMGLTD092

13 September 2010

**ATTENTION: MR SIMON MILLMAN**

Slater & Gordon  
Level 2, Council House  
27 - 29 St Georges Tce  
PERTH WA 6000

**BY COURIER**

**COPY TO: CLYDE LANNAN**

Dept. of Mines & Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

**BY COURIER**

INDEX ALL NUMBERS

Dear Sir

**CONSULTATION BY FMG PILBARA PTY LTD (ACN 106 943 828) WITH THE YINDJIBARNDI REGISTERED NATIVE TITLE CLAIMANTS (WC03/3) IN RELATION TO OBJECTIONS NT45/010, NT46/010 and NT47/010 UNDER S24MD(6B)(d) OF THE NATIVE TITLE ACT 1993 TO MISCELLANEOUS LICENCES L47-361 to 363 (INCLUSIVE)**

I act for FMG Pilbara Pty Ltd (ACN 106 943 828) ("Applicant").

I understand you act for the Yindjibarndi Registered Native Title Claimants in claim WC03/3 ("Objectors")

The Objectors have objected to the grant of miscellaneous licences L47/361 to 363 (inclusive) under S24MD(6B)(d) of the Native Title Act 1993 ("NTA").

To assist the consultation being undertaken by the Applicant with the Objectors as required by the NTA, I enclose a Consultation Package.

The Consultation Package is self-explanatory.



**GREEN LEGAL**

Slater & Gordon

2

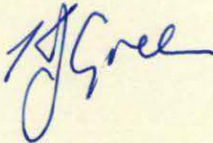
13 September 2010

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I accordingly look forward to the Objectors' response to the issues raised in the Consultation Package.

Please do not hesitate to contact me should you have any questions.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'K Green', with a stylized flourish at the end.

KEN GREEN

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC11**

**Letter from the Department of Mines, Industry Regulation and Safety to the Yindjibarndi**

**#1 Claimant dated 12 November 2010**



**Government of Western Australia**  
**Department of Mines and Petroleum**

Your ref; PP8; CF; 323268  
 Our ref: CL:-L47/361  
 Enquiries: Clyde Lannan - Ph 9222 3828 Fax 9222 3439  
 Email: Clyde LANNAN@dmp.wa.gov.au

Yindjibarndi # 1 People  
 c/-Slater & Gordon  
 Lawyers  
 Level 2, Council House  
 27-29 St Georges Terrace  
 PERTH WA 6000

Attention;- Simon Millman

Dear Simon

**APPLICATION FOR MISCELLANEOUS LICENCES 47/361, 47/362 AND 47/363 BY  
 FMG PILBARA PTY LTD - OBJECTIONS NT 45/010, NT 46/010 AND NT 47/010  
 LODGED BY THE YINDJIBARNDI NATIVE TITLE CLAIMANTS (WC03/3) PURSUANT  
 TO SECTION 24MD (6B) OF THE NATIVE TITLE ACT 1993 (Cth)**

I have attached for your information a copy of the Departments Section 24MD (6B) notification commencing 25 March 2010 together with a copy of your letter of objection received at this office on 25 May 2010.

On 3 November 2010 FMG Pilbara Pty Ltd (FMG) wrote to the Department advising that it considers that it has consulted with the objector as is required by Section 24MD(6B) (e) of the Native Title Act 1993, however the above-mentioned objections still remain on foot. On the basis of this consultation, FMG has requested that these applications for miscellaneous licences now be granted.

If you now wish to withdraw Objection Numbers NT 45, NT 46/010 and NT 47/010, would you please submit a withdrawal in the form of a letter and include the Federal Court Native Title Claim identifier number, the objection numbers; and the respective miscellaneous licence application numbers.

Section 24MD(6B)(f) of the NTA provides that if any claimant or body corporate objects to the doing of the act and so requests, the State must ensure that an objection is heard by an independent person or body.

Should you wish to proceed in this manner, please request in writing within 30 days from the date of this letter for the State to ensure that the matter is placed before the independent person for hearing. The necessary arrangements will then be made for the objections to be heard by the independent person.

In the absence of any request to have the objection heard by the independent person, the applications for Miscellaneous Licences 47/361, 47/362 and 47/363 will, in due course, be granted.

Yours sincerely



*Clyde Lannan*

For DIRECTOR  
MINERAL TITLES DIVISION  
12 November 2010

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC12**

**Email from the Yindjibarndi #1 Claimant to the Department of Mines, Industry Regulation and  
Safety dated 9 December 2010**



Level 2, Council House  
27 - 29 St Georges Terrace  
Perth WA 6000

Ph: (08) 9223 4800  
Fax: (08) 9223 4850

<http://www.slatergordon.com.au>

9 December 2010

General Manager  
Tenture & Native Title Branch  
Department of Mines & Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

**Attention: Clyde Lannan**

Email: [clyde.LANNAN@dmp.wa.gov.au](mailto:clyde.LANNAN@dmp.wa.gov.au)

**And by facsimile: 9222 3862**

Dear Mr Lannan,

**Re Miscellaneous Licences 47/361, 47/362 and 47/363 applied for by FMG  
Pilbara Pty Ltd  
Re NT Objections 45/010, 46/010 and 47/010 lodged by Yinjibarndi Native  
Title claimants  
Re Independent Person Hearing**

Correspondence to:

Lawyer: Simon Millman  
Legal Assistant: Lauren Baptie

GPO Box 2557  
PERTH 6001

DX 60113 PERTH

Direct Ph: (08) 9223 4830  
Fax: (08) 9223 4850

Email: [lauren.baptie@slatergordon.com.au](mailto:lauren.baptie@slatergordon.com.au)

Our Ref: 323268

I refer to the above matter and to your correspondence dated 12 November 2010.

I confirm that your correspondence called for a response with 30 days.

I confirm that the claimant objects to the doing of the acts, and requests that the objection is heard by an independent person.

Please contact me should you require any further information or material.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'S. Millman'.

Simon Millman  
Lawyer  
**SLATER & GORDON**



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC13**

**Orders of Independent Person (Steven Heath) dated 15 April 2011**

**BEFORE THE INDEPENDENT PERSON  
OBJECTION UNDER SECTION 24MD (6b)  
NATIVE TITLE ACT 1993 (CTH)**

**IND1/11**

**IN THE MATTER OF APPLICATIONS FOR MISCELLANEOUS  
LICENCES 47/361, 362 AND 363**

**BETWEEN**

**FMG PILBARA PTY LTD**

**APPLICANT**

**BETWEEN**

**YINDJIBARNDI REGISTERED NATIVE TITLE CLAIMANTS  
(WC 03/3)**

**OBJECTOR**

**AND**

**THE STATE OF WESTERN AUSTRALIA**

**GOVERNMENT PARTY**

**ORDER DISMISSING OBJECTION**

1. The Native Title Party having failed to file and serve any Statement of Issues, Facts and Contentions or any supporting affidavits in accordance with directions made on 4 February 2011 and having failed to appear on 15 April 2011 to respond to the Applicant's application for dismissal, the Objector's objection in this matter is dismissed.

Dated the 15<sup>th</sup> Day of April 2011



**Steven Heath  
Independent Person**

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC14**

**Mining Register Search for L 47/361**





# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/361

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **10:56:55 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier</b> : L 47/361	<b>District</b> : WEST PILBARA M.F.
<b>Current Area</b> : 4,447.00000 HA	<b>Status</b> : Live
<b>Mark Out</b> : 05/03/2010 08:05:00	<b>Received</b> : 10/03/2010 15:45:00
<b>Term Granted</b> : 21 Years	<b>Lodging Office</b> : KARRATHA
<b>Commence</b> : 11/10/2011	<b>Expiry</b> : 10/10/2032
<b>Purpose</b> : Pipeline Power Line Road Taking Water Communication Facility Bore Field Aerial Rope Way Aerodrome Conveyor System Power generation Transmission Facility Storage or transportation Facility for minerals or mineral concentrate	<b>Death</b> :

### Rent Status

**Due for Year End 10/10/2023** : PAID IN FULL  
**Previous Amount Outstanding** : \$0.00  
**Current Due** : \$0.00  
**Rent for Year End 10/10/2024** : \$97,834.00

### Expenditure Status

**Expended Year End** : NO EXPENDITURE REQUIRED  
**Current Year () Commitment** : NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 FMG PILBARA PTY LTD (ACN:106943828)

**Shares**  
 100

ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

61

**Total Shares:** 100

## Holder Changes

Dealing	Status Date	From (Shares)	To (Shares)
---------	-------------	---------------	-------------

## Applicants on Receival

Name and Address	Shares
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	<u>100</u>

## DESCRIPTION DETAILS

### Description

**Block Type :** **Effective From :**

**Locality :** FIRETAIL EAST 2

**Datum :** Datum situated at 610064.94 mE 7547115.25 mN GDA94 MGA Zone 50

**Boundary :** Then to 610808.01 mE 7546504.64 mN  
Then to 606814.93 mE 7545376.18 mN  
Then to 606297.64 mE 7545317.49 mN  
Then to 605716.38 mE 7545418.03 mN  
Then to 604317.06 mE 7546148.11 mN  
Then to 602370.10 mE 7547181.24 mN  
Then to 601691.93 mE 7547627.66 mN  
Then to 601116.99 mE 7548136.46 mN  
Then to 600549.45 mE 7548758.23 mN  
Then to 598685.28 mE 7549688.88 mN  
Then to 598126.98 mE 7549692.09 mN  
Then to 598169.40 mE 7555269.61 mN  
Then to 600270.68 mE 7555226.53 mN  
Then to 602440.98 mE 7554482.08 mN  
Then to 601356.71 mE 7552017.71 mN  
Then to 602753.21 mE 7550655.28 mN  
Then to 602690.93 mE 7549396.55 mN  
Then to 603560.56 mE 7548798.61 mN  
Then to 606367.99 mE 7547317.51 mN  
Then to 612633.00 mE 7549158.29 mN  
Back to the datum

Area :	Type	Dealing No	Start Date	Area
	Granted		11/10/2011	4,447.00000 HA
	Applied For		05/03/2010	4,447.00000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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### State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

62

Survey

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
Standard Plan			Diagram		

## GENERAL DETAILS

General

Objection Closing Date : 14/04/2010

Application Fee : \$375.00

File Reference :

Survey Fee :

Receipt Number : 2331

Special Indicator

Special Indicator	Start	End
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## SHIRE DETAILS

Shire

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	05/03/2010		4,447.00000 HA

## NATIVE TITLE DETAILS

Native Title Referrals

DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation

Date Referred	Referral Type	Procedure	Current Status
12/03/2010	Tenement Application		NT Cleared

## GRANT DETAILS

Recommendation

Recommended for :

Grant

Granted : 11/10/2011

Holder Notified : 20/01/2012

Licence/Lease 20/01/2012  
issued :Term

Term : 21 Years

From : 11/10/2011

To : 10/10/2032

## ENDORSEMENTS/CONDITIONS DETAILS

Endorsements and Conditions

#	ENDORSEMENTS	Start Date	End Date
1	<p>The Licensee's attention is drawn to the provisions of:</p> <ul style="list-style-type: none"> <li>the Aboriginal Heritage Act 1972 and any Regulations thereunder;</li> <li>Water and Rivers Commission Act 1995 and any Regulations thereunder;</li> <li>Rights in Water and Irrigation Act 1914 and any Regulations thereunder;</li> </ul>	11/10/2011	



#	ENDORSEMENTS	Start Date	End Date
	<ul style="list-style-type: none"> <li>Draft Environmental Protection Groundwater Policy 1998; and</li> <li>the Civil Aviation Regulations and the 'Guidelines For Aeroplane Land Areas' published by the Civil Aviation Safety Authority Australia.</li> </ul>		
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	11/10/2011	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 in TENGRAPH.	11/10/2011	
	<b>The following endorsement has been imposed by the Warden in determination of Objection No. KR201/090:</b>	11/10/2011	
4	Any right of the native title party (as defined in Sections 29 and 30 of the Native Title Act 1993 (Cth)) to access or use the land the subject of the miscellaneous licence is not to be restricted except in relation to those parts of the land which are used for exploration or mining operations or for safety or security reasons relating to those or related activities.	11/10/2011	
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Environment Division, DMP for assessment and written approval prior to commencing any development or construction.	11/10/2011	
2	Where surface disturbance activities are proposed on the licence which are not associated with development or construction proposals, the prior written approval of the Environmental Officer, DMP must be obtained before the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for the proposed surface disturbance activities. Following approval, all topsoil being removed ahead of operations and separately stockpiled for replacement after backfilling and/or completion of operations.	11/10/2011	
3	The Licensee 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.	11/10/2011	
4	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	11/10/2011	
5	No activities being carried out within the proposed railway corridor (designated FNA 7279) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	11/10/2011	
6	The rights of ingress to and egress from Miscellaneous Licence 47/350 being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	11/10/2011	
7	No interference with Geodetic Survey Station Mount Bruce 174 and HRE 86 and mining within 15 metres thereof being confined to below a depth of 15 metres from the natural surface.	11/10/2011	
8	The storage and disposal of hydrocarbons, chemicals and potentially hazardous substances being in accordance with the Department of Water's Guidelines and Water Quality Protection Notes .	11/10/2011	
9	Measures such as effective sediment traps and stormwater retention facilities being implemented to preserve the natural values of receiving catchments and those of adjacent areas of native vegetation.	11/10/2011	
10	Groundwater quality monitoring bores being installed, maintained and utilised for water quality monitoring on and near the mine-site and downstream where aquifers are present.	11/10/2011	
11	Petroleum hydrocarbon and other chemical storage areas being appropriately contained using bunded retention compounds incorporating stormwater disposal and the removal of sediments.	11/10/2011	
12	Activities requiring the abstraction of groundwater are prohibited unless a bore construction and abstraction licence has been granted by the Department of Water.	11/10/2011	
13	Activities requiring the abstraction of water from any waterway, wetland or drain is prohibited unless the Department of Water has granted an abstraction licence.	11/10/2011	
14	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	11/10/2011	

#	CONDITIONS	Start Date	End Date
15	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	11/10/2011	
16	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, DMP.	11/10/2011	
17	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	11/10/2011	
18	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.	11/10/2011	
19	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	11/10/2011	
20	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, DMP.	11/10/2011	
21	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, DMP.	11/10/2011	
22	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	11/10/2011	
23	The road is to be clearly signposted as a private road and the signposting is to be regularly maintained at the licence holder's expense.	11/10/2011	
24	All traffic on the road must give way to traffic on public roads	11/10/2011	
25	All intersections with public roads should be at 90 degrees or as close as possible to maintain visibility and such intersections are to be maintained at the licence holder's expense.	11/10/2011	
26	The aerodrome to be constructed using proper materials to suit the purpose for which it is to be used.	11/10/2011	
27	The licensee is to obtain the written approval of the Shire of Ashburton or Main Roads WA or both where applicable and lodge a copy of that approval with the Mining Registrar prior to the construction of that part of the road that will intersect with any existing road. Where a difference exists between DMP conditions and the requirements of either authority, the requirements of the authority prevail.	11/10/2011	
28	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the licence purposes.	11/10/2011	
29	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Warden or the Minister responsible for the Mining Act 1978 orders or consents otherwise.	11/10/2011	
	<b>In respect to the area designated as CPL 3 in TENGGRAPH the following conditions apply:</b>	11/10/2011	
30	Prior to any ground-disturbing activity, as defined by the Executive Director, Environment Division, DMP the licensee preparing a detailed program for each phase of proposed exploration for approval of the Executive Director, Environment Division, DMP. The program to include: <ul style="list-style-type: none"> <li>maps and/or aerial photographs showing all proposed routes, construction and upgrading of tracks, camps, drill sites and any other disturbances;</li> <li>the purpose, specifications and life of all proposed disturbances;</li> <li>proposals which may disturb any declared rare or geographically restricted flora and fauna; and</li> <li>techniques, prescriptions and timetable for the rehabilitation of all proposed disturbances</li> </ul>	11/10/2011	

#	CONDITIONS	Start Date	End Date
31	The licensee, at his expense, rehabilitating all areas cleared, explored or otherwise disturbed during the term of the licence to the satisfaction of the Executive Director, Environment Division, DMP. Such rehabilitation as is appropriate and may include: <ul style="list-style-type: none"> <li>• stockpiling and return of topsoil;</li> <li>• backfilling all holes, trenches and costeans;</li> <li>• ripping;</li> <li>• contouring to the original landform;</li> <li>• revegetation with seed; and</li> <li>• capping and backfilling of all drill holes.</li> </ul>	11/10/2011	
32	Prior to the cessation of activities in respect to licence purposes the licensee notifying the Environmental Officer, DMP and arranging an inspection as required.	11/10/2011	
	<b>The following conditions have been imposed by the Warden in determination of Objection KR201/090:</b>	11/10/2011	
33	If the licensee gives a notice to the Aboriginal Cultural Material Committee under Section 18 of the Aboriginal Heritage Act 1972 (WA) it shall at the same time serve a copy of that notice, together with copies of all documents submitted by the licensee to the Aboriginal Cultural Material Committee in support of the application (exclusive of sensitive commercial and cultural charter), on the native title party.	11/10/2011	
34	Where the licensee submits to the State Mining Engineer a proposal to undertake developmental/productive mining or construction activity, the licensee must give to the native title party a copy of the proposal, excluding sensitive commercial data, and a plan showing the location of the proposed mining operations and related infrastructure, including proposed access routes.	11/10/2011	
35	The construction and operation of the project and measures to protect the environment to be carried out in accordance with the document titled: <ul style="list-style-type: none"> <li>• (MP Reg ID 79471) "Solomon Mine Site - Mining Proposal (L47/293, L47/296, L47/361, L47/381, L47/382, L47/391, L47/713, M47/1409, M47/1474) - Transport Infrastructure Stage 1" dated 6 June 2019 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MP-79471 as Doc ID 6581158</li> </ul> <p>Where a difference exists between the above document(s) and the following conditions, then the following conditions shall prevail.</p>	24/06/2019	
36	Any alteration or expansion of operations within the licence boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Executive Director, Resource and Environmental Compliance, DMIRS for assessment and until the Executive Director's written approval to proceed has been obtained.	24/06/2019	
37	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.	24/06/2019	
38	All topsoil and vegetation being removed ahead of all mining operations and being stockpiled appropriately for later respreading or immediately respread as rehabilitation progresses.	24/06/2019	
39	All rubbish and scrap is to be progressively disposed of in a suitable manner.	24/06/2019	
40	The Licensee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities.	24/06/2019	
41	Where saline water is used for dust suppression, all reasonable measures being taken to avoid any detrimental effects to surrounding vegetation and topsoil stockpiles.	24/06/2019	
42	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	24/06/2019	
43	On the completion of operations or progressively when possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self sustaining, functional ecosystems comprising suitable, local provenance species or alternative agreed outcome to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	24/06/2019	
44	An annual environmental report is to be submitted to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety, outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programs for the next 12 months. This report is to be submitted each year in:	24/06/2019	



#	CONDITIONS	Start Date	End Date
	<ul style="list-style-type: none"> <li>March</li> </ul>		
45	<p>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans":</p> <ul style="list-style-type: none"> <li>2025</li> </ul> <p>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans":</p> <ul style="list-style-type: none"> <li>2020</li> </ul>	05/05/2022	04/05/2022
46	All mining operations approved by a Mining Proposal submitted on or after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
47	All ground disturbance approved by a Mining Proposal submitted on or after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	05/05/2022	
48	No alteration or expansion of mining operations beyond the activities described within the Activity, and Key Mine Activity tables of the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 700 of the <i>Mining Act 1978</i> , to cover the alteration or expansion, and until such Mining Proposal is approved by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.	05/05/2022	
49	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted on or after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
50	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted on or after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	05/05/2022	
51	Management of mine closure to be undertaken in accordance with the latest, relevant, approved Mine Closure Plan.	05/05/2022	
52	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	05/05/2022	
53	The Licensee taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.	05/05/2022	
54	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	05/05/2022	
55	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	05/05/2022	
56	All excavations being carried out at a sufficient distance from the boundary of the disturbance envelope (as presented within the latest relevant approved mining proposal/s) to enable the installation of abandonment bunds with the disturbance envelope, as per the requirements of the Department's Guideline "Safety Bund Walls Around Abandoned Open Pit Mines" dated 1997, or at a distance that is otherwise agreed to in writing by a Geotechnical Engineer, Department of Mines, Industry Regulation and Safety.	05/05/2022	

## DEALINGS DETAILS

Dealings**Encumbrances****Objection KR201/090**

Lodged: 15:38 17 March 2010

	Objectors:	YINJIBARNDI ABORIGINAL CORPORATION, <sup>67</sup> AS TRUSTEE FOR THE YINDJIBARNDI PEOPLE
	Objection Type:	Tenement Application
	RECORDED:	15:38 17 March 2010
	FINALISED:	00:00 11 October 2011
	Wardens Decision	00:00 11 October 2011
	Made on:	
	Wardens Decision	Finalised
	Status:	
	Wardens Decision Text:	By [2011] WAMW 18 decision - "Applcation for L47/361 is granted on the conditions within this judgement."
<b>Objection KR207/090</b>	Lodged:	14:43 22 March 2010
	Objectors:	RICHARDSON, Tony Richard
	Objection Type:	Tenement Application
	RECORDED:	14:43 22 March 2010
	WITHDRAWN:	09:30 31 March 2011
<b>Objection KR218/090</b>	Lodged:	11:47 12 April 2010
	Objectors:	CAZALY IRON PTY LTD
	Objection Type:	Tenement Application
	RECORDED:	11:47 12 April 2010
	WITHDRAWN:	09:30 22 July 2010
<b>Application to Amend 395606</b>	Lodged:	15:45 11 March 2013
	Amending:	Address
	From:	FMG PILBARA PTY LTD, C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004
	To:	FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	RECORDED:	15:45 11 March 2013
<b>Application to Amend 587387</b>	Lodged:	10:03:41 30 September 2020
	Amending:	Address (Including DTC Details)
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au
	REJECTED:	10:03:41 30 September 2020
<b>Application to Amend 587396</b>	Lodged:	10:03:41 30 September 2020
	Amending:	Address (Including DTC Details)
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS

**REJECTED:**

**Lodged:**

**Amending:**

**From:**

**To:**

**RECORDED:**

BOND DETAILS	
BOND TYPE	General Obligation
BOND AMOUNT	\$10,000,000
BOND DATES	2023-2024
BOND CUSIP	123456789
BOND DESCRIPTION	General Obligation Bonds for the purpose of financing the construction of the new city hall.
BOND RATING	Aaa
BOND INTEREST RATE	5.00%
BOND MATURITY DATE	2034
BOND PAYMENT DATES	June 1st and December 1st
BOND PRINCIPAL PAYMENT DATES	June 1st and December 1st
BOND PRINCIPAL PAYMENT AMOUNT	\$1,000,000
BOND PRINCIPAL PAYMENT FREQUENCY	Twice a year
BOND PRINCIPAL PAYMENT METHOD	Direct payment to bondholders
BOND PRINCIPAL PAYMENT ACCOUNT	City of New York
BOND PRINCIPAL PAYMENT ADDRESS	12345 Main Street, New York, NY 10001
BOND PRINCIPAL PAYMENT CONTACT	John Doe, City Treasurer
BOND PRINCIPAL PAYMENT PHONE	(212) 555-1234
BOND PRINCIPAL PAYMENT FAX	(212) 555-5678
BOND PRINCIPAL PAYMENT EMAIL	john.doe@cityofnewyork.gov
BOND PRINCIPAL PAYMENT WEBSITE	www.cityofnewyork.gov
BOND PRINCIPAL PAYMENT SOCIAL MEDIA	Twitter: @CityOfNewYork, Facebook: CityOfNewYork, LinkedIn: CityOfNewYork
BOND PRINCIPAL PAYMENT OTHER CONTACTS	City of New York, 12345 Main Street, New York, NY 10001

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

## Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	18/10/2022	5853670668	10296218	OL	\$97,834.00	4,447.00000 HA	11/10/2011	\$97,834.00	\$0.00
Payment	2022	11/10/2021	2508904675	10224488	OL	\$87,605.90	4,447.00000 HA	11/10/2011	\$87,605.90	\$0.00
Payment	2021	16/10/2020	1630091757	10168154	OL	\$79,601.30	4,447.00000 HA	11/10/2011	\$79,601.30	\$0.00
Payment	2020	14/10/2019	5106965212	10118345	OL	\$77,822.50	4,447.00000 HA	11/10/2011	\$77,822.50	\$0.00
Payment	2019	15/10/2018	3796322422	8011639823	OL	\$73,375.50	4,447.00000 HA	11/10/2011	\$73,375.50	\$0.00
Payment	2018	12/10/2017	3203799451	7320564482	OL	\$69,373.20	4,447.00000 HA	11/10/2011	\$69,373.20	\$0.00
Payment	2017	13/10/2016		MT-210010783854-DD	OL	\$67,149.70	4,447.00000 HA	11/10/2011	\$67,149.70	\$0.00
Payment	2016	26/10/2015		MT-210010411559-DD	OL	\$64,926.20	4,447.00000 HA	11/10/2011	\$64,926.20	\$0.00
Payment	2015	13/10/2014		MT-210010209282-DD	OL	\$63,369.75	4,447.00000 HA	11/10/2011	\$63,369.75	\$0.00



Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2014	14/10/2013		MT-210010138568-DD	OL	\$61,813.30	4,447.00000 HA	11/10/2011	\$61,813.30	\$0.00
Payment	2013	15/10/2012		06-116126	PE	\$60,701.55	4,447.00000 HA	11/10/2011	\$60,701.55	\$0.00
Payment	2012	10/03/2010		2331	KR	\$56,032.20	4,447.00000 HA	11/10/2011	\$56,032.20	\$0.00

### EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

### COMBINED REPORTING DETAILS

C Number :

Project :

Reporting Date :

Affecting

Period :

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC15**

**Application for L 47/362 dated 10 March 2010**

FORM 21

WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91 Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
(b) Time & Date

**(a) Miscellaneous Licence**

For the purpose of "a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation & transmission facility and a storage or transportation facility for minerals or mineral concentrate"

No. 471.362

- marked out (where applicable)  
(c) Mineral Field

(b) **1.40pm 04/03/2010**(c) **West Pilbara**

- APPLICANT:  
(d) Full name and ACN/ABN No.  
(e) Address  
(f) No. of shares  
(g) Total No. of shares

(d) &amp; (e)

**FMG Pilbara Pty Ltd (ACN 106 943 828)**  
**C/- Tenement Administration Services Pty Ltd**  
**Level 2, 326 Hay Street**  
**East Perth WA 6004**

(f) Shares  
**100**(g) **Total**  
**100**

DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality  
(i) Datum Peg  
(j) Boundaries

(h) **Firetail West 2**  
(i) & (j)

GDA94 MGA Zone 50

Datum situated at	590208.15	mE	7555151.63	mN
Then to	592896.85	mE	7555355.77	mN
Then to	598169.40	mE	7555269.61	mN
Then to	598126.98	mE	7549692.09	mN
Then to	596412.01	mE	7549702.12	mN
Then to	591624.70	mE	7552147.10	mN
Then to	590395.26	mE	7553358.17	mN
Then to	589182.41	mE	7554541.64	mN
Back to the datum at	590208.15	mE	7555151.63	mN

(k) Area (ha or Km<sup>2</sup>)(k) **3494 ha**

- (l) Signature of  
applicant or agent

(l) \_\_\_\_\_  
as AgentDATE **10-3-10.**O  
F  
F  
I  
C  
E  
S  
E

OBJECTIONS to this application may be lodged at the Mining Registrar's office at **KARRATHA**  
on or before the 14th day of APRIL 2010  
Where an objection to this application is lodged the hearing will take place on a date to be set.

FEES PAID	\$	c
Application	375	00
Rent	44,024	40
TOTAL	44,399	40

Receipt No.:

**2331**

Shire:

**ASHBURTON**

Map Ref:

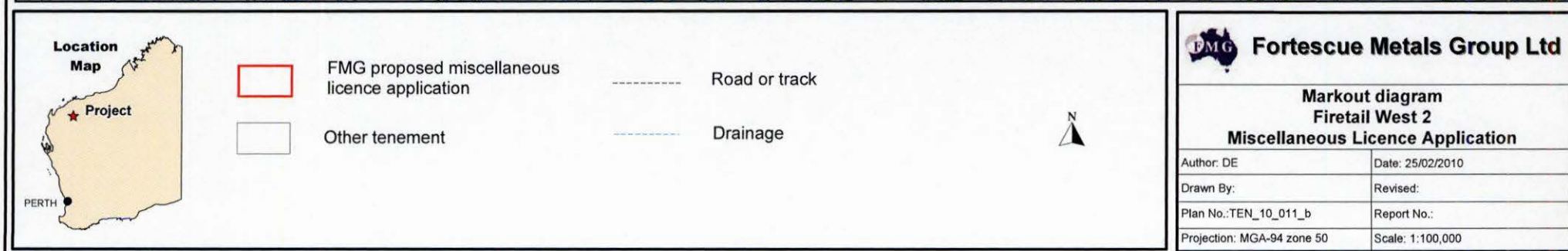
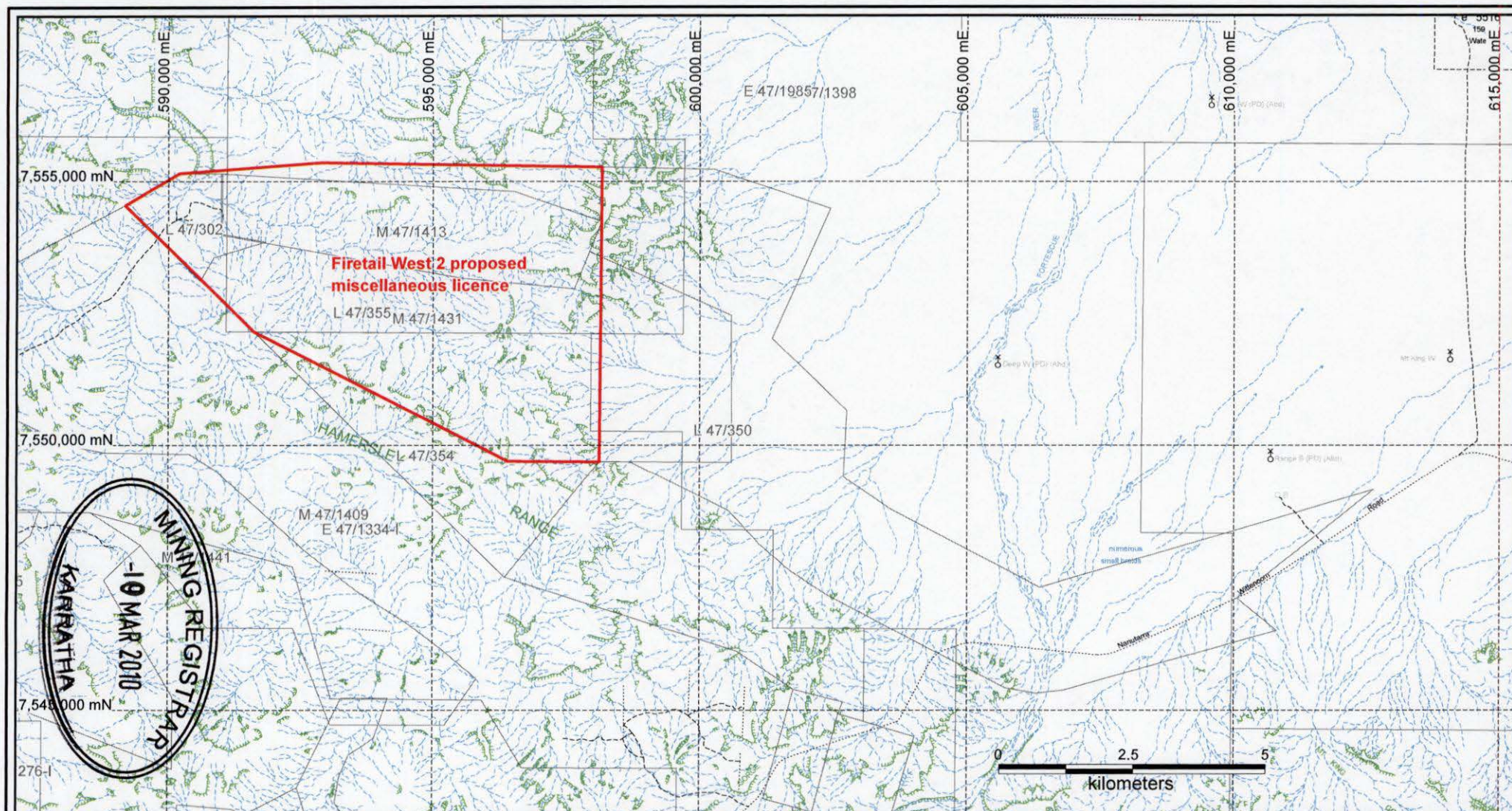
**TENGRAPH**

Received at 15.45 P m  
on 10/03/2010

**MA BAKER**  
(Mining Registrar)







293/t77

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC16**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/362 dated 6 April 2010**





**Fortescue Metals Group Ltd**

ACN: 002 594 872

87 Adelaide Terrace East Perth

Western Australia 6004

PO Box 6915, East Perth, Western Australia 6892

Telephone: + 61 8 6218 8888

Facsimile: + 61 8 9421 1816

Website: [www.fmgil.com.au](http://www.fmgil.com.au)

74

06 April 2010

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE 47/362 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system, an aerodrome, a power generation & transmission facility and a storage or transportation facility for minerals or mineral concentrate.

Road

A service road will be constructed to accommodate traffic to the Ore Processing Facility ("OPF") and train loading area at the Firetail minesite and to provide access for construction and maintenance of the powerline, borefield and pipeline.

The road will be contained within an 8-40 m wide service corridor with a shoulder width of 1 – 2 m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150 mm over a 200 – 250 mm sub-base layer over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

Bore field, water management facility, and taking water

A number of production bores will be installed within L47/362 for the purpose of abstracting groundwater for various purposes including road construction use in the OPF, general mine water supply, and dust suppression.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.



**The New Force in Iron Ore**



Pipeline

A pipeline of up to 560 mm in diameter will be installed. This will be used to convey water from the production bores to the road construction locations, the OPF and other locations as required.

Power line

Overhead powerlines will be constructed within L47/362 for the purposes of providing electricity from a power station to the bore-field pumps and any other installations as required.

Communications facility

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/362 and the Firetail minesite.

A conveyor system / aerial rope way

A conveyor system will be constructed to transport iron ore from the Firetail minesite to the OPF. The conveyors will be either:

- A conventional overland system, generally 1-2 metres high and supported by an onground steel structure; or
- An overhead rope conveyor system, where the conveyor itself is suspended from large steel catenary cables between towers located at high points of the terrain.

An aerodrome

If required, an airstrip for use of light aircraft to service the Firetail minesite will be constructed.

A power generation & transmission facility

A power generation and transmission facility will be constructed to provide power for the Firetail minesite operations.

If there is power available from generating sources outside L47/362, FMG may seek to provide a proportion of the power capacity to be reticulated to the Firetail mine areas via a distribution transmission line.

The power generation facility will consist of an appropriate number of reciprocating diesel generating sets in the range 2-5 MW each. These would have associated infrastructure including:

- Building works generally consistent with plant;
- Control room;
- Workshop;
- Offices;
- Switch yard;
- Substation; and

- Oily waste water capture, bunding and treatment of the oily waste, suitable for disposal.

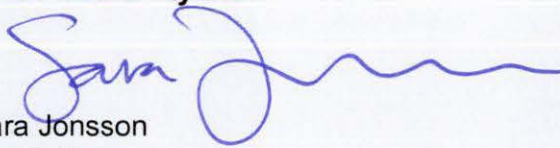
A storage or transportation facility for minerals or mineral concentrate

This facility consists of a system designed to receive iron ore, hold the ore for storage and when required, send the ore to the train loading facility.

The system will comprise a stockyard with rows of stock piles serviced by stackers and reclaimers. Conveyors will transport the ore into and out of the stockyard.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**

  
Sara Jonsson  
Acquisitions

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC17**

**Mining Tenement Register Search for L 47/362**





# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/362

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **10:57:10 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier</b> : L 47/362	<b>District</b> : WEST PILBARA M.F.
<b>Current Area</b> : 3,494.00000 HA	<b>Status</b> : Live
<b>Mark Out</b> : 04/03/2010 13:40:00	<b>Received</b> : 10/03/2010 15:45:00
<b>Term Granted</b> : 21 Years	<b>Lodging Office</b> : KARRATHA
<b>Commence</b> : 03/05/2011	<b>Expiry</b> : 02/05/2032
<b>Purpose</b> : Pipeline Power Line Road Taking Water Communication Facility Bore Field Aerial Rope Way Aerodrome Conveyor System Power generation Transmission Facility Storage or transportation Facility for minerals or mineral concentrate	<b>Death</b> :

### Rent Status

**Due for Year End 02/05/2023** : PAID IN FULL  
**Previous Amount Outstanding** : \$0.00  
**Current Due** : \$0.00  
**Rent for Year End 02/05/2024** : \$76,868.00

### Expenditure Status

**Expended Year End** : NO EXPENDITURE REQUIRED  
**Current Year () Commitment** : NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 FMG PILBARA PTY LTD (ACN:106943828)

**Shares**  
 100

ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

79

Total Shares: 100

## Holder Changes

Dealing	Status Date	From (Shares)	To (Shares)
---------	-------------	---------------	-------------

## Applicants on Receival

Name and Address	Shares
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004	
Total Shares:	100

## DESCRIPTION DETAILS

### Description

Block Type :	Effective From :
Locality :	FIRETAIL WEST 2
Datum :	Datum situated at 590208.15 mE 7555151.63 mN GDA94 MGA Zone 50
Boundary :	Then to 592896.85 mE 7555355.77 mN Then to 598169.40 mE 7555269.61 mN Then to 598126.98 mE 7549692.09 mN Then to 596412.01 mE 7549702.12 mN Then to 591624.70 mE 7552147.10 mN Then to 590395.26 mE 7553358.17 mN Then to 589182.41 mE 7554541.64 mN Back to the datum
Area :	Type Dealing No Start Date Area
	Granted 03/05/2011 3,494.00000 HA
	Applied For 04/03/2010 3,494.00000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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## State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
------------------------	-----------------	---------------

## SURVEY DETAILS

### Survey

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			

## GENERAL DETAILS

80

**General**

Objection Closing Date : 14/04/2010

Application Fee : \$375.00

File Reference :

Survey Fee :

Receipt Number : 2331

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	10/03/2010		3,494.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation

Date Referred	Referral Type	Procedure	Current Status
12/03/2010	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 03/05/2011	Holder Notified : 03/05/2011	Licence/Lease 03/05/2011 issued :
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**Term**

Term : 21 Years	From : 03/05/2011	To : 02/05/2032
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## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>Aboriginal Heritage Act 1972 and any Regulations thereunder;</li> <li>Water and Rivers Commission Act 1995 and any Regulations thereunder;</li> <li>Rights in Water and Irrigation Act 1914 and any Regulations thereunder;</li> <li>Draft Environmental Protection Groundwater Policy 1998; and</li> <li>Civil Aviation Regulations and the 'Guidelines for Aeroplane Land Areas' published by the Civil Aviation Safety Authority Australia.</li> </ul>	03/05/2011	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	03/05/2011	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 in TENGRAPH.	03/05/2011	



#	ENDORSEMENTS	Start Date	End Date
4	The Licensee's attention is drawn to the Minister's (responsible for the Mining Act 1978) requirement that the holder of this Licence lodge security in the form of an Unconditional Performance Bond for due compliance with environmental conditions in the sum of: <ul style="list-style-type: none"> <li>\$955,000</li> </ul>	19/09/2012	29/07/2013
	The Licensee's attention is drawn to the Minister's (responsible for the Mining Act 1978) requirement that the holder of this Licence lodge security in the form of an Unconditional Performance Bond for due compliance with environmental conditions in the sum of: <ul style="list-style-type: none"> <li>\$899,000.</li> </ul>	13/07/2011	18/09/2012
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Director, Environment, DMP for assessment and written approval prior to commencing any development or construction.	03/05/2011	
2	The rights of ingress to and egress from Miscellaneous Licence 47/302 being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	03/05/2011	
3	The storage and disposal of hydrocarbons, chemicals and potentially hazardous substances being in accordance with the Department of Water's Guidelines and Water Quality Protection Notes .	03/05/2011	
4	Measures such as effective sediment traps and stormwater retention facilities being implemented to preserve the natural values of receiving catchments and those of adjacent areas of native vegetation.	03/05/2011	
5	Groundwater quality monitoring bores being installed, maintained and utilised for water quality monitoring on and near the mine-site and downstream where aquifers are present.	03/05/2011	
6	Petroleum hydrocarbon and other chemical storage areas being appropriately contained using bunded retention compounds incorporating stormwater disposal and the removal of sediments.	03/05/2011	
7	Activities requiring the abstraction of groundwater are prohibited unless a bore construction and abstraction licence has been granted by the Department of Water.	03/05/2011	
8	Activities requiring the abstraction of water from any waterway, wetland or drain is prohibited unless the Department of Water has granted an abstraction licence.	03/05/2011	
9	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	03/05/2011	
10	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	03/05/2011	
11	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, DMP.	03/05/2011	
12	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	03/05/2011	
13	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.	03/05/2011	
14	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	03/05/2011	
15	The aerodrome to be constructed using proper materials to suit the purpose for which it is to be used.	03/05/2011	
16	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, DMP.	03/05/2011	
17	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, DMP.	03/05/2011	
18	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	03/05/2011	
19	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the railway line and associated infrastructure.	03/05/2011	
20	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> </ul>	03/05/2011	

#	CONDITIONS	Start Date	End Date
	<ul style="list-style-type: none"> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> <p>unless the Mining Registrar or Minister responsible for the Mining Act 1978 orders or consents otherwise.</p>		
21	<p>The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled:</p> <ul style="list-style-type: none"> <li>(Reg. ID: 30496) "Solomon Project - Early Ore Mining &amp; Infrastructure Development Mining Proposal, SO-PP-EN-0015-REV2" dated 16 June 2011 signed by Alex Langley and email titled "FW:Reg. ID: 30496" Solomon MP Queries", dated 22 June 2011 from Gavin Edwards, both retained on Department of Mines and Petroleum file No. EARS-MP-30496;</li> <li>(Reg ID 34022) "Dry Processing Mining Operations Mining Proposal" dated 15 June 2012 signed by Alex Langley and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022;</li> <li>(Reg ID 34022) "Solomon Project Mine Closure Plan" dated 15 June 2012 signed by Anthony Kirke and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022;</li> <li>(MP Reg ID 47543) "Mining Proposal - Minor Infrastructure - L47/293, L47/294, L47/296, L47/360, L47/362, L47/381, L47/382, M47/1409, M47/1411, M47/1431, M47/1453 (Revision 2)" dated 5 August 2014 signed by Sean McGunnigle and retained on Department of Mines and Petroleum File No. EARS-MP-47543 as Doc ID 3086471;</li> <li>(MP Reg ID 76726) "Mining Proposal - Queens Deposit" dated 4 April 2019 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-76726 as Doc ID 6439888</li> </ul> <p>Where a difference exists between the above document and the following conditions, then the following conditions shall prevail.</p>	11/04/2019	
	<p>The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled:</p> <ul style="list-style-type: none"> <li>(Reg. ID: 30496) "Solomon Project - Early Ore Mining &amp; Infrastructure Development Mining Proposal, SO-PP-EN-0015-REV2" dated 16 June 2011 signed by Alex Langley and email titled "FW:Reg. ID: 30496" Solomon MP Queries", dated 22 June 2011 from Gavin Edwards, both retained on Department of Mines and Petroleum file No. EARS-MP-30496;</li> <li>(Reg ID 34022) "Dry Processing Mining Operations Mining Proposal" dated 15 June 2012 signed by Alex Langley and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022;</li> <li>(Reg ID 34022) "Solomon Project Mine Closure Plan" dated 15 June 2012 signed by Anthony Kirke and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022;</li> <li>(MP Reg ID 47543) "Mining Proposal - Minor Infrastructure - L47/293, L47/294, L47/296, L47/360, L47/362, L47/381, L47/382, M47/1409, M47/1411, M47/1431, M47/1453 (Revision 2)" dated 5 August 2014 signed by Sean McGunnigle and retained on Department of Mines and Petroleum File No. EARS-MP-47543 as Doc ID 3086471</li> </ul> <p>Where a difference exists between the above document and the following conditions, then the following conditions shall prevail.</p>	08/09/2014	10/04/2019
	<p>The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled:</p> <ul style="list-style-type: none"> <li>(Reg. ID: 30496) "Solomon Project - Early Ore Mining &amp; Infrastructure Development Mining Proposal, SO-PP-EN-0015-REV2" dated 16 June 2011 signed by Alex Langley and email titled "FW:Reg. ID: 30496" Solomon MP Queries", dated 22 June 2011 from Gavin Edwards, both retained on Department of Mines and Petroleum file No. EARS-MP-30496;</li> <li>(Reg ID 34022) "Dry Processing Mining Operations Mining Proposal" dated 15 June 2012 signed by Alex Langley and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022;</li> </ul>	19/09/2012	07/09/2014

#	CONDITIONS	Start Date	End Date
	<ul style="list-style-type: none"> <li>(Reg ID 34022) "Solomon Project Mine Closure Plan" dated 15 June 2012 signed by Anthony Kirke and retained on Department of Mines and Petroleum File No. EARS-MP-33382 &amp; 34022</li> </ul> <p>Where a difference exists between the above document and the following conditions, then the following conditions shall prevail:</p>		
	<p>The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled:</p> <ul style="list-style-type: none"> <li>(Reg. ID: 30496) "Solomon Project - Early Ore Mining &amp; Infrastructure Development Mining Proposal, SO-PP-EN-0015-REV2" dated 16 June 2011 signed by Alex Langley and email titled "FW:Reg. ID: 30496" Solomon MP Queries", dated 22 June 2011 from Gavin Edwards, both retained on Department of Mines and Petroleum file No. EARS-MP-30496.</li> </ul> <p>Where a difference exists between the above document and the following conditions, then the following conditions shall prevail:</p>	13/07/2011	18/09/2012
22	Any alteration or expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Director, Environment, DMP for his assessment and until his written approval to proceed has been obtained.	13/07/2011	
23	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
24	All topsoil and vegetation being removed ahead of all mining operations and being stockpiled appropriately for later respreading or immediately respread as rehabilitation progresses.	13/07/2011	
25	At the completion of operations, all buildings and structures being removed from site or demolished and buried to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
26	All rubbish and scrap is to be progressively disposed of in a suitable manner, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
27	The Licensee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
28	On the completion of operations or progressively where possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self-sustaining, functional ecosystems comprising suitable, local provenance species or an alternative agreed outcome to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
29	The construction of all turkeys nest dams shall be supervised by suitably qualified personnel.	13/07/2011	
30	All topsoil stockpiles must be protected from the impact of flooding and must not be located within defined drainage lines.	13/07/2011	
31	The Licensee submitting to the Executive Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in:	02/09/2013	
	<ul style="list-style-type: none"> <li>March.</li> </ul> <p>The Licensee submitting to the Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in:</p> <ul style="list-style-type: none"> <li>March.</li> </ul>	13/07/2011	02/09/2013
32	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans":	05/05/2022	
	<ul style="list-style-type: none"> <li>2025</li> </ul> <p>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by an Environmental Officer, DMP. The Mine Closure Plan is to be prepared in accordance with the "Guidelines for Preparing Mine Closure Plans, June 2011" available on DMP's website:</p> <ul style="list-style-type: none"> <li>2016</li> </ul>	08/09/2014	04/05/2022



#	CONDITIONS	Start Date	End Date
	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by an Environmental Officer, DMP. The Mine Closure Plan is to be prepared in accordance with the "Guidelines for Preparing Mine Closure Plans, June 2011" available on DMP's website: • 2015	19/09/2012	07/09/2014
33	Where saline water is used for dust suppression, all reasonable measures being taken to avoid any detrimental effects to surrounding vegetation and topsoil stockpiles.	11/04/2019	
34	All mining operations approved by a Mining Proposal submitted on or after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
35	All ground disturbance approved by a Mining Proposal submitted on or after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	05/05/2022	
36	No alteration or expansion of mining operations beyond the activities described within the Activity, and Key Mine Activity tables of the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 700 of the <i>Mining Act 1978</i> , to cover the alteration or expansion, and until such Mining Proposal is approved by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.	05/05/2022	
37	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted on or after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
38	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted on or after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	05/05/2022	
39	Management of mine closure to be undertaken in accordance with the latest, relevant, approved Mine Closure Plan.	05/05/2022	
40	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	05/05/2022	
41	The Licensee taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.	05/05/2022	
42	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	05/05/2022	
43	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	05/05/2022	
44	All excavations being carried out at a sufficient distance from the boundary of the disturbance envelope (as presented within the latest relevant approved mining proposal/s) to enable the installation of abandonment bunds with the disturbance envelope, as per the requirements of the Department's Guideline "Safety Bund Walls Around Abandoned Open Pit Mines" dated 1997, or at a distance that is otherwise agreed to in writing by a Geotechnical Engineer, Department of Mines, Industry Regulation and Safety.	05/05/2022	

## DEALINGS DETAILS

### Dealings

#### Bond 375304

#### Encumbrances

Lodged: 14:15 30 June 2011  
 Bond Type: Unconditional Performance Bond  
 Bond Amount: \$899,000.00  
 RECORDED: 13 July 2011  
 RETIRED - MRF: 20 September 2013

#### Bond Requirement 376166

Requirement Date: 12/07/2011

	Amount:	\$899,000.00
	RECORDED:	12:07:47 13 July 2011
	FINALISED:	08:27:43 19 September 2012
<b>Bond 400912</b>	Lodged:	09:30 03 July 2012
	Bond Type:	Unconditional Performance Bond
	Bond Amount:	\$56,000.00
	RECORDED:	03 July 2012
	RETIRED - MRF:	20 September 2013
<b>Bond Requirement 406107</b>	Requirement Date:	17/09/2012
	Amount:	\$955,000.00
	RECORDED:	11:16:55 19 September 2012
	FINALISED:	10:58:56 20 September 2013
<b>Application to Amend 395606</b>	Lodged:	15:45 11 March 2013
	Amending:	Address
	From:	FMG PILBARA PTY LTD, C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004
	To:	FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	RECORDED:	15:45 11 March 2013
<b>Application to Amend 587387</b>	Lodged:	10:03:41 30 September 2020
	Amending:	Address (Including DTC Details)
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au
	REJECTED:	10:03:41 30 September 2020
<b>Application to Amend 587396</b>	Lodged:	10:03:41 30 September 2020
	Amending:	Address (Including DTC Details)
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au
	REJECTED:	10:03:41 30 September 2020
<b>Application to Amend 587401</b>	Lodged:	10:03:41 30 September 2020
	Amending:	Address (Including DTC Details)
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004

To: Principal Place of Business : FMG  
PILBARA PTY LTD, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au and  
DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au

REJECTED: 10:03:41 30 September 2020

**Application to Amend 587934**

Lodged: 15:58 08 October 2020

Amending: Address (Including DTC Details)

From: Principal Place of Business : FMG PILBARA  
PTY LTD, SAME AS CORRESPONDENCE and  
DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA, 6004

To: Principal Place of Business : FMG PILBARA  
PTY LTD, ACQUISITIONS AND TENEMENTS  
DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au and  
DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au

RECORDED: 15:58 08 October 2020

**BOND DETAILS**

Bond	Surety	Amount	Bond date	Bond status	Bond status date
400912	AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD	\$56,000.00	03/07/2012	Retired - MRF	20/09/2013
375304	AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD	\$899,000.00	30/06/2011	Retired - MRF	20/09/2013

**RENT DETAILS****Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	13/05/2022	3364672851	10262445	OL	\$68,831.80	3,494.00000 HA	03/05/2011	\$68,831.80	\$0.00
Payment	2022	04/05/2021	3595347489	10195085	OL	\$62,542.60	3,494.00000 HA	03/05/2011	\$62,542.60	\$0.00
Payment	2021	05/05/2020	3075630735	10143279	OL	\$61,145.00	3,494.00000 HA	03/05/2011	\$61,145.00	\$0.00
Payment	2020	07/05/2019	4669325971	10095142	OL	\$57,651.00	3,494.00000 HA	03/05/2011	\$57,651.00	\$0.00
Payment	2019	04/05/2018	2198165363	9979381549	OL	\$54,506.40	3,494.00000 HA	03/05/2011	\$54,506.40	\$0.00
Payment	2018	04/05/2017		MT-210011052336-DD	OL	\$52,759.40	3,494.00000 HA	03/05/2011	\$52,759.40	\$0.00
Payment	2017	04/05/2016		MT-210010592948-DD	OL	\$51,012.40	3,494.00000 HA	03/05/2011	\$51,012.40	\$0.00
Payment	2016	06/05/2015		MT-210010255908-DD	OL	\$49,789.50	3,494.00000 HA	03/05/2011	\$49,789.50	\$0.00
Payment	2015	06/05/2014		MT-210010176762-DD	OL	\$48,566.60	3,494.00000 HA	03/05/2011	\$48,566.60	\$0.00
Payment	2014	03/05/2013		MT-210010106888-DD	OL	\$47,693.10	3,494.00000 HA	03/05/2011	\$47,693.10	\$0.00
Payment	2013	04/05/2012		06-109426	PE	\$46,470.20	3,494.00000 HA	03/05/2011	\$46,470.20	\$0.00
Payment	2012	18/04/2011		92797	PE	\$4,402.44	3,494.00000 HA	03/05/2011	\$48,426.84	\$0.00
Payment	2012	10/03/2010		2331	KR	\$44,024.40				



**EXPENDITURE/EXEMPTION DETAILS**

87

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS****C Number :****Reporting Date :****Project :****Affecting  
Period :**

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End of Search

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## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC18**

**Application for L 47/363 dated 10 March 2010**

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement
- 
- (b) Time & Date

(a) **Miscellaneous Licence****For the purpose of "a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system and a storage or transportation facility for minerals or mineral concentrate"**No. 47 / 363

- marked out (where applicable)
- 
- (c) Mineral Field

(b) **2.25pm 04/03/2010**(c) **West Pilbara**

- APPLICANT:
- 
- (d) Full name and ACN/ABN No.
- 
- (e) Address
- 
- (f) No. of shares
- 
- (g) Total No. of shares

(d) &amp; (e)

**FMG Pilbara Pty Ltd (ACN 106 943 828)  
C/- Tenement Administration Services Pty Ltd  
Level 2, 326 Hay Street  
East Perth WA 6004**(f) Shares  
**100**(g) **Total****100**DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality
- 
- (i) Datum Peg
- 
- (j) Boundaries

(h) **Wedge**  
(i) & (j)**GDA94 MGA Zone 50**

Datum situated at	591624.70	mE	7552147.10	mN
Then to	596412.01	mE	7549702.12	mN
Then to	598126.98	mE	7549692.09	mN
Then to	596355.30	mE	7547508.41	mN
Back to the datum at	591624.70	mE	7552147.10	mN

- (k) Area (ha or Km
- <sup>2</sup>
- )

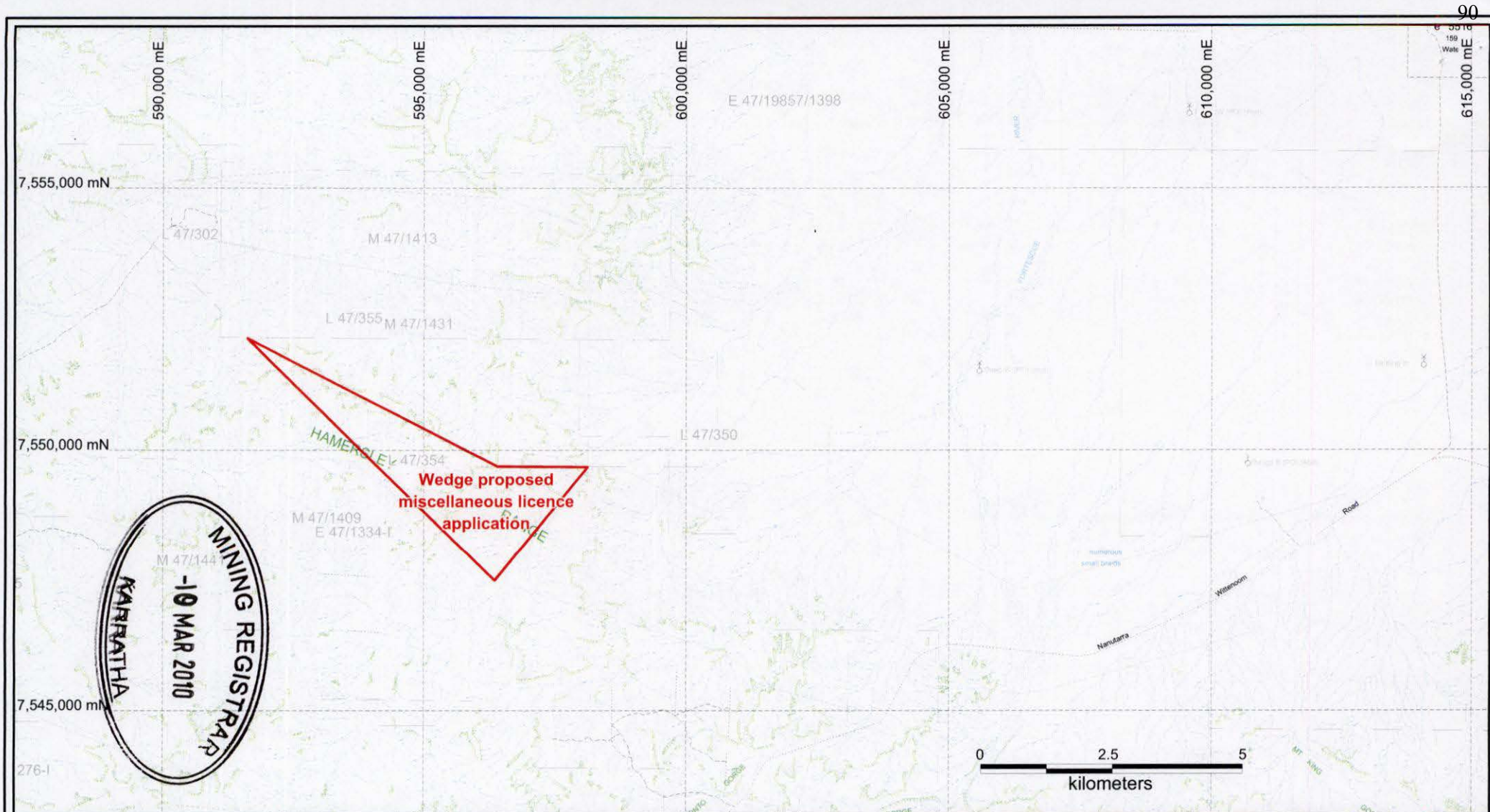
(k) **721 ha**

- (l) Signature of
- 
- applicant or agent

(l) \_\_\_\_\_  
as AgentDATE **10-3-10.**

O F F I C E  S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at <b>KARRATHA</b> on or before the <u>14th</u> day of <u>APRIL</u> <u>2010</u> .																		
	Where an objection to this application is lodged the hearing will take place on a date to be set.																		
	<b>MINING REGISTRAR</b> <b>10 MAR 2010</b> <b>KARRATHA</b>		<table border="1"> <thead> <tr> <th>FEES PAID</th> <th>\$</th> <th>c</th> </tr> </thead> <tbody> <tr> <td>Application</td> <td>375</td> <td>00</td> </tr> <tr> <td>Rent</td> <td>9,084</td> <td>60</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>9,459</b></td> <td><b>60</b></td> </tr> </tbody> </table>	FEES PAID	\$	c	Application	375	00	Rent	9,084	60	<b>TOTAL</b>	<b>9,459</b>	<b>60</b>	<table border="1"> <tr> <td>Receipt No.: <b>2331</b></td> </tr> <tr> <td>Shire: <b>ASHBURTON</b></td> </tr> <tr> <td>Map Ref: <b>TENGRAPH</b></td> </tr> </table>	Receipt No.: <b>2331</b>	Shire: <b>ASHBURTON</b>	Map Ref: <b>TENGRAPH</b>
	FEES PAID	\$	c																
Application	375	00																	
Rent	9,084	60																	
<b>TOTAL</b>	<b>9,459</b>	<b>60</b>																	
Receipt No.: <b>2331</b>																			
Shire: <b>ASHBURTON</b>																			
Map Ref: <b>TENGRAPH</b>																			
Received at <u>15.45 P.m</u> on <u>10/03/2010</u> <u>M A BAKER</u> (Mining Registrar) <u>4</u>																			





**Location Map**



FMG proposed miscellaneous licence application



Other tenement



Road or track



Drainage



**Fortescue Metals Group Ltd**

**Markout diagram**

**Wedge**

**Miscellaneous Licence Application**

Author: DE

Date: 25/02/2010

Drawn By:

Revised:

Plan No.: TEN\_10\_011\_c

Report No.:

Projection: MGA-94 zone 50

Scale: 1:100,000

L47/363

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC19**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/363 dated 6 April 2010**





**Fortescue Metals Group Ltd**

ACN: 002 594 872

87 Adelaide Terrace East Perth

Western Australia 6004

PO Box 6915, East Perth, Western Australia 6892

Telephone: + 61 8 6218 8888

Facsimile: + 61 8 9421 1816

Website: [www.fmg1.com.au](http://www.fmg1.com.au)

92

06 April 2010

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE 47/363 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, a power line, a pipeline, taking water, a communications facility, a water management facility, a bore field, an aerial rope way, a conveyor system and a storage or transportation facility for minerals or mineral concentrate.

Road

A service road will be constructed to accommodate traffic to the Ore Processing Facility ("OPF") and train loading area at the Firetail minesite and to provide access for construction and maintenance of the powerline, borefield and pipeline.

The road will comprise an 8-10 m wide pavement with a shoulder width of 1 – 2 m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150 mm over a 200 – 250 mm sub-base layer over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks, a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

Bore field / water management facility / taking water

A number of production bores will be installed within L47/363 for the purpose of abstracting groundwater for various purposes being use in the OPF, general mine water supply, and in connection with construction of facilities on the licence.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box



**The New Force in Iron Ore**



Pipeline

A pipeline of up to 560 mm in diameter will be installed. This will be used to convey water from the production bores to the road construction locations, the OPF and other locations as required.

Power line

Overhead powerlines will be constructed within L47/363 for the purposes of providing electricity from a power station to the bore-field pumps and any other installations as required.

Communications facility

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/363 and the Firetail and Kings minesites.

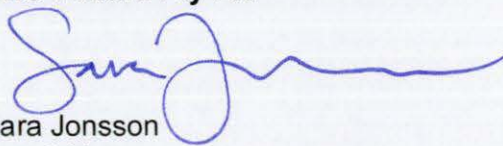
A conveyor system / aerial rope way / a storage or transportation facility for minerals or mineral concentrate

A conveyor system will be constructed to transport iron ore from the Firetail minesite to the OPF at the Kings minesite. The conveyors will be either:

- A conventional overland system, generally 1-2 metres high and supported by an onground steel structure; or
- An overhead rope conveyor system, where the conveyor itself is suspended from large steel catenary cables between towers located at high points of the terrain.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**



Sara Jonsson  
Acquisitions

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC20**

**Mining Tenement Register Search for L 47/363**



# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/363

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **10:57:52 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier</b> : L 47/363	<b>District</b> : WEST PILBARA M.F.
<b>Current Area</b> : 721.00000 HA	<b>Status</b> : Live
<b>Mark Out</b> : 04/03/2010 14:25:00	<b>Received</b> : 10/03/2010 15:45:00
<b>Term Granted</b> : 21 Years	<b>Lodging Office</b> : KARRATHA
<b>Commence</b> : 03/05/2011	<b>Expiry</b> : 02/05/2032
<b>Purpose</b> : Pipeline Power Line Road Taking Water Communication Facility Water Management Facility Bore Field Aerial Rope Way Conveyor System Storage or transportation Facility for minerals or mineral concentrate	<b>Death</b> :

### Rent Status

**Due for Year End 02/05/2023** : PAID IN FULL  
**Previous Amount Outstanding** : \$0.00  
**Current Due** : \$0.00  
**Rent for Year End 02/05/2024** : \$15,862.00

### Expenditure Status

**Expended Year End** : NO EXPENDITURE REQUIRED  
**Current Year () Commitment** : NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 FMG PILBARA PTY LTD (ACN:106943828)

**Shares**  
 100



ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

96

**Total Shares:** 100

## Holder Changes

Dealing	Status Date	From (Shares)	To (Shares)
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## Applicants on Receival

Name and Address	Shares
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	<u>100</u>

## DESCRIPTION DETAILS

### Description

<b>Block Type :</b>	<b>Effective From :</b>			
<b>Locality :</b>	WEDGE			
<b>Datum :</b>	Datum situated at 591624.70 mE 7552147.10 mN GDA94 MGA Zone 50			
<b>Boundary :</b>	Then to 596412.01 mE 7549702.12 mN Then to 598126.98 mE 7549692.09 mN Then to 596355.30 mE 7547508.41 mN Back to the datum			
<b>Area :</b>	<b>Type</b>	<b>Dealing No</b>	<b>Start Date</b>	<b>Area</b>
	Granted		03/05/2011	721.00000 HA
	Applied For		04/03/2010	721.00000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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## State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

### Survey

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			

## GENERAL DETAILS

**General**

Objection Closing Date : 14/04/2010

Application Fee : \$375.00

File Reference :

Survey Fee :

Receipt Number : 2331

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	10/03/2010		721.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation

Date Referred	Referral Type	Procedure	Current Status
12/03/2010	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 03/05/2011	Holder Notified : 03/05/2011	Licence/Lease 03/05/2011 issued :
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**Term**

Term : 21 Years	From : 03/05/2011	To : 02/05/2032
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## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>Aboriginal Heritage Act 1972 and any Regulations thereunder;</li> <li>Water and Rivers Commission Act 1995 and any Regulations thereunder;</li> <li>Rights in Water and Irrigation Act 1914 and any Regulations thereunder; and</li> <li>Draft Environmental Protection Groundwater Policy 1998.</li> </ul>	03/05/2011	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	03/05/2011	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 in TENGRAPH.	03/05/2011	

#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Director, Environment, DMP for assessment and written approval prior to commencing any development or construction.	03/05/2011	
2	The storage and disposal of hydrocarbons, chemicals and potentially hazardous substances being in accordance with the Department of Water's Guidelines and Water Quality Protection Notes .	03/05/2011	
3	Measures such as effective sediment traps and stormwater retention facilities being implemented to preserve the natural values of receiving catchments and those of adjacent areas of native vegetation.	03/05/2011	
4	Groundwater quality monitoring bores being installed, maintained and utilised for water quality monitoring on and near the mine-site and downstream where aquifers are present.	03/05/2011	
5	Petroleum hydrocarbon and other chemical storage areas being appropriately contained using bunded retention compounds incorporating stormwater disposal and the removal of sediments.	03/05/2011	
6	Activities requiring the abstraction of groundwater are prohibited unless a bore construction and abstraction licence has been granted by the Department of Water.	03/05/2011	
7	Activities requiring the abstraction of water from any waterway, wetland or drain is prohibited unless the Department of Water has granted an abstraction licence.	03/05/2011	
8	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	03/05/2011	
9	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	03/05/2011	
10	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, DMP.	03/05/2011	
11	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	03/05/2011	
12	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.	03/05/2011	
13	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	03/05/2011	
14	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, DMP.	03/05/2011	
15	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, DMP.	03/05/2011	
16	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	03/05/2011	
17	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the railway line and associated infrastructure.	03/05/2011	
18	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Mining Registrar or Minister responsible for the Mining Act 1978 orders or consents otherwise.	03/05/2011	
19	The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled: <ul style="list-style-type: none"> <li>(Reg. ID: 30496) "Solomon Project - Early Ore Mining &amp; Infrastructure Development Mining Proposal, SO-PP-EN-0015-REV2" dated 16 June 2011 signed by Alex Langley and email titled "FW:Reg. ID: 30496" Solomon MP Queries", dated 22 June</li> </ul>	13/07/2011	



#	CONDITIONS	Start Date	End Date
	2011 from Gavin Edwards, both retained on Department of Mines and Petroleum file No. EARS-MP-30496. Where a difference exists between the above document and the following conditions, then the following conditions shall prevail.		
20	Any alteration or expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Director, Environment, DMP for his assessment and until his written approval to proceed has been obtained.	13/07/2011	
21	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
22	All topsoil and vegetation being removed ahead of all mining operations and being stockpiled appropriately for later respreading or immediately respread as rehabilitation progresses.	13/07/2011	
23	At the completion of operations, all buildings and structures being removed from site or demolished and buried to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
24	All rubbish and scrap is to be progressively disposed of in a suitable manner, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
25	The Licensee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities, to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
26	On the completion of operations or progressively where possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self-sustaining, functional ecosystems comprising suitable, local provenance species or an alternative agreed outcome to the satisfaction of an Environmental Officer, DMP.	13/07/2011	
27	The construction of all turkeys nest dams shall be supervised by suitably qualified personnel.	13/07/2011	
28	All topsoil stockpiles must be protected from the impact of flooding and must not be located within defined drainage lines.	13/07/2011	
29	The Licensee submitting to the Executive Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in: <ul style="list-style-type: none"> <li>March.</li> </ul> <del>The Licensee submitting to the Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in:  <ul style="list-style-type: none"> <li>March.</li> </ul></del>	02/09/2013	
	<del>The Licensee submitting to the Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in:  <ul style="list-style-type: none"> <li>March.</li> </ul></del>	13/07/2011	02/09/2013
30	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans": <ul style="list-style-type: none"> <li>2025</li> </ul> <del>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by an Environmental Officer, DMP. The Mine Closure Plan is to be prepared in accordance with the "Guidelines for Preparing Mine Closure Plans" available on DMP's website:  <ul style="list-style-type: none"> <li>2016</li> </ul></del>	05/05/2022	
	<del>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by an Environmental Officer, DMP. The Mine Closure Plan is to be prepared in accordance with the "Guidelines for Preparing Mine Closure Plans" available on DMP's website:  <ul style="list-style-type: none"> <li>2016</li> </ul></del>	22/01/2016	04/05/2022
31	All mining operations approved by a Mining Proposal submitted on or after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
32	All ground disturbance approved by a Mining Proposal submitted on or after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	05/05/2022	
33	No alteration or expansion of mining operations beyond the activities described within the Activity, and Key Mine Activity tables of the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 700 of the <i>Mining Act 1978</i> , to cover the alteration or expansion, and until such Mining Proposal is approved	05/05/2022	

#	CONDITIONS	Start Date	End Date
	by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.		
34	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted on or after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
35	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted on or after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	05/05/2022	
36	Management of mine closure to be undertaken in accordance with the latest, relevant, approved Mine Closure Plan.	05/05/2022	
37	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	05/05/2022	
38	The Licensee taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.	05/05/2022	
39	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	05/05/2022	
40	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	05/05/2022	
41	All excavations being carried out at a sufficient distance from the boundary of the disturbance envelope (as presented within the latest relevant approved mining proposal/s) to enable the installation of abandonment bunds with the disturbance envelope, as per the requirements of the Department's Guideline "Safety Bund Walls Around Abandoned Open Pit Mines" dated 1997, or at a distance that is otherwise agreed to in writing by a Geotechnical Engineer, Department of Mines, Industry Regulation and Safety.	05/05/2022	

## DEALINGS DETAILS

### Dealings

Application to Amend 395606		Encumbrances	
		Lodged:	15:45 11 March 2013
		Amending:	Address
		From:	FMG PILBARA PTY LTD, C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004
		To:	FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
		RECORDED:	15:45 11 March 2013
Application to Amend 587387			
		Lodged:	10:03:41 30 September 2020
		Amending:	Address (Including DTC Details)
		From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004
		To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

	REJECTED:	10:03:41 30 September 2020	101
<b>Application to Amend 587396</b>	Lodged:	10:03:41 30 September 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587401</b>	Lodged:	10:03:41 30 September 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587934</b>	Lodged:	15:58 08 October 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	RECORDED:	15:58 08 October 2020	

### BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

102

## Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	17/05/2022	3823286772	10263264	OL	\$14,203.70	721.00000 HA	03/05/2011	\$14,203.70	\$0.00
Payment	2022	04/05/2021	1572322954	10195108	OL	\$12,905.90	721.00000 HA	03/05/2011	\$12,905.90	\$0.00
Payment	2021	05/05/2020	2685393536	10143299	OL	\$12,617.50	721.00000 HA	03/05/2011	\$12,617.50	\$0.00
Payment	2020	07/05/2019	5129579537	10095149	OL	\$11,896.50	721.00000 HA	03/05/2011	\$11,896.50	\$0.00
Payment	2019	04/05/2018	2452773423	9979381549	OL	\$11,247.60	721.00000 HA	03/05/2011	\$11,247.60	\$0.00
Payment	2018	04/05/2017		MT-210011052336-DD	OL	\$10,887.10	721.00000 HA	03/05/2011	\$10,887.10	\$0.00
Payment	2017	04/05/2016		MT-210010592948-DD	OL	\$10,526.60	721.00000 HA	03/05/2011	\$10,526.60	\$0.00
Payment	2016	06/05/2015		MT-210010255908-DD	OL	\$10,274.25	721.00000 HA	03/05/2011	\$10,274.25	\$0.00
Payment	2015	06/05/2014		MT-210010176762-DD	OL	\$10,021.90	721.00000 HA	03/05/2011	\$10,021.90	\$0.00
Payment	2014	03/05/2013		MT-210010106888-DD	OL	\$9,841.65	721.00000 HA	03/05/2011	\$9,841.65	\$0.00
Payment	2013	04/05/2012		06-109426	PE	\$9,589.30	721.00000 HA	03/05/2011	\$9,589.30	\$0.00
Payment	2012	18/04/2011		92797	PE	\$908.46	721.00000 HA	03/05/2011	\$9,993.06	\$0.00
Payment	2012	10/03/2010		2331	KR	\$9,084.60				

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

## COMBINED REPORTING DETAILS

**C Number :**  
**Project :**

**Reporting Date :**  
**Affecting Period :**

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC21**

**Application for L 47/367 dated 28 April 2010**

## APPLICATION FOR MINING TENEMENT

- (a) Type of tenement  
(b) Time & Date marked out (where applicable)  
(c) Mineral Field

(a) **Miscellaneous Licence**  
For the purpose of "a road, a power line, a pipeline, taking water, a communications facility, a water management facility, an aerial rope way, a conveyor system and a storage or transportation facility for minerals or mineral concentrate"

No

47/367

(b) 1.20pm 22/04/2010

(c) West Pilbara

## APPLICANT:

- (d) Full name and ACN/ABN No.  
(e) Address  
(f) No. of shares  
(g) Total No. of shares

(d) & (e) **FMG Pilbara Pty Ltd (ACN 106 943 828)**  
**C/- Tenement Administration Services Pty Ltd**  
**Level 2, 326 Hay Street**  
**EAST PERTH WA 6004**

(f) Shares  
100(g) Total  
100

DESCRIPTION OF GROUND APPLIED FOR:  
(For Exploration Licences see Note 1.  
For other Licences see Note 2.  
For all Licences see Note 3.)

(h) **Wedge Extension**

(i) and (j)

GDA94 MGA Zone 50

Datum situated at	600694.00	mE	7546114.80	mN
Then to	596355.30	mE	7547508.41	mN
Then to	598126.97	mE	7549692.08	mN
Then to	600603.95	mE	7549677.69	mN
Then to	601760.45	mE	7545390.16	mN
Back to the datum at	600694.00	mE	7546114.80	mN

(k) **1229 ha**

(l) Signature of applicant or agent

(i)

DATE 28.4.10.

O F F I C E  U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at <u>KARRATHA</u> on or before <u>2nd</u> day of <u>JUNE</u> 20 <u>10</u> . (see Note 4).															
	Where an objection to this application is lodged the hearing will take place on a date to be set.															
	<table border="1"> <thead> <tr> <th>FEES PAID</th> <th>\$</th> <th>¢</th> </tr> </thead> <tbody> <tr> <td>Application</td> <td>375</td> <td>00</td> </tr> <tr> <td>Rent</td> <td>15,485</td> <td>40</td> </tr> <tr> <td>TOTAL</td> <td>15,860</td> <td>40</td> </tr> </tbody> </table>		FEES PAID	\$	¢	Application	375	00	Rent	15,485	40	TOTAL	15,860	40	Receipt No: <u>2506</u> SHIRE: <u>ASHBURTON</u> Map Ref.	
	FEES PAID	\$	¢													
Application	375	00														
Rent	15,485	40														
TOTAL	15,860	40														
		Received at <u>1330 p.m.</u> on <u>28/04/2010</u> by <u>MA BAKER</u> (Mining Registrar) <u>4</u> Plan <u>TENGARPH</u> Scale														

## NOTES

## Note 1: EXPLORATION LICENCE

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.  
(ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

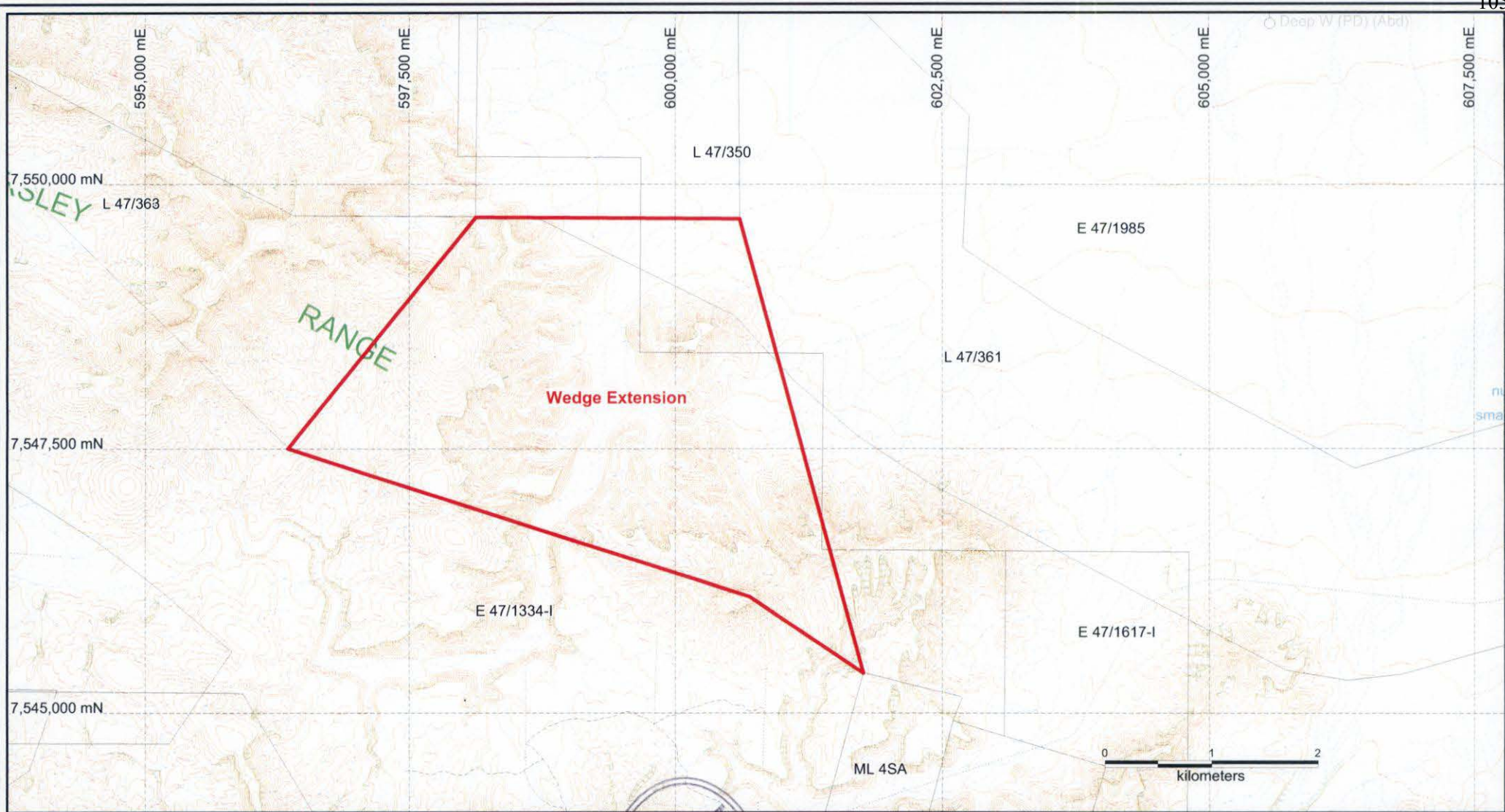
## Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

## Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.  
(ii) The following action should be taken to ascertain ground availability:  
(a) public plan search; (b) register search; (c) ground inspection.





**Location Map**



FMG proposed miscellaneous licence application (Wedge Extension)



Other tenement

Road or track

Drainage



**Fortescue Metals Group Ltd**

**Markout Diagram  
Proposed Wedge Extension  
Miscellaneous Licence Application**

Author: DE	Date: 19/04/2010
Drawn By:	Revised:
Plan No.: TEN_10_016 (markout1)	Report No.:
Projection: MGA-94 zone 50	Scale: 1:50,000

L47/367

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC22**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/367 dated 14 May 2010**

Enquiries: Clyde Lannan  
 Telephone: 9222 3828  
 Facsimile: 9222 3439

Yindjibarndi #1  
 Yindjibarndi Aboriginal Corporation  
 C/- Simon Millman  
 Slater and Gordon  
 GPO Box 2257  
 PERTH WA 6831

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) – WC 03/3**

You are hereby notified in your capacity as a registered native title claimant, native title body corporate or a representative Aboriginal Torres Strait Islander Body that application has been made for the Miscellaneous Licence/s listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the Native Title Act) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence be granted:

No	Applicant	Area	Locality	Centroid	Shire
47/367	FMG Pilbara Pty Ltd	1225.09ha	39km W'ly of Wittenoom	Lat 22°10' Long 117°57'	Ashburton

**The purposes for L47/367 are: Road, Power Line, Pipeline, Taking Water, Communications facility, Water Management Facility, Aerial Rope Way, Conveyor System, Storage or Transportation Facility for Minerals or Mineral Concentrate.**

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the licence (ie by **19 July 2010**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **19 July 2010**. The objection must contain the following information:

- number of the Miscellaneous licence objected to;
- details of how the grant of the licence will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Mr Clyde Lannan on (08) 9222 3828.

Yours faithfully

*Clyde Lannan*

for DIRECTOR  
 MINERAL TITLES DIVISION

14 May 2010

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC23**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/367 dated 26 May 2010**


**Fortescue Metals Group Ltd**

ACN: 002 594 872

87 Adelaide Terrace East Perth

Western Australia 6004

PO Box 6915, East Perth, Western Australia 6892

Telephone: + 61 8 6218 8888

Facsimile: + 61 8 9421 1816

Website: [www.fmg1.com.au](http://www.fmg1.com.au)

26 May 2010

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE 47/367 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, a power line, a pipeline, taking water, a communications facility, a water management facility, an aerial rope way, a conveyor system and a storage or transportation facility for minerals or mineral concentrate.

Road

A service road will be constructed to accommodate traffic to the Ore Processing Facility ("OPF") and train loading area at the Firetail minesite and to provide access for construction and maintenance of the powerline, borefield and pipeline.

The road will comprise an 8-10 m wide pavement with a shoulder width of 1 – 2 m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150 mm over a 200 – 250 mm sub-base layer over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks, a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

Water management facility / taking water

A number of production bores will be installed within L47/367 for the purpose of abstracting groundwater for various purposes being use in the OPF, general mine water supply, and in connection with construction of facilities on the licence.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.

R/O  
Please  
File



The New Force in Iron Ore



Pipeline

A pipeline of up to 560 mm in diameter will be installed. This will be used to convey water from the production bores to the road construction locations, the OPF and other locations as required.

Power line

Overhead powerlines will be constructed within L47/367 for the purposes of providing electricity from a power station to the bore-field pumps and any other installations as required.

Communications facility

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/367 and the Firetail and Kings minesites.


A conveyor system / aerial rope way / a storage or transportation facility for minerals or mineral concentrate

A conveyor system will be constructed to transport iron ore from the Firetail minesite to the OPF at the Kings minesite. The conveyors will be either:

- A conventional overland system, generally 1-2 metres high and supported by an onground steel structure; or
- An overhead rope conveyor system, where the conveyor itself is suspended from large steel catenary cables between towers located at high points of the terrain.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**

  
Sara Jonsson  
Acquisitions



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC24**

**Mining Tenement Register Search for L 47/367**



## MINING TENEMENT REGISTER SEARCH

### MISCELLANEOUS LICENCE 47/367

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **10:56:50 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure

Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<p><b>Identifier :</b> L 47/367</p> <p><b>Current Area :</b> 1,229.00000 HA</p> <p><b>Mark Out :</b> 22/04/2010 13:20:00</p> <p><b>Term Granted :</b> 21 Years</p> <p><b>Commence :</b> 02/03/2012</p> <p><b>Purpose :</b> Road Power Line Pipeline Taking Water Communications facility Water management facility Aerial Rope Way Conveyor System Storage or transportation facility for minerals or mineral concentrate</p>	<p><b>District :</b> WEST PILBARA M.F.</p> <p><b>Status :</b> Live</p> <p><b>Received :</b> 28/04/2010 13:30:00</p> <p><b>Lodging Office :</b> KARRATHA</p> <p><b>Expiry :</b> 01/03/2033</p> <p><b>Death :</b></p>
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### Rent Status

**Due for Year End 01/03/2023 :** PAID IN FULL

**Previous Amount Outstanding :** \$0.00

**Current Due :** \$0.00

**Rent for Year End 01/03/2024 :** \$27,038.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED

**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
FMG PILBARA PTY LTD (ACN:106943828)  
ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
100

Total Shares:	100	113
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receipt**

<b>Name and Address</b>	<b>Shares</b>
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326	
HAY STREET, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	100

**DESCRIPTION DETAILS****Description**

<b>Block Type :</b>	<b>Effective From :</b>												
<b>Locality :</b>	WEDGE EXTENSION												
<b>Datum :</b>	DATUM SITUATED AT GDA94 MGA ZONE 50 600694.00 EASTING 7546114.80 NORTHING												
<b>Boundary :</b>	THENCE 596355.30 EASTING 7547508.41 NORTHING THENCE 598126.97 EASTING 7549692.08 NORTHING THENCE 600603.95 EASTING 7549677.69 NORTHING THENCE 601760.45 EASTING 7545390.16 NORTHING BACK TO DATUM												
<b>Area :</b>	<table> <tr> <td><b>Type</b></td> <td><b>Dealing No</b></td> <td><b>Start Date</b></td> <td><b>Area</b></td> </tr> <tr> <td>Granted</td> <td></td> <td>02/03/2012</td> <td>1,229.00000 HA</td> </tr> <tr> <td>Applied For</td> <td></td> <td>22/04/2010</td> <td>1,229.00000 HA</td> </tr> </table>	<b>Type</b>	<b>Dealing No</b>	<b>Start Date</b>	<b>Area</b>	Granted		02/03/2012	1,229.00000 HA	Applied For		22/04/2010	1,229.00000 HA
<b>Type</b>	<b>Dealing No</b>	<b>Start Date</b>	<b>Area</b>										
Granted		02/03/2012	1,229.00000 HA										
Applied For		22/04/2010	1,229.00000 HA										

**RELATIONSHIPS****Relationships**

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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**State Agreement Conversions**

Applicable Legislation	Effective Start	Effective End
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**SURVEY DETAILS****Survey**

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			



## GENERAL DETAILS

114

**General**

Objection Closing Date : 02/06/2010

Application Fee : \$375.00

File Reference :

Survey Fee :

Receipt Number : 2506

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	22/04/2010		1,229.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation

Date Referred	Referral Type	Procedure	Current Status
28/04/2010	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 02/03/2012	Holder Notified : 12/03/2012	Licence/Lease 12/03/2012 issued :
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**Term**

Term : 21 Years	From : 02/03/2012	To : 01/03/2033
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## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of: <ul style="list-style-type: none"> <li>the Aboriginal Heritage Act 1972 and any Regulations thereunder;</li> <li>Water and Rivers Commission Act 1995 and any Regulations thereunder;</li> <li>Rights in Water and Irrigation Act 1914 and any Regulations thereunder; and</li> <li>Draft Environmental Protection Groundwater Policy 1998.</li> </ul>	02/03/2012	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	02/03/2012	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 in TENGRAPH.	02/03/2012	
	<b>The following endorsement has been imposed by the Warden in determination of Objection No. KR253/090:</b>	02/03/2012	

#	ENDORSEMENTS	Start Date	End Date
4	Any right of the native title party (as defined in Sections 29 and 30 of the Native Title Act 1993 (Cth)) to access or use the land the subject of the miscellaneous licence is not to be restricted except in relation to those parts of the land which are used for exploration or mining operations or for safety or security reasons relating to those or related activities.	02/03/2012	15
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Environment Division, DMP for assessment and written approval prior to commencing any development or construction.	02/03/2012	
2	Where surface disturbance activities are proposed on the licence which are not associated with development or construction proposals, the prior written approval of the Environmental Officer, DMP must be obtained before the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for the proposed surface disturbance activities. Following approval, all topsoil being removed ahead of operations and separately stockpiled for replacement after backfilling and/or completion of operations.	02/03/2012	
3	The Licensee 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.	02/03/2012	
4	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	02/03/2012	
5	The rights of ingress to and egress from Miscellaneous Licences 47/350 and 47/361 being at all times preserved to the licensee and no interference with the purpose or installations connected to the licences.	02/03/2012	
6	No interference with Geodetic Survey Station JM 34 and mining within 15 metres thereof being confined to below a depth of 15 metres from the natural surface.	02/03/2012	
7	The storage and disposal of hydrocarbons, chemicals and potentially hazardous substances being in accordance with the Department of Water's Guidelines and Water Quality Protection Notes .	02/03/2012	
8	Measures such as effective sediment traps and stormwater retention facilities being implemented to preserve the natural values of receiving catchments and those of adjacent areas of native vegetation.	02/03/2012	
9	Groundwater quality monitoring bores being installed, maintained and utilised for water quality monitoring on and near the mine-site and downstream where aquifers are present.	02/03/2012	
10	Petroleum hydrocarbon and other chemical storage areas being appropriately contained using bunded retention compounds incorporating stormwater disposal and the removal of sediments.	02/03/2012	
11	Activities requiring the abstraction of groundwater are prohibited unless a bore construction and abstraction licence has been granted by the Department of Water.	02/03/2012	
12	Activities requiring the abstraction of water from any waterway, wetland or drain is prohibited unless the Department of Water has granted an abstraction licence.	02/03/2012	
13	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	02/03/2012	
14	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	02/03/2012	
15	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, DMP.	02/03/2012	
16	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	02/03/2012	
17	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.	02/03/2012	
18	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	02/03/2012	

#	CONDITIONS	Start Date	End Date
19	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, DMP.	02/03/2012	
20	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, DMP.	02/03/2012	
21	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	02/03/2012	
22	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the licence purposes.	02/03/2012	
23	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Warden or the Minister responsible for the Mining Act 1978 orders or consents otherwise.	02/03/2012	
	<b>The following conditions have been imposed by the Warden in determination of Objection KR253/090:</b>	02/03/2012	
24	If the licensee gives a notice to the Aboriginal Cultural Material Committee under Section 18 of the Aboriginal Heritage Act 1972 (WA) it shall at the same time serve a copy of that notice, together with copies of all documents submitted by the licensee to the Aboriginal Cultural Material Committee in support of the application (exclusive of sensitive commercial and cultural charter), on the native title party.	02/03/2012	
25	Where the licensee submits to the State Mining Engineer a proposal to undertake developmental/productive mining or construction activity, the licensee must give to the native title party a copy of the proposal, excluding sensitive commercial data, and a plan showing the location of the proposed mining operations and related infrastructure, including proposed access routes.	02/03/2012	
26	The construction and operation of the project and measures to protect the environment to be carried out in accordance with the document titled: <ul style="list-style-type: none"> <li>(MP Reg ID 39002) "Full Production Mining Operations - Solomon Project" dated 6 August 2013 signed by Alex Langley and retained on Department of Mines and Petroleum File No. EARS-MPMCP-39002;</li> <li>(MCP Reg ID 39002) "Solomon Project Mine Closure Plan" dated 22 July 2013 signed by Anthony Kirke and retained on Department of Mines and Petroleum File No. EARS-MPMCP-39002</li> </ul> Where a difference exists between the above document(s) and the following conditions, then the following conditions shall prevail.	02/09/2013	
27	Any alteration or expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Executive Director, Environment Division, DMP for his assessment and until his written approval to proceed has been obtained.	02/09/2013	
28	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.	02/09/2013	
29	All topsoil and vegetation being removed ahead of all mining operations and being stockpiled appropriately for later resspreading or immediately resspread as rehabilitation progresses.	02/09/2013	
30	At the completion of operations, all buildings and structures being removed from site or demolished and buried to the satisfaction of the Executive Director, Environment Division, DMP.	02/09/2013	
31	All rubbish and scrap is to be progressively disposed of in a suitable manner.	02/09/2013	
32	The lessee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities.	02/09/2013	
33	The licensee submitting to the Executive Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental	02/09/2013	



#	CONDITIONS	Start Date	End Date
	management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in: <ul style="list-style-type: none"> <li>March.</li> </ul>		
34	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans": <ul style="list-style-type: none"> <li>2025</li> </ul>	05/05/2022	
	<del>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by an Environmental Officer, DMP. The Mine Closure Plan is to be prepared in accordance with the "Guidelines for Preparing Mine Closure Plans, June 2011" available on DMP's website:</del> <ul style="list-style-type: none"> <li><del>2016</del></li> </ul>	02/09/2013	04/05/2022
35	All mining operations approved by a Mining Proposal submitted on or after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
36	All ground disturbance approved by a Mining Proposal submitted on or after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	05/05/2022	
37	No alteration or expansion of mining operations beyond the activities described within the Activity, and Key Mine Activity tables of the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 70O of the <i>Mining Act 1978</i> , to cover the alteration or expansion, and until such Mining Proposal is approved by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.	05/05/2022	
38	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted on or after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
39	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted on or after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	05/05/2022	
40	Management of mine closure to be undertaken in accordance with the latest, relevant, approved Mine Closure Plan.	05/05/2022	
41	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	05/05/2022	
42	The Licensee taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.	05/05/2022	
43	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	05/05/2022	
44	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	05/05/2022	
45	All excavations being carried out at a sufficient distance from the boundary of the disturbance envelope (as presented within the latest relevant approved mining proposal/s) to enable the installation of abandonment bunds with the disturbance envelope, as per the requirements of the Department's Guideline "Safety Bund Walls Around Abandoned Open Pit Mines" dated 1997, or at a distance that is otherwise agreed to in writing by a Geotechnical Engineer, Department of Mines, Industry Regulation and Safety.	05/05/2022	

## DEALINGS DETAILS

Dealings

## Encumbrances

**Objection KR253/090**

Lodged: 08:58 21 May 2010  
 Objectors: YINJIBARNDI ABORIGINAL CORPORATION,  
 AS TRUSTEE FOR THE YINDJIBARNDI  
 PEOPLE  
 Objection Type: Tenement Application  
 RECORDED: 08:58 21 May 2010  
 FINALISED: 13:12:10 02 March 2012  
 Wardens Decision 13:11:24 02 March 2012  
 Made on:  
 Wardens Decision Finalised  
 Status:  
 Wardens Decision Warden Wilson granted L47/367 on the same  
 Text: conditions as L47/361.

**Objection KR270/090**

Lodged: 15:13 02 June 2010  
 Objectors: RICHARDSON, Tony Richard  
 Objection Type: Tenement Application  
 RECORDED: 15:13 02 June 2010  
 WITHDRAWN: 09:30 31 March 2011

**Application to Amend 395606**

Lodged: 15:45 11 March 2013  
 Amending: Address  
 From: FMG PILBARA PTY LTD, C/- TENEMENT  
 ADMINISTRATION SERVICES PTY LTD, LEVEL  
 2 326 HAY STREET, EAST PERTH, WA, 6004  
 To: FMG PILBARA PTY LTD, ACQUISITIONS AND  
 TENEMENTS DEPARTMENT, PO BOX 3379  
 HAY STREET, EAST PERTH, WA, 6004  
 RECORDED: 15:45 11 March 2013

**Application to Amend 587387**

Lodged: 10:03:41 30 September 2020  
 Amending: Address (Including DTC Details)  
 From: Principal Place of Business : FMG PILBARA  
 PTY LTD, SAME AS CORRESPONDENCE and  
 DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
 AND TENEMENTS DEPARTMENT, PO BOX  
 3379 HAY STREET, EAST PERTH, WA, 6004  
 To: Principal Place of Business : FMG  
 PILBARA PTY LTD, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004,  
 tenementcompliance@fmgl.com.au and  
 DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
 AND TENEMENTS DEPARTMENT, PO BOX  
 3379 HAY STREET, EAST PERTH, WA, 6004,  
 tenementcompliance@fmgl.com.au

REJECTED: 10:03:41 30 September 2020

**Application to Amend 587396**

Lodged: 10:03:41 30 September 2020  
 Amending: Address (Including DTC Details)  
 From: Principal Place of Business : FMG PILBARA  
 PTY LTD, SAME AS CORRESPONDENCE and  
 DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
 AND TENEMENTS DEPARTMENT, PO BOX  
 3379 HAY STREET, EAST PERTH, WA, 6004  
 To: Principal Place of Business : FMG  
 PILBARA PTY LTD, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004,  
 tenementcompliance@fmgl.com.au and  
 DTC :FMG PILBARA PTY LTD, ACQUISITIONS  
 AND TENEMENTS DEPARTMENT, PO BOX  
 3379 HAY STREET, EAST PERTH, WA, 6004,  
 tenementcompliance@fmgl.com.au

REJECTED: 10:03:41 30 September 2020

**Application to Amend 587401**

Lodged: 10:03:41 30 September 2020

										Amending:	Address (Including DTC Details)	119
										From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
										To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
										REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587934</b>										Lodged:	15:58 08 October 2020	
										Amending:	Address (Including DTC Details)	
										From:	Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
										To:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
										RECORDED:	15:58 08 October 2020	

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

## Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	09/03/2022	4934449598	10245910	OL	\$24,211.30	1,229.00000 HA	02/03/2012	\$24,211.30	\$0.00
Payment	2022	02/03/2021	5896580270	10185620	OL	\$21,999.10	1,229.00000 HA	02/03/2012	\$21,999.10	\$0.00
Payment	2021	09/03/2020	1896327929	10136365	OL	\$21,507.50	1,229.00000 HA	02/03/2012	\$21,507.50	\$0.00
Payment	2020	06/03/2019	1892922244	10088078	OL	\$20,278.50	1,229.00000 HA	02/03/2012	\$20,278.50	\$0.00
Payment	2019	02/03/2018	2780889487	7228255688	OL	\$19,172.40	1,229.00000 HA	02/03/2012	\$19,172.40	\$0.00
Payment	2018	02/03/2017		MT-210010959414-DD	OL	\$18,557.90	1,229.00000 HA	02/03/2012	\$18,557.90	\$0.00
Payment	2017	02/03/2016		MT-210010532351-DD	OL	\$17,943.40	1,229.00000 HA	02/03/2012	\$17,943.40	\$0.00
Payment	2016	03/03/2015		MT-210010236945-DD	OL	\$17,513.25	1,229.00000 HA	02/03/2012	\$17,513.25	\$0.00
Payment	2015	04/03/2014		MT-210010163878-DD	OL	\$17,083.10	1,229.00000 HA	02/03/2012	\$17,083.10	\$0.00
Payment	2014	07/03/2013		06-121362	PE	\$16,775.85	1,229.00000 HA	02/03/2012	\$16,775.85	\$0.00
Payment	2013	28/04/2010		2506	KR	\$15,485.40	1,229.00000 HA	02/03/2012	\$15,485.40	\$0.00

## EXPENDITURE/EXEMPTION DETAILS



Expenditure is not required for this Legislation Type

120

**COMBINED REPORTING DETAILS****C Number :****Reporting Date :****Project :****Affecting****Period :**

End of Search



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC25**

**Application for L 47/396 dated 18 October 2010**

Form 21

WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
(b) Time & Date marked out (where applicable)  
(c) Mineral Field

(a) <b>Miscellaneous Licence</b> For the purpose of "a road, a pipeline, a powerline, taking water, a communications facility, a water management facility, a bore field, a bore."		No <b>47/396</b>	
(b) <b>4.30pm 13/10/2010</b>		(c) <b>West Pilbara</b>	
(d) & (e) <b>FMG Pilbara Pty Ltd (ACN 106 943 828)</b> <b>C/- Tenement Administration Services Pty Ltd</b> <b>Level 2, 326 Hay Street</b> <b>EAST PERTH WA 6004</b>			(f) Shares <b>100</b>
			(g) Total <b>100</b>
(h) <b>Solomon Water Feature</b>			
(i) and (j) GDA94 MGA Zone 50			
Datum situated at 586358.59 mE 7553049.60 mN			
Then to 585584.53 mE 7553474.59 mN			
Then to 585579.54 mE 7554418.89 mN			
Then to 587524.58 mE 7554434.45 mN			
Then to 587541.44 mE 7553674.57 mN			
Back to the datum at 586358.59 mE 7553049.60 mN			
(k) <b>216 ha</b>			


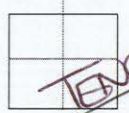
APPLICANT:  
(d) Full name and ACN/ABN No.  
(e) Address  
(f) No. of shares  
(g) Total No. of shares

DESCRIPTION OF GROUND APPLIED FOR:  
(For Exploration Licences see Note 1.  
For other Licences see Note 2.  
For all Licences see Note 3.)

- (h) Locality  
(i) Datum Peg  
(j) Boundaries  
(k) Area (ha or km<sup>2</sup>)

(l) Signature of applicant or agent

(i) *[Signature]* DATE **18/10/10**

<b>OFFICE</b>	OBJECTIONS to this application may be lodged at the Mining Registrar's office at <b>KARRATHA</b> on or before <b>22nd</b> day of <b>NOV</b> 20 10. (see Note 4).				
	Where an objection to this application is lodged the hearing will take place on a date to be set.				
		FEES PAID	\$	¢	Receipt No: <b>3162</b>
		Application	385	00	SHIRE: <b>ASHBURTON</b>
		Rent	2,786	40	Map Ref.
	TOTAL	3,171	40		
	Received at <b>1208</b> m.			 Plan <b>TEUGRAPH</b> Scale .....	
	on <b>MA BAKER</b> (Mining Registrar)				

**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.  
(ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

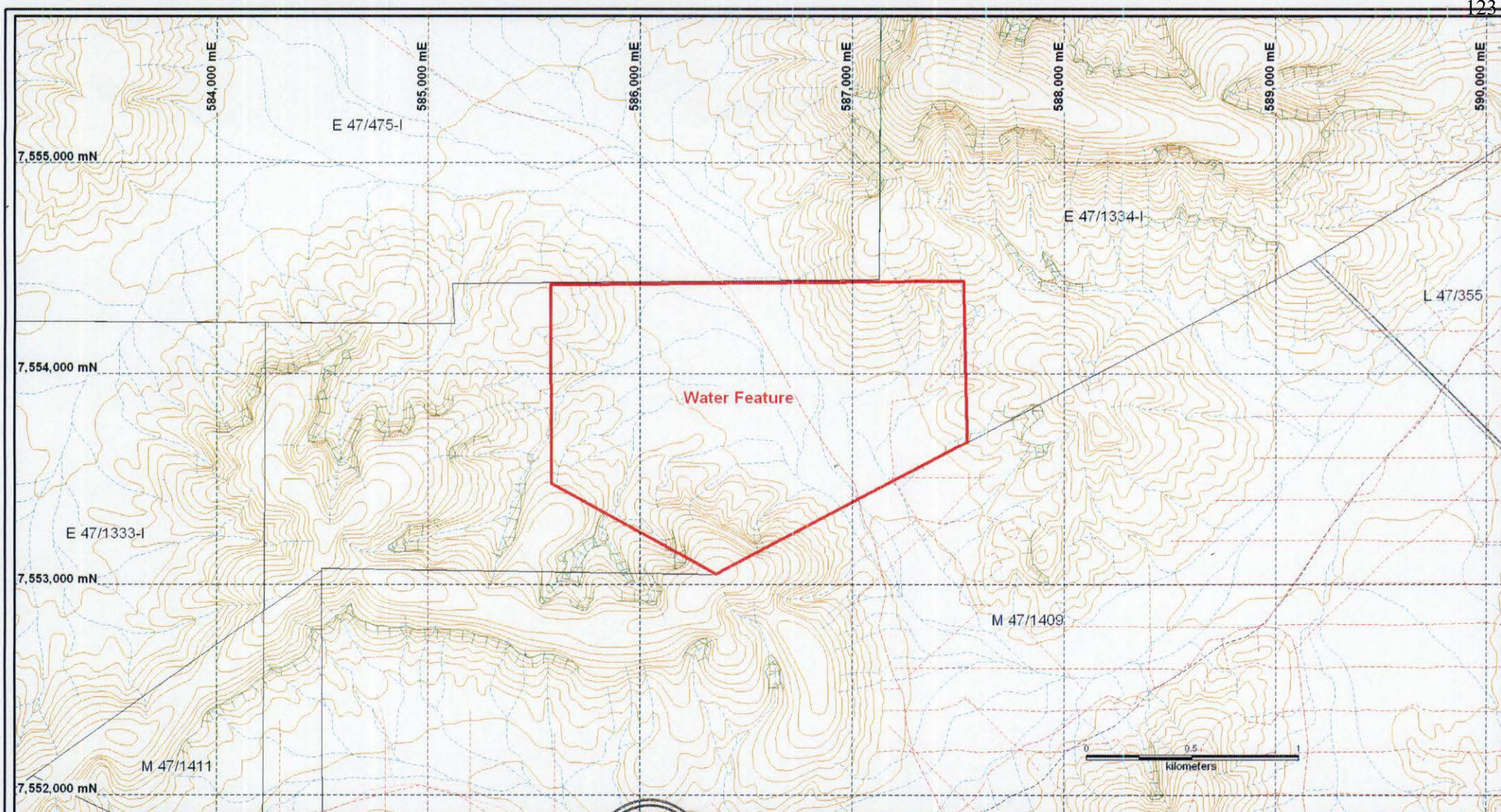
**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.  
(ii) The following action should be taken to ascertain ground availability:  
(a) public plan search; (b) register search; (c) ground inspection.





- FMG proposed miscellaneous licence application ("Water feature")
- Other tenement



- Road or track
- Drainage
- Relief - 10m contours



**Fortescue Metals Group Ltd**

**Markout Diagram  
"Water feature"  
Miscellaneous Licence Application**

Author: DE	Date: 30/09/2010
Drawn By:	Revised:
Plan No.: TEN_10_087_WF_markout	Report No.:
Projection: MGA-94 zone 50	Scale: 1:25,000

477/396



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC26**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/396 dated 16 November 2010**



Government of **Western Australia**  
Department of **Mines and Petroleum**

Enquiries: Clyde Lannan  
Telephone: 9222 3828  
Facsimile: 9222 3439

Yindjibarndi #1  
Yindjibarndi Aboriginal Corporation  
C/- Simon Millman  
Slater and Gordon  
GPO Box 2257  
PERTH WA 6831

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) – WC 03/3**

You are hereby notified in your capacity as a registered native title claimant, native title body corporate or a representative Aboriginal Torres Strait Islander Body that application has been made for the Miscellaneous Licence/s listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the Native Title Act) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence be granted:

No	Applicant	Area	Locality	Centroid	Shire
L47/396	FMG Pilbara Pty Ltd	215.68ha	64km N'ly of Tom Price	Lat 22°07' Long 117°50'	Ashburton

The purposes for L47/396 are: Road, Pipeline, Taking Water, Communications Facility, Power Line, Water Management Facility, Bore field & Bore.

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the licence (ie by **25 January 2011**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **25 January 2011**. The objection must contain the following information:

- number of the Miscellaneous licence objected to;
- details of how the grant of the licence will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Mr Clyde Lannan on (08) 9222 3828.

Yours faithfully

*Clyde Lannan*

for DIRECTOR  
MINERAL TITLES DIVISION

18 November 2010

Att

Mineral House 100 Plain Street East Perth Western Australia 6004  
Telephone +61 8 9222 3333 Facsimile +61 8 2222 3862  
www.dmp.wa.gov.au  
www.wa.gov.au  
ABN 69 410 335 356



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC27**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to**

**L 47/396 dated 22 November 2010**



**Fortescue Metals Group Ltd**

ACN: 002 594 872

87 Adelaide Terrace East Perth

Western Australia 6004

PO Box 6915, East Perth, Western Australia 6892

Telephone: + 61 8 6218 8888

Facsimile: + 61 8 9421 1816

Website: [www.fmgil.com.au](http://www.fmgil.com.au)

127

22<sup>nd</sup> November 2010

Mining Registrar  
PO Box 518  
KARRATHA WA 6714

R/O  
Please  
File

Dear Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE L47/396 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a road, a pipeline, taking water, a communications facility, a water management facility, A bore field and bore.

Road

A service road will be constructed to accommodate traffic between the minesite and the Solomon camp and to provide access for construction and maintenance of the powerline and pipeline.

The road will comprise an 8-10m wide pavement with a shoulder width of 1 – 2m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150mm over a 200 - 250mm sub-base layer over a prepared subgrade.

Road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks a combination of floodway and culvert construction will be utilised to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water either through culverts or over the road surface toward spreader drains, levee banks or other measures which will reinstate natural sheet flow. These measures will be used as appropriate to maintain and promote the natural growth patterns of Mulga and other sheet flow dependent flora communities.

Pipeline

A trench will be excavated along the pipeline route to accommodate a water pipeline of approximately 560mm in diameter or larger, depending on process water requirement. The pipeline will be constructed and buried to a depth of about 1 metre. This will be used to convey water from the borefield to the Solomon camp and to the minesite.



The New Force in Iron Ore

Communication Facility

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/396.

Water Management Facility/Taking Water/Bore Field/Bore

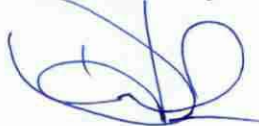
A number of production bores will be installed within L47/396 for the purpose of abstracting groundwater for process water, dust suppression for the camp site and for water supply to the camp.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**



Vicki Hadfield  
Acquisitions





## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

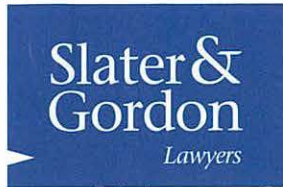
Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC28**

**Objection by the Yindjibarndi #1 Claimant to the grant of L 47/396 dated 24 January 2010**



24 January 2010

**URGENT**

General Manager  
Tenure and Native Title Branch  
Department of Mines and Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

**Attention: Clyde Lannan**

Email: [Clyde.LANNAN@dmp.wa.gov.au](mailto:Clyde.LANNAN@dmp.wa.gov.au)

Level 2, Council House  
27-29 St. Georges Terrace  
Perth WA 6000

Telephone: (08) 9223 4800  
Facsimile: (08) 9223 4850

[www.slatergordon.com.au](http://www.slatergordon.com.au)

Correspondence to:  
Practice Group Leader: Simon Millman  
Legal Assistant: Ashlea Coleman

GPO Box 2257  
St Georges Terrace  
PERTH WA 6831

DX 60113 PERTH WA

Direct line: (08) 9223 4805

Email: [perth@slatergordon.com.au](mailto:perth@slatergordon.com.au)

Our Ref: PP8:AC:323268

Dear Sirs

**Miscellaneous Licence Applications: L47/396**

---

We act for the Yindjibarndi #1 Native Title Claim Group ("Yindjibarndi") and refer to your correspondence, dated 18 November 2010, in respect of the above Miscellaneous Licence Application lodged by FMG Pilbara Pty Ltd ("FMG").

The Yindjibarndi People object to the grant of Miscellaneous Licence L47/396 on the grounds that the grant, and the activities permitted thereby will adversely affect the registered native title rights and interests of the Yindjibarndi in the relevant land and waters. The details of how these registered native title rights will be affected are set out hereunder.

- i. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from freely exercising and enjoying their registered native title right to possess, occupy, use and enjoy the area, as against the world. This in turn will prevent the Yindjibarndi from freely exercising their religious beliefs and freely practicing the religious observances associated with the area generally and with particular sites that are situated in the area.
- ii. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to control the access of others to the area.
- iii. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to make decisions about the use and enjoyment of the area by persons who are not members of the

Yindjibarndi People.

- iv. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising their registered native title right to take, use and enjoy the resources of the area, other than minerals and petroleum for a various purposes including for cultural, religious, spiritual, ceremonial and/or ritual purposes.
- v. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to maintain, conserve and protect significant places and objects and significant ceremonies, artworks, song cycles, narratives, beliefs or practices within the area by preventing by all reasonable lawful means any activity which may injure, desecrate, damage, destroy, alter or misuse any such place or object or any such ceremony, artwork, song cycle, narrative, belief or practice.
- vi. The grant of the Licence without the free, prior and informed consent of the Yindjibarndi will prevent the Yindjibarndi from exercising and enjoying their registered native title right to prevent any use of, or activity in, the area which is unauthorised or inappropriate in accordance with traditional laws and customs in relation to significant places and objects in the area or of ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area.

According to our instructions, the relationship that subsists between the Yindjibarndi and the area is, above all else, spiritual and religious in nature; such that the welfare of the Yindjibarndi is believed to be spiritually linked to, and directly dependent upon, their ability to carry out religious obligations in respect of the area and to freely practice particular religious observances associated with sites that are situated within the area. The Yindjibarndi instruct that, in the absence of a freely negotiated agreement in which they give their informed consent for the proposed grant, they will be prevented from carrying out their religious obligations. This will cause them harm and suffering.

Yours faithfully



Simon Millman  
Practice Group Leader  
**SLATER & GORDON**



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC29**

**Letter from FMG Pilbara Pty Ltd to the Yindjibarndi #1 Claimant attaching a consultation  
package dated 16 September 2011**

# Green Legal

(An Incorporated Legal Practice)

**Director**  
**KENNETH GREEN**  
*BJuris, LLB, BCom, Grad Dip Comp Studs*

**Green Legal Pty Ltd**  
**ABN 41 105 334 763**

Suite 2, Level 4  
 The BGC Centre  
 28 The Esplanade  
 Perth, Western Australia

**Postal: GPO Box 2522**  
**PERTH WA 6001**

Phone: (08) 9261 6192  
 Fax: (08) 9414 1851

E-mail: admin@greenlegal.com.au

Our ref: FMGLTD115

16 September 2011

**ATTENTION: MR SIMON MILLMAN**

**BY COURIER**

Slater & Gordon  
 Level 2, Council House  
 27 - 29 St Georges Tce  
 PERTH WA 6000

**COPY TO: CLYDE LANNAN**

**BY COURIER**

Dept. of Mines & Petroleum  
 Mineral House  
 100 Plain Street  
 EAST PERTH WA 6004

Dear Sir

**CONSULTATION BY FMG PILBARA PTY LTD (ACN 106 943 828) WITH THE YINDJIBARNDI REGISTERED NATIVE TITLE CLAIMANTS (WC03/3) IN RELATION TO OBJECTION NT2/011 UNDER S24MD(6B)(d) OF THE NATIVE TITLE ACT 1993 TO MISCELLANEOUS LICENCE L47/396**

I act for FMG Pilbara Pty Ltd (ACN 106 943 828) ("**Applicant**").

I understand you act for the Yindjibarndi Registered Native Title Claimants in claim WC03/3 ("**Objectors**").

The Objectors have objected to the grant of miscellaneous licences L47/396 under s24MD(6B)(d) of the *Native Title Act 1993 Cth* ("**NTA**").

For the purpose of consultation as required by the NTA, I enclose a Consultation Package.

The Consultation Package is self-explanatory.

**GREEN LEGAL**

Slater &amp; Gordon

2

16 September 2011

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Please arrange for the Objectors' objection to be withdrawn, alternatively provide the Objectors' response to the issues raised in the Consultation Package.

Please do not hesitate to contact me should you have any questions.

Yours faithfully,



KEN GREEN



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC30**

**Letter from the Department of Mines, Industry Regulation and Safety to the Yindjibarndi #1**

**Claimant dated 12 March 2012**



Government of Western Australia  
Department of Mines and Petroleum

YAC#1ref; PP8; AC; 323268  
Our ref: CL:-L47/396  
Enquiries: Clyde Lannan - Ph 9222 3828 Fax 9222 3452  
Email: Clyde LANNAN@dmp.wa.gov.au

Yindjibarndi # 1 People  
c/- Aileen Sandy  
603 Sharpe Court  
ROEBOURNE WA 6718

Dear Madam

**OBJECTION NT 2/011 LODGED PURSUANT TO SECTION 24MD (6B) OF THE NATIVE TITLE ACT 1993 (Cth) BY THE YINJIBARNDI #1 NATIVE TITLE CLAIMANTS APPLICATION FOR MISCELLANEOUS LICENCE 47/396 BY FMG PILBARA PTY LTD (FMG PILBARA)**

In regard to the above, I have attached for your information copies of the Departments *Section 24MD (6B)* notification commencing 25 November 2010 together with a copy of a letter of objection received at this office on 24 January 2011 in respect to the above-mentioned matter.

According to information provided to the Department, FMG Pilbara has attempted to consult with the objector as is required by Section 24MD (6B) (e) of the Native Title Act 1993, however the above-mentioned objection remains on foot. On the basis of this effort to consult, FMG Pilbara has requested that this application for a miscellaneous licence now be granted.

If the Yindjibarndi #1 People now wish to withdraw Objection NT 2/011, a withdrawal in the form of a letter must be submitted to the Department and that letter should include the Federal Court Native Title Claim identifier number, the objection number; and the miscellaneous licence application number.

*Section 24MD(6B)(f) of the NTA* provides that if any claimant or body corporate objects to the doing of the act and so requests, the State must ensure that an objection is heard by an independent person or body.

Should the Yindjibarndi # 1 People wish to proceed in this manner, please request in writing **within 30 days from the date of this letter** for the State to ensure that this objection is placed before the independent person for hearing. The necessary arrangements will then be made for the objection to be heard by the independent person.

In the absence of any request to have the objections heard by the independent person, the application for Miscellaneous Licence 47/396 will, in due course, be granted.

Yours sincerely

*Clyde Lannan*

For DIRECTOR  
MINERAL TITLES DIVISION

12 March 2012

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC31**

**Mining Tenement Register Search for L 37/396**





## MINING TENEMENT REGISTER SEARCH

### MISCELLANEOUS LICENCE 47/396

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **10:56:54 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/396 <b>Current Area :</b> 216.00000 HA <b>Mark Out :</b> 13/10/2010 16:30:00 <b>Term Granted :</b> 21 Years <b>Commence :</b> 23/05/2012 <b>Purpose :</b> a road pipeline powerline taking water communications facility water management facility bore field bore	<b>District :</b> WEST PILBARA M.F. <b>Status :</b> Dead <b>Received :</b> 18/10/2010 12:08:00 <b>Lodging Office :</b> KARRATHA <b>Expiry :</b> 22/05/2033 <b>Death :</b> Surrendered 07/01/2013 15:35:00
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### Rent Status

**Due for Year End 07/01/2023 :** N/A  
**Previous Amount Outstanding :**  
**Current Due :**  
**Rent for Year End :**

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

Name and Address	Shares
FMG PILBARA PTY LTD (ACN:106943828)	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	<b>100</b>

**Holder Changes**

139

Dealing	Status Date	From (Shares)	To (Shares)
---------	-------------	---------------	-------------

**Applicants on Receival****Name and Address**

FMG PILBARA PTY LTD

C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326

HAY STREET, EAST PERTH, WA, 6004

**Shares**

100

<b>Total Shares:</b>	100
----------------------	-----

**DESCRIPTION DETAILS****Description****Block Type :****Effective From :****Locality :** solomon water feature**Datum :** Datum situated at  
586358.59 Easting 7553049.60 Northing**Boundary :** thence to 585584.53 Easting 7553474.59 Northing  
thence to 585579.54 Easting 7554418.89 Northing  
thence to 587524.58 Easting 7554434.45 Northing  
thence to 587541.44 Easting 7553674.57 Northing  
thence back to datum

Area :	Type	Dealing No	Start Date	Area
	Granted		23/05/2012	216.00000 HA
	Applied For		13/10/2010	216.00000 HA

**RELATIONSHIPS****Relationships**

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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**State Agreement Conversions**

Applicable Legislation	Effective Start	Effective End
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**SURVEY DETAILS****Survey**

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
---------------	---------------	-----------------	------------	------------------	---------

Standard Plan	Diagram
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**GENERAL DETAILS****General**

Objection Closing Date : 22/11/2010

Application Fee : \$385.00

File Reference :

Survey Fee :

Receipt Number : 3162

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

140

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	13/10/2010		216.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals****DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation**

Date Referred	Referral Type	Procedure	Current Status
26/10/2010	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 23/05/2012      Holder Notified : 23/05/2012      Licence/Lease 23/05/2012 issued :

**Term**

Term : 21 Years      From : 23/05/2012      To : 22/05/2033

## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	23/05/2012	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	23/05/2012	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	23/05/2012	
3	The Licensee attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>Waterways Conservation Act, 1976</li> <li>Rights in Water and Irrigation Act, 1914</li> <li>Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>Country Areas Water Supply Act, 1947</li> <li>Water Agencies (Powers) Act 1984</li> <li>Water Resources Legislation Amendment Act 2007</li> </ul>	23/05/2012	
4	The rights of ingress to and egress from the mining tenement being at all reasonable times preserved to officers of Department of Water (DoW) for inspection and investigation purposes.	23/05/2012	
5	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the DoWs relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	23/05/2012	
	<b>In respect to Artesian (confined) Aquifers and Wells the following endorsement applies:</b>	23/05/2012	
6	The abstraction of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless a current licence for these activities has been issued by the DoW.	23/05/2012	
	<b>In respect to Waterways the following endorsement applies:</b>	23/05/2012	
7	Advice shall be sought from the DoW if proposing any activity in respect to licence purpose in respect to licence purpose within a defined waterway and within a lateral distance of:	23/05/2012	



#	ENDORSEMENTS	Start Date	End Date
	<ul style="list-style-type: none"> <li>50 metres from the outer-most water dependent vegetation of any perennial waterway, and</li> <li>30 metres from the outer-most water dependent vegetation of any seasonal waterway.</li> </ul>		
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Environment Division, DMP for assessment and written approval prior to commencing any development or construction.	23/05/2012	
2	Where surface disturbance activities are proposed on the licence which are not associated with development or construction proposals, the prior written approval of the Environmental Officer, DMP must be obtained before the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for the proposed surface disturbance activities. Following approval, all topsoil being removed ahead of operations and separately stockpiled for replacement after backfilling and/or completion of operations.	23/05/2012	
3	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	23/05/2012	
4	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	23/05/2012	
5	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, DMP.	23/05/2012	
6	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	23/05/2012	
7	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	23/05/2012	
8	Ingress and egress of tenement holders to be preserved by the construction of vehicular access crossings over any pipeline constructed pursuant to this licence.	23/05/2012	
9	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, DMP.	23/05/2012	
10	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	23/05/2012	
11	The area of the licence to be reduced as soon as practicable after construction, to a minimum for the safe maintenance and operation of the licence purposes.	23/05/2012	
12	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Mining Registrar or Minister responsible for the Mining Act 1978 orders or consents otherwise.	23/05/2012	

## DEALINGS DETAILS

### Dealings

#### Extension of Time 361347

#### Encumbrances

Lodged: 14:00 23 November 2010  
 Reg 104 to extend time pursuant to Reg 37(4) to lodge late  
 Construction of Works Statement

RECORDED: 14:00 23 November 2010

APPROVED: 16:45 16 December 2010

#### Extension of Time 361349

Lodged: 14:00 23 November 2010

142

APPROVED: 16:45 16 December 2010

Lodged: 15:35 07 January 2013

REGISTERED: 15:35 07 January 2013

BOND DETAILS	
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Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

## Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2013	18/10/2010		3162	KR	\$2,786.40	216.00000 HA	23/05/2012	\$2,786.40	\$0.00

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

## COMBINED REPORTING DETAILS

**Reporting Date :**

## Affecting

**Period :**

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC32**

**Application for L 37/472 dated 19 April 2011**



## APPLICATION FOR MINING TENEMENT

- (a) Type of tenement
- 
- (b) Time & Date

(a) **Miscellaneous Licence -**No. **47 / 472**

For the purpose of a: Road, Borefield, Powerline, Pipeline, Taking Water, Communications facility, Water management facility and Minesite Accommodation Facility

- marked out (where applicable)
- 
- (c) Mineral Field

(b) 2.00 PM 11/04/2011

(c) **West Pilbara**

## APPLICANT:

- (d) Full name } for
- 
- (e) Address } each
- 
- (f) No. of } appli-
- 
- shares } cant
- 
- (g) Total No.
- 
- of shares

(d) &amp; (e)

**FMG Pilbara Pty Ltd** ACN 106 943 828  
**C/- TENEMENT ADMINISTRATION SERVICES PTY LTD**  
**LEVEL 2, 326 HAY ST**  
**EAST PERTH WA 6008**

(f) Shares

**100**(g) Total **100**DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality
- 
- (i) Datum Peg
- 
- (j) Boundaries

(h) **FMG Solomon**

(i) &amp; (j)

**GDA94 MGA Zone50**

Datum situated at	598685.33	mE	7549688.82	mN
Then to	601450.44	mE	7549673.64	mN
Then to	603087.12	mE	7548300.26	mN
Then to	603091.42	mE	7546540.68	mN
Then to	601369.31	mE	7546326.00	mN
Then to	599518.00	mE	7548136.98	mN
Back to the datum at	598685.33	mE	7549688.82	mN

- (k) Area (ha or Km
- <sup>2</sup>
- )

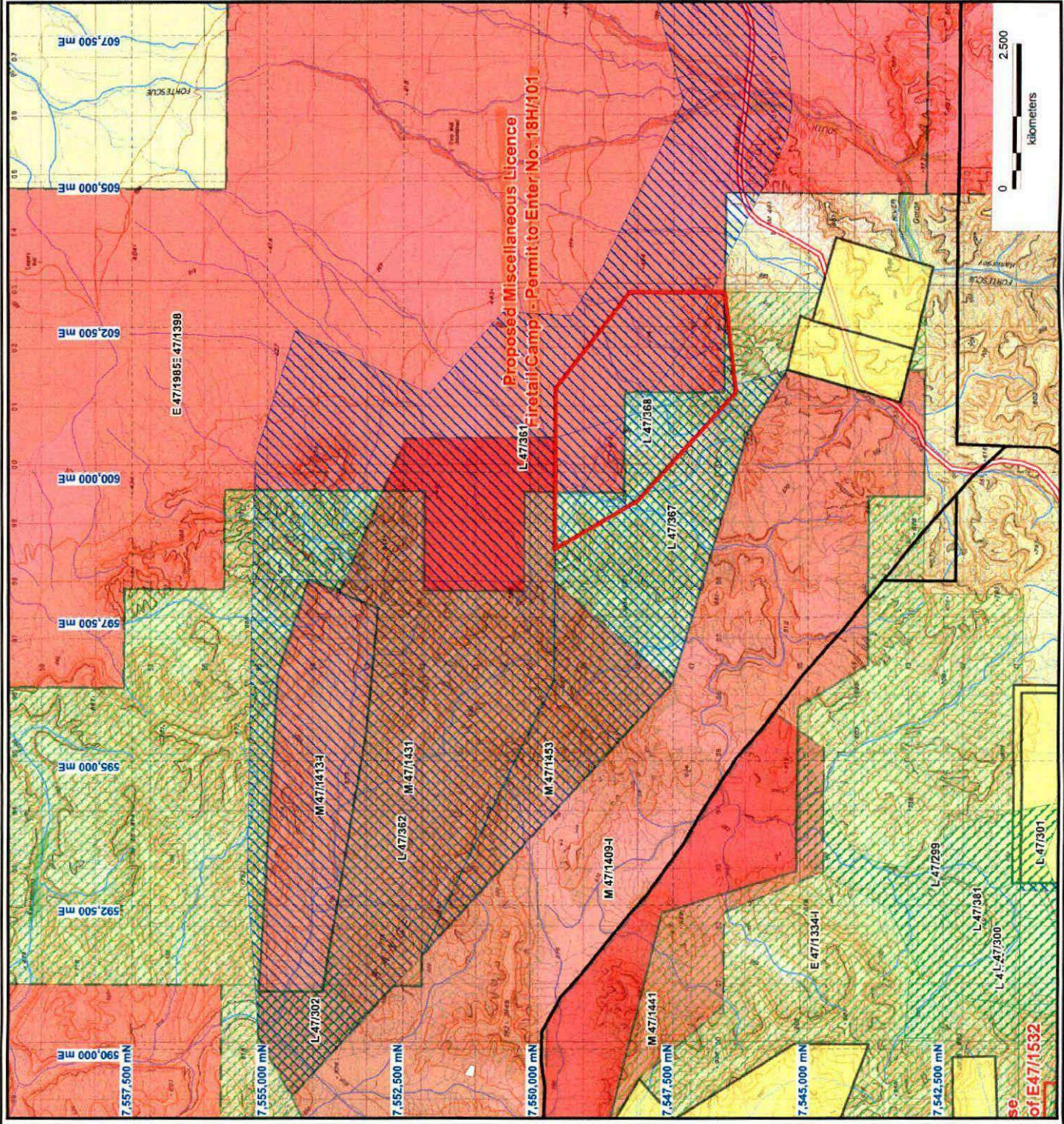
(k) **965 ha**

- (l) Signature of
- 
- applicant or agent

(l) \_\_\_\_\_  
as AgentsDATE **19/04/2011**

O F F I C E U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office on or before the <u>25th</u> day of <u>MAY</u> 20 <u>11</u>				
	Where an objection to this application is lodged the hearing will take place on a date to be set.				
	DEPARTMENT OF MINES AND PETROLEUM  20 APR 2011  MINERAL AND TILE SERVICES DIVISION	FEES PAID	\$	c	Receipt No.: <u>93030</u>
		Application	385	00	Shire: <u>ASHBURTON</u>
		Rent	12,448	50	
	TOTAL	12,833	50	Map Ref: <div style="border: 1px solid black; width: 50px; height: 50px; display: inline-block;"></div> <b>TENGRAPH</b>	
	Received at <u>14:52</u> m on <u>20/04/11</u> <u>P. VIELHAUER</u> (Mining Registrar) <u>ML</u>				





**Proposed Miscellaneous Licence**



**Tenement Legend**

- FMG Tenure
- Rio Tenure
- De Beers Tenure
- Mineralogy Tenure
- Other Tenure

- Railway
- Road
- Contours (10m)
- Drainage

**Fortescue Metals Group Ltd**

**Solomon Project  
Mark-out Map**

Author: D. Johns	Date: 29 March 2011
Drawn By:	Revised:
Plan No.: Solomon Map 2	Report No.: TEN_11_028
Projection: GDA 94 Z50	Scale

0 2.500  
kilometers

se  
of E47/1532



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC33**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/472 dated 25 May 2011**



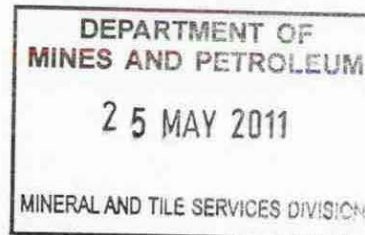
6550

147



25 May 2011

Mining Registrar  
Department of Mines & Petroleum  
Mineral House  
100 Plain Street  
PERTH WA 6000



Dear Sir/Madam,

**RE: APPLICATION FOR MISCELLANEOUS LICENCE 47/472 BY FMG PILBARA PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a bore field, a pipeline, road, water management facility, taking water, communication facility, Minesite accommodation facility, powerline.

**Water Management Facility/Taking Water Bore Field**

A number of production bores will be installed within L47/472 for the purpose of abstracting groundwater for various purposes including road construction, dust suppression, and water supply to the mine village.

A hydrogeological investigation to assess borefield requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.

**Pipeline**

A pipeline of up to 560mm in diameter will be installed. This will be used to convey water from the production bores to the road construction locations and to the mine village.

**Road**

An access road will be constructed to accommodate traffic between the minesite and the mine village, and to provide access for construction and maintenance of the powerline, bore-field, and pipeline.

The road will comprise an 8-10m wide pavement with a shoulder width of 1 – 2m and side drains as required by existing ground conditions. Pavement formation will comprise a self draining base course of 100 – 150mm over a 200 - 250mm sub-base layer over a prepared subgrade.

The road alignment will follow the existing track and terrain where appropriate with cut and fill requirements balancing approximately every two kilometres. These measures will minimise earthworks and environmental disturbance.

Where the road crosses creeks a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

### **Communications facility**

If required, communications systems comprising optic fibre distribution, conventional cable and radio networks will be constructed.

If required, telecommunication infrastructure, consisting of radio towers on higher ground, will be built for transmission and relay of information within L47/472 and the mine village.

### **Powerline**

An overhead powerline will be constructed within L47/472 for the purposes of providing electricity from a power station within the minesite to the mine village and to the borefield pumps.

### **Minesite Accommodation Facility**

A mine village is to be constructed within L47/472. This village will be used as accommodation for the mine site construction workers, together with the requirements of contractors, FMG exploration staff, and site staff.

The construction of the village will entail the following:

- Clearing of vegetation and topsoil stripping (nominal depth 100mm) within the village areas, and creation of appropriate fire breaks. Stripping and separate storage of subsoil where required;
- Construction of pads, including minor cutting and/or fill operations for the construction of the village;
- Installation and construction of accommodation blocks, kitchens, recreational facilities, first aid stations, office blocks, laundries, swimming pools, sports courts and ablution blocks;
- Site landscaping;
- Establishment of required concrete batching plants;
- Extraction of suitable borrow material required for site pads;
- Construction of concrete footpaths around the village;
- Installation of pumps and plumbing for the supply of potable water from bores to the camp reservoir;
- Prior to availability of water bore extraction capacity and licences, installation of water tanks and related equipment on site for the storage of carted water for construction;
- Installation of generators for the supply of power to the buildings and pump facilities;



- Installation of communications (telephone, TV, internet, facsimiles);
- Construction of sewerage treatment plants and spray irrigation areas;
- Installation of plumbing works to buildings;
- Construction of fuel farms and workshop facilities;
- Construction of car parks and lay down areas; and
- Construction of infrastructure buildings and facilities at the village including the kitchen/diner, wet mess, recreation rooms, gymnasium, sports facilities, office facilities and medical facilities.

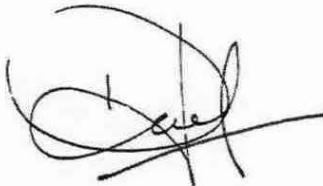
All buildings will be constructed of panel frame construction with colour bond external cladding. Buildings will be constructed by a contractor and transported to site for installation on pre-prepared pads.

The village will provide accommodation, messing and recreational facilities for an initial 500 persons during exploration and project development phases. The village will be substantially increased during the construction phase with a maximum of 2,000 beds.

During the operational phase the village will be reduced in size and capacity to around a 500 man camp and will be used for the purpose of providing accommodation for maintenance workers for the mine, rail and other infrastructure. It is proposed that this village will remain on this site for a minimum of 10 years.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,  
**FMG Pilbara Pty Ltd**



Vicki Hadfield  
Acquisitions



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC34**

**Email from FMG Pilbara Pty Ltd to the Department of Mines, Industry Regulation and Safety  
dated 12 November 2012**

**KAM, Rasa**

---

**From:** Denice Johns <djohns@fmgl.com.au>  
**Sent:** Monday, 12 November 2012 2:30 PM  
**To:** CRABTREE, David  
**Subject:** "Infrastructure" definition  
**Attachments:** PTHMSPSM01\_HKK50321\_1797\_001.pdf

Hi David,

Thank you for your recent correspondence as attached advising of the legal advice to the definition of the word "infrastructure" as set out in s253 of the Native Title Act 1993 (NTA).

We are supportive of the DMP's proposal to readvertise L47/472 under s24MD(6B) of the NTA.

Kind regards

Denice Johns

Tenement Specialist - Projects and Access

Fortescue Metals Group Ltd  
Direct: 08 6218 8845 Mobile: 0422 879 779

The document has been automatically registered in the records system on File No(s) L47/0472.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC35**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/472 dated 9 May 2014**





Enquiries: Bethany Conway - Ph (08)9222 3518 Fax (08)9222 3452  
Email: s24md.infrastructure@dmp.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI ABORIGINAL CORPORATION RNTBC  
PO BOX 196  
WEMBLEY WA 6923

9 May 2014

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) – WC03/3**

You are hereby notified in your capacity as a registered native title claimant or a representative Aboriginal Torres Strait Islander Body that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth) (NTA)*) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the tenements be granted:

No	Type	Applicant/s
L 47/472	Miscellaneous Licence	FMG PILBARA PTY LTD

No	Area	Locality	Centroid	Shire
L 47/472	962.45 HA.	61km N'ly of Tom Price	Lat: 22° 10' S Long: 117° 58' E	ASHBURTON SHIRE

**The purposes of L 47/472 are: Borefield,Pipeline,Power Line,Road,Water Management Facility**

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the tenement (ie by **16 July 2014**) so far as it affects their registered native title rights and interests in relation to land or waters to which the tenement relates.

The tenement applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the tenement on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the tenement might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **16 July 2014**. The objection must contain the following information:

- number of the tenement objected to;
- details of how the grant of the tenement will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

Bethany Conway  
for EXECUTIVE DIRECTOR  
MINERAL TITLES

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC36**

**Notice issued under s 24HA(7) of the *Native Title Act 1993* (Cth) with respect to the grant of**

**L 47/472 dated 9 May 2014**



**Enquiries:** Bethany Conway - Ph. (08)9222 3518 Fax (08)9222 3452  
**Email:** S24md.infrastructure@dmp.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI ABORIGINAL CORPORATION RNTBC  
PO BOX 196  
WEMBLEY WA 6923

**9 May 2014**

Dear Sir/Madam

**NOTIFICATION PURSUANT TO SECTION 24HA (7) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) –  
MANAGEMENT OF WATER – WC03/3**

You are hereby notified in your capacity as a registered native title claimant that application has been made for the tenement/s listed hereunder for an initial term of twenty one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24 HA(7) of the Native Title Act 1993 (Cth) (NTA), there is an intention that the tenement/s be granted:

No	Applicant/s	Closing Date
L 47/472	FMG PILBARA PTY LTD	20 June 2014

No	Area	Locality	Centroid	Shire
L 47/472	962.45 HA.	61km N'ly of Tom Price	Lat: 22° 10' S Long: 117° 58' E	ASHBURTON SHIRE

**The purposes of L 47/472 are: taking water**

A plan(s) showing the location of the application(s) is enclosed.

**OPPORTUNITY TO COMMENT:** Under Section 24HA (7) of the NTA, any registered Native Title Claimant must be given opportunity to comment on the act within the period specified in this notice.

**Any comments must be directed** in the form of a letter addressed to, or delivered to, the General Manager, Tenure & Native Title, 100 Plain Street, East Perth, W.A, 6004 and must be received before the close of business at 4.30pm on the closing date mentioned above.

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

Bethany Conway  
for EXECUTIVE DIRECTOR  
MINERAL TITLES

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC37**

**Mining Tenement Register Search for L 47/472**



## MINING TENEMENT REGISTER SEARCH

### MISCELLANEOUS LICENCE 47/472

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:36:08 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure

Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/472 <b>Current Area :</b> 965.00000 HA <b>Mark Out :</b> 11/04/2011 14:00:00 <b>Term Granted :</b> 21 Years <b>Commence :</b> 18/07/2014 <b>Purpose :</b> a road a bore field a power line a pipeline taking water a communications facility a water management facility a minesite accommodation facility	<b>District :</b> WEST PILBARA M.F. <b>Status :</b> Live <b>Received :</b> 20/04/2011 14:52:00 <b>Lodging Office :</b> PERTH <b>Expiry :</b> 17/07/2035 <b>Death :</b>
--	---

### Rent Status

**Due for Year End 17/07/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 17/07/2024 :** \$21,230.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

### Current Holders

**Name and Address**  
 FMG PILBARA PTY LTD (ACN:106943828)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
 100

Total Shares:	100	158
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival**

Name and Address	Shares
FMG PILBARA PTY LTD	100
C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326	
HAY STREET, EAST PERTH, WA, 6004	
Total Shares:	100

**DESCRIPTION DETAILS****Description**

<b>Block Type :</b>	<b>Effective From :</b>												
<b>Locality :</b>	FMG SOLOMON												
<b>Datum :</b>	Datum situated at 598685.33 mE 7549688.82 mN GDA94 MGA Zone50												
<b>Boundary :</b>	Then to 601450.44 mE 7549673.64 mN 603087.12 mE 7548300.26 mN 603091.42 mE 7546540.68 mN 601369.31 mE 7546326.00 mN 599518.00 mE 7548136.98 mN Back to the datum												
<b>Area :</b>	<table> <tr> <th>Type</th> <th>Dealing No</th> <th>Start Date</th> <th>Area</th> </tr> <tr> <td>Granted</td> <td></td> <td>18/07/2014</td> <td>965.00000 HA</td> </tr> <tr> <td>Applied For</td> <td></td> <td>11/04/2011</td> <td>965.00000 HA</td> </tr> </table>	Type	Dealing No	Start Date	Area	Granted		18/07/2014	965.00000 HA	Applied For		11/04/2011	965.00000 HA
Type	Dealing No	Start Date	Area										
Granted		18/07/2014	965.00000 HA										
Applied For		11/04/2011	965.00000 HA										

**RELATIONSHIPS****Relationships**

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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**State Agreement Conversions**

Applicable Legislation	Effective Start	Effective End
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**SURVEY DETAILS****Survey**

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			



## GENERAL DETAILS

159

**General**

Objection Closing Date : 25/05/2011

Application Fee : \$385.00

File Reference :

Survey Fee :

Receipt Number : 93030

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	11/04/2011		965.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

DISCLAIMER: Complete Native Title Information is not available for this Tenement/Amalgamation

Date Referred	Referral Type	Procedure	Current Status
04/05/2011	Tenement Application		NT Cleared

## GRANT DETAILS

**Recommendation**

Recommended for :

**Grant**

Granted : 18/07/2014	Holder Notified : 18/07/2014	Licence/Lease issued :
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**Term**

Term : 21 Years	From : 18/07/2014	To : 17/07/2035
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## ENDORSEMENTS/CONDITIONS DETAILS

**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	18/07/2014	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	18/07/2014	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA/7838 in TENGRAPH.	18/07/2014	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	18/07/2014	
4	The Licensee attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>Waterways Conservation Act, 1976</li> <li>Rights in Water and Irrigation Act, 1914</li> <li>Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> </ul>	18/07/2014	

#	ENDORSEMENTS	Start Date	End Date
	<ul style="list-style-type: none"> <li>Country Areas Water Supply Act, 1947</li> <li>Water Agencies (Powers) Act 1984</li> <li>Water Resources Legislation Amendment Act 2007</li> </ul>		
5	The rights of ingress to and egress from the mining tenement being at all reasonable times preserved to officers of Department of Water (DoW) for inspection and investigation purposes.	18/07/2014	
6	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the DoWs relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	18/07/2014	
	<b>In respect to Artesian (confined) Aquifers and Wells the following endorsement applies:</b>	18/07/2014	
7	The abstraction of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless a current licence for these activities has been issued by the DoW.	18/07/2014	
	<b>In respect to Waterways the following endorsement applies:</b>	18/07/2014	
8	Advice shall be sought from the DoW if proposing any activity in respect to licence purpose within a defined waterway and within a lateral distance of: <ul style="list-style-type: none"> <li>50 metres from the outer-most water dependent vegetation of any perennial waterway, and</li> <li>30 metres from the outer-most water dependent vegetation of any seasonal waterway.</li> </ul>	18/07/2014	
	<b>In respect to Proclaimed Surface Water (Pilbara) Areas the following endorsements apply:</b>	18/07/2014	
9	The abstraction of surface water from any watercourse is prohibited unless a current licence to take surface water has been issued by the DoW.	18/07/2014	
10	All activities to be undertaken with minimal disturbance to riparian vegetation.	18/07/2014	
11	No activity in respect to licence purpose being carried out that may disrupt the natural flow of any waterway unless in accordance with a current licence to take surface water or permit to obstruct or interfere with beds or banks issued by the DoW.	18/07/2014	
12	Advice shall be sought from the DoW and the relevant service provider if proposing activity in respect to licence purpose being carried out in an existing or designated future irrigation area, or within 50 metres of an irrigation channel, drain or waterway.	18/07/2014	
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	18/07/2014	
13	The abstraction of groundwater is prohibited unless a current licence to construct/alter a well and a licence to take groundwater has been issued by the DoW.	18/07/2014	
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Environment Division, DMP for assessment and written approval prior to commencing any development or construction.	18/07/2014	
2	Where surface disturbance activities are proposed on the licence which are not associated with development or construction proposals, the prior written approval of the Environmental Officer, DMP must be obtained before the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for the proposed surface disturbance activities. Following approval, all topsoil being removed ahead of operations and separately stockpiled for replacement after backfilling and/or completion of operations.	18/07/2014	
3	The Licensee 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.	18/07/2014	
4	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	18/07/2014	
5	The rights of ingress to and egress from Miscellaneous Licences applications 47/350, 47/361, 47/367, 47/368, 47/507 (if granted) and AL70/1 (L1SA) being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	18/07/2014	
6	No interference with Geodetic Survey Station HRE 87 and mining within 15 metres thereof being confined to below a depth of 15 metres from the natural surface.	18/07/2014	

#	CONDITIONS	Start Date	End Date
7	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	18/07/2014	
8	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	18/07/2014	
9	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	18/07/2014	
10	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.	18/07/2014	
11	At the direction of the Special Inspector of Mines - Electrical, DMP the holder shall clear such area about any powerline as determined by the Inspector of any dry or other growth considered by the Inspector to be a potential risk for fire or for any other reason the Inspector may deem is necessary.	18/07/2014	
12	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, DMP.	18/07/2014	
13	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, DMP.	18/07/2014	
14	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, DMP.	18/07/2014	
15	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	18/07/2014	
16	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Minister responsible for the Mining Act 1978 orders or consents otherwise.	18/07/2014	

## DEALINGS DETAILS

### Dealings

#### Extension of Time 287419

#### Encumbrances

Lodged: 09:41 28 April 2011  
 Advertising, service on underlying tenement holders, pastoralists, private land owners/occupiers, mortgagees of private property, Local Council and Native Title Claimants  
 RECORDED: 09:41 28 April 2011  
 APPROVED: 17:15 28 April 2011  
 Time extended up to the close of business on 18 May, 2011

#### Objection KR697/101

Lodged: 16:15 25 May 2011  
 ON BEHALF OF THE YINDJIBARNDI PEOPLE  
 Objectors: CHEEDY, Ned, PAT, Mavis, SANDY, Aileen, JACOB, Thomas, ALLEN, Sylvia, CHEEDY, Alum, WOODLEY, Michael  
 Objection Type: Tenement Application  
 RECORDED: 16:15 25 May 2011  
 FINALISED: 10:00 29 November 2013  
 Wardens Decision 10:00 29 November 2013  
 Made on:



	Wardens Decision Dismissed Status:	
<b>Objection KR699/101</b>	Lodged: 16:15 25 May 2011 Objectors: YINDJIBARNDI ABORIGINAL CORPORATION FOR AND ON BEHALF OF THE YINDJIBARNDI PEOPLE  Objection Type: Tenement Application RECORDED: 16:15 25 May 2011 FINALISED: 10:00 29 November 2013 Wardens Decision Made on: 10:00 29 November 2013 Wardens Decision Dismissed Status:	
<b>Application to Amend 395606</b>	Lodged: 15:45 11 March 2013 Amending: Address From: Residential : FMG PILBARA PTY LTD, ADDRESS NOT PROVIDED and Correspondence :FMG PILBARA PTY LTD, C/- TENEMENT ADMINISTRATION SERVICES PTY LTD, LEVEL 2 326 HAY STREET, EAST PERTH, WA, 6004  To: Residential : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and Correspondence :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  RECORDED: 15:45 11 March 2013	
<b>Application to Amend 587387</b>	Lodged: 10:03:41 30 September 2020 Amending: Address (Including DTC Details) From: Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  To: Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au  REJECTED: 10:03:41 30 September 2020	
<b>Application to Amend 587396</b>	Lodged: 10:03:41 30 September 2020 Amending: Address (Including DTC Details) From: Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  To: Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au  REJECTED: 10:03:41 30 September 2020	
<b>Application to Amend 587401</b>	Lodged: 10:03:41 30 September 2020	

Amending: Address (Including DTC Details)  
 From: Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  
 To: Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

REJECTED: 10:03:41 30 September 2020

### Application to Amend 587934

Lodged: 15:58 08 October 2020  
 Amending: Address (Including DTC Details)  
 From: Principal Place of Business : FMG PILBARA PTY LTD, SAME AS CORRESPONDENCE and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  
 To: Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

RECORDED: 15:58 08 October 2020

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

### Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	20/07/2022	5937495074	10276826	OL	\$21,230.00	965.00000 HA	18/07/2014	\$21,230.00	\$0.00
Payment	2022	20/07/2021	2369885179	10207845	OL	\$19,010.50	965.00000 HA	18/07/2014	\$19,010.50	\$0.00
Payment	2021	20/07/2020	4459904498	10154590	OL	\$17,273.50	965.00000 HA	18/07/2014	\$17,273.50	\$0.00
Payment	2020	19/07/2019	1467020259	10106167	OL	\$16,887.50	965.00000 HA	18/07/2014	\$16,887.50	\$0.00
Payment	2019	23/07/2018	5571012383	8779355885	OL	\$15,922.50	965.00000 HA	18/07/2014	\$15,922.50	\$0.00
Payment	2018	18/07/2017	4781212321	7630443666	OL	\$15,054.00	965.00000 HA	18/07/2014	\$15,054.00	\$0.00
Payment	2017	18/07/2016		MT-210010670896-DD	OL	\$14,571.50	965.00000 HA	18/07/2014	\$14,571.50	\$0.00
Payment	2016	20/07/2015		MT-210010315847-DD	OL	\$14,089.00	965.00000 HA	18/07/2014	\$14,089.00	\$0.00
Payment	2015	20/04/2011		93030	PE	\$12,448.50	965.00000 HA	18/07/2014	\$12,448.50	\$0.00

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS**

164

**C Number :****Project :****Reporting Date :****Affecting****Period :**

End of Search





## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC38**

**Application for L 47/697 dated 7 May 2013**

## APPLICATION FOR MINING TENEMENT

- (a) Type of tenement  
(b) Time & Date  
marked out (where  
applicable)  
(c) Mineral Field

(a) **Miscellaneous Licence**No. <sup>47</sup>~~45~~ / <sup>697</sup>.....

(b) Not applicable

(c) **Pilbara**

## APPLICANT:

- (d) Full name } for  
(e) Address } each  
(f) No. of } appli-  
shares } cant  
(g) Total No.  
of shares

(d) &amp; (e)

**Pilbara Gas Pipeline Pty Ltd (ACN 163 526 207)**  
**C/- Acquisitions and Tenements**  
**PO Box 3379**  
**East Perth WA 6004**

(f) Shares

**100**(g) Total **100**DESCRIPTION OF  
GROUND APPLIED  
FOR:

- (h) Locality  
(i) Datum Peg  
(j) Boundaries

(h) Port Hedland to Solomon  
(i) & (j)

**See Attachment for boundaries**

- (k) Area (ha or Km<sup>2</sup>)

(k) **96.01 ha****Purposes:** Bore, bore field, communications facility, pipeline, pump station, road, tunnel, taking water, workshop and storage facility

- (l) Signature of  
applicant or agent

(l) .....  
as Applicants

DATE

**7/5/13**

O F F I C E U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at on or before the <u>11</u> day of <u>JUNE</u> 2013 Where an objection to this application is lodged the hearing will take place on a date to be set.				
	DEPARTMENT OF MINES AND PETROLEUM  7 MAY 2013  MINERAL TITLES DIVISION	FEES PAID		Receipt No.:	
		Application	\$ 431	c 05	Shire:  <b>EAST PILBARA</b>
		Rent	1324	05	
		TOTAL	1755	10	
		Received at <u>4:30pm</u> on <u>7 MAY 2013</u>  <u>P. VIELHAUER N.N.</u> (Mining Registrar)		Map Ref:  <div style="border: 1px solid black; width: 50px; height: 50px; display: inline-block;"></div> TENGGRAPH  <b>REC # 06-123706</b>	

**Faxed to MR**

L47/697

## GDA Zone 50

Datum situated at	610339.5492	mE	7547333.717	mN
then	610204.605	mE	7547226.361	mN
then	609565.5347	mE	7547060.429	mN
then	609517.2882	mE	7547046.272	mN
then	607627.3737	mE	7546422.799	mN
then	607570.4526	mE	7546405.142	mN
then	607506.6875	mE	7546388.666	mN
then	607449.7087	mE	7546377.208	mN
then	607385.8859	mE	7546367.64	mN
then	607331.6777	mE	7546362.291	mN
then	607282.1861	mE	7546359.571	mN
then	607227.442	mE	7546358.962	mN
then	606782.0262	mE	7546363.091	mN
then	606321.2649	mE	7546367.36	mN
then	606223.0157	mE	7546369.119	mN
then	606188.5646	mE	7546371.509	mN
then	606168.5519	mE	7546372.909	mN
then	606120.5528	mE	7546378.268	mN
then	606070.3109	mE	7546386.076	mN
then	606011.9881	mE	7546397.904	mN
then	605959.1487	mE	7546411.321	mN
then	605902.2853	mE	7546428.717	mN
then	605850.8725	mE	7546447.084	mN
then	605805.0256	mE	7546465.82	mN
then	605750.9741	mE	7546490.795	mN
then	605707.1227	mE	7546513.68	mN
then	605608.9147	mE	7546571.188	mN
then	605608.3375	mE	7546571.528	mN
then	605507.9938	mE	7546423.818	mN
then	605123.1932	mE	7546513.97	mN
then	605002.4163	mE	7546468.349	mN
then	604809.7275	mE	7546529.257	mN
then	604460.9117	mE	7546531.576	mN
then	603237.3357	mE	7547216.787	mN
then	602209.7715	mE	7547931.961	mN
then	601363.3191	mE	7548511.533	mN
then	599484.7591	mE	7550126.525	mN
then	599484.7674	mE	7550126.515	mN
then	598733.1999	mE	7550409.897	mN
then	598757.8962	mE	7550475.404	mN
then	599521.0078	mE	7550187.672	mN
then	601406.0408	mE	7548567.122	mN
then	602249.5412	mE	7547989.57	mN
then	603274.5162	mE	7547276.195	mN
then	604479.3907	mE	7546601.452	mN
then	604810.1892	mE	7546599.253	mN
then	604996.7102	mE	7546541.014	mN
then	605118.3941	mE	7546586.995	mN
then	605477.1214	mE	7546502.942	mN






then	605547.7965	mE	7546606.981	mN
then	605587.2199	mE	7546665.019	mN
then	605644.2894	mE	7546631.596	mN
then	605741.0214	mE	7546574.948	mN
then	605781.863	mE	7546553.632	mN
then	605832.9625	mE	7546530.017	mN
then	605875.8986	mE	7546512.47	mN
then	605924.3182	mE	7546495.184	mN
then	605978.0152	mE	7546478.747	mN
then	606027.5644	mE	7546466.17	mN
then	606082.6467	mE	7546455.002	mN
then	606129.8212	mE	7546447.673	mN
then	606174.8765	mE	7546442.635	mN
then	606189.7684	mE	7546441.595	mN
then	606189.8509	mE	7546451.613	mN
then	606190.4116	mE	7546517.589	mN
then	606783.3208	mE	7546514.27	mN
then	606783.931	mE	7546443.074	mN
then	606784.0135	mE	7546433.076	mN
then	607227.376	mE	7546428.967	mN
then	607279.8691	mE	7546429.547	mN
then	607326.3179	mE	7546432.107	mN
then	607377.2607	mE	7546437.126	mN
then	607437.6121	mE	7546446.174	mN
then	607491.0204	mE	7546456.912	mN
then	607551.3058	mE	7546472.488	mN
then	607606.0334	mE	7546489.475	mN
then	609496.4592	mE	7547113.108	mN
then	609546.8825	mE	7547127.905	mN

Back to datum



**Legend**

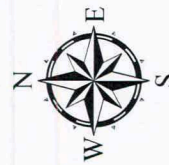
-  L1SA
-  Other Tenements
-  New Application Area



**Fortescue Metals Group Ltd**  
The New Force in Iron Ore

**Miscellaneous Licence Application  
Area Map - ML 13**

Requested By: D. Johns	Date: 7/05/2013
Drawn By: S. Pottachira	Size: A4P
Scale: 1:55,000	Revision: 0
Projection: GDA 1994 MGA Zone 50	Confidentiality: 1
Doc Name: TEN_13_224.013	



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC39**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to**

**L 47/695-697 dated 11 June 2013**





11 June 2013

Mining Registrar  
Department of Mines & Petroleum  
Mineral House  
100 Plain Street  
PERTH WA 6000

Dear Sir/Madam,

**RE: APPLICATIONS FOR MISCELLANEOUS LICENCES 47/695-697 BY  
PILBARA GAS PIPELINE PTY LTD**

In accordance with the requirements of Regulation 37(3) of the Mining Regulations 1981, please find attached the Details of Work Statement for Applications for Miscellaneous Licences 47/695-697 applied for by Pilbara Gas Pipeline Pty Ltd, a wholly owned subsidiary of Fortescue Metals Group Ltd.

The applications are for a proposed pipeline which commences at the Port Hedland gas facility near the Port Hedland Power Station and follows existing public roads until joining the FMG Railway SRL boundary of L1SA.

The alignment continues within the same corridor as the FMG SRL to the junction of the spur line to Solomon at kilometre point 173 (KP 173). The alignment then continues west within the SRL to the Solomon mine terminating at a delivery station near the existing power station at the Solomon Mine. The total length of the pipeline is approximately 295 km.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Kind regards,

**Pilbara Gas Pipeline Pty Ltd**

**Denice Johns**

Tenement Specialist – Projects & Access





**Fortescue**  
The New Force in Iron Ore

**APPLICATIONS FOR MISCELLANEOUS LICENCE**  
**CHICHESTER METALS PTY LTD**  
**REGULATION 37(3) – DETAILS OF WORK STATEMENT**

---

The prescribed purposes are a Pipeline, a Road, a Tunnel, Taking Water, a Communications facility, a Pump Station, a Bore, a Bore Field and a Workshop and Storage Facility.

**PIPELINE**

A pipeline will be constructed for the purposes of transporting natural Gas from Port Hedland to the Solomon Power Station. The pipeline will be buried in a trench in accordance with the minimum depth requirements set out by AS2885 (nominally 750mm deep).

The pipeline will be designed, constructed and operated in accordance with AS2885 and a Pipeline Licence pursuant to the Petroleum Pipelines Act 1969.

The pipeline itself will be constructed from the required polyethylene coated steel and will nominally be 350mm in diameter for the first 173km of length and then reducing to 250mm in diameter for the remaining 121km

Included with the Pipeline will be all associated infrastructure required to construct, commission and operate the pipeline. Some such infrastructure includes fenced compounds that house the compressor stations and ancillary facilities, Main Line Valve stations that again have above ground infrastructure such as valves etc and Scraper Stations which are predominantly used for cleaning the pipeline during construction, however these can also be converted to Main Line Valve stations for future operational requirements.

**ROAD**

Wherever there is insufficient access from the existing Rail Maintenance Track (or other existing FMG roads or tracks), a new road will be constructed to facilitate the construction and commissioning activities for the pipeline. Once the commissioning has been completed, the road will continue to be used for operational use including regular pipeline inspections and maintenance as required.



The new track will initially be constructed at approximately 30m wide, to provide sufficient access for the pipeline construction purposes. The area will be cleared with graders or bull dozers etc and local cut and fill activities will be undertaken so as to achieve acceptable grades, before being suitably compacted. Given that the road will only be subject to very infrequent use, it will not be necessary to import special pavement materials, instead all materials will be sourced locally. The wearing surface itself will remain unsealed for both construction and operational use.

Once the pipeline construction activities have been completed, the permanent access track will only need to be approximately 5m wide for single vehicle access, so any unused portions will be rehabilitated.

The road alignment will follow contours and terrain where appropriate with minimum cut and fill to minimise earthworks and environmental disturbance.

Where the road crosses creeks, a combination of floodway and culvert construction will be utilised to assist in maintaining natural water flows. These measures will be used as appropriate to assist in maintaining downstream flora communities.

## **TUNNEL**

Various tunnelling methods will be used throughout the project to install the pipeline. Such methods will include:

- a) open cut trench method – This involves initially laying all of the pipe on the ground and performing the necessary welding, inspection and hydrostatic tests etc. Once this has been completed a trench is excavated to the depth required by AS2885 (as determined by the relevant area classification) and the completed pipe is lowered into the excavation using equipment such as Side Boom Cranes or Excavators with lifting attachments etc. Once the pipeline is correctly seated in the trench, the excavation is back filled with suitable material. This method will be used for the majority of the pipe length, as long as there is suitable access available to do so.
- b) Horizontal Directional Drilling – This method involves using a drill head that can be controlled from the surface to ensure that the drilling operation follows the intended path. This allows a bore to be created that follows a vertical curve beneath the ground surface. Once the bore has been created, the length of completed pipeline is pulled back through the bore and into its final position. This method is used where a pipeline must be installed, crossing beneath



existing infrastructure such as rail or roads etc and where it is not possible to temporarily cut out a section of the infrastructure, so that the open cut methodology can be utilised. This method is also suitable for tunnelling long distances;

- c) Thrust Boring – This method is another that is utilised to tunnel beneath existing infrastructure such as rail and roads etc. Thrust boring is not capable of being controlled from the surface and as such it can only be used to bore in a straight line (ie no vertical curve is possible). To do this, trenches must be excavated either side of the road/rail that is being tunnelled beneath. One trench is used to set up the boring equipment and launch the pipe from, the other is used to receive the drill head and pipe. Before drilling commences, it is important to make sure that the pipe and drill head etc has been set precisely horizontal, given that it cannot be altered once drilling has commenced. This will make sure that the pipe appears in the receiving trench at the intended level. This method of boring is not suitable for long distances.

Given the available design information and status of discussions with intersecting parties, it is likely that Horizontal Direction Drilling will be utilised wherever the pipeline crosses an existing third party rail, as it will allow all works to occur outside of their tenure. Wherever possible, Thrust Boring will be used to cross existing Fortescue rail, seeing that the construction activities can take place inside the tenure. There are two instances where a third party rail will be crossing over the top of the Fortescue rail, via and overpass bridge. The design and layout of these has been coordinated with Fortescue and as such, the gas pipeline has been designed to avoid the foundations of these bridge abutments, which will enable the open cut method to be utilised, however the possibility also exists that sleeves will be installed by the bridge constructor, that will enable the pipeline to be inserted at a later date.

At this stage, it is anticipated that all road crossings can take place via the open cut method, whilst maintaining traffic flow for at least one lane. However, if necessary, Thrust Boring may also be used.

#### **TAKING WATER, BORE, BORE FIELD, WATER MANAGEMENT FACILITY**

The construction of the pipeline will require significant amounts of water, predominantly for dust suppression, conditioning of fill and also for performing hydrostatic tests on completed sections of pipeline. Wherever possible, this water will be sourced from the

existing bores along the rail line but it may be necessary to install additional bores if the quality, quantity and location of existing sources is not sufficient.

A hydrogeological investigation will be carried out to assess the bore-field requirements and may include exploratory drilling, test bore installation and bore testing followed by production bore installations. Each bore will be constructed by first drilling the bore, inserting a steel sleeve and packing it with crushed rock as necessary. The pump is then lowered into the bore and connected to the supply pipework and electrical supply etc.

### **COMMUNICATIONS FACILITY**

Communication systems will be required for the works, possibly comprising of optic fibre distribution, conventional cable and radio networks. These will perform functions for both the construction and operational activities.

If required, telecommunication infrastructure, including radio towers on higher ground, will be built for transmission and relay of information within the requested tenement.

### **PUMP STATION**

Temporary hydraulic pumping stations will be established for the purposes of carrying out the hydrostatic pressure tests on the pipelines. These pump stations will be used to pressurise the water in the pipe, as well as for the purposes of transporting the water down the pipeline. It is likely that these temporary pump stations will be located at each main line valve station as this provides the ideal opportunity to connect into the pipeline and pressurise it with water. These are located approximately every 50km along the pipeline, so there will be a total of six established at some point during the construction. Wherever possible, the water used will be reclaimed and stored/recycled in a nearby dam (turkeys nest) for use in later hydrostatic pressure tests further downstream.

The gas pipeline itself also features a compression station which will be located approximately 6.6km from the start of the pipeline and is essentially a large pump station that is designed to boost the pressure and flow rate of the gas being transported. The main compressors will be driven by large gas turbines that are fuelled by the gas in the pipeline. The facility will also include all other relevant infrastructure, such as communications, valves, metering and after coolers etc. The total size of the compressor station is 120m long by 70m wide.



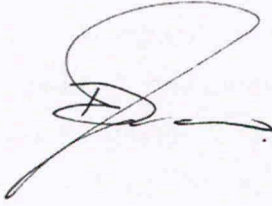
**WORKSHOP AND STORAGE FACILITY**

A Workshop and Storage facility will be required for both the initial construction activities, as well as the later operational activities. The construction contractor will require a workshop to repair and maintain their construction equipment and a storage facility to store expensive and delicate materials etc. It is likely that this facility will be relocated as the main work front moves down the pipeline, so that the workshop is close to the work being performed on site any point in time. This will be in the order of 50m x 50m in size.

A permanent Workshop facility will be required so as to enable minor repairs to be conducted on site and a Storage facility will be necessary to keep all necessary tools and spare parts and the like. The most likely location for this to be installed is at the compressor station and it will take up an area of approximately 30m by 30m inside the compressor station.



**Chichester Metals Pty Ltd**

A handwritten signature in black ink, appearing to read 'Denice Johns', with a stylized flourish at the end.

**Denice Johns**  
Tenement Specialist – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC40**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/697 dated 24 May 2013**



Enquiries: Clyde Lannan - Ph (08)9222 3828 Fax (08)9222 3452  
Email: s24md.infrastructure@dmp.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI ABORIGINAL CORPORATION RNTBC  
21 HAMPTON STREET  
ROEBURN WA 6718

24 May 2013

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) – WC03/3**

You are hereby notified in your capacity as a registered native title claimant or a representative Aboriginal Torres Strait Islander Body that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth) (NTA)*) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the tenements be granted:

No	Type	Applicant/s
L 47/697	Miscellaneous Licence	PILBARA GAS PIPELINE PTY LTD

No	Area	Locality	Centroid	Shire
L 47/697	96.01 HA.	63km N'ly of Tom Price	Lat: 22° 9' S Long: 118° 0' E	
<b>The purposes of L 47/697 are: a bore, a bore field, a communications facility, a pipeline, a pump station, a road, a tunnel, a workshop and storage facility</b>				

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the tenement (ie by **31 July 2013**) so far as it affects their registered native title rights and interests in relation to land or waters to which the tenement relates.

The tenement applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the tenement on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the tenement might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **31 July 2013**. The objection must contain the following information:

- number of the tenement objected to;
- details of how the grant of the tenement will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Clyde Lannan on (08)9222 3828.

Yours faithfully

Clyde Lannan  
for EXECUTIVE DIRECTOR  
MINERAL TITLES

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC41**

**Notice issued under s 24HA(7) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/697 dated 24 May 2013**



**Enquiries:** Clyde Lannan - Ph. (08)9222 3828 Fax (08)9222 3452  
**Email:** Clyde.LANNAN@dmp.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI ABORIGINAL CORPORATION RNTBC  
21 HAMPTON STREET  
ROEBURN WA 6718

24 May 2013

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24HA (7) COMMONWEALTH NATIVE TITLE ACT 1993 AS AMENDED (NTA) – WC03/3**

You are hereby notified in your capacity as a registered native title claimant that application has been made for the tenement/s listed hereunder for an initial term of twenty one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24 HA(7) of the Native Title Act 1993 (Cth) (NTA), there is an intention that the tenement/s be granted:

No	Applicant/s	Closing Date
L 47/697	PILBARA GAS PIPELINE PTY LTD	5 July 2013

No	Area	Locality	Centroid	Shire
L 47/697	96.01 HA.	63km N'ly of Tom Price	Lat: 22° 9' S Long: 118° 0' E	

**The purposes of L 47/697 are: taking water**

A plan(s) showing the location of the application(s) is enclosed.

**OPPORTUNITY TO COMMENT:** Under Section 24HA (7) of the NTA, any registered Native Title Claimant must be given opportunity to comment on the act within the period specified in this notice.

**Any comments must be directed** in the form of a letter addressed to, or delivered to, the General Manager, Tenure & Native Title, 100 Plain Street, East Perth, W.A, 6004 and must be received before the close of business at 4.30pm on the closing date mentioned above.

Should you require any further information as to this Department's procedures please contact Clyde Lannan on (08)9222 3828.

Yours faithfully

Clyde Lannan  
for EXECUTIVE DIRECTOR  
MINERAL TITLES

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC42**

**Objection from Yindjibarndi #1 Claimant with respect to the grant of L 47/697 dated 31 July  
2013**





**YINDJIBARNDI ABORIGINAL CORPORATION**  
**RNTBC (ICN4370)**  
 21 Hampton Street (PO Box 111)  
 Roebourne, WA 6718  
 Tel: 08 9182 1497  
 Fax: 08 9182 1035

31 July 2013

The General Manager  
 Tenure and Native Title  
 Department of Mines and Petroleum  
 Mineral House  
 100 Plain Street  
 EAST PERTH WA 6004

Via email: [S24MD.Infrastructure@dmp.wa.gov.au](mailto:S24MD.Infrastructure@dmp.wa.gov.au)

Dear Sir / Madam

**OBJECTION TO APPLICATION FOR MISCELLANEOUS LICENCE L47/697 TO PILBARA GAS PIPELINE PTY LTD**

I refer to your letter dated 24 May 2013 notifying the Applicant for the Yindjibarndi #1 native title determination application of the application for Miscellaneous Licence L47/697 by Pilbara Gas Pipeline Pty Ltd (**Licence**).

The Yindjibarndi Aboriginal Corporation RNTBC (YAC) acts as agent for the Yindjibarndi #1 Applicant and lodges this objection to the grant of this Licence for and on behalf of the Yindjibarndi #1 Applicant. This Objection is made pursuant to Section 24MD(6B)(d) of the *Native Title Act 1993*.

The Licence will affect the objectors registered native title rights and interests in relation to the land and waters affected. The grant of the Licence will prevent the registered native title claimants from exercising and enjoying the following registered native title rights and interests:

1. Their rights and interests to possess, occupy, use and enjoy the area as against the world;
2. The right to occupy the area;
3. The right to use the area;
4. The right to enjoy the area;
5. The right to be present on or within the area;
6. The right to be present on or within the area in connection with the society's economic life;
7. The right to be present on or within the area in connection with the society's religious life;
8. The right to be present on or within the area in connection with the society's cultural life;
9. The right to hunt in the area;
10. The right to fish in the area;
11. The right to make decisions about the use of the area by members of the Aboriginal society to which the native title claim group belong;



12. The right to make decisions about the use of the area by persons who are not members of the Aboriginal society to which the native title claim group belong;
13. The right to make decisions about the enjoyment of the area by members of the Aboriginal society to which the native title claim group belong;
14. The right to make decisions about the enjoyment of the area by persons who are not members of the Aboriginal society to which the native title claim group belong;
15. The right to access the area;
16. The right to live within the area;
17. The right to reside in the area;
18. The right to erect shelters upon or within the area;
19. The right to camp upon or within the area;
20. The right to move about the area;
21. The right to engage in cultural activities within the area;
22. The right to conduct ceremonies in the area;
23. The right to participate in ceremonies in the area;
24. The right to hold meetings within the area;
25. The right to participate in meetings within the area;
26. The right to teach as to the physical attributes of the area;
27. The right to teach as to the significant attributes of the area;
28. The right to teach upon the area as to the significant attributes of the area;
29. The right to teach as to the significant attributes within the area if the Aboriginal society connected to the area in accordance with its laws and customs;
30. The right to control access of others to the area;
31. The right to take resources, other than minerals and petroleum, used for sustenance from the area;
32. The right to take resources, other than minerals and petroleum, used for sustenance within the area;
33. The right to gather resources, other than minerals and petroleum, used for sustenance within the area;
34. The right to use and/or enjoy, other than minerals and petroleum, for sustenance within the area;
35. The right to use and/or enjoy resources, other than minerals and petroleum, for food, on, in or within the area;
36. The right to use and/or enjoy resources other than minerals and petroleum, for shelter on, in or within the area;
37. The right to use and/or enjoy resources, other than minerals and petroleum, for healing on, in or within the area;
38. The right to use and/or enjoy resources, other than minerals and petroleum, for decoration on, in or within the area;
39. The right to use and/or enjoy resources, other than minerals and petroleum, for social purposes in or within the area;
40. The right to use and/or enjoy resources, other than minerals and petroleum, for cultural, religious, spiritual, ceremonial and/or ritual purposes on, in or within the area;
41. The right to take fauna;
42. The right to take flora (including timber);
43. The right to take soil;
44. The right to take sand;
45. The right to take stone and/or flint;
46. The right to take clay;
47. The right to take gravel;
48. The right to take ochre;
49. The right to take water;
50. A right to control the taking of, use and enjoyment by others of the resources of the area, including for said purposes (set out at sub-paragraphs 31-40 above) and/or in the said form (set out at paragraphs 41-49 above), other than minerals and petroleum and any resources taken in exercise of a statutory right or common law right, including the public right to fish;





51. The right to receive a portion of the said resources (other than minerals and petroleum) taken by other persons who are members of the Aboriginal society from the area;
52. The right, in relation to any activity occurring on the area, to:
  - i. Maintain;
  - ii. Conserve; and/or
  - iii. Protect
 significant places and objects located within the area, by preventing, by all reasonable lawful means, any activity which may injure, desecrate, damage, destroy, alter or misuse any place such place or object;
53. The right, in relation to any activity occurring on the area, to-
  - i. Maintain;
  - ii. Conserve; and/or
  - iii. Protect
 significant ceremonies, artworks, song cycles, narratives, beliefs or practices by preventing, by all reasonable lawful means any activity occurring on the area which may injure, desecrate, damage, destroy, alter or misuse any such ceremony, artwork, song cycle, narrative, belief or practice;
54. The right, in relation to a use of the area or an activity within the area to:
  - i. prevent any use or activity which is unauthorised in accordance with traditional laws and customs;
  - ii. prevent any use or activity which is inappropriate in accordance with traditional laws and customs in relation to significant places and objects within the area or ceremonies, artworks, song cycles narratives, beliefs or practices carried out within the area by all reasonable lawful means including by the native title holders providing all relevant persons by all reasonable means with information as to such uses and activities, provided that such persons are able to comply with the requirements of those traditional laws and customs while engaging in reasonable use of the area and are not thereby prevented from exercising any statutory or common law rights to which that person may be entitled;
55. The right of individual members of the native title holding group or groups to be identified and acknowledged, in accordance with the traditional laws adhered to and traditional customs observed by the group or groups, as the holders of native title rights in relation to the land or waters;
56. The right of the group or groups who hold common or group native title rights and interests to identify and acknowledge individual members of the native title holding group, in accordance with the traditional laws adhered to and traditional customs observed by the group or groups, as the holders of native title rights in relation to the land and waters of the area.

Each of these native title rights and interests will be affected by the grant of the Licence during the construction of the road, borefield, power line, pipeline, communications to service a mining operation and a water management facility and thereafter due to restricted access of the registered native title claimants into the area covered by the Licence.

The grant of the Licence will interfere with the exercise of native title rights and interests which, in accordance with their traditional laws and customs and their religious beliefs, the Yindjibarndi People are obliged to perform in order to guarantee their ongoing survival.

Under Yindjibarndi Law, strangers to Yindjibarndi country are required to remain outside Yindjibarndi Country until invited to enter by the Yindjibarndi People. Such invitations may be given only after the intentions of the strangers have been ascertained, to ensure they will not breach traditional law, and after proper community consultation with the family groups and individuals that come from the relevant area. YAC, acting for and on behalf of the Yindjibarndi People and the Yindjibarndi #1 Applicant, regularly arranges and conducts formal meetings between the Yindjibarndi People and strangers to Yindjibarndi Country, carries out the necessary community consultations and, with relevant members of the Yindjibarndi community, monitors the activities of strangers to ensure they do not breach the traditional laws and customs of the





Yindjibarndi People.

The relationship that subsists between the Yindjibarndi People and Yindjibarndi country is, above all else, a spiritual and religious relationship, such that the welfare of the Yindjibarndi People is believed to be spiritually linked to, and directly dependent upon, the welfare of a religious domain for which they are held to be accountable to supernatural beings.

In accordance with the religious beliefs of the Yindjibarndi People, native title rights and interests described above are also religious observances which the Yindjibarndi are obliged by Yindjibarndi Law to perform. Failure to properly carry out these observances, even in circumstances beyond their control, constitutes a breach of Yindjibarndi Law. The Yindjibarndi People believe that if they break their Law, or allow others to break it, the Yindjibarndi People will suffer, either by way of sickness or death or by way of the "drying-up" of the life-sustaining spiritual and physical resources of Yindjibarndi Country, otherwise guaranteed under the sacred principle of Reciprocity.

Should you have any queries, please do not hesitate to contact Ms. Christina Araujo, Consultant Solicitor – Future Acts, on 94252071 or at [legalservice@yindjibarndi.org.au](mailto:legalservice@yindjibarndi.org.au).

Name of the native title application: Thomas Jacob, Stanley Warrie, Allum Cheedy, Kevin Guinness, Angus Mack, Michael Woodley, Joyce Hubert, Pansy Samba, Jean Nonnan, Esther Pat, Judith Coppin and Masie Ingie for and on behalf of the Yindjibarndi People #1

Claim number: WC03/34; WAD6005/03

The Objector's address for service is: Yindjibarndi Aboriginal Corporation – Future Acts  
PO Box 3054  
East Perth WA 6892  
Tel: 9425 2071  
Fax: 9425 2001  
Email: [legalservice@yindjibarndi.org.au](mailto:legalservice@yindjibarndi.org.au)

Yours Sincerely



George M Irving  
In-House Counsel  
Yindjibarndi Aboriginal Corporation RNTBC

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC43**

**Letter from the Department of Mines, Industry Regulation and Safety to the Yindjibarndi #1**

**Claimant dated 17 October 2013**



Government of **Western Australia**  
Department of **Mines and Petroleum**

Our ref: CL:-L47/697  
Enquiries: Clyde Lannan - Ph 9222 3828  
Email: Clyde LANNAN@dmp.wa.gov.au

Yindjibarndi People  
c/-George Irving  
Director of Legal Services  
Yindjibarndi Aboriginal Corporation  
PO Box 3054  
EAST PERTH WA 6892

Dear Sir/Madam

**OBJECTION NT1220 LODGED PURSUANT TO SECTION 24MD (6B) OF THE  
NATIVE TITLE ACT 1993 (Cth) BY THE YINDJIBARNDI PEOPLE (WC2003/003)  
APPLICATION FOR MISCELLANEOUS LICENCE 47/697 BY PILBARA GAS  
PIPELINE PTY LTD (PILBARA GAS)**

In regard to the above, I have attached for your information a copy of the departments Section 24MD (6B) notification commencing 31 May 2013 together with a copy of your letter of objection received at this office on 31 July 2013 in respect to the above-mentioned tenement application.

On 15 October 2013 Pilbara Gas advised the department that it has consulted with the objector as is required by Section 24MD (6B) (e) of the Native Title Act 1993, however the above-mentioned objection still remains on foot. Pilbara Gas has now requested that the department proceed with the grant of application for Miscellaneous Licence 47/697.

If you now wish to withdraw Objection NT1220, would you please submit a withdrawal in the form of a letter and include the Federal Court native title claim identifier number, the objection number; and the miscellaneous licence application number.

Section 24MD(6B)(f) of the NTA provides that if any claimant or body corporate objects to the doing of the act and so requests, the State must ensure that an objection is heard by an independent person or body.

Should you wish to proceed in this manner, please request in writing **within 30 days from the date of this letter** for the State to ensure that the objection is placed before the independent person for hearing. The necessary arrangements will then be made for the objection to be heard by the independent person.

In the absence of any request to have the objection heard by the independent person, application for Miscellaneous Licence 47/697 will, in due course, be granted.

Yours sincerely

***Clyde Lannan***

For EXECUTIVE DIRECTOR  
MINERAL TITLES DIVISION

17 October 2013



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC44**

**Mining Tenement Register Search for L 47/697**



# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/697

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

This Register Search issued pursuant to Section 103F(4) of  
the Mining Act, 1978 at: **10:57:52 08/12/2022**

### Tenement Summary

<b>Identifier :</b> L 47/697	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 96.01000 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 07/05/2013 16:30:00
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> PERTH
<b>Commence :</b> 02/12/2013	<b>Expiry :</b> 01/12/2034
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a pump station a road a tunnel a workshop and storage facility taking water	<b>Death :</b>

### Rent Status

**Due for Year End 01/12/2023 :** OVERPAID \$4,268.00  
**Previous Amount Outstanding :** \$4,268.00  
**Current Due :** \$4,268.00  
**Rent for Year End 01/12/2024 :** \$2,134.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

Name and Address	Shares
PILBARA GAS PIPELINE PTY LTD (ACN:163526207)	100
C/- ACQUISITIONS & TENEMENTS, PO BOX 3379, EAST PERTH, WA, 6004	
<b>Total Shares:</b>	<b>100</b>

**Holder Changes**

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Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival****Name and Address**

PILBARA GAS PIPELINE PTY LTD  
C/- ACQUISITIONS & TENEMENTS, PO BOX 3379, EAST PERTH, WA,  
6004

**Shares**

100

<b>Total Shares:</b>	100
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**DESCRIPTION DETAILS****Description****Block Type :****Effective From :****Locality :**

Port Hedland to Solomon

**Datum :**

GDA Zone 50 Datum situated at 610339.5492 E 7547333.717 N

**Boundary :**

then 610204.605 mE 7547226.361 mN  
then 609565.5347 mE 7547060.429 mN  
then 609517.2882 mE 7547046.272 mN  
then 607627.3737 mE 7546422.799 mN  
then 607570.4526 mE 7546405.142 mN  
then 607506.6875 mE 7546388.666 mN  
then 607449.7087 mE 7546377.208 mN  
then 607385.8859 mE 7546367.64 mN  
then 607331.6777 mE 7546362.291 mN  
then 607282.1861 mE 7546359.571 mN  
then 607227.442 mE 7546358.962 mN  
then 606782.0262 mE 7546363.091 mN  
then 606321.2649 mE 7546367.36 mN  
then 606223.0157 mE 7546369.119 mN  
then 606188.5646 mE 7546371.509 mN  
then 606168.5519 mE 7546372.909 mN  
then 606120.5528 mE 7546378.268 mN  
then 606070.3109 mE 7546386.076 mN  
then 606011.9881 mE 7546397.904 mN  
then 605959.1487 mE 7546411.321 mN  
then 605902.2853 mE 7546428.717 mN  
then 605850.8725 mE 7546447.084 mN  
then 605805.0256 mE 7546465.82 mN  
then 605750.9741 mE 7546490.795 mN  
then 605707.1227 mE 7546513.68 mN  
then 605608.9147 mE 7546571.188 mN  
then 605608.3375 mE 7546571.528 mN  
then 605507.9938 mE 7546423.818 mN  
then 605123.1932 mE 7546513.97 mN  
then 605002.4163 mE 7546468.349 mN  
then 604809.7275 mE 7546529.257 mN  
then 604460.9117 mE 7546531.576 mN  
then 603237.3357 mE 7547216.787 mN  
then 602209.7715 mE 7547931.961 mN  
then 601363.3191 mE 7548511.533 mN  
then 599484.7591 mE 7550126.525 mN  
then 599484.7674 mE 7550126.515 mN  
then 598733.1999 mE 7550409.897 mN  
then 598757.8962 mE 7550475.404 mN  
then 599521.0078 mE 7550187.672 mN  
then 601406.0408 mE 7548567.122 mN  
then 602249.5412 mE 7547989.57 mN  
then 603274.5162 mE 7547276.195 mN  
then 604479.3907 mE 7546601.452 mN



then 604810.1892 mE 7546599.253 mN  
 then 604996.7102 mE 7546541.014 mN  
 then 605118.3941 mE 7546586.995 mN  
 then 605477.1214 mE 7546502.942 mN  
 then 605547.7965 mE 7546606.981 mN  
 then 605587.2199 mE 7546665.019 mN  
 then 605644.2894 mE 7546631.596 mN  
 then 605741.0214 mE 7546574.948 mN  
 then 605781.863 mE 7546553.632 mN  
 then 605832.9625 mE 7546530.017 mN  
 then 605875.8986 mE 7546512.47 mN  
 then 605924.3182 mE 7546495.184 mN  
 then 605978.0152 mE 7546478.747 mN  
 then 606027.5644 mE 7546466.17 mN  
 then 606082.6467 mE 7546455.002 mN  
 then 606129.8212 mE 7546447.673 mN  
 then 606174.8765 mE 7546442.635 mN  
 then 606189.7684 mE 7546441.595 mN  
 then 606189.8509 mE 7546451.613 mN  
 then 606190.4116 mE 7546517.589 mN  
 then 606783.3208 mE 7546514.27 mN  
 then 606783.931 mE 7546443.074 mN  
 then 606784.0135 mE 7546433.076 mN  
 then 607227.376 mE 7546428.967 mN  
 then 607279.8691 mE 7546429.547 mN  
 then 607326.3179 mE 7546432.107 mN  
 then 607377.2607 mE 7546437.126 mN  
 then 607437.6121 mE 7546446.174 mN  
 then 607491.0204 mE 7546456.912 mN  
 then 607551.3058 mE 7546472.488 mN  
 then 607606.0334 mE 7546489.475 mN  
 then 609496.4592 mE 7547113.108 mN  
 then 609546.8825 mE 7547127.905 mN  
 Back to datum

Area :	Type	Dealing No	Start Date	Area
	Granted		02/12/2013	96.01000 HA
	Applied For		07/05/2013	96.01000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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### State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

### Survey

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			

## GENERAL DETAILS

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**General**

Objection Closing Date : 11/06/2013

Application Fee : \$431.05

File Reference :

Survey Fee :

Receipt Number : 06-123706

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	07/05/2013		96.01000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

Date Referred	Referral Type	Procedure	Current Status
14/05/2013	Tenement Application	Water	Water Procedure : Other

**Water Details**

Sec 24HA(7) Notification Date :	31/05/2013	Sec 24HA(7) Notification Close Date :	05/07/2013
Procedure Outcome :	Water Process Completed		
Procedure Outcome Date :	25/11/2013		
Proposed Area to Grant :	96.01 HA		
Centroid Latitude :	22° 9' 58" S	Centroid Longitude :	118° 0' 49" E
Locality :	63km N'ly of Tom Price		
Purposes :	taking water		

**Comments Under Sec 24HA(7)**

Comment Under Sec 24HA(7) Received Date	Claim	Determination Areas
04/07/2013	WC2003/003	

**Claims**

Claim Name :	Banjima People
NNTT Number :	WC2011/006
Federal Court Number :	WAD6096/1998
Wholly Within :	No
Claim Status :	Determined

Claim Name :	Yindjibarndi #1
NNTT Number :	WC2003/003
Federal Court Number :	WAD6005/2003
Wholly Within :	No
Claim Status :	Determined

**Determination Areas**

**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marpa Aboriginal Corporation

Date Referred	Referral Type	Procedure	Current Status
14/05/2013	Tenement Application	Infrastructure	Infrastructure Procedure : Native Title Cleared - Other Reason

**Infrastructure Details**

Sec 24MD(6B) Notification Date :	31/05/2013	Sec 24MD(6B) Notification Close Date :	31/07/2013
Procedure Outcome :	Native Title Cleared - Other Reason		
Clearance Notification Date :	25/11/2013		
Proposed Area to Grant :	96.01 HA		
Centroid Latitude :	22° 9' 58" S	Centroid Longitude :	118° 0' 49" E
Locality :	63km N'ly of Tom Price		
Purposes :	a bore a bore field a communications facility a pipeline a pump station a road a tunnel a workshop and storage facility		

**Objections**

Objection Number	Objection Received Date	Claim	Determination Areas	Outcome	Outcome Date
NT1220	31/07/2013	WC2003/003		Objection Lapsed	25/11/2013

**Claims**

Claim Name :	Banjima People
NNTT Number :	WC2011/006
Federal Court Number :	WAD6096/1998
Wholly Within :	No
Claim Status :	Determined
Claim Name :	Yindjibarndi #1
NNTT Number :	WC2003/003
Federal Court Number :	WAD6005/2003
Wholly Within :	No
Claim Status :	Determined

**Determination Areas****Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marpa Aboriginal Corporation

**GRANT DETAILS****Recommendation**

Recommended for :

**Grant**

Granted : 02/12/2013

Holder Notified : 02/12/2013

Licence/Lease issued :

**Term**

Term : 21 Years

From : 02/12/2013

To : 01/12/2034



## ENDORSEMENTS/CONDITIONS DETAILS

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**Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	02/12/2013	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	02/12/2013	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor Stage 1 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA/7838 in TENGRAPH.	02/12/2013	
4	Where a pipeline falls within the definition of a pipeline as defined in section 4 of the Petroleum Pipelines Act, 1969 (PPA), the Licensee must obtain a Petroleum Pipeline Licence (PPL) as provided for in the PPA, but where a PPL licence is not required, then the Licensee is to comply with the requirements of the Gas Standards (Gas Supply and System Safety) Regulations, 2000 in respect to the pipeline.	02/12/2013	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	02/12/2013	
5	The Licensee attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>• Waterways Conservation Act, 1976</li> <li>• Rights in Water and Irrigation Act, 1914</li> <li>• Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>• Country Areas Water Supply Act, 1947</li> <li>• Water Agencies (Powers) Act 1984</li> <li>• Water Resources Legislation Amendment Act 2007</li> </ul>	02/12/2013	
6	The rights of ingress to and egress from the mining tenement being at all reasonable times preserved to officers of Department of Water (DoW) for inspection and investigation purposes.	02/12/2013	
7	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the DoWs relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	02/12/2013	
	<b>In respect to Artesian (confined) Aquifers and Wells the following endorsement applies:</b>	02/12/2013	
8	The abstraction of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless a current licence for these activities has been issued by the DoW.	02/12/2013	
	<b>In respect to Waterways the following endorsement applies:</b>	02/12/2013	
9	Advice shall be sought from the DoW if proposing any activity in respect to licence purpose within a defined waterway and within a lateral distance of: <ul style="list-style-type: none"> <li>• 50 metres from the outer-most water dependent vegetation of any perennial waterway, and</li> <li>• 30 metres from the outer-most water dependent vegetation of any seasonal waterway.</li> </ul>	02/12/2013	
	<b>In respect to Proclaimed Surface Water (Pilbara) Areas the following endorsements apply:</b>	02/12/2013	
10	The abstraction of surface water from any watercourse is prohibited unless a current licence to take surface water has been issued by the DoW.	02/12/2013	
11	All activities to be undertaken with minimal disturbance to riparian vegetation.	02/12/2013	
12	No activity in respect to licence purpose being carried out that may disrupt the natural flow of any waterway unless in accordance with a current licence to take surface water or permit to obstruct or interfere with beds or banks issued by the DoW.	02/12/2013	
13	Advice shall be sought from the DoW and the relevant service provider if proposing activity in respect to licence purpose being carried out in an existing or designated future irrigation area, or within 50 metres of an irrigation channel, drain or waterway.	02/12/2013	
	<b>In respect to Proclaimed Ground Water Areas(Pilbara) the following endorsement applies:</b>	02/12/2013	
14	The abstraction of groundwater is prohibited unless a current licence to construct/alter a well and a licence to take groundwater has been issued by the DoW.	02/12/2013	
#	CONDITIONS	Start Date	End Date
1	The Licensee submitting a plan of proposed operations and measures to safeguard the environment to the Executive Director, Environment Division, DMP for assessment and written approval prior to commencing any development or construction.	02/12/2013	

#	CONDITIONS	Start Date	End Date
2	Where surface disturbance activities are proposed on the licence which are not associated with development or construction proposals, the prior written approval of the Environmental Officer, DMP must be obtained before the use of drilling rigs, scrapers, graders, bulldozers, backhoes or other mechanised equipment for the proposed surface disturbance activities. Following approval, all topsoil being removed ahead of operations and separately stockpiled for replacement after backfilling and/or completion of operations.	02/12/2013	
3	The Licensee 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.	02/12/2013	
4	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	02/12/2013	
5	No activities being carried out within the proposed railway corridor (designated FNA 7279 & 7838 ) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	02/12/2013	
6	The rights of ingress to and egress from Miscellaneous Licences 47/361, 47/367, Miscellaneous Licence applications 47/268, 47/472 and AL70/1 (L1SA) being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	02/12/2013	
7	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.	02/12/2013	
8	To properly maintain the installations as directed by the Environmental Officer, Department of Mines and Petroleum.	02/12/2013	
9	To construct a fence around all wells, bores, storage tanks, pumping stations and any other installations as determined by the Environmental Officer, DMP having such dimensions and to be constructed of such materials and be of such standard as determined by the Environmental Officer, DMP.	02/12/2013	
10	All topsoil that may be removed ahead of pipelaying operations to be stockpiled for replacement in accordance with the directions of the Environmental Officer, Department of Mines and Petroleum.	02/12/2013	
11	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.	02/12/2013	
12	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, DMP.	02/12/2013	
13	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, DMP.	02/12/2013	
14	The holder shall maintain the road from time to time as shall be required to ensure that it is safe for the purpose that it is constructed.	02/12/2013	
15	The road is to be clearly signposted as a private road and the signposting is to be regularly maintained at the licence holder's expense.	02/12/2013	
16	All traffic on the road must give way to traffic on public roads	02/12/2013	
17	All intersections with public roads should be at 90 degrees or as close as possible to maintain visibility and such intersections are to be maintained at the licence holder's expense.	02/12/2013	
18	The licensee is to obtain the written approval of the Shire of Ashburton or Main Roads WA or both where applicable and lodge a copy of that approval with the Mining Registrar prior to the construction of that part of the road that will intersect with any existing road. Where a difference exists between DMP conditions and the requirements of either authority, the requirements of the authority prevail.	02/12/2013	
19	On the completion of the life of mining operations in relation to this licence the holder shall: <ul style="list-style-type: none"> <li>remove all installations constructed pursuant to this licence;</li> <li>cover over all wells and holes in the ground to such degree of safety as shall be determined by the Environmental Officer, Department of Mines and Petroleum; and</li> </ul>	02/12/2013	

#	CONDITIONS	Start Date	End Date
	<ul style="list-style-type: none"> <li>on such areas cleared of natural growth by the holder or any of its agents, the holder shall plant trees and/or shrubs and/or any other plant as shall conform to the general pattern and type of growth in the area and as directed by the Environmental Officer, Department of Mines and Petroleum and properly maintain same until the Environmental Officer advises regrowth is self supporting;</li> </ul> unless the Minister responsible for the Mining Act 1978 orders or consents otherwise.		107

## DEALINGS DETAILS

Dealings

Objection KR269/123	Encumbrances
	Lodged: 14:37:18 04 June 2013
	Objectors: YAC AS AGENT FOR YINDJIBARNDI #1 APPLICANT
	Objection Type: Tenement Application
	RECORDED: 14:37:18 04 June 2013
	WITHDRAWN: 10:00 05 July 2013

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	05/12/2022	1986705794	10307768	OL	\$2,134.00	96.01000 HA	02/12/2013	\$2,134.00	\$4,268.00
Payment	2023	05/12/2022	1986705794	10307767	OL	\$2,134.00				
Payment	2023	02/12/2022	1986705794	10306169	OL	\$2,134.00				
Payment	2022	03/12/2021	2416529564	10232971	OL	\$1,910.90	96.01000 HA	02/12/2013	\$1,910.90	\$0.00
Payment	2021	11/12/2020	4333824722	10175469	OL	\$1,736.30	96.01000 HA	02/12/2013	\$1,736.30	\$0.00
Payment	2020	03/12/2019	5590129929	10125103	OL	\$1,697.50	96.01000 HA	02/12/2013	\$1,697.50	\$0.00
Payment	2019	04/12/2018	3693506820	10078693	OL	\$1,600.50	96.01000 HA	02/12/2013	\$1,600.50	\$0.00
Payment	2018	30/11/2017	6300610687	9749497476	OL	\$1,513.20	96.01000 HA	02/12/2013	\$1,513.20	\$0.00
Payment	2017	05/12/2016		MT-210010850305-DD	OL	\$1,464.70	96.01000 HA	02/12/2013	\$1,464.70	\$0.00
Payment	2016	08/12/2015		MT-210010453359-DD	OL	\$1,416.20	96.01000 HA	02/12/2013	\$1,416.20	\$0.00
Payment	2015	09/12/2014		MT-210010221097-DD	OL	\$1,382.25	96.01000 HA	02/12/2013	\$1,382.25	\$0.00
Payment	2014	07/05/2013		06-123706	PE	\$1,324.05	96.01000 HA	02/12/2013	\$1,324.05	\$0.00

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

## COMBINED REPORTING DETAILS

C Number :	Reporting Date :
Project :	Affecting Period :

End of Search \_\_\_\_\_

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC45**

**Application for L 47/801 dated 25 May 2017**



## Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
 (b) Time & Date marked out (where applicable)  
 (c) Mineral Field

(a) Miscellaneous Licence

No. L 47/801

(b) a.m./p.m. / /

(c) WEST PILBARA

For each applicant:

- (d) Full Name and ACN/ABN  
 (e) Address  
 (f) No. of shares  
 (g) Total No. of shares

(d) and (e)

THE PILBARA INFRASTRUCTURE PTY LTD (ACN: 103 096 340)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH,  
 WA, 6004

(f) Shares

100

(g) Total 100

DESCRIPTION OF  
 GROUND APPLIED  
 FOR:

(For Exploration  
 Licences see Note 1. For  
 other Licences see Note  
 2. For all Licences see  
 Note 3.)

- (h) Locality  
 (i) Datum Peg  
 (j) Boundaries

(h) Hamersley  
 (i) Northing(m) Easting(m)  
 604519.194 7545953.199  
 (j) Northing(m) Easting(m)  
 604519.194 7545953.199  
 604432.824 7545939.544  
 604348.83 7545915.228  
 604268.524 7545880.63  
 604193.157 7545836.289  
 604123.907 7545782.898  
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 603995.084 7545632.972  
 603947.813 7545545.892  
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 603610.34 7544722.475  
 603533.918 7544603.237  
 603438.719 7544479.932  
 603332.633 7544365.858  
 603216.549 7544261.974  
 603031.877 7544130.832  
 602831.411 7544025.404  
 602700.407 7543973.673  
 602135.616 7543784.604  
 602050.298 7543744.323  
 601962.611 7543678.278  
 601562.867 7543270.831  
 601426.27 7543152.747  
 601315.468 7543075.703  
 601198.19 7543008.929  
 601075.386 7542952.966  
 600962.389 7542912.666  
 600728.558 7542859.741  
 600609.22 7542847.455  
 600481.855 7542844.737  
 599838.06 7542857.426  
 599659.933 7542882.57  
 599486.097 7542928.857  
 599360.044 7542977.059  
 599238.833 7543036.394  
 599123.445 7543106.384  
 599014.815 7543186.462  
 598862.058 7543328.74  
 598537.917 7543694.59  
 598424.718 7543787.201  
 598312.034 7543827.148  
 598005.006 7543887.764  
 598293.499 7543886.387  
 599797.392 7543879.21  
 599933.396 7543853.232  
 600516.05 7543844.525  
 600625.775 7543856.866  
 600765.724 7543905.992  
 600857.16 7543979.568  
 601310.134 7544436.548  
 601402.998 7544512.499  
 601514.34 7544588.761  
 601632.086 7544654.706  
 601769.264 7544715.234  
 602420.593 7544937.176  
 602528.154 7544995.472

	602628.137 7545075.637 602711.83 7545172.687 602773.939 7545278.092 603014.808 7545907.611 603122.498 7546122.801 603246.953 7546312.484 603402.529 7546477.597 603512.373 7546575.107 604699.975 7545948.328 604606.592 7545955.978 604519.194 7545953.199 Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a pump station , a road , a workshop and storage facility and taking water.
(k) Area (ha or km <sup>2</sup> )	(k) 652.00000 HA
(l) Signature of applicant or agent(if agent state full name and address)	(l) <i>Nerida O'Brien</i> Date: 25/05/2017

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 29th day of June 2017 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	15:20:11	on	25 May 2017	with fees of
Application	\$467.90			
Rent	\$9,845.20			
TOTAL	\$10,313.10			
Receipt No:	73896250528			

***Mining Registrar*****NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC46**

**Notice issued under s 26MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/801 dated 16 June 2017**



Enquiries: Bethany Conway - Ph (08)9222 3518 Fax (08)9222 3452  
Email: s24md.infrastructure@dmp.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI ABORIGINAL CORPORATION RNTBC  
SUITE T6  
152 GREAT EASTERN HIGHWAY  
ASCOT WA 6104

16 June 2017

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) – WC2003/003**

You are hereby notified in your capacity as a registered native title claimant or a representative Aboriginal Torres Strait Islander Body that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth) (NTA)*) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the tenements be granted:

No	Type	Applicant/s
L 47/801	Miscellaneous Licence	THE PILBARA INFRASTRUCTURE PTY LTD

No	Area	Locality	Centroid	Shire
L 47/801	651.64 HA.	58km N'ly of Tom Price	Lat: 22° 11' S Long: 117° 58' E	ASHBURTON SHIRE
<b>The purposes of L 47/801 are: a bore,a bore field,a communications facility,a pipeline,a power line,a pump station,a road,a workshop and storage facility,a taking water</b>				

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title claimant or registered native title body corporate may object within two months of notification, to the grant of the tenement (ie by **23 August 2017**) so far as it affects their registered native title rights and interests in relation to land or waters to which the tenement relates.

The tenement applicant must consult any registered native title claimants and native title bodies corporate who object, about ways of minimising the impact of the grant of the tenement on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the tenement might be done.

Any objection lodged by a registered native title claimant or by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **23 August 2017**. The objection must contain the following information:

- number of the tenement objected to;
- details of how the grant of the tenement will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title claimant or registered native title body corporate

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

Bethany Conway  
for EXECUTIVE DIRECTOR  
MINERAL TITLES

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC47**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to**

**L 47/801 22 June 2017**



Mining Registrar  
Department of Mines and Petroleum  
1<sup>st</sup> Floor, Mineral House  
100 Plain Street  
EAST PERTH WA 6004

22 June 2017

Dear Sir/Madam

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**APPLICATION FOR MISCELLANEOUS LICENCE L47/801 BY  
THE PILBARA INFRASTRUCTURE PTY LTD**

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I refer to Miscellaneous Licence application L47/801 applied for by The Pilbara Infrastructure Pty Ltd (**TPI**) on 25 May 2017.

TPI is developing their Western Hub project area between the existing Solomon mine and export facility and Eliwana Project Area. The miscellaneous licences have been applied for to support extending the Western Hub project area with additional infrastructure.

In accordance with the requirements of Regulation 37(3) of the *Mining Regulations* 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a bore, bore field, pipeline, power line, pump station, road, workshop and storage facility and taking water.

**Bore, bore field, taking water**

A number of bores will be installed within L47/801 for the purpose of abstracting groundwater for process water, dust suppression for the construction works for TPI activities.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will include a submersible pump, headworks, control box and generator. pipework from each bore will be connected to centralised turkey's nest(s) which will act as the fill point for water carts.

**Pipeline**

A pipeline will be installed to transport water from bore locations to both the reverse osmosis storage tanks at the mine accommodation site, and turkey nest locations for dust suppression.

### **Powerline**

A powerline and cabling will be installed to transmit power from localised diesel power generation source to mine accommodation and local bore infrastructure. The powerline will conform to required standards and regulations.

### **Pump station**

Temporary hydraulic pumping stations will be established for the purposes of carrying out the hydrostatic pressure tests on the pipelines. These pump stations will be used to pressurise the water in the pipe, as well as for the purposes of transporting the water down the pipeline. It is likely that these temporary pump stations will be located at each main line valve station as this provides the ideal opportunity to connect into the pipeline and pressurise it with water.

### **Workshop and storage facility**

A workshop and storage facility will be required for both the initial construction activities, as well as the later operational activities. The construction contractor will require a workshop to repair and maintain their construction equipment and a storage facility to store expensive and delicate materials etc.

This will be in the order of 50m x 50m in size.

### **Road**

A road will be constructed to accommodate traffic to TPI's project tenements including constructions camps and water bores located on relevant tenure.

The road will be as wide as a single grader blade, approximately 2.5 metres and will be unpaved and unformed, the minimum to allow safe passage of drilling machinery to and from tenure.

Track alignment will follow the existing track and terrain where appropriate. These measures will minimise earthworks and environmental disturbance. Where the track crosses creeks a floodway will be constructed to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water over the road surface toward spreader drains, or other measures which will reinstate natural sheet flow.

If you have any queries please do not hesitate to contact me on 0427 427 616 or nobrien@fmgl.com.au.

Yours sincerely

**FORTESCUE METALS GROUP**



**NERIDA O'BRIEN**

Senior Tenement Specialist – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC48**

**Mining Tenement Register Search for L 47/801**





# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/801

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:35:39 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/801	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 652.00000 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 25/05/2017 15:20:11
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> ONLINE
<b>Commence :</b> 24/05/2019	<b>Expiry :</b> 23/05/2040
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a power line a pump station a road a workshop and storage facility taking water a water management facility	<b>Death :</b>

### Rent Status

**Due for Year End 23/05/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 23/05/2024 :** \$14,344.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 THE PILBARA INFRASTRUCTURE PTY LTD (ACN:103096340)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
 100

Total Shares:	100	208
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival**

Name and Address	Shares
THE PILBARA INFRASTRUCTURE PTY LTD ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	100
Total Shares:	100

**DESCRIPTION DETAILS****Description**

Block Type :	Effective From :
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Locality :	Hamersley
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Datum :	Zone 50 Northing(m) Easting(m) 604519.194 7545953.199
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Boundary :	Northing(m) Easting(m) 604519.194 7545953.199 604432.824 7545939.544 604348.83 7545915.228 604268.524 7545880.63 604193.157 7545836.289 604123.907 7545782.898 604057.997 7545716.914 603995.084 7545632.972 603947.813 7545545.892 603716.402 7544937.832 603610.34 7544722.475 603533.918 7544603.237 603438.719 7544479.932 603332.633 7544365.858 603216.549 7544261.974 603031.877 7544130.832 602831.411 7544025.404 602700.407 7543973.673 602135.616 7543784.604 602050.298 7543744.323 601962.611 7543678.278 601562.867 7543270.831 601426.27 7543152.747 601315.468 7543075.703 601198.19 7543008.929 601075.386 7542952.966 600962.389 7542912.666 600728.558 7542859.741 600609.22 7542847.455 600481.855 7542844.737 599838.06 7542857.426 599659.933 7542882.57 599486.097 7542928.857 599360.044 7542977.059 599238.833 7543036.394 599123.445 7543106.384 599014.815 7543186.462 598862.058 7543328.74
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598537.917 7543694.59  
 598424.718 7543787.201  
 598312.034 7543827.148  
 598005.006 7543887.764  
 598293.499 7543886.387  
 599797.392 7543879.21  
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 600516.05 7543844.525  
 600625.775 7543856.866  
 600765.724 7543905.992  
 600857.16 7543979.568  
 601310.134 7544436.548  
 601402.998 7544512.499  
 601514.34 7544588.761  
 601632.086 7544654.706  
 601769.264 7544715.234  
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 603122.498 7546122.801  
 603246.953 7546312.484  
 603402.529 7546477.597  
 603512.373 7546575.107  
 604699.975 7545948.328  
 604606.592 7545955.978  
 604519.194 7545953.199

Area :	Type	Dealing No	Start Date	Area
	Granted		24/05/2019	652.00000 HA
	Applied For		25/05/2017	652.00000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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### State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

### Survey

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
Standard Plan		Diagram			

## GENERAL DETAILS

210

**General**

Objection Closing Date : 29/06/2017

Application Fee : \$467.90

File Reference :

Survey Fee :

Receipt Number : 73896250528

**Special Indicator**

Special Indicator	Start	End
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## SHIRE DETAILS

**Shire**

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	25/05/2017		652.00000 HA

## NATIVE TITLE DETAILS

**Native Title Referrals**

Date Referred	Referral Type	Procedure	Current Status
09/06/2017	Tenement Application	Infrastructure	Infrastructure Procedure : Infrastructure Cleared Native Title

**Infrastructure Details**

<b>Sec 24MD(6B) Notification Date :</b>	23/06/2017	<b>Sec 24MD(6B) Notification Close Date :</b>	23/08/2017
<b>Procedure Outcome :</b>	Infrastructure Cleared Native Title		
<b>Clearance Notification Date :</b>	04/09/2017		
<b>Proposed Area to Grant :</b>	651.64 HA		
<b>Centroid Latitude :</b>	22° 11' 59" S	<b>Centroid Longitude :</b>	117° 58' 59" E
<b>Locality :</b>	58km N'ly of Tom Price		
<b>Purposes :</b>	a bore a bore field a communications facility a pipeline a power line a pump station a road a workshop and storage facility a taking water		

**Objections****Claims**

<b>Claim Name :</b>	Yindjibarndi #1
<b>NNTT Number :</b>	WC2003/003
<b>Federal Court Number :</b>	WAD6005/2003
<b>Wholly Within :</b>	Yes
<b>Claim Status :</b>	Determined

**Determination Areas****Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

## GRANT DETAILS

**Recommendation**

Recommended for :



**Grant**

211

**Granted** : 24/05/2019**Holder Notified** : 27/05/2019**Licence/Lease  
issued** :**Term****Term** : 21 Years**From** : 24/05/2019**To** : 23/05/2040**ENDORSEMENTS/CONDITIONS DETAILS****Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	24/05/2019	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	24/05/2019	
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA7279 & FNA7838 in TENGRAPH.	24/05/2019	
4	In regard to the Nanutarra Munjina Road the licensee's attention is drawn to the provisions of section 55 of the Land Administrations Act 1997.	24/05/2019	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	24/05/2019	
5	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>• Waterways Conservation Act, 1976</li> <li>• Rights in Water and Irrigation Act, 1914</li> <li>• Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>• Country Areas Water Supply Act, 1947</li> <li>• Water Agencies (Powers) Act 1984</li> </ul>	24/05/2019	
6	The rights of ingress to and egress from, and to cross over and through, the mining tenement being at all reasonable times preserved to officers of Department of Water and Environmental Regulation (DWER) for inspection and investigation purposes.	24/05/2019	
7	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the Department of Water and Environmental Regulation (DWER) relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	24/05/2019	
8	The taking of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless current licences for these activities have been issued by Department of Water and Environmental Regulation (DWER).	24/05/2019	
9	Measures such as drainage controls and stormwater retention facilities are to be implemented to minimise erosion and sedimentation of adjacent areas, receiving catchments and waterways.	24/05/2019	
10	All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian and other water dependent vegetation.	24/05/2019	
	<b>In respect to Proclaimed Surface Water Areas (Pilbara) Irrigation District Areas and Rivers (RIWI Act) the following endorsements apply:</b>	24/05/2019	
11	The taking of surface water from a watercourse or wetland is prohibited unless a current licence has been issued by the Department of Water and Environmental Regulation (DWER).	24/05/2019	
12	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) and the relevant water service provider if proposing activity in respect to the licence purpose in an existing or designated future irrigation area, or within 50 metres of a channel, drain or watercourse from which water is used for irrigation or any other purpose, and the proposed activity may impact water users.	24/05/2019	
13	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) to determine if a permit is required prior to undertaking any activity in respect to the licence purpose which may obstruct or interfere with the waters, bed or banks of a watercourse, wetland or other surface water body under section 117 of the Rights in Water and irrigation Act 1914.	24/05/2019	

#	ENDORSEMENTS	Start Date	End Date
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	24/05/2019	
14	The taking of groundwater and the construction or altering of any well is prohibited without current licences for these activities issued by the Department of Water and Environmental Regulation (DWER), unless an exemption otherwise applies.	24/05/2019	
#	CONDITIONS	Start Date	End Date
1	The Licensee 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.	24/05/2019	
2	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	24/05/2019	
3	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.	24/05/2019	
4	The rights of ingress to and egress from Miscellaneous Licence 47/361 being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	24/05/2019	
5	No activities being carried out within the proposed railway corridor (designated FNA 14405 & 14544 ) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	24/05/2019	
6	No interference with Geodetic Survey Station HRE 84 & 85 and mining within 15 metres thereof being confined to below a depth of 15 metres from the natural surface.	24/05/2019	
	<b>In respect to the area designated as CPL 3 in TENGRAPH the following conditions apply:</b>	24/05/2019	
7	Prior to any ground-disturbing activity, as defined by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety (DMIRS) the licensee preparing a detailed program for each phase of proposed exploration for approval of the Executive Director, Resource and Environmental Compliance, DMIRS. The program to include: <ul style="list-style-type: none"> <li>maps and/or aerial photographs showing all proposed routes, construction and upgrading of tracks, camps, drill sites and any other disturbances;</li> <li>the purpose, specifications and life of all proposed disturbances;</li> <li>proposals which may disturb any declared rare or geographically restricted flora and fauna; and</li> <li>techniques, prescriptions and timetable for the rehabilitation of all proposed disturbances</li> </ul>	24/05/2019	
8	The licensee, at his expense, rehabilitating all areas cleared, explored or otherwise disturbed during the term of the licence to the satisfaction of the Executive Director, Resource and Environmental Compliance, DMIRS. Such rehabilitation as is appropriate and may include: <ul style="list-style-type: none"> <li>stockpiling and return of topsoil;</li> <li>backfilling all holes, trenches and costeans;</li> <li>ripping;</li> <li>contouring to the original landform;</li> <li>revegetation with seed; and</li> <li>capping and backfilling of all drill holes.</li> </ul>	24/05/2019	
9	Prior to the cessation of exploration/prospecting activity the licensee notifying the Environmental Officer, DMIRS and arranging an inspection as required.	24/05/2019	
10	To properly maintain the installations as directed by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS).	24/05/2019	
11	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.	24/05/2019	
12	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.	24/05/2019	

#	CONDITIONS	Start Date	End Date
13	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.	24/05/2019	
14	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.	24/05/2019	
15	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.	24/05/2019	
16	The licensee is to obtain the written approval of the Shire of Ashburton or Main Roads WA (MRWA) or both where applicable and lodge a copy of that approval with the Mining Registrar prior to the construction of that part of the road that will intersect with any existing road. Where a difference exists between DMIRS conditions and the requirements of either authority, the requirements of the authority prevail.	24/05/2019	
17	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.	24/05/2019	
18	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.	24/05/2019	
19	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.	24/05/2019	
20	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.	24/05/2019	
21	The construction and operation of the project and measures to protect the environment to be carried out in accordance with the document titled: <ul style="list-style-type: none"> <li>(MP Reg ID 80314) "Solomon Mine Site - Mining Proposal L47/801 Transport Infrastructure Stage 2" dated 24 July 2019 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MP-80314 as Doc ID 6710854</li> </ul> Where a difference exists between the above document(s) and the following conditions, then the following conditions shall prevail.	01/08/2019	
22	Any alteration or expansion of operations within the license boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Executive Director, Resource and Environmental Compliance, DMIRS for assessment and until the Executive Director's written approval to proceed has been obtained.	01/08/2019	
23	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.	01/08/2019	
24	All topsoil and vegetation being removed ahead of all mining operations from and being stockpiled appropriately for later resspreading or immediately resspread as rehabilitation progresses.	01/08/2019	
25	All rubbish and scrap is to be progressively disposed of in a suitable manner.	01/08/2019	
26	The Licensee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities.	01/08/2019	
27	Where saline water is used for dust suppression, all reasonable measures being taken to avoid any detrimental effects to surrounding vegetation and topsoil stockpiles.	01/08/2019	
28	On the completion of operations or progressively when possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self sustaining, functional ecosystems comprising suitable, local provenance species or alternative agreed outcome to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	01/08/2019	
29	An annual environmental report is to be submitted to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety, outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programs for the next 12 months. This report is to be submitted each year in: <ul style="list-style-type: none"> <li>March</li> </ul>	01/08/2019	
30	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans":	05/05/2022	



#	CONDITIONS	Start Date	End Date
	<ul style="list-style-type: none"> <li>2025</li> </ul> <p>A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans":</p> <ul style="list-style-type: none"> <li>2020</li> </ul>	01/08/2019	04/05/2022
31	All mining operations approved by a Mining Proposal submitted on or after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
32	All ground disturbance approved by a Mining Proposal submitted on or after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	05/05/2022	
33	No alteration or expansion of mining operations beyond the activities described within the Activity, and Key Mine Activity tables of the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 700 of the <i>Mining Act 1978</i> , to cover the alteration or expansion, and until such Mining Proposal is approved by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.	05/05/2022	
34	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted on or after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	05/05/2022	
35	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted on or after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	05/05/2022	
36	Management of mine closure to be undertaken in accordance with the latest, relevant, approved Mine Closure Plan.	05/05/2022	
37	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	05/05/2022	
38	The Licensee taking all reasonable and practicable measures to prevent or minimise the generation of dust from mining operations.	05/05/2022	
39	Placement of waste material must be such that the final footprint after rehabilitation will not be impacted upon by pit wall subsidence or be within the zone of pit instability to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	05/05/2022	
40	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	05/05/2022	
41	All excavations being carried out at a sufficient distance from the boundary of the disturbance envelope (as presented within the latest relevant approved mining proposal/s) to enable the installation of abandonment bunds with the disturbance envelope, as per the requirements of the Department's Guideline "Safety Bund Walls Around Abandoned Open Pit Mines" dated 1997, or at a distance that is otherwise agreed to in writing by a Geotechnical Engineer, Department of Mines, Industry Regulation and Safety.	05/05/2022	

## DEALINGS DETAILS

### Dealings

Application to Amend 508918

#### Encumbrances

Lodged: 16:09:04 22 June 2017  
 Amending: Purpose  
 From: a bore  
 a bore field  
 a communications facility  
 a pipeline  
 a power line



To: a pump station  
a road  
a workshop and storage facility  
taking water  
a bore  
a bore field  
a communications facility  
a pipeline  
a power line  
a pump station  
a road  
a workshop and storage facility  
taking water  
a water management facility

RECORDED: 16:09:04 22 June 2017

**Objection 509032**

Lodged: 14:30:14 23 June 2017  
Objectors: HAMERSLEY IRON PTY LIMITED  
Objection Type: Tenement Application  
RECORDED: 14:30:14 23 June 2017  
received minute of programming directions to finalise directions  
FINALISED: 16:32:17 24 May 2019  
Wardens Decision 16:32:07 24 May 2019  
Made on:  
Wardens Decision Finalised  
Status:

**Application to Amend 510196**

Lodged: 10:29:42 11 July 2017  
Amending: Datum  
From: Northing(m) Easting(m)  
604519.194 7545953.199  
To: Zone 50  
Northing(m) Easting(m)  
604519.194 7545953.199  
RECORDED: 10:29:42 11 July 2017

**Application to Amend 584636**

Lodged: 09:39:27 21 August 2020  
Amending: Address (Including DTC Details)  
From: Principal Place of Business : THE PILBARA  
INFRASTRUCTURE PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA, 6004  
and DTC :THE PILBARA INFRASTRUCTURE  
PTY LTD, ACQUISITIONS AND TENEMENTS  
DEPARTMENT, PO BOX 3379 HAY STREET,  
EAST PERTH, WA, 6004  
To: Principal Place of Business : THE PILBARA  
INFRASTRUCTURE PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA,  
6004, tenementcompliance@fmgl.com.au and  
DTC :THE PILBARA INFRASTRUCTURE  
PTY LTD, ACQUISITIONS AND TENEMENTS  
DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au  
RECORDED: 09:39:27 21 August 2020

**BOND DETAILS**

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

216

**Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	26/05/2022	3214368452	10265216	OL	\$12,844.40	652.00000 HA	24/05/2019	\$12,844.40	\$0.00
Payment	2022	01/06/2021	4544783121	10199255	OL	\$11,670.80	652.00000 HA	24/05/2019	\$11,670.80	\$0.00
Payment	2021	26/05/2020	5398185438	10146378	OL	\$11,410.00	652.00000 HA	24/05/2019	\$11,410.00	\$0.00
Payment	2020	25/05/2017		73896250528	OL	\$9,845.20	652.00000 HA	24/05/2019	\$9,845.20	\$0.00

**EXPENDITURE/EXEMPTION DETAILS**

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS****C Number :****Project :****Reporting Date :****Affecting****Period :**

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC49**

**Application for L 47/813 dated 15 November 2017**

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

(a) Type of tenement	(a) Miscellaneous Licence		No. L 47/813
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /	(c) WEST PILBARA	
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	THE PILBARA INFRASTRUCTURE PTY LTD (ACN: 103 096 340)		100
(e) Address	ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004		
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) Hamersley (i) Zone 50 Northing (m) Easting (m) 7543879.799 599795.662 (j) Northing (m) Easting (m) 7543879.799 599795.662 7543888.729 597788.096 7544044.827 596976.063 7544417.319 596452.741 7545289.227 595899.428 7545497.187 595631.462 7545490.797 595288.211 7545403.534 594994.769 7546400.378 594698.287 7546647.873 595530.426 7546262.109 596561.149 7545180.047 597247.827 7545063.222 597399.661 7544851.763 598497.550 7545089.05 599169.769 7543939.107 599756.767 7543879.799 599795.662 Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a pump station , a road , a water management facility , a workshop and storage facility and taking water.		
(h) Locality			
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km <sup>2</sup> )	(k) 578.00000 HA		
(l) Signature of applicant or agent(if agent state full name and address)	(l) <i>Nerida O'Brien</i>		Date: 15/11/2017

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 20th day of December 2017 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	13:20:53	on	15 November	2017	with fees of
Application	\$476.00				
Rent	\$9,016.80				
TOTAL	\$9,492.80				
Receipt No:	78592011638				

**Mining Registrar**



**NOTES**

**Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC50**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/813 dated 12 December 2017**



Mining Registrar  
Department of Mines, Industry Regulation and Safety  
1<sup>st</sup> Floor, Mineral House  
100 Plain Street  
EAST PERTH WA 6004

12 December 2017

Dear Sir/Madam

---

**APPLICATION FOR MISCELLANEOUS LICENCE L47/813 BY  
THE PILBARA INFRASTRUCTURE PTY LTD**

---

I refer to Miscellaneous Licence application L47/813 applied for by The Pilbara Infrastructure Pty Ltd (**TPI**) on 15 November 2017.

TPI is developing their Western Hub project between the existing Solomon operation and the proposed Eliwana Project. The miscellaneous licence has been applied for to support extending the Western Hub project with additional infrastructure. L47/813 is located within our Solomon operation and is connected to M47/1453 and M47/1453 (live) and M47/1513 and M47/1543 (pending).

In accordance with the requirements of Regulation 37(3) of the *Mining Regulations* 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are bore, bore field, communications facility, pipeline, power line, pump station, road, water management facility, workshop and storage facility and taking water.

**Bore, bore field, water management facility, taking water**

A number of bores will be installed within L47/813 for the purpose of abstracting groundwater for process water and dust suppression for the construction works for TPI activities.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will include a submersible pump, headworks, control box and generator. pipework from each bore will be connected to centralised turkey's nest(s) which will act as the fill point for water carts.

### **Communications facility**

Communication systems will be required for the works, possibly comprising of optic fibre distribution, conventional cable and radio networks. These will perform functions for both the construction and operational activities.

If required, telecommunication infrastructure, including radio towers on higher ground, will be built for transmission and relay of information within the requested tenement.

### **Pipeline**

A pipeline will be installed to transport water from bore locations to both the reverse osmosis storage tanks at the mine accommodation site, and turkey nest locations for dust suppression.

### **Powerline**

A powerline and cabling will be installed to transmit power from a localised diesel power generation source to mine accommodation and local bore infrastructure. The powerline will conform to required standards and regulations.

### **Pump station**

Temporary hydraulic pumping stations will be established for the purposes of carrying out the hydrostatic pressure tests on the pipelines. These pump stations will be used to pressurise the water in the pipe, as well as for the purposes of transporting the water down the pipeline. It is likely that these temporary pump stations will be located at each main line valve station as this provides the ideal opportunity to connect into the pipeline and pressurise it with water.

### **Workshop and storage facility**

A workshop and storage facility will be required for both the initial construction activities, as well as the later operational activities. The construction contractor will require a workshop to repair and maintain their construction equipment and a storage facility to store expensive and delicate materials etc.

The disturbed area is expected to be approximately 50m x 50m in size.

### **Road**

A road will be constructed to accommodate traffic to TPI's project tenements including constructions camps and water bores located on relevant tenure.

The road will be as wide as a single grader blade, approximately 2.5 metres and will be unpaved and unformed, the minimum to allow safe passage of drilling machinery to and from tenure.

Track alignment will follow the existing track and terrain where appropriate. These measures will minimise earthworks and environmental disturbance. Where the track crosses creeks a floodway will be constructed to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water over the road surface toward spreader drains, or other measures which will reinstate natural sheet flow.

If you have any queries please do not hesitate to contact me on 0427 427 616 or nobrien@TPII.com.au.



Yours sincerely

**FORTESCUE METALS GROUP**



**NERIDA O'BRIEN**

Senior Tenement Specialist – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC51**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/813 and L 47/814 dated 12 January 2018**



**Enquiries:** Bethany Conway - Ph (08)9222 3518 Fax (08)9222 3452  
**Email:** s24md.infrastructure@dmirs.wa.gov.au

YINDJIBARNDI #1  
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION  
SUITE T6  
152 GREAT EASTERN HIGHWAY  
ASCOT WA 6104

**12 January 2018**

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) – WCD2017/010**

You are hereby notified in your capacity as a registered native title body corporate that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth)* (NTA)) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence/lease be granted:

No	Applicant/s
L 47/813	THE PILBARA INFRASTRUCTURE PTY LTD
L 47/814	THE PILBARA INFRASTRUCTURE PTY LTD

No	Area	Locality	Centroid	Shire
L 47/813	577.63 HA.	57km N'ly of Tom Price	Lat: 22° 11' S Long: 117° 56' E	ASHBURTON SHIRE
<b>The purposes of L 47/813 are: a bore,a bore field,a communications facility,a pipeline,a power line,a pump station,a road,a water management facility,a workshop and storage facility,taking water</b>				
L 47/814	931.04 HA.	60km N'ly of Tom Price	Lat: 22° 10' S Long: 117° 56' E	ASHBURTON SHIRE
<b>The purposes of L 47/814 are: a bore,a bore field,a communications facility,a pipeline,a power line,a pump station,a road,a water management facility,a workshop and storage facility,taking water</b>				

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title body corporate may object within two months of notification, to the grant of the licence/lease (ie by **19 March 2018**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence/lease applicant must consult any native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence/lease might be done.

Any objection lodged by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **19 March 2018**. The objection must contain the following information:

- number of the licences/lease objected to;
- details of how the grant of the licence/lease will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title body corporate



Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

Bethany Conway  
*for* EXECUTIVE DIRECTOR  
MINERAL TITLES

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC52**

**Mining Tenement Register Search for L 47/813**



# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/813

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:35:39 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/813	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 578.00000 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 15/11/2017 13:20:53
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> ONLINE
<b>Commence :</b> 06/04/2018	<b>Expiry :</b> 05/04/2039
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a power line a pump station a road a water management facility a workshop and storage facility taking water	<b>Death :</b>

### Rent Status

**Due for Year End 05/04/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 05/04/2024 :** \$12,716.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 THE PILBARA INFRASTRUCTURE PTY LTD (ACN:103096340)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
 100

Total Shares:	100	229
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival**

Name and Address	Shares
THE PILBARA INFRASTRUCTURE PTY LTD ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	100
Total Shares:	100

**DESCRIPTION DETAILS****Description**

Block Type :	Effective From :
--------------	------------------

Locality :	Hamersley
------------	-----------

Datum :	Zone 50 Northing (m) Easting (m) 7543879.799 599795.662
---------	---

Boundary :	Northing (m) Easting (m) 7543879.799 599795.662 7543888.729 597788.096 7544044.827 596976.063 7544417.319 596452.741 7545289.227 595899.428 7545497.187 595631.462 7545490.797 595288.211 7545403.534 594994.769 7546400.378 594698.287 7546647.873 595530.426 7546262.109 596561.149 7545180.047 597247.827 7545063.222 597399.661 7544851.763 598497.550 7545089.05 599169.769 7543939.107 599756.767 7543879.799 599795.662
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Area :	Type	Dealing No	Start Date	Area
	Granted		06/04/2018	578.00000 HA
	Applied For		15/11/2017	578.00000 HA

**RELATIONSHIPS****Relationships**

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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**State Agreement Conversions**

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

230

Survey

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
Standard Plan					Diagram

## GENERAL DETAILS

General

Objection Closing Date : 20/12/2017

Application Fee : \$476.00

File Reference :

Survey Fee :

Receipt Number : 78592011638

Special Indicator

Special Indicator	Start	End
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## SHIRE DETAILS

Shire

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	15/11/2017		578.00000 HA

## NATIVE TITLE DETAILS

Native Title Referrals

Date Referred	Referral Type	Procedure	Current Status
22/12/2017	Tenement Application	Infrastructure	Infrastructure Procedure : Infrastructure Cleared Native Title

Infrastructure Details

Sec 24MD(6B) Notification Date :	19/01/2018	Sec 24MD(6B) Notification Close Date :	19/03/2018
Procedure Outcome :	Infrastructure Cleared Native Title		
Clearance Notification Date :	23/03/2018		
Proposed Area to Grant :	577.63 HA		
Centroid Latitude :	22° 11' 42" S	Centroid Longitude :	117° 56' 36" E
Locality :	57km N'ly of Tom Price		
Purposes :	a bore a bore field a communications facility a pipeline a power line a pump station a road a water management facility a workshop and storage facility taking water		

ObjectionsClaimsDetermination Areas

Native Title Holder :	EASTERN GURUMA(WCD2007/001)
NNTT Number :	WC1997/089
Federal Court Number :	WAD6208/1998
Determination Number :	WCD2007/001
Folio Number :	96



**Full Determination :** No**Determination** Exists**Decision :****Determination Date :** 01/03/2007**Wholly Within :** No**PBC Name/Address :** WINTAWARI GURUMA ABORIGINAL CORPORATION RNTBC  
PO BOX 1883, KARRATHA, WA, 6714**Native Title Holder :** Yindjibarndi #1(WCD2017/010)**NNTT Number :** WC2003/003**Federal Court Number :** WAD6005/2003**Determination** WCD2017/010**Number :****Folio Number :****Full Determination :** Yes**Determination** Both**Decision :****Determination Date :** 13/11/2017**Wholly Within :** No**PBC Name/Address :** YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC  
PO BOX 111, ROEBOURNE, WA, 6718**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

**GRANT DETAILS****Recommendation****Recommended for :****Grant****Granted :** 06/04/2018**Holder Notified :** 06/04/2018**Licence/Lease**  
**issued :****Term****Term :** 21 Years**From :** 06/04/2018**To :** 05/04/2039**ENDORSEMENTS/CONDITIONS DETAILS****Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	06/04/2018	
2	Where a pipeline falls within the definition of a pipeline as defined in section 4 of the Petroleum Pipelines Act, 1969 (PPA), the Licensee must obtain a Petroleum Pipeline Licence (PPL) as provided for in the PPA, but where a PPL licence is not required, then the Licensee is to comply with the requirements of the Gas Standards (Gas Supply and System Safety) Regulations, 2000 in respect to the pipeline.	06/04/2018	
3	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	06/04/2018	
4	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor stage 1 & 2 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 & 8039 in TENGRAPH.	06/04/2018	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	06/04/2018	
5	The Licensee's attention is drawn to the provisions of the:	06/04/2018	

#	ENDORSEMENTS	Start Date	End Date
	<ul style="list-style-type: none"> <li>Waterways Conservation Act, 1976</li> <li>Rights in Water and Irrigation Act, 1914</li> <li>Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>Country Areas Water Supply Act, 1947</li> <li>Water Agencies (Powers) Act 1984</li> </ul>		
6	The rights of ingress to and egress from, and to cross over and through, the mining tenement being at all reasonable times preserved to officers of Department of Water and Environmental Regulation (DWER) for inspection and investigation purposes.	06/04/2018	
7	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the Department of Water and Environmental Regulation (DWER) relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	06/04/2018	
8	The taking of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless current licences for these activities have been issued by Department of Water and Environmental Regulation (DWER).	06/04/2018	
9	Measures such as drainage controls and stormwater retention facilities are to be implemented to minimise erosion and sedimentation of adjacent areas, receiving catchments and waterways.	06/04/2018	
10	All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian and other water dependent vegetation.	06/04/2018	
11	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) to determine if a permit is required prior to undertaking any activity in respect to the licence purpose which may obstruct or interfere with the waters, bed or banks of a watercourse, wetland or other surface water body under section 117 of the Rights in Water and irrigation Act 1914.	06/04/2018	
	<b>In respect to Proclaimed Surface Water Areas, (Pilbara) Irrigation District Areas and Rivers (RIWI Act) the following endorsements apply:</b>	06/04/2018	
12	The taking of surface water from a watercourse or wetland is prohibited unless a current licence has been issued by the Department of Water and Environmental Regulation (DWER).	06/04/2018	
13	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) and the relevant water service provider if proposing activity in respect to the licence purpose in an existing or designated future irrigation area, or within 50 metres of a channel, drain or watercourse from which water is used for irrigation or any other purpose, and the proposed activity may impact water users.	06/04/2018	
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	06/04/2018	
14	The taking of groundwater and the construction or altering of any well is prohibited without current licences for these activities issued by the Department of Water and Environmental Regulation (DWER), unless an exemption otherwise applies.	06/04/2018	
#	CONDITIONS	Start Date	End Date
1	The Licensee 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.	06/04/2018	
2	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	06/04/2018	
3	The rights of ingress to and egress from Miscellaneous Licence 47/814 (if granted) being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	06/04/2018	
4	No activities being carried out within the proposed railway corridor (designated FNA 13576) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	06/04/2018	
5	To properly maintain the installations as directed by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS).	06/04/2018	

#	CONDITIONS	Start Date	End Date
6	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.	06/04/2018	
7	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.	06/04/2018	
8	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.	06/04/2018	
9	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.	06/04/2018	
10	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.	06/04/2018	
11	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.	06/04/2018	
12	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.	06/04/2018	
13	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.	06/04/2018	
14	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.	06/04/2018	

## DEALINGS DETAILS

Dealings

## Application to Amend 584636

## Encumbrances

Lodged: 09:39:27 21 August 2020  
 Amending: Address (Including DTC Details)  
 From: Principal Place of Business : THE PILBARA INFRASTRUCTURE PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004 and DTC :THE PILBARA INFRASTRUCTURE PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  
 To: Principal Place of Business : THE PILBARA INFRASTRUCTURE PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :THE PILBARA INFRASTRUCTURE PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au  
 RECORDED: 09:39:27 21 August 2020

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

234

**Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	07/04/2022	5747215514	10255216	OL	\$11,386.60	578.00000 HA	06/04/2018	\$11,386.60	\$0.00
Payment	2022	12/04/2021	1717806507	10191778	OL	\$10,346.20	578.00000 HA	06/04/2018	\$10,346.20	\$0.00
Payment	2021	06/04/2020	4122301676	10139831	OL	\$10,115.00	578.00000 HA	06/04/2018	\$10,115.00	\$0.00
Payment	2020	09/04/2019	5540747846	10091847	OL	\$9,537.00	578.00000 HA	06/04/2018	\$9,537.00	\$0.00
Payment	2019	15/11/2017	3797601451	78592011638	OL	\$9,016.80	578.00000 HA	06/04/2018	\$9,016.80	\$0.00

**EXPENDITURE/EXEMPTION DETAILS**

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS****C Number :****Project :****Reporting Date :****Affecting  
Period :**

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End of Search

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## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC53**

**Application for L 47/814 dated 15 November 2017**

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

(a) Type of tenement	(a) Miscellaneous Licence		No. L 47/814
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /	(c) WEST PILBARA	
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	THE PILBARA INFRASTRUCTURE PTY LTD (ACN: 103 096 340)		100
(e) Address	ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004		
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) Hamersley (i) Zone 50 Northing (m) Easting (m) 7546362.038 594709.690 (j) Northing (m) Easting (m) 7546362.038 594709.690 7546527.147 595237.042 7546971.916 595675.034 7547976.797 596917.017 7548074.207 597538.233 7548076.079 598258.653 7547925.294 598587.856 7548117.112 598660.536 7549079.436 598834.518 7549975.091 597766.786 7551114.610 597766.784 7551114.610 598997.278 7550299.576 598997.278 7549610.565 599799.607 7549304.907 599923.966 7547711.937 599627.061 7547163.356 599371.043 7546892.332 598902.141 7546898.676 598388.828 7547066.048 597971.924 7547019.497 597338.633 7546800.973 597082.922 7546244.144 596431.338 7546165.896 596347.547 7545497.187 595631.462 7545490.797 595288.211 7545403.534 594994.769 7546362.038 594709.690 Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a pump station , a road , a water management facility , a workshop and storage facility and taking water.		
(k) Area (ha or km <sup>2</sup> )	(k) 932.00000 HA		
(l) Signature of applicant or agent(if agent state full name and address)	(l) <i>Nerida O'Brien</i>		Date: 15/11/2017

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 20th day of December 2017 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	13:20:53	on	15 November	2017	with fees of
Application	\$476.00				
Rent	\$14,539.20				
TOTAL	\$15,015.20				
Receipt No:	78592011638				

***Mining Registrar***

**NOTES**

**Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC54**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/814 dated 12 December 2017**





Mining Registrar  
Department of Mines, Industry Regulation and Safety  
1<sup>st</sup> Floor, Mineral House  
100 Plain Street  
EAST PERTH WA 6004

12 December 2017

Dear Sir/Madam

---

**APPLICATION FOR MISCELLANEOUS LICENCE L47/814 BY  
THE PILBARA INFRASTRUCTURE PTY LTD**

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I refer to Miscellaneous Licence application L47/814 applied for by The Pilbara Infrastructure Pty Ltd (**TPI**) on 15 November 2017.

TPI is developing their Western Hub Project between the existing Solomon operation and the proposed Eliwana Project. The miscellaneous licence has been applied for to support the Western Hub Project with additional infrastructure. L47/814 is located within our Solomon operation and is connected to M47/1453 and M47/1453 (live) and M47/1513 and M47/1543 (pending).

In accordance with the requirements of Regulation 37(3) of the *Mining Regulations* 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a bore, bore field, communications facility, pipeline, power line, pump station, road, water management facility, workshop and storage facility and taking water.

**Bore, bore field, water management facility, taking water**

A number of bores will be installed within L47/814 for the purpose of abstracting groundwater for process water and dust suppression for the construction works for TPI activities.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will include a submersible pump, headworks, control box and generator. pipework from each bore will be connected to centralised turkey's nest(s) which will act as the fill point for water carts.

### **Communications facility**

Communication systems will be required for the works, possibly comprising of optic fibre distribution, conventional cable and radio networks. These will perform functions for both the construction and operational activities.

If required, telecommunication infrastructure, including radio towers on higher ground, will be built for transmission and relay of information within the requested tenement.

### **Pipeline**

A pipeline will be installed to transport water from bore locations to both the reverse osmosis storage tanks at the mine accommodation site, and turkey nest locations for dust suppression.

### **Powerline**

A powerline and cabling will be installed to transmit power from a localised gas power generation source to mine facilities and other infrastructure. The powerline will conform to required standards and regulations.

A 6m maintenance track will follow the alignment where the route deviates from main access roads.

### **Pump station**

Temporary hydraulic pumping stations will be established for the purposes of carrying out the hydrostatic pressure tests on the pipelines. These pump stations will be used to pressurise the water in the pipe, as well as for the purposes of transporting the water down the pipeline. It is likely that these temporary pump stations will be located at each main line valve station as this provides the ideal opportunity to connect into the pipeline and pressurise it with water.

### **Workshop and storage facility**

A workshop and storage facility will be required for both the initial construction activities, as well as the later operational activities. The construction contractor will require a workshop to repair and maintain their construction equipment and a storage facility to store expensive and delicate materials etc.

The disturbed area is expected to be approximately of 50m x 50m in size.

### **Road**

A road will be constructed to accommodate traffic to TPI's project tenements including constructions camps and water bores located on relevant tenure.

The road will be approximately 5 metres and will be unpaved and unformed, the minimum to allow safe passage of drilling machinery to and from tenure.

Track alignment will follow the existing track and terrain where appropriate. These measures will minimise earthworks and environmental disturbance. Where the track crosses creeks a floodway will be constructed to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water over the road surface toward spreader drains, or other measures which will reinstate natural sheet flow.

If you have any queries please do not hesitate to contact me on 0427 427 616 or nobrien@TPIL.com.au.

Yours sincerely

**FORTESCUE METALS GROUP**



**NERIDA O'BRIEN**

Senior Tenement Specialist – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC55**

**Mining Tenement Register Search for L 47/814**





# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/814

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:36:08 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/814	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 932.00000 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 15/11/2017 13:20:53
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> ONLINE
<b>Commence :</b> 06/04/2018	<b>Expiry :</b> 05/04/2039
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a power line a pump station a road a water management facility a workshop and storage facility taking water	<b>Death :</b>

### Rent Status

**Due for Year End 05/04/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 05/04/2024 :** \$20,504.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 THE PILBARA INFRASTRUCTURE PTY LTD (ACN:103096340)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
 100

Total Shares:	100	244
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival**

Name and Address	Shares
THE PILBARA INFRASTRUCTURE PTY LTD ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	100
Total Shares:	100

**DESCRIPTION DETAILS****Description**

Block Type :	Effective From :
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Locality :	Hamersley
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Datum :	Zone 50 Northing (m) Easting (m) 7546362.038 594709.690
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Boundary :	Northing (m) Easting (m) 7546362.038 594709.690 7546527.147 595237.042 7546971.916 595675.034 7547976.797 596917.017 7548074.207 597538.233 7548076.079 598258.653 7547925.294 598587.856 7548117.112 598660.536 7549079.436 598834.518 7549975.091 597766.786 7551114.610 597766.784 7551114.610 598997.278 7550299.576 598997.278 7549610.565 599799.607 7549304.907 599923.966 7547711.937 599627.061 7547163.356 599371.043 7546892.332 598902.141 7546898.676 598388.828 7547066.048 597971.924 7547019.497 597338.633 7546800.973 597082.922 7546244.144 596431.338 7546165.896 596347.547 7545497.187 595631.462 7545490.797 595288.211 7545403.534 594994.769 7546362.038 594709.690
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Area :	Type	Dealing No	Start Date	Area
	Granted		06/04/2018	932.00000 HA
	Applied For		15/11/2017	932.00000 HA

## RELATIONSHIPS

245

Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

Survey

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
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Standard Plan	Diagram
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## GENERAL DETAILS

General

Objection Closing Date : 20/12/2017

Application Fee : \$476.00

File Reference :

Survey Fee :

Receipt Number : 78592011638

Special Indicator

Special Indicator	Start	End
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## SHIRE DETAILS

Shire

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	15/11/2017		932.00000 HA

## NATIVE TITLE DETAILS

Native Title Referrals

Date Referred	Referral Type	Procedure	Current Status
22/12/2017	Tenement Application	Infrastructure	Infrastructure Procedure : Infrastructure Cleared Native Title

Infrastructure Details

Sec 24MD(6B) Notification  
Date :

19/01/2018

Sec 24MD(6B) Notification Close  
Date :

19/03/2018

Procedure Outcome : Infrastructure Cleared Native Title

Clearance Notification Date : 23/03/2018

Proposed Area to Grant : 931.04 HA

Centroid Latitude : 22° 10' 5" S

Centroid Longitude : 117° 56' 38" E

Locality : 60km N'ly of Tom Price

Purposes : a bore a bore field a communications facility a pipeline a power line a pump  
station a road a water management facility a workshop and storage facility taking  
water

Objections

**Claims****Determination Areas**

<b>Native Title Holder :</b>	EASTERN GURUMA(WCD2007/001)
<b>NNTT Number :</b>	WC1997/089
<b>Federal Court Number :</b>	WAD6208/1998
<b>Determination Number :</b>	WCD2007/001
<b>Folio Number :</b>	96
<b>Full Determination :</b>	No
<b>Determination Decision :</b>	Exists
<b>Determination Date :</b>	01/03/2007
<b>Wholly Within :</b>	No
<b>PBC Name/Address :</b>	WINTAWARI GURUMA ABORIGINAL CORPORATION RNTBC PO BOX 1883, KARRATHA, WA, 6714
<b>Native Title Holder :</b>	Yindjibarndi #1(WCD2017/010)
<b>NNTT Number :</b>	WC2003/003
<b>Federal Court Number :</b>	WAD6005/2003
<b>Determination Number :</b>	WCD2017/010
<b>Folio Number :</b>	
<b>Full Determination :</b>	Yes
<b>Determination Decision :</b>	Both
<b>Determination Date :</b>	13/11/2017
<b>Wholly Within :</b>	No
<b>PBC Name/Address :</b>	YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC PO BOX 111, ROEBOURNE, WA, 6718

**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

**GRANT DETAILS****Recommendation**

Recommended for :

**Grant**

Granted : 06/04/2018

Holder Notified : 06/04/2018

Licence/Lease  
issued :**Term**

Term : 21 Years

From : 06/04/2018

To : 05/04/2039

**ENDORSEMENTS/CONDITIONS DETAILS****Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	06/04/2018	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	06/04/2018	



#	ENDORSEMENTS	Start Date	End Date
3	The Licensee's attention is drawn to the existence of a licence for Kennedy Railway Corridor stage 1 & 2 granted pursuant to section 91 of the Land Administration Act 1997 and which is shown designated as FNA 7838 & FNA 8038 in TENGRAPH.	06/04/2018	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	06/04/2018	
4	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>• Waterways Conservation Act, 1976</li> <li>• Rights in Water and Irrigation Act, 1914</li> <li>• Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>• Country Areas Water Supply Act, 1947</li> <li>• Water Agencies (Powers) Act 1984</li> </ul>	06/04/2018	
5	The rights of ingress to and egress from, and to cross over and through, the mining tenement being at all reasonable times preserved to officers of Department of Water and Environmental Regulation (DWER) for inspection and investigation purposes.	06/04/2018	
6	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the Department of Water and Environmental Regulation (DWER) relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	06/04/2018	
7	The taking of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless current licences for these activities have been issued by Department of Water and Environmental Regulation (DWER).	06/04/2018	
8	Measures such as drainage controls and stormwater retention facilities are to be implemented to minimise erosion and sedimentation of adjacent areas, receiving catchments and waterways.	06/04/2018	
9	All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian and other water dependent vegetation.	06/04/2018	
10	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) to determine if a permit is required prior to undertaking any activity in respect to the licence purpose which may obstruct or interfere with the waters, bed or banks of a watercourse, wetland or other surface water body under section 117 of the Rights in Water and irrigation Act 1914.	06/04/2018	
	<b>In respect to Proclaimed Surface Water Areas, (Pilbara) Irrigation District Areas and Rivers (RIWI Act) the following endorsements apply:</b>	06/04/2018	
11	The taking of surface water from a watercourse or wetland is prohibited unless a current licence has been issued by the Department of Water and Environmental Regulation (DWER).	06/04/2018	
12	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) and the relevant water service provider if proposing activity in respect to the licence purpose in an existing or designated future irrigation area, or within 50 metres of a channel, drain or watercourse from which water is used for irrigation or any other purpose, and the proposed activity may impact water users.	06/04/2018	
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	06/04/2018	
13	The taking of groundwater and the construction or altering of any well is prohibited without current licences for these activities issued by the Department of Water and Environmental Regulation (DWER), unless an exemption otherwise applies.	06/04/2018	
#	CONDITIONS	Start Date	End Date
1	The Licensee 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.	06/04/2018	
2	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>• the grant of the Licence; or</li> <li>• registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	06/04/2018	
3	The rights of ingress to and egress from Miscellaneous Licence 47/362, 47/363, 47/367, 47/472, 47/697 & 47/814 (if granted) being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	06/04/2018	

#	CONDITIONS	Start Date	End Date
4	No activities being carried out within the proposed railway corridor (designated FNA 13576 ) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	06/04/2018	
5	No mining within 25 metres of either side of the Gas/Petroleum pipeline contained within Petroleum Pipeline Licence No 105 as shown in TENGRAPH.	06/04/2018	
6	No surface excavation approaching closer to the boundary of the Safety Zone established by condition 5 hereof than a distance equal to three times the depth of the excavation without the prior written approval of the Director Petroleum DMIRS	06/04/2018	
7	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 5 hereof without the prior approval of the operators of the Gas/Petroleum pipeline.	06/04/2018	
8	The Licensee shall not excavate, drill, install, erect, deposit or permit to be excavated, drilled, installed, erected or deposited within the Safety Zone established in Condition 5 hereof, any pit, well, pavement, foundation, building, or other structure or installation, or material of any nature whatsoever without the prior written consent of the Director Petroleum DMIRS	06/04/2018	
9	No explosives being used or stored within one hundred and fifty (150) metres of the Gas/Petroleum pipeline without the prior written consent of the Director Petroleum DMIRS .	06/04/2018	
10	Mining on the Safety Zone established in Condition 5 hereof being confined to below a depth of 50 metres from the natural surface unless otherwise approved by the Director Petroleum DMIRS .	06/04/2018	
11	The rights of ingress to and egress from the pipeline easement established in Condition 5 hereof being at all times preserved for employees, contractors and agents of the operators of the Gas/Petroleum pipeline.	06/04/2018	
12	Such further conditions as may from time to time be imposed by the Minister responsible for the Mining Act 1978 for the purpose of protecting the Gas/Petroleum pipeline.	06/04/2018	
13	To properly maintain the installations as directed by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS).	06/04/2018	
14	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.	06/04/2018	
15	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.	06/04/2018	
16	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.	06/04/2018	
17	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.	06/04/2018	
18	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.	06/04/2018	
19	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.	06/04/2018	
20	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.	06/04/2018	
21	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.	06/04/2018	
22	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.	06/04/2018	

## DEALINGS DETAILS

### Dealings

Application to Amend 584636

#### Encumbrances

Lodged: 09:39:27 21 August 2020  
 Amending: Address (Including DTC Details)  
 From: Principal Place of Business : THE PILBARA  
 INFRASTRUCTURE PTY LTD, ACQUISITIONS  
 AND TENEMENTS DEPARTMENT, PO BOX

3379 HAY STREET, EAST PERTH, WA, 6004<sup>249</sup>  
and DTC :THE PILBARA INFRASTRUCTURE  
PTY LTD, ACQUISITIONS AND TENEMENTS  
DEPARTMENT, PO BOX 3379 HAY STREET,  
EAST PERTH, WA, 6004

To:

Principal Place of Business : THE PILBARA  
INFRASTRUCTURE PTY LTD, ACQUISITIONS  
AND TENEMENTS DEPARTMENT, PO BOX  
3379 HAY STREET, EAST PERTH, WA,  
6004, tenementcompliance@fmgl.com.au and  
DTC :THE PILBARA INFRASTRUCTURE  
PTY LTD, ACQUISITIONS AND TENEMENTS  
DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004,  
tenementcompliance@fmgl.com.au

RECORDED:

09:39:27 21 August 2020

**BOND DETAILS**

Bond	Surety	Amount	Bond date	Bond status	Bond status date
------	--------	--------	-----------	-------------	------------------

**RENT DETAILS****Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	07/04/2022	2086142144	10255212	OL	\$18,360.40	932.00000 HA	06/04/2018	\$18,360.40	\$0.00
Payment	2022	12/04/2021	3745053029	10191772	OL	\$16,682.80	932.00000 HA	06/04/2018	\$16,682.80	\$0.00
Payment	2021	06/04/2020	4447417439	10139827	OL	\$16,310.00	932.00000 HA	06/04/2018	\$16,310.00	\$0.00
Payment	2020	09/04/2019	4731475598	10091837	OL	\$15,378.00	932.00000 HA	06/04/2018	\$15,378.00	\$0.00
Payment	2019	15/11/2017	4443682978	78592011638	OL	\$14,539.20	932.00000 HA	06/04/2018	\$14,539.20	\$0.00

**EXPENDITURE/EXEMPTION DETAILS**

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS**

C Number :

Project :

Reporting Date :

Affecting

Period :

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC56**

**Application for L 47/914 dated 20 August 2019**



## Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

- (a) Type of tenement  
 (b) Time & Date marked out (where applicable)  
 (c) Mineral Field

(a) Miscellaneous Licence

No. L 47/914

(b) a.m./p.m. / /

(c) WEST PILBARA

For each applicant:

- (d) Full Name and ACN/ABN  
 (e) Address  
 (f) No. of shares  
 (g) Total No. of shares

(d) and (e)

PILBARA ENERGY COMPANY PTY LTD (ACN: 624 732 878)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH,  
 WA, 6004

(f) Shares

100

(g) Total 100

## DESCRIPTION OF GROUND APPLIED FOR:

(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)

- (h) Locality  
 (i) Datum Peg  
 (j) Boundaries

(h) Mt Florance West

(i) Zone 50

Northing (m) Easting (m)

617445.488 7548715.706

(j) Northing (m) Easting (m)

617445.488 7548715.706

617484.033 7548622.280

609025.005 7546498.504

609024.035 7546498.260

608926.117 7546473.676

607762.862 7546181.622

607762.763 7546181.592

607762.725 7546181.577

607739.704 7546172.114

607662.981 7546149.670

607486.969 7546130.209

607374.468 7546136.238

607092.166 7546166.320

606809.837 7546196.404

606668.943 7546211.418

606509.615 7546228.396

606445.721 7546235.204

606345.355 7546245.899

606344.360 7546246.005

606033.301 7546279.150

605620.874 7546323.098

605260.262 7546357.206

605260.236 7546357.208

605147.611 7546364.804

605147.544 7546364.807

605147.515 7546364.806

605048.812 7546361.939

605048.705 7546361.930

604921.294 7546344.370

604921.256 7546344.364

604921.098 7546344.323

604778.218 7546294.075

603953.851 7546806.007

603313.782 7547163.843

600019.893 7549639.150

598307.605 7550310.379

598339.621 7550392.149

600090.661 7549702.235

603329.706 7547278.690

604262.818 7547331.064

605692.428 7546490.590

605854.291 7546419.345

606025.770 7546367.762

606189.376 7546346.643

606357.002 7546342.435

607214.862 7546328.358

607359.952 7546239.357

607361.936 7546238.139

607382.448 7546235.954

607484.131 7546230.504

607643.299 7546248.103

607706.564 7546266.610

607724.705 7546274.067

607726.008 7546274.592

607734.455 7546277.503

	607738.511 7546278.612 608901.766 7546570.666 608906.382 7546571.711 608915.479 7546574.109 609005.696 7546596.759 617445.488 7548715.706 Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a road , a search for groundwater and taking water.
(k) Area (ha or km <sup>2</sup> )	(k) 295.00000 HA
(l) Signature of applicant or agent(if agent state full name and address)	(l) <i>Michelle Bicanin</i> Date: 20/08/2019

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 24th day of September 2019 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	11:01:42	on	20 August	2019	with fees of
Application	\$525.00				
Rent	\$5,162.50				
TOTAL	\$5,687.50				
Receipt No:	96240403951				

***Mining Registrar***

**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC57**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to**

**L 47/914 dated 20 August 2019**



Mining Registrar  
Department of Mines, Industry Regulation and Safety  
1<sup>st</sup> Floor, Mineral House  
100 Plain Street  
East Perth WA 6004

20 August 2019

Dear Sir or Madam

---

**APPLICATION FOR MISCELLANEOUS LICENCE BY  
THE PILBARA ENERGY COMPANY PTY LTD**

---

I refer to the Miscellaneous Licence application applied for by Pilbara Energy Company Pty Ltd (**PEC**) on 20 August 2019.

PEC and Fortescue Metals Group Ltd (**Fortescue**) are developing their Pilbara Transmission Project between the existing Solomon mine (M45/1177 and M45/1128) and Iron Bridge Project (M45/1244 and M45/1226) area and some applications have already been lodged on 22 May 2018 (L45/456-467, L47/845-848), 26 June 2018 (L45/468-472) and 20 August 2018 (L45/474-475). The miscellaneous licences have been applied for to support energy supply to the project areas with additional infrastructure and the additional applications lodged under this cover will provide an alternate route.

In accordance with the requirements of Regulation 37(3) of the *Mining Regulations 1981*, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a power line, a communications facility, a pipeline, a road, taking water, a bore field, a bore and search for groundwater.

**Powerline**

A high voltage overhead powerline will be constructed on steel structures (poles or lattice towers) to enable efficient transmission of electricity.

Construction of the powerline will require clearing at each pole or tower location, approximately every 300 to 400m apart.

The powerline will be a permanent installation.

**Communications facility**

Fibre-optic communications facilities will be constructed and buried alongside the access track. The fibre-optic cabling will be a permanent installation.



### **Pipeline**

A water pipeline, approximately 165mm diameter will be constructed and laid on natural surface alongside the access track. This will be used to convey water from the bore field to the alignment or other facility such as camps. The requirement for the pipeline will be temporary and it will be removed when no longer required

Two buried steel pipelines of nominally 660mm diameter will be buried in trenches. These pipelines will carry slurry from site to export facilities at Port Hedland and return water to site. These pipelines will be a permanent installation.

### **Road**

An access track will be constructed to accommodate traffic between the railway alignment and sites and to provide access for construction and maintenance of the sites and associated infrastructure.

The road will initially comprise a graded access track only but may be upgraded to allow for traverse of construction materials and potential materials haulage.

Access track alignment will follow contours and terrain where appropriate with minimum cut and fill requirements to minimise earthworks and environmental disturbance.

Where the road crosses creeks a ford crossing will be achieved to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water over the track surface toward minor spreader drains or other measures which will reinstate natural sheet flow. These measures will be used as appropriate to maintain and promote the natural growth patterns of surrounding vegetation or other sheet flow dependent flora communities.

Where the proposed road intersects any existing roads, an appropriate intersection will be constructed to the satisfaction of the appropriate Shire. Where the proposed road crosses the existing rail line, a crossing will be constructed to the satisfaction of the rail line owner.

### **Taking Water, Bore Field, Bore, Search for Groundwater**

A number of production bores will be installed within the new miscellaneous licence application. The purpose is for earthworks conditioning and dust suppression during construction of the proposed railway.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.

If you have any queries please do not hesitate to contact me on 0455 945 616 or mbicanin@fmgl.com.au.

Yours sincerely

**FORTESCUE METALS GROUP**



**MICHELLE BICANIN**

Senior Tenement Officer – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC58**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/914 dated 30 August 2019**



Enquiries: Bethany Conway - Ph (08)9222 3518 Fax (08)9222 3452  
Email: s24md.infrastructure@dmirs.wa.gov.au

Yindjibarndi #1  
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION  
PO BOX 111  
ROEBOURNE WA 6718

30 August 2019

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) – WCD2017/010**

You are hereby notified in your capacity as a registered native title body corporate that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth)* (NTA)) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence/lease be granted:

No	Applicant/s
L 47/914	PILBARA ENERGY COMPANY PTY LTD

No	Area	Locality	Centroid	Shire
L 47/914	294.93 HA.	64km NE'ly of Tom Price	Lat: 22° 10' S Long: 118° 2' E	ASHBURTON SHIRE
<b>The purposes of L 47/914 are: a bore,a bore field,a communications facility,a pipeline,a power line,a road</b>				

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title body corporate may object within two months of notification, to the grant of the licence/lease (ie by **6 November 2019**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence/lease applicant must consult any native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence/lease might be done.

Any objection lodged by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **6 November 2019**. The objection must contain the following information:

- number of the licences/lease objected to;
- details of how the grant of the licence/lease will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title body corporate

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

**Rick ROGERSON**  
EXECUTIVE DIRECTOR  
RESOURCE TENURE DIVISION

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC59**

**Notice issued under s 24HA(7) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/914 dated 30 August 2019**





**Enquiries:** Bethany Conway - Ph. (08)9222 3518 Fax (08)9222 3452  
**Email:** s24md.infrastructure@dmirs.wa.gov.au

Yindjibarndi #1  
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION  
PO BOX 111  
ROEBOURNE WA 6718

30 August 2019

Dear Sir/Madam

**NOTIFICATION PURSUANT TO SECTION 24HA (7) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) –  
MANAGEMENT OF WATER – WCD2017/010**

You are hereby notified in your capacity as a registered native title body corporate that application has been made for the tenements listed hereunder for an initial term of twenty one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24 HA(7) of the Native Title Act 1993 (Cth) (NTA), there is an intention that the tenements be granted:

No	Applicant/s	Closing Date
L 47/914	PILBARA ENERGY COMPANY PTY LTD	11 October 2019

No	Area	Locality	Centroid	Shire
L 47/914	294.93 HA.	64km NE'ly of Tom Price	Lat: 22° 10' S Long: 118° 2' E	ASHBURTON SHIRE
The purposes of L 47/914 are: taking water,search for ground water				

A plan(s) showing the location of the application(s) is enclosed.

**OPPORTUNITY TO COMMENT:** Under Section 24HA (7) of the NTA, any registered Native Title Claimant must be given opportunity to comment on the act within the period specified in this notice.

**Any comments must be directed** in the form of a letter addressed to, or delivered to, the General Manager, Tenure & Native Title, 100 Plain Street, East Perth, W.A, 6004 and must be received before the close of business at 4.30pm on the closing date mentioned above.

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

**Rick ROGERSON**  
EXECUTIVE DIRECTOR  
RESOURCE TENURE DIVISION

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC60**

**Mining Tenement Register Search for L 47/914**



# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/914

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:35:21 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/914	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 294.92734 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 20/08/2019 11:01:42
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> ONLINE
<b>Commence :</b> 15/11/2019	<b>Expiry :</b> 14/11/2040
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a power line a road a search for groundwater taking water	<b>Death :</b>

### Rent Status

**Due for Year End 14/11/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 14/11/2024 :** \$6,490.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

Name and Address	Shares
PILBARA ENERGY COMPANY PTY LTD (ACN:624732878)	100
ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
<b>Total Shares:</b>	<b>100</b>

**Holder Changes**

262

Dealing	Status Date	From (Shares)	To (Shares)
---------	-------------	---------------	-------------

**Applicants on Receival****Name and Address**

PILBARA ENERGY COMPANY PTY LTD  
ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
STREET, EAST PERTH, WA, 6004

**Shares**

100

<b>Total Shares:</b>	100
----------------------	-----

**DESCRIPTION DETAILS****Description****Block Type :****Effective From :****Locality :** Mt Florance West

**Datum :** Zone 50  
Northing (m) Easting (m)  
617445.488 7548715.706

**Boundary :** Northing (m) Easting (m)  
617445.488 7548715.706  
617484.033 7548622.280  
609025.005 7546498.504  
609024.035 7546498.260  
608926.117 7546473.676  
607762.862 7546181.622  
607762.763 7546181.592  
607762.725 7546181.577  
607739.704 7546172.114  
607662.981 7546149.670  
607486.969 7546130.209  
607374.468 7546136.238  
607092.166 7546166.320  
606809.837 7546196.404  
606668.943 7546211.418  
606509.615 7546228.396  
606445.721 7546235.204  
606345.355 7546245.899  
606344.360 7546246.005  
606033.301 7546279.150  
605620.874 7546323.098  
605260.262 7546357.206  
605260.236 7546357.208  
605147.611 7546364.804  
605147.544 7546364.807  
605147.515 7546364.806  
605048.812 7546361.939  
605048.705 7546361.930  
604921.294 7546344.370  
604921.256 7546344.364  
604921.098 7546344.323  
604778.218 7546294.075  
603953.851 7546806.007  
603313.782 7547163.843  
600019.893 7549639.150  
598307.605 7550310.379  
598339.621 7550392.149  
600090.661 7549702.235  
603329.706 7547278.690  
604262.818 7547331.064  
605692.428 7546490.590



605854.291 7546419.345  
 606025.770 7546367.762  
 606189.376 7546346.643  
 606357.002 7546342.435  
 607214.862 7546328.358  
 607359.952 7546239.357  
 607361.936 7546238.139  
 607382.448 7546235.954  
 607484.131 7546230.504  
 607643.299 7546248.103  
 607706.564 7546266.610  
 607724.705 7546274.067  
 607726.008 7546274.592  
 607734.455 7546277.503  
 607738.511 7546278.612  
 608901.766 7546570.666  
 608906.382 7546571.711  
 608915.479 7546574.109  
 609005.696 7546596.759  
 617445.488 7548715.706

Area :	Type	Dealing No	Start Date	Area
	Granted		15/11/2019	294.92734 HA
	Applied For		20/08/2019	295.00000 HA

## RELATIONSHIPS

### Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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### State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

### Survey

Surveyed Area	Surveyed Date	Surveyor`s Name	Field Book	Instruction Date	Project
---------------	---------------	-----------------	------------	------------------	---------

Standard Plan	Diagram
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## GENERAL DETAILS

### General

Objection Closing Date : 24/09/2019

Application Fee : \$525.00

File Reference :

Survey Fee :

Receipt Number : 96240403951

### Special Indicator

Special Indicator	Start	End
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## SHIRE DETAILS

### Shire

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	20/08/2019		294.92734 HA

## NATIVE TITLE DETAILS

264

**Native Title Referrals**

Date Referred	Referral Type	Procedure	Current Status
22/08/2019	Tenement Application	Water	Water Procedure : Infrastructure/ Water Cleared Native Title

**Water Details**

**Sec 24HA(7) Notification Date :** 06/09/2019      **Sec 24HA(7) Notification Close Date :** 11/10/2019  
**Procedure Outcome :** Water Process Completed  
**Procedure Outcome Date :** 12/11/2019  
**Proposed Area to Grant :** 294.92734 HA  
**Centroid Latitude :** 22° 10' 32" S      **Centroid Longitude :** 118° 2' 9" E  
**Locality :** 31.7km W'ly of Wittenoom  
**Purposes :** a bore a bore field a communications facility a pipeline a power line a road a search for groundwater taking water

**Comments Under Sec 24HA(7)****Claims****Determination Areas**

**Native Title Holder :** BANJIMA PEOPLE(WCD2014/001)  
**NNTT Number :** WC2011/006  
**Federal Court Number :** WAD6096/1998  
**Determination Number :** WCD2014/001  
**Folio Number :**  
**Full Determination :** No  
**Determination Decision :** Exists  
**Determination Date :** 11/03/2014  
**Wholly Within :** No  
**PBC Name/Address :** BANJIMA NATIVE TITLE ABORIGINAL CORPORATION RNTBC  
 PO BOX 6278, EAST PERTH, WA, 6892

**Native Title Holder :** Yindjibarndi #1(WCD2017/010)  
**NNTT Number :** WC2003/003  
**Federal Court Number :** WAD6005/2003  
**Determination Number :** WCD2017/010  
**Folio Number :**  
**Full Determination :** Yes  
**Determination Decision :** Both  
**Determination Date :** 13/11/2017  
**Wholly Within :** No  
**PBC Name/Address :** YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC  
 PO BOX 111, ROEBOURNE, WA, 6718

**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

Date Referred	Referral Type	Procedure	Current Status
22/08/2019	Tenement Application	Infrastructure	Infrastructure Procedure : Infrastructure/ Water Cleared Native Title

**Infrastructure Details**

**Sec 24MD(6B) Notification Date :** 06/09/2019      **Sec 24MD(6B) Notification Close Date :** 06/11/2019  
**Procedure Outcome :** Infrastructure/Water Cleared Native Title  
**Clearance Notification Date :** 12/11/2019  
**Proposed Area to Grant :** 294.93 HA  
**Centroid Latitude :** 22° 10' 4" S      **Centroid Longitude :** 118° 2' 47" E  
**Locality :** 64km NE'ly of Tom Price  
**Purposes :** a bore a bore field a communications facility a pipeline a power line a road

**Objections**

Objection Number	Objection Received Date	Claim	Determination Areas	Outcome	Outcome Date
NT1504	24/09/2019		WC2011/006	Objection Withdrawn	06/11/2019

**Claims****Determination Areas**

**Native Title Holder :** BANJIMA PEOPLE(WCD2014/001)  
**NNTT Number :** WC2011/006  
**Federal Court Number :** WAD6096/1998  
**Determination Number :** WCD2014/001  
**Folio Number :**  
**Full Determination :** No  
**Determination Decision :** Exists  
**Determination Date :** 11/03/2014  
**Wholly Within :** No  
**PBC Name/Address :** BANJIMA NATIVE TITLE ABORIGINAL CORPORATION RNTBC  
 PO BOX 6278, EAST PERTH, WA, 6892

**Native Title Holder :** Yindjibarndi #1(WCD2017/010)  
**NNTT Number :** WC2003/003  
**Federal Court Number :** WAD6005/2003  
**Determination Number :** WCD2017/010  
**Folio Number :**  
**Full Determination :** Yes  
**Determination Decision :** Both  
**Determination Date :** 13/11/2017  
**Wholly Within :** No  
**PBC Name/Address :** YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC  
 PO BOX 111, ROEBOURNE, WA, 6718

**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

**GRANT DETAILS****Recommendation**

Recommended for :

**Grant**

Granted : 15/11/2019

Holder Notified : 15/11/2019

 Licence/Lease  
issued :

**Term**

266

**Term** : 21 Years**From** : 15/11/2019**To** : 14/11/2040**ENDORSEMENTS/CONDITIONS DETAILS****Endorsements and Conditions**

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	15/11/2019	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	15/11/2019	
3	In regard to the Fortescue Crossing Road the licensee's attention is drawn to the provisions of section 55 of the Land Administrations Act 1997.	15/11/2019	
4	No activities being carried out within the proposed railway and port corridor – Ronsard Island to Hancock's Tenements – Wittenoom State Agreement – (designated FNA 7279) that interfere with or restrict any port and rail route investigation activities being undertaken by the port and rail line proponent.	15/11/2019	15/11/2019
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	15/11/2019	
5	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>• Waterways Conservation Act, 1976</li> <li>• Rights in Water and Irrigation Act, 1914</li> <li>• Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>• Country Areas Water Supply Act, 1947</li> <li>• Water Agencies (Powers) Act 1984</li> </ul>	15/11/2019	
6	The rights of ingress to and egress from, and to cross over and through, the mining tenement being at all reasonable times preserved to officers of Department of Water and Environmental Regulation (DWER) for inspection and investigation purposes.	15/11/2019	
7	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the Department of Water and Environmental Regulation (DWER) relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	15/11/2019	
8	The taking of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless current licences for these activities have been issued by Department of Water and Environmental Regulation (DWER).	15/11/2019	
9	Measures such as drainage controls and stormwater retention facilities are to be implemented to minimise erosion and sedimentation of adjacent areas, receiving catchments and waterways.	15/11/2019	
10	All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian and other water dependent vegetation.	15/11/2019	
	<b>In respect to Proclaimed Surface Water Areas (Pilbara) Irrigation District Areas and Rivers (RIWI Act) the following endorsements apply:</b>	15/11/2019	
11	The taking of surface water from a watercourse or wetland is prohibited unless a current licence has been issued by the Department of Water and Environmental Regulation (DWER).	15/11/2019	
12	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) to determine if a permit is required prior to undertaking any activity in respect to the licence purpose which may obstruct or interfere with the waters, bed or banks of a watercourse, wetland or other surface water body under section 117 of the Rights in Water and irrigation Act 1914.	15/11/2019	
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	15/11/2019	
13	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) and the relevant water service provider if proposing activity in respect to the licence purpose in an existing or designated future irrigation area, or within 50 meters of a channel, drain or watercourse from which water is used for irrigation or any other purpose, and the proposed activity may impact water users.	15/11/2019	



#	ENDORSEMENTS	Start Date	End Date
14	The taking of groundwater and the construction or altering of any well is prohibited without current licences for these activities issued by the Department of Water and Environmental Regulation (DWER), unless an exemption otherwise applies.	15/11/2019	
#	CONDITIONS	Start Date	End Date
1	The Licensee 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.	15/11/2019	
2	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	15/11/2019	
3	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.	15/11/2019	
4	The rights of ingress to and egress from Miscellaneous Licences 47/361, 47/367, 47/472, 47/697, 47/814 and L1SA being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	15/11/2019	
	<b>In respect to the area designated as CPL 3 in TENGRAPH the following conditions apply:</b>	15/11/2019	
5	Prior to any ground-disturbing activity, as defined by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety (DMIRS) the licensee preparing a detailed program for each phase of proposed exploration for approval of the Executive Director, Resource and Environmental Compliance, DMIRS. The program to include: <ul style="list-style-type: none"> <li>maps and/or aerial photographs showing all proposed routes, construction and upgrading of tracks, camps, drill sites and any other disturbances;</li> <li>the purpose, specifications and life of all proposed disturbances;</li> <li>proposals which may disturb any declared rare or geographically restricted flora and fauna; and</li> <li>techniques, prescriptions and timetable for the rehabilitation of all proposed disturbances</li> </ul>	15/11/2019	
6	The licensee, at his expense, rehabilitating all areas cleared, explored or otherwise disturbed during the term of the licence to the satisfaction of the Executive Director, Resource and Environmental Compliance, DMIRS. Such rehabilitation as is appropriate and may include: <ul style="list-style-type: none"> <li>stockpiling and return of topsoil;</li> <li>backfilling all holes, trenches and costeans;</li> <li>ripping;</li> <li>contouring to the original landform;</li> <li>revegetation with seed; and</li> <li>capping and backfilling of all drill holes.</li> </ul>	15/11/2019	
7	Prior to the cessation of exploration/prospecting activity the licensee notifying the Environmental Officer, DMIRS and arranging an inspection as required.	15/11/2019	
8	No activities being carried out within the proposed Eliwana railway corridor FNAs 14405, 14406 and FNA 14544 that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	15/11/2019	
9	No activities being carried out within the proposed railway and port corridor - Ronsard Island to Hancock's Tenements - Wittenoom State Agreement - (designated FNA 7279) that interfere with or restrict any port and rail route investigation activities being undertaken by the port and rail line proponent.	15/11/2019	
10	All mining operations approved by a Mining Proposal submitted after 3 March 2020 to meet the environmental outcomes and performance criteria stated in the latest, relevant approved Mining Proposal/s.	19/05/2021	
	All mining operations to meet the environmental outcomes as measured by the performance criteria stated in Table 34 of the Mining Proposal (Reg ID 83434) "Pilbara Transmission Project - Strategic Mining Proposal" dated 12 March 2020 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-83434 as Doc ID 7245983.	25/03/2020	18/05/2021

#	CONDITIONS	Start Date	End Date
11	All ground disturbance approved by a Mining Proposal submitted after 3 March 2020 to be undertaken within the disturbance envelope as presented within the latest, relevant approved Mining Proposal/s.	19/05/2021	
	All ground disturbance to be undertaken within the disturbance envelope as represented by the spatial data provided on 12 March 2020 and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-83434 as Doc ID 7245962.	25/03/2020	18/05/2021
12	No alteration or expansion of mining operations beyond the activities described within the latest, relevant approved Mining Proposal/s unless a subsequent Mining Proposal is submitted, in the form defined in section 70O of the Mining Act 1978, to cover the alteration or expansion, and until such Mining Proposal is approved by the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety.	19/05/2021	
	No alteration or expansion of mining operations beyond the activities detailed in Table 5 and of the Mining Proposal (Reg ID 83434) "Pilbara Transmission Project - Strategic Mining Proposal" dated 12 March 2020 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-83434 as Doc ID 7245983.	25/03/2020	18/05/2021
13	Management of mine closure to be undertaken in accordance with the latest, relevant approved Mine Closure Plan.	19/05/2021	
	Management of mine closure is to be undertaken in accordance with the Mine Closure Plan (Reg ID 83434) "Pilbara Transmission Project - Closure Plan" dated 28 October 2019, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-83434 as Doc ID 7245983.	25/03/2020	18/05/2021
14	Report any incident arising from mining activities that has caused, or has the potential to cause environmental harm or injury to the land, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety, within 24 hours of becoming aware of the occurrence of the incident.	25/03/2020	
15	Report any breach of environmental outcome or performance criteria contained within an approved Mining Proposal submitted after 3 March 2020, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	19/05/2021	
	Report any breach of environmental outcome or performance criteria stated in Table 34 of the Mining Proposal (Reg ID 83434) "Pilbara Transmission Project - Strategic Mining Proposal" dated 12 March 2020 signed by Brett McGuire, and retained on Department of Mines, Industry Regulation and Safety File No. EARS-MPMCP-83434 as Doc ID 7245983, to the Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety within 24 hours of becoming aware of the occurrence of the breach.	25/03/2020	18/05/2021
16	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.	25/03/2020	
17	All topsoil and vegetation being removed ahead of all mining operations from sites such as pit areas, waste disposal areas, ore stockpile areas, pipeline, haul roads and new access roads and being stockpiled for later respreading or immediately respread as rehabilitation progresses.	25/03/2020	
18	All rubbish and scrap is to be progressively disposed of in a suitable manner.	25/03/2020	
19	The Licensee taking all reasonable measures to prevent or minimise the generation of dust from all materials handling operations, stockpiles, open areas and transport activities.	25/03/2020	
20	Where saline water is used for dust suppression, all reasonable measures being taken to avoid any detrimental effects to surrounding vegetation and topsoil stockpiles.	25/03/2020	
21	On the completion of operations or progressively when possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self sustaining, functional ecosystems comprising suitable, local provenance species or alternative agreed outcome to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.	25/03/2020	
22	An annual environmental report is to be submitted to the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety, outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programs for the next 12 months. This report is to be submitted each year in: <ul style="list-style-type: none"> <li>• March</li> </ul>	25/03/2020	
23	All activities being carried out in such a manner so as to not have a detrimental effect on the natural water flow through the lease and surrounding areas to the satisfaction of the Environmental Officer, Department of Mines, Industry Regulation and Safety.	25/03/2020	

#	CONDITIONS	Start Date	End Date
24	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans": <ul style="list-style-type: none"> <li>2025</li> </ul>	25/03/2020	
25	The Licensee to ensure adequate environmental monitoring and analysis is undertaken of activities approved by a Mining Proposal submitted after 3 March 2020 to demonstrate the level of achievement of the performance criteria stated in the latest, relevant approved Mining Proposal/s.	19/05/2021	
26	No materials shall be extracted from below the bed load zone of the river.	26/10/2021	

## DEALINGS DETAILS

## Dealings

## Application to Amend 584625

## Encumbrances

Lodged: 09:39:27 21 August 2020  
Amending: Address (Including DTC Details)  
From: PILBARA ENERGY COMPANY PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004  
To: PILBARA ENERGY COMPANY PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au  
RECORDED: 09:39:27 21 August 2020

## BOND DETAILS

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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## RENT DETAILS

## Rent Payments

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	23/11/2022	2585996586	10303986	OL	\$6,490.00	294.92734 HA	15/11/2019	\$6,490.00	\$0.00
Payment	2022	29/11/2021	6975390466	10232139	OL	\$5,811.50	294.92734 HA	15/11/2019	\$5,811.50	\$0.00
Payment	2021	17/11/2020	3705887606	10172578	OL	\$5,280.50	294.92734 HA	15/11/2019	\$5,280.50	\$0.00
Payment	2020	20/08/2019	5644577107	96240403951	OL	\$5,162.50	294.92734 HA	15/11/2019	\$5,162.50	\$0.00

## EXPENDITURE/EXEMPTION DETAILS

Expenditure is not required for this Legislation Type

## COMBINED REPORTING DETAILS

C Number :

Project :

Reporting Date :

Affecting

Period :

End of Search

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC61**

**Application for L 47/919 dated 18 October 2019**



## Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

(a) Type of tenement	(a) Miscellaneous Licence		No. L 47/919
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /	(c) WEST PILBARA	
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	FMG PILBARA PTY LTD (ACN: 106 943 828)		100
(e) Address	ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004		
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) Solomon Spur East		
(h) Locality	(i) Zone 50		
(i) Datum Peg	(j) (Northing) (Easting)		
(j) Boundaries	7546362.039 594709.690		
	7546362.039 594709.690		
	7546527.146 595237.042		
	7546971.916 595675.034		
	7547976.798 596917.018		
	7548074.208 597538.232		
	7548076.080 598258.652		
	7547925.294 598587.857		
	7548117.112 598660.536		
	7549079.436 598834.518		
	7549975.090 597766.785		
	7551114.610 597766.784		
	7551114.611 598997.278		
	7550299.576 598997.278		
	7549610.565 599799.607		
	7549304.908 599923.966		
	7547711.937 599627.061		
	7547163.357 599371.043		
	7546892.333 598902.141		
	7546898.676 598388.827		
	7547066.048 597971.924		
	7547019.497 597338.632		
	7546800.974 597082.922		
	7546244.145 596431.338		
	7546165.896 596347.547		
	7545497.188 595631.462		
	7545490.796 595288.211		
	7545403.534 594994.769		
	7546362.039 594709.690		
	Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a pump station , a road , a search for groundwater , a water management facility , a workshop and storage facility and taking water.		
(k) Area (ha or km <sup>2</sup> )	(k) 932.00000 HA		
(l) Signature of applicant or agent(if agent state full name and address)	(l)michelle bicanin		Date: 18/10/2019

## OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 22nd day of November 2019 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	09:50:57	on	18 October	2019	with fees of
Application	\$525.00				
Rent	\$16,310.00				
TOTAL	\$16,835.00				
Receipt No:	97832086189				

***Mining Registrar***

**NOTES**

**Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC62**

**Statement issued under regulation 37(3) of the *Mining Regulations 1981* (WA) with respect to  
L 47/919 dated 18 October 2019**



Mining Registrar  
Department of Mines, Industry Regulation and Safety  
1<sup>st</sup> Floor, Mineral House  
100 Plain Street  
East Perth WA 6004

18 October 2019

Dear Sir or Madam

---

**APPLICATION FOR MISCELLANEOUS LICENCE BY  
FMG PILBARA PTY LTD**

---

I refer to Miscellaneous Licence application applied for by FMG Pilbara Pty Ltd (**FMG**) on 18 October 2019.

The miscellaneous licence has been applied to support the existing Solomon operations with additional infrastructure and is connected to FMG's live Mining Leases M47/1431, M47/1513, M47/1409 and M47/1474.

In accordance with the requirements of Regulation 37(3) of the *Mining Regulations* 1981, the following information is provided on the construction and operations of the proposed facilities.

The prescribed purposes are a bore, bore field, communications facility, pipeline, power line, pump station, a road, water management facility, workshop and storage facility, taking water and search for groundwater.

**Bore, bore field, water management facility, taking water, Search for Groundwater**

A number of production bores will be installed within the miscellaneous licence application. The purpose is for abstracting groundwater for process water, earthworks conditioning and dust suppression for FMG's activities.

A hydrogeological investigation to assess bore-field requirements will comprise exploratory drilling, test bore installation and bore testing followed by production bore installations.

Each production bore will comprise headworks and an electrical control box.



### **Communications facility**

Fibre-optic communications facilities will be constructed and buried alongside the access track. The fibre-optic cabling will be a permanent installation. These will perform functions for both the construction and operational activities.

### **Pipeline**

A pipeline will be installed to transport water from bore locations to both the reverse osmosis storage tanks at the mine accommodation site, and turkey nest locations for dust suppression.

### **Powerline**

A high voltage overhead powerline will be constructed on steel structures (poles or lattice towers) to enable efficient transmission of electricity.

Construction of the powerline will require clearing at each pole or tower location, approximately every 300 to 400m apart.

The powerline will be a permanent installation.

### **Pump station**

Temporary hydraulic pumping stations will be established for the purposes of carrying out the hydrostatic pressure tests on the pipelines. These pump stations will be used to pressurise the water in the pipe, as well as for the purposes of transporting the water down the pipeline. It is likely that these temporary pump stations will be located at each main line valve station as this provides the ideal opportunity to connect into the pipeline and pressurise it with water.

### **Workshop and storage facility**

A workshop and storage facility will be required for both the initial construction activities, as well as the later operational activities. The construction contractor will require a workshop to repair and maintain their construction equipment and a storage facility to store expensive and delicate materials etc.

The disturbed area is expected to be approximately of 50m x 50m in size.

### **Road**

An access track will be constructed to accommodate traffic for construction and maintenance of the sites and associated infrastructure on the relevant tenure.

The road will initially comprise a graded access track only but may be upgraded to allow for traverse of construction materials and potential materials haulage.

Access track alignment will follow contours and terrain where appropriate with minimum cut and fill requirements to minimise earthworks and environmental disturbance.

Where the road crosses creeks a ford crossing will be achieved to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water over the track surface toward minor spreader drains or other measures which will reinstate natural sheet flow. These measures will be used as appropriate to maintain and promote the natural growth patterns of surrounding vegetation or other sheet flow dependent flora communities.

Where the proposed road intersects any existing roads, an appropriate intersection will be constructed to the satisfaction of the appropriate Shire. Where the proposed road crosses the existing rail line, a crossing will be constructed to the satisfaction of the rail line owner.

If you have any queries please do not hesitate to contact me on 0455 945 616 or [mbicanin@fmgl.com.au](mailto:mbicanin@fmgl.com.au).

Yours sincerely

**FORTESCUE METALS GROUP**

A handwritten signature in blue ink, appearing to read 'MBicanin', is positioned above the printed name.

**MICHELLE BICANIN**

Senior Tenement Officer – Projects & Access

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC63**

**Notice issued under s 24MD(6B) of the *Native Title Act 1993* (Cth) with respect to the grant of  
L 47/919 dated 25 October 2019**



Enquiries: Bethany Conway - Ph (08)9222 3518 Fax (08)9222 3452  
Email: s24md.infrastructure@dmirs.wa.gov.au

Yindjibarndi #1  
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION  
PO BOX 111  
ROEBOURNE WA 6718

25 October 2019

Dear Sir/Madam

**NOTIFICATION OF AN INFRASTRUCTURE FACILITY ASSOCIATED WITH MINING PURSUANT TO SECTION 24MD(6B) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) – WCD2017/010**

You are hereby notified in your capacity as a registered native title body corporate that application has been made for the tenements listed hereunder for the sole purpose of the construction of an infrastructure facility associated with mining (as defined in Section 253 of the *Native Title Act 1993 (Cth)* (NTA)) for an initial term of twenty-one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24MD(6B) under the NTA that there is an intention that the licence/lease be granted:

No	Applicant/s
L 47/919	FMG PILBARA PTY LTD

No	Area	Locality	Centroid	Shire
L 47/919	931.04 HA.	40.6km W'ly of Wittenoom	Lat: 22° 10' S Long: 117° 56' E	ASHBURTON SHIRE
<b>The purposes of L 47/919 are: a bore,a bore field,a communications facility,a pipeline,a power line,a pump station,a road,,a water management facility,a workshop and storage facility</b>				

A plan(s) showing the location of the application(s) is enclosed.

In accordance with Section 24MD(6B)(d) any registered native title body corporate may object within two months of notification, to the grant of the licence/lease (ie by **1 January 2020**) so far as it affects their registered native title rights and interests in relation to land or waters to which the licence relates.

The licence/lease applicant must consult any native title bodies corporate who object, about ways of minimising the impact of the grant of the licence on registered native title rights and interests in relation to the land or waters. If relevant the applicant must also consult about any access to the land or the way in which anything authorised by the grant of the licence/lease might be done.

Any objection lodged by a registered native title body corporate is to be in the form of a letter addressed to or delivered to the General Manager Tenure & Native Title, 100 Plain Street, East Perth WA 6004 and must be received before the close of business at 4.30pm on **1 January 2020**. The objection must contain the following information:

- number of the licences/lease objected to;
- details of how the grant of the licence/lease will affect the objector's registered native title rights and interests in relation to the land or waters affected; and
- the name, claim number and address for service of the registered native title body corporate

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

**Rick ROGERSON**  
EXECUTIVE DIRECTOR  
RESOURCE TENURE DIVISION

Att



## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

### **ANNEXURE DC64**

**Notice under s 24HA(7) of the *Native Title Act 1993* (Cth) with respect to the grant of L 47/919  
dated 8 November 2019**



**Enquiries:** Bethany Conway - Ph. (08)9222 3518 Fax (08)9222 3452  
**Email:** s24md.infrastructure@dmirs.wa.gov.au

Yindjibarndi #1  
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION  
PO BOX 111  
ROEBOURNE WA 6718

8 November 2019

Dear Sir/Madam

**NOTIFICATION PURSUANT TO SECTION 24HA (7) COMMONWEALTH NATIVE TITLE ACT 1993 (NTA) –  
MANAGEMENT OF WATER – WCD2017/010**

You are hereby notified in your capacity as a registered native title body corporate that application has been made for the tenements listed hereunder for an initial term of twenty one years. I would also inform you that subject to the completion of any relevant processing under the Mining Act 1978 and Section 24 HA(7) of the Native Title Act 1993 (Cth) (NTA), there is an intention that the tenements be granted:

No	Applicant/s	Closing Date
L 47/919	FMG PILBARA PTY LTD	20 December 2019

No	Area	Locality	Centroid	Shire
L 47/919	931.04 HA.	40.6km W'ly of Wittenoom	Lat: 22° 10' S Long: 117° 56' E	ASHBURTON SHIRE
<b>The purposes of L 47/919 are: taking water,search for ground water</b>				

A plan(s) showing the location of the application(s) is enclosed.

**OPPORTUNITY TO COMMENT:** Under Section 24HA (7) of the NTA, any registered Native Title Claimant must be given opportunity to comment on the act within the period specified in this notice.

**Any comments must be directed** in the form of a letter addressed to, or delivered to, the General Manager, Tenure & Native Title, 100 Plain Street, East Perth, W.A, 6004 and must be received before the close of business at 4.30pm on the closing date mentioned above.

Should you require any further information as to this Department's procedures please contact Bethany Conway on (08)9222 3518.

Yours faithfully

**Rick ROGERSON**  
EXECUTIVE DIRECTOR  
RESOURCE TENURE DIVISION

Att

## **Affidavit**

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

**YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC**

Applicant

**STATE OF WESTERN AUSTRALIA and others**

Respondents

**ANNEXURE DC65**

**Mining Tenement Register Search for L 47/919**



# MINING TENEMENT REGISTER SEARCH

## MISCELLANEOUS LICENCE 47/919

This Register Search issued pursuant to Section 103F(4) of the Mining Act, 1978 at: **09:36:25 08/12/2022**

Kristian Dawson  
Executive Director  
Resource Tenure  
Department of Mines, Industry Regulation  
and Safety

### Tenement Summary

<b>Identifier :</b> L 47/919	<b>District :</b> WEST PILBARA M.F.
<b>Current Area :</b> 931.04347 HA	<b>Status :</b> Live
<b>Mark Out :</b>	<b>Received :</b> 18/10/2019 09:50:57
<b>Term Granted :</b> 21 Years	<b>Lodging Office :</b> ONLINE
<b>Commence :</b> 10/01/2020	<b>Expiry :</b> 09/01/2041
<b>Purpose :</b> a bore a bore field a communications facility a pipeline a power line a pump station a road a search for groundwater a water management facility a workshop and storage facility taking water	<b>Death :</b>

### Rent Status

**Due for Year End 09/01/2023 :** PAID IN FULL  
**Previous Amount Outstanding :** \$0.00  
**Current Due :** \$0.00  
**Rent for Year End 09/01/2024 :** \$20,504.00

### Expenditure Status

**Expended Year End :** NO EXPENDITURE REQUIRED  
**Current Year () Commitment :** NO EXPENDITURE REQUIRED

### OWNERSHIP DETAILS

#### Current Holders

**Name and Address**  
 FMG PILBARA PTY LTD (ACN:106943828)  
 ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY  
 STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au

**Shares**  
 100



Total Shares:	100	283
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**Holder Changes**

Dealing	Status Date	From (Shares)	To (Shares)
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**Applicants on Receival**

Name and Address	Shares
FMG PILBARA PTY LTD	100
ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
Total Shares:	100

**DESCRIPTION DETAILS****Description**

Block Type :	Effective From :
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Locality :	Solomon Spur East
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Datum :	Zone 50 (Northing) (Easting) 7546362.039 594709.690
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Boundary :	(Northing) (Easting) 7546362.039 594709.690 7546527.146 595237.042 7546971.916 595675.034 7547976.798 596917.018 7548074.208 597538.232 7548076.080 598258.652 7547925.294 598587.857 7548117.112 598660.536 7549079.436 598834.518 7549975.090 597766.785 7551114.610 597766.784 7551114.611 598997.278 7550299.576 598997.278 7549610.565 599799.607 7549304.908 599923.966 7547711.937 599627.061 7547163.357 599371.043 7546892.333 598902.141 7546898.676 598388.827 7547066.048 597971.924 7547019.497 597338.632 7546800.974 597082.922 7546244.145 596431.338 7546165.896 596347.547 7545497.188 595631.462 7545490.796 595288.211 7545403.534 594994.769 7546362.039 594709.690
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Area :	Type	Dealing No	Start Date	Area
	Granted		10/01/2020	931.04347 HA
	Applied For		18/10/2019	932.00000 HA

## RELATIONSHIPS

284

Relationships

Relationship	Dealing No	Dealing Status	Tenement ID	Tenement Status
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State Agreement Conversions

Applicable Legislation	Effective Start	Effective End
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## SURVEY DETAILS

Survey

Surveyed Area	Surveyed Date	Surveyor's Name	Field Book	Instruction Date	Project
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Standard Plan	Diagram
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## GENERAL DETAILS

General

Objection Closing Date : 22/11/2019

Application Fee : \$525.00

File Reference :

Survey Fee :

Receipt Number : 97832086189

Special Indicator

Special Indicator	Start	End
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## SHIRE DETAILS

Shire

Shire	Shire No	Start	End	Area
ASHBURTON SHIRE	250	18/10/2019		931.04347 HA

## NATIVE TITLE DETAILS

Native Title Referrals

Date Referred	Referral Type	Procedure	Current Status
21/10/2019	Tenement Application	Water	Water Procedure : Infrastructure/ Water Cleared Native Title

Water Details

Sec 24HA(7) Notification Date :	15/11/2019	Sec 24HA(7) Notification Close Date :	20/12/2019
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Procedure Outcome : Water Process Completed

Procedure Outcome Date : 06/01/2020

Proposed Area to Grant : 931.04347 HA

Centroid Latitude : 22° 10' 10" S

Centroid Longitude : 117° 56' 56" E

Locality : 40.6km W'ly of Wittenoom

Purposes : taking water search for ground water

Comments Under Sec 24HA(7)Claims

**Determination Areas**

**Native Title Holder :** EASTERN GURUMA(WCD2007/001)  
**NNTT Number :** WC1997/089  
**Federal Court Number :** WAD6208/1998  
**Determination Number :** WCD2007/001  
**Folio Number :** 96  
**Full Determination :** No  
**Determination Decision :** Exists  
**Determination Date :** 01/03/2007  
**Wholly Within :** No  
**PBC Name/Address :** WINTAWARI GURUMA ABORIGINAL CORPORATION RNTBC  
 PO BOX 1883, KARRATHA, WA, 6714

**Native Title Holder :** Yindjibarndi #1(WCD2017/010)  
**NNTT Number :** WC2003/003  
**Federal Court Number :** WAD6005/2003  
**Determination Number :** WCD2017/010  
**Folio Number :**  
**Full Determination :** Yes  
**Determination Decision :** Both  
**Determination Date :** 13/11/2017  
**Wholly Within :** No  
**PBC Name/Address :** YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC  
 PO BOX 111, ROEBOURNE, WA, 6718

**Aboriginal Representative Area Bodies**

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

Date Referred	Referral Type	Procedure	Current Status
21/10/2019	Tenement Application	Infrastructure	Infrastructure Procedure : Infrastructure/ Water Cleared Native Title

**Infrastructure Details**

**Sec 24MD(6B) Notification Date :** 01/11/2019      **Sec 24MD(6B) Notification Close Date :** 01/01/2020  
**Procedure Outcome :** Infrastructure/Water Cleared Native Title  
**Clearance Notification Date :** 06/01/2020  
**Proposed Area to Grant :** 931.04347 HA  
**Centroid Latitude :** 22° 10' 10" S      **Centroid Longitude :** 117° 56' 56" E  
**Locality :** 40.6km W'ly of Wittenoom  
**Purposes :** a bore a bore field a communications facility a pipeline a power line a pump station a road a water management facility a workshop and storage facility

**Objections****Claims****Determination Areas**

**Native Title Holder :** EASTERN GURUMA(WCD2007/001)  
**NNTT Number :** WC1997/089  
**Federal Court Number :** WAD6208/1998  
**Determination Number :** WCD2007/001  
**Folio Number :** 96  
**Full Determination :** No

**Determination** Exists  
**Decision :**  
**Determination Date :** 01/03/2007  
**Wholly Within :** No  
**PBC Name/Address :** WINTAWARI GURUMA ABORIGINAL CORPORATION RNTBC  
 PO BOX 1883, KARRATHA, WA, 6714

**Native Title Holder :** Yindjibarndi #1(WCD2017/010)  
**NNTT Number :** WC2003/003  
**Federal Court Number :** WAD6005/2003  
**Determination Number :** WCD2017/010  
**Folio Number :**  
**Full Determination :** Yes  
**Determination Decision :** Both  
**Determination Date :** 13/11/2017  
**Wholly Within :** No  
**PBC Name/Address :** YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC  
 PO BOX 111, ROEBOURNE, WA, 6718

### Aboriginal Representative Area Bodies

Code	Region	Representative Body
12	Pilbara	Yamatji Marlpa Aboriginal Corporation

## GRANT DETAILS

### Recommendation

Recommended for :

### Grant

Granted : 10/01/2020

Holder Notified : 10/01/2020

Licence/Lease  
issued :

### Term

Term : 21 Years

From : 10/01/2020

To : 09/01/2041

## ENDORSEMENTS/CONDITIONS DETAILS

### Endorsements and Conditions

#	ENDORSEMENTS	Start Date	End Date
1	The Licensee's attention is drawn to the provisions of the Aboriginal Heritage Act 1972 and any Regulations thereunder.	10/01/2020	
2	The Licensee's attention is drawn to the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, which provides for the protection of all native vegetation from damage unless prior permission is obtained.	10/01/2020	
3	The licensee's attention is drawn to the provisions of the Mines Safety and Inspection Act 1994 (MSIA), the licensee complying with the requirements of the MSIA prior to any ground disturbing activities being undertaken within Miscellaneous Licence 1SA.	10/01/2020	
	<b>In respect to Water Resource Management Areas (WRMA) the following endorsements apply:</b>	10/01/2020	
4	The Licensee's attention is drawn to the provisions of the: <ul style="list-style-type: none"> <li>Waterways Conservation Act, 1976</li> <li>Rights in Water and Irrigation Act, 1914</li> <li>Metropolitan Water Supply, Sewerage and Drainage Act, 1909</li> <li>Country Areas Water Supply Act, 1947</li> <li>Water Agencies (Powers) Act 1984</li> </ul>	10/01/2020	



#	ENDORSEMENTS	Start Date	End Date
5	The rights of ingress to and egress from, and to cross over and through, the mining tenement being at all reasonable times preserved to officers of Department of Water and Environmental Regulation (DWER) for inspection and investigation purposes.	10/01/2020	
6	The storage and disposal of petroleum hydrocarbons, chemicals and potentially hazardous substances being in accordance with the current published version of the Department of Water and Environmental Regulation (DWER) relevant Water Quality Protection Notes and Guidelines for mining and mineral processing.	10/01/2020	
7	The taking of groundwater from an artesian well and the construction, enlargement, deepening or altering of any artesian well is prohibited unless current licences for these activities have been issued by Department of Water and Environmental Regulation (DWER).	10/01/2020	
8	Measures such as drainage controls and stormwater retention facilities are to be implemented to minimise erosion and sedimentation of adjacent areas, receiving catchments and waterways.	10/01/2020	
9	All activities to be undertaken so as to avoid or minimise damage, disturbance or contamination of waterways, including their beds and banks, and riparian and other water dependent vegetation.	10/01/2020	
	<b>In respect to Proclaimed Surface Water Areas (Pilbara), Irrigation District Areas and Rivers (RIWI Act) the following endorsements apply:</b>	10/01/2020	
10	The taking of surface water from a watercourse or wetland is prohibited unless a current licence has been issued by the Department of Water and Environmental Regulation (DWER).	10/01/2020	
11	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) and the relevant water service provider if proposing activity in respect to the licence purpose in an existing or designated future irrigation area, or within 50 meters of a channel, drain or watercourse from which water is used for irrigation or any other purpose, and the proposed activity may impact water users.	10/01/2020	
12	Advice shall be sought from the Department of Water and Environmental Regulation (DWER) to determine if a permit is required prior to undertaking any activity in respect to the licence purpose which may obstruct or interfere with the waters, bed or banks of a watercourse, wetland or other surface water body under section 117 of the Rights in Water and irrigation Act 1914.	10/01/2020	
	<b>In respect to Proclaimed Ground Water Areas (Pilbara) the following endorsement applies:</b>	10/01/2020	
13	The taking of groundwater and the construction or altering of any well is prohibited without current licences for these activities issued by the Department of Water and Environmental Regulation (DWER), unless an exemption otherwise applies.	10/01/2020	
14	Any expansion beyond activities associated with the search for groundwater is to be subject to an appropriate form of miscellaneous licence.	10/01/2020	
#	CONDITIONS	Start Date	End Date
1	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.	10/01/2020	
2	The Licensee 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.	10/01/2020	
3	The Licensee or transferee, as the case may be, shall within thirty (30) days of receiving written notification of:- <ul style="list-style-type: none"> <li>the grant of the Licence; or</li> <li>registration of a transfer introducing a new Licensee;</li> </ul> advise, by registered post, the holder of any underlying pastoral or grazing lease details of the grant or transfer.	10/01/2020	
4	The rights of ingress to and egress from Miscellaneous Licence L1SA being at all times preserved to the licensee and no interference with the purpose or installations connected to the licence.	10/01/2020	
5	The rights of ingress to and egress from Miscellaneous Licences 47/697, 47/813, 47/814, 47/859, 47/901, 47/909 and 47/914 being at all times preserved to the licensee and no interference with the purpose or installations connected to the licences.	10/01/2020	

#	CONDITIONS	Start Date	End Date
6	No activities being carried out within the proposed Eliwana railway corridor (designated FNA 14405, 14406 and 14544) that interfere with or restrict any rail route investigation activities being undertaken by the rail line proponent.	10/01/2020	
7	No mining within 25 metres of either side of the petroleum pipeline licence area of 105 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.	10/01/2020	
8	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.	10/01/2020	
9	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.	10/01/2020	
10	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.	10/01/2020	
11	Such further conditions as may from time to time be imposed by the Minister responsible for the Mining Act 1978 for the purposes of protecting the pipeline and any existing condition imposed for this purpose may be cancelled or varied.	10/01/2020	
12	To properly maintain the installations as directed by the Environmental Officer, Department of Mines, Industry Regulation and Safety (DMIRS).	10/01/2020	
13	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.	10/01/2020	
14	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.	10/01/2020	
15	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.	10/01/2020	
16	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.	10/01/2020	
17	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.	10/01/2020	
18	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.	10/01/2020	
19	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.	10/01/2020	
20	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.	10/01/2020	
21	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.	10/01/2020	
22	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.	10/01/2020	
23	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.	10/01/2020	

## DEALINGS DETAILS

### Dealings

#### Application to Amend 587387

#### Encumbrances

Lodged: 10:03:41 30 September 2020

Amending: Address (Including DTC Details)

	From:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004 and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	289
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587396</b>	Lodged:	10:03:41 30 September 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004 and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587401</b>	Lodged:	10:03:41 30 September 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004 and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au	
	REJECTED:	10:03:41 30 September 2020	
<b>Application to Amend 587934</b>	Lodged:	15:58 08 October 2020	
	Amending:	Address (Including DTC Details)	
	From:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004 and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004	
	To:	Principal Place of Business : FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS	

										290
										DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au and DTC :FMG PILBARA PTY LTD, ACQUISITIONS AND TENEMENTS DEPARTMENT, PO BOX 3379 HAY STREET, EAST PERTH, WA, 6004, tenementcompliance@fmgl.com.au
RECORDED:										15:58 08 October 2020

**BOND DETAILS**

Bond	Surety	Amount	Bond date	Bond status	Bond status date
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**RENT DETAILS****Rent Payments**

Type	Year	Receipt Date	Payment No	Receipt No	MR Lodged	Amount	Rental Area	Effective Date	Amount Due	Discrepancy
Payment	2023	11/01/2022	4743097141	10238226	OL	\$18,360.40	931.04347 HA	10/01/2020	\$18,360.40	\$0.00
Payment	2022	13/01/2021	3053238873	10178241	OL	\$16,682.80	931.04347 HA	10/01/2020	\$16,682.80	\$0.00
Payment	2021	18/10/2019	5159390862	97832086189	OL	\$16,310.00	931.04347 HA	10/01/2020	\$16,310.00	\$0.00

**EXPENDITURE/EXEMPTION DETAILS**

Expenditure is not required for this Legislation Type

**COMBINED REPORTING DETAILS**

C Number :

Project :

Reporting Date :

Affecting

Period :

End of Search



## NOTICE OF FILING

### Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	6/07/2023 10:48:00 AM AWST
Date Accepted for Filing:	6/07/2023 10:54:32 AM AWST
File Number:	WAD37/2022
File Title:	YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC (ICN 8721) AND STATE OF WESTERN AUSTRALIA & ORS
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.