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8 March 2018

Aboriginal Land Commissioner
Office of the Aboriginal Land Commissioner
GP0 9932
Darwin NT 0801

By Email: AboriginalLandCommissioner@network.pmc.gov.au
Elena.zola@network.pmc.gov.au

Attention: The Hon John Mansfield AM QC

Dear Land Commissioner

Review of detriment issues – Maria Island and Limmen Bight River Land Claim No 71 and part of Maria Island Region Land Claim No 198

I write on behalf of Britmar (Aust) Pty Ltd (**Britmar**), who seeks to participate in the review of detriment issues for the Maria Island and Limmen Bight River Land Claim No 71 and part of Maria Island Region Land Claim No 198 (**Land Claim**), as contained in the Aboriginal Land Commissioner's Report of March 2002. Britmar recently acquired tenure to an access authority, a haul road and associated infrastructure which could suffer detriment if the Land Claim is granted. Britmar received an invitation to participate in the detriment review on 6 March 2018. In accordance with the invitation I am informing you of our detriment concerns by 19 March 2018. A more detailed response and supporting evidentiary material addressing the scope of the matter will be provided by 16 April 2018.

Party status and interest

Britmar is the holder of Access Authority 29691, being for the Roper Bar Iron Ore Project, extending from the boundary of Mineral Lease 28264 to the Boundary of Mineral Lease 29268, adjacent to the Bing Bong Loading Facility. The Access Authority crosses the Limmen Bight River within the Land Claim Area and is potentially affected by the Land Claim.

Britmar acquired the Access Authority out of the liquidation of Western Desert Resources Ltd (**WDR**). A haul road within Access Authority 29691 had already been constructed by WDR, including a bridge over the Limmen Bight River, to link mining tenements it also acquired out of the liquidation of WDR with the Bing Bong Loading Facility. Britmar entered into a Bing Bong Loading Facility Access Agreement with Mount Isa Mines in 2017. The mine itself is approximately 165 km distant from the loading facility, 55 km southeast of Ngukurr.

Approval to restart what was known as the Roper Bar Iron Ore Project, and is now known the Nathan River Resources Project, was granted by the Northern Territory Government on 14 February 2018. It has been in care and maintenance mode since April 2015.

Intervening factors

Britmar's acquisition of Access Authority 29691, its construction of the haul road (including the bridge crossing the Limmen Bight River), and the recent approval of its Mining Management Plan for the by the Northern Territory Government are intervening factors which should be taken into consideration in the detriment review.

In addition, while there have been no direct negotiations or agreement between the NLC and Britmar in relation to the land claimed becoming Aboriginal land and how to address the significant issues of detriment to Britmar, there are three agreements with the NLC that are relevant to which Britmar is a successor in interest:

- Co-Existence and Mining Deed between the Northern Land Council and WDR Iron Ore Pty Ltd and the native Title Holders, dated 2 October 2012.
- Ancillary Infrastructure Agreement for Roper Bar Iron Ore Project Haul Road and Port Facilities between WDR Iron Ore Pty Ltd and Wurrunburru Association Incorporated and native Title Parties and the Northern Land Council, dated 3 June 2013.
- Indigenous Area Land Use Agreement (Area Agreement) for Roper Bar Iron Ore Project Haul Road and Port Facilities between Northern Land Council and WDR Iron Ore Pty Ltd and the Native Title Parties, dated 3 June 2013.

Specific confidentiality provisions in each document, however, may prevent discussing relevant portions of the respective agreements at this time without the consent of the other parties.

Detriment

Use of the bridge across the Limmen Bight River is critical to the financial viability of the Nathan River Resources Project. There is no other economically feasible way of delivering ore from the mine to the Bing Bong Loading Facility. Any restriction on use of the haul road could prevent operation of the Nathan River Resources Project, currently schedule to begin by the next dry season.

Thank you for your attention to this matter and for providing additional time in which to provide further information.

Yours faithfully


Simon Peat
Director



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16 April 2018

Aboriginal Land Commissioner
Office of the Aboriginal Land Commissioner
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Darwin NT 0801

By Email: AboriginalLandCommissioner@network.pmc.gov.au
Elena.zola@network.pmc.gov.au

Attention: The Hon John Mansfield AM QC

Dear Land Commissioner

**Review of detriment issues – Maria Island and Limmen Bight River Claim No 71
and part of Maria Island Region Land Claim No 198**

**Review of detriment issues – McArthur River Region Land Claim No 184 and
Manangoora Region Land Claim No 195**

I write on behalf of Britmar (Aust) Pty Ltd (**Britmar**), with respect to the review of detriment issues for the Maria Island and Limmen Bight River Land Claim No 71 and part of Maria Island Region Land Claim No 198 (**Limmen Bight Land Claim**), as contained in an Aboriginal Land Commissioner's Report of March 2002.

I also write on behalf of Britmar with respect to the review of detriment issues for the McArthur River Region Land Claim No 184 and Manangoora Region Land Claim No 185 (**McArthur River Land Claim**) as contained in another Aboriginal Land Commissioner's Report of March 2002. Collectively, I will simply refer to both of the land claims together in the plural (**Land Claims**).

In accordance with your invitations to participate in the respective land claims, this correspondence follows up on my correspondence of 8 March 2018 for each of the two land claims with a more detailed description of Britmar's status and interest in the Land Claims and the detriment that may be suffered by Britmar if either or both of the Land Claims are granted.

I realize that addressing multiple land claims and land claim reports in a single letter may be unusual, but the project which the Land Claims negatively impact, Britmar's Nathan River Resources Project (**NRPP**) is an integrated, unified project. While individual components of project infrastructure impacted by the Limmen Bight Land Claim may be different than those impacted by the McArthur River Land Claim (a bridge over the Limmen River in the case of the former, the Bing Bong Loading Facility in the case of the latter), the detriment suffered by Britmar as a whole is the same if either or both of the Land Claims is granted, potentially

preventing operation of the NRRP. I respectfully ask that this letter be placed in the files and considered for both detriment reviews.

Party status and interest

As I noted in my earlier correspondence, Britmar is the holder of Access Authority 29691, being for the Roper Bar Iron Ore Project, extending from the boundary of Mineral Lease 28264 to the Boundary of Mineral Lease 29268, adjacent to the Bing Bong Loading Facility. The Access Authority crosses the Limmen Bight River within and is potentially affected by the Limmen Bight Land Claim. Of particular note is a haul road bridge within the Access Authority, previously constructed by Western Desert Resources Ltd (**WDR**) that links Britmar's NRRP mining tenements to the north with the Bing Bong Loading Facility (**BBLF**) to the south.

Britmar holds Access Authority 29692 and Mineral Lease 29628, covering inter-tidal zone area in and around BBLF which may be affected by the McArthur River Land Claim. Britmar also has an additional interest that may be negatively affected by the McArthur River Land Claim, a BBLF Access Agreement it entered into with Mount Isa Mines Ltd in November 2017 for use of facilities at BBLF.

Britmar acquired the NRRP assets, other than the BBLF Access Agreement and associated marine assets, out of the liquidation of WDR. Britmar was unaware of the Land Claims at the time it acquired the assets.

The NRRP – The mine and haul road

It is first important to note that the NRRP represents the commencement of a new operation, taking the old Roper Bar Iron Ore Project from care and maintenance into production. As previously noted, the old Roper Bar Iron Ore Project went into care and maintenance in April 2015, with approval to restart the project as the NRRP granted in February 2018.

The new planned operation represents a smaller scale mining operation than what came before it. The first period of the new planned operations incorporates a significant rehabilitation campaign. The operations include the remediation of disturbance associated with prior activities at the mine site and along the haul road. These operations will also focus on reducing environmental risk, removing unnecessary infrastructure and disturbance, and 're-scaling' the project infrastructure areas to the minimum disturbance area required for future operations. Additionally, the operator will explore the development of opportunities associated with haul road access and shipping from the operator's port facilities. The first period of operations will also incorporate remedial earthworks, waste rock handling, and commencement of small scale mining operations.

Initially, project mining activities will focus on existing mining areas where the orebody has been exposed via previous works. Approximately one million tonnes of Direct Shipping Ore will be mined during the plan period. This is in addition to the existing stockpiles and the removal of some smaller existing waste rock stockpiles. This will be stored as required in existing waste rock dumps.

Currently, there is approximately 180,000 metric tonnes (**mt**) of material which has been blasted and remains in the ground. This combined with a further 200,000 mt of stock on the ground will be the initial focus.

Once blasted, a hydraulic excavator and fleet of dump trucks will be used for extraction. This is planned to take place after the already blasted material and stock piles have been cleared. Ultimately, after processing and crushing on site, the ore will be transported approximately 171 kilometres by road train to BBLF.

The haul road includes a bridge over the Limmen Bight River that is within the Limmen Bight Land Claim. The bridge, 4.8 metres wide, has 12 piers with foundations, 11 of which are in the river. The bridge cannot be re-engineered and re-built in a way that avoids the bed or banks of the river.

The NRRP – Bing Bong Loading Facility

WDR constructed some of its own facilities at BBLF that were amongst those acquired by Britmar. Britmar's plan is to use the existing swing basin and loading facility to load 4000 dead weight tonne onto barges using a hopper and conveyor system from ore stockpiled on tenements owned by Britmar at Bing Bong. Barges would then be towed by tug boat and unloaded at anchorage in the Gulf of Carpentaria using bulk carrier gears and grabs. This differs from the Roper Bar Iron Ore Project, which had planned on using self-propelled barges. In time, the means of loading ships may be supplemented by a floating crane.

Detriment

The 'big picture' detriment is the most obvious. A granting of either or both the Land Claims could prevent operation of the NRRP. Both the bridge over the Limmen Bight River and the BBLF are independently critical to the financial viability of the NRRP. There is simply no cost-effective way to get the resource to market other than through use of the haul road across the Limmen Bight River and BBLF. Anything that hinders, prevents, or makes more costly use of the haul road and/or BBLF puts the entire NRRP at risk, along with the jobs and economic activity the project will generate.

The investments Britmar has made in the NRRP since acquisition of the WDR assets would also be placed at risk, including approximately \$20,000,000 for environmental bonds and acquisition the marine assets associated with transshipment of ore into the Gulf. Not to mention future investment into the region which will be in jeopardy.

It is not just the actual mining operation that is placed at risk. As I noted above, the first phase of planned operations, scheduled to begin this year, includes remediation as Britmar brings the project out of care and maintenance. As Britmar intends to downsize the project from what previously existed, the removal of infrastructure no longer necessary to reduce environmental risk is also placed in jeopardy.

Long-term economic opportunity may also be lost as a result of granting the Land Claims, especially the McArthur River Land Claim. Subject to the commercial agreements in place, Britmar will facilitate the access to its port facilities at Bing Bong in order to provide a distribution point for other commodities – both mining and non-mining related – to and from the region. This will, of course, be subject to necessary approvals and agreement with relevant stakeholders, but might be stopped in its tracks as the result of additional restrictions created as a result of a grant of the Land Claims.

Thank you for your attention to this matter and consideration of Britmar's information.

Yours faithfully


Simon Peat
Director