

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION ON CONTROLLED ACTION, CONTROLLING PROVISIONS AND DESIGNATION OF PROPONENT

I, ALEX RANKIN, Assistant Secretary, Environment Assessment Branch, Department of the Environment and Heritage, a delegate of the Minister for the Environment and Heritage for the purposes of section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, decide that the proposed action, set out in the Schedule, is a controlled action; that the controlling provisions for the action are those set out in the Schedule; and designate Arafura Resources NL as proponent of the action.

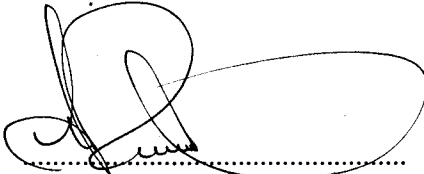
SCHEDULE

The proposed action to mine recoverable mineral resources at the Mt Porter Gold Project, Mt Porter, near Pine Creek, Northern Territory (EPBC 2006/3047).

The Part 3, Division 1, controlling provisions are:

- sections 12 and 15A (World Heritage); and
- sections 18 and 18A (Listed threatened species and communities); and
- sections 20 and 20A (Listed migratory species).

Dated this 9th day of OCTOBER 2006



**ASSISTANT SECRETARY
ENVIRONMENT ASSESSMENT BRANCH
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**



Australian Government

Department of the Environment and Heritage

Mr Paul Rokich
Senior Environmental Scientist
Martinick Bosch Sell Pty Ltd
4 Cook Street
WEST PERTH WA 6005

Dear Mr Rokich

**Arafura Resources NL/Mining/Mt Porter, Pine Creek/NT/Opencut Gold Mine
(EPBC Reference: 2006/3047)**

Thank you for the above referral, received on 11 September 2006, for decision whether or not approval is needed under Chapter 4 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The referral has now been considered under the EPBC Act and I have decided that the action is a controlled action. Approval is therefore needed under Part 9 of the Act before the action can proceed.

A copy of the document recording my decision is attached for your information. I have written separately to Arafura Resources NL to advise of my decision (copy of letter attached).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Alex Rankin', written in a cursive style.

Ms Alex Rankin
Assistant Secretary
Environment Assessment Branch

9 October 2006



Australian Government

Department of the Environment and Heritage

Mr Steve Mackowski
Project Manager
Arafura Resources NL
Level 4, 16 St Georges Terrace
PERTH WA 6000

Dear Mr Mackowski

**Arafura Resources NL/Mining/Mt Porter, Pine Creek/NT/Open-cut Gold Mine
(EPBC Reference: 2006/3047)**

The above action was referred by Martinick Bosch Sell Pty Ltd, and received on 11 September 2006 for a decision on whether approval is needed under Chapter 4 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The referral documentation nominated Arafura Resources NL as the company proposing to undertake the action and as the designated proponent.

The referral has now been considered under the EPBC Act and I have decided that the action is a controlled action. Approval is therefore needed under the Act before the action can proceed. A copy of the document recording my decision is attached for your information.

The Australian Government and the Northern Territory have signed a bilateral agreement under section 45 of the EPBC Act to provide for accreditation of certain State environmental assessment processes. I have written to the Minister for Natural Resources, the Environment and Heritage to seek her advice on whether the proposal will be assessed under the bilateral agreement. If the assessment is to be undertaken under the bilateral agreement, the action will not require assessment under Part 8 of the EPBC Act. The Department will provide advice to you on this matter once I have received a response from the Minister for Natural Resources, the Environment and Heritage.

The Department's assessment officer for this project is Charles Brister, (02) 6274 1933. He will contact you shortly to discuss the assessment process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Rankin', written over a large, loopy flourish.

Ms Alex Rankin
Assistant Secretary
Environment Assessment Branch

9 October 2006