



VARIATION OF CONDITIONS ATTACHED TO APPROVAL Eastern Leases Project, Groote Eylandt, NT (EPBC 2014/7228)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Groote Eylandt Mining Company Proprietary Limited ABN: 26 004 618 491
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Approved action	To develop open cut mining areas on the Eastern Leases (ELR28161 and ELR28162), and to link these mining areas to an existing mine via new haul roads, on Groote Eylandt in the Northern Territory [See EPBC Act referral 2014/7228].
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Note: Subsequent to the approval of this action the Northern Territory Government has converted Exploration Leases ELR28161 and ELR28162 into Mining Leases numbered ML31219 and ML31220.

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 1, 3, 4, 5, 5A, 5B, 6, 7 and 11 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Delete definitions of Impacted species and New or increased impact and Substantial commencement of the action and substitute with the definitions specified in the table below.</p> <p>Add new definitions of Business day, Threatened Species Management Plan for Groote Eylandt, Substantial commencement of the action/Substantially commence the action and Website as specified in the table below</p> <p>Delete Schedule 1 and substitute with the Schedule specified in the table below.</p>
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Chris Videroni Acting Assistant Secretary Assessments (WA, SA, NT), Post Approvals and Policy Branch
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Signature

Date of decision	18 July 2020
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Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	1. Within 5 business days after the commencement of the action , the approval holder must advise the Department in writing of the actual date of the commencement of the action .
Original dated 23/6/2016	2. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the Department . Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act , or used to verify compliance with the conditions of approval. Summaries of audits may be posted on the Department's website. The results of audits may also be publicised through the general media.
As varied on the date this instrument was signed	3. Within three months of every 12 month anniversary of the commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The reports must remain published on the website for the duration of the approval, or until otherwise agreed to by the Minister in writing. Following 12 months after the completion of the action and any requirements under these conditions, the approval holder may seek the Minister's written approval to cease annual reporting.
As varied on the date this instrument was signed	4. Upon the direction of the Minister , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister .
As varied on the date this instrument was signed	5. The approval holder may choose to revise the Environment Management Plan (EMP) approved by the Minister under condition 10 without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the revised EMP would not be likely to have a new or increased impact . If the approval holder makes this choice they must: <ul style="list-style-type: none"> i. notify the Department in writing that the approved EMP has been revised and provide the Department with: <ul style="list-style-type: none"> a. an electronic copy of the EMP marked up with track changes to show the differences between the approved EMP and the revised EMP; b. an explanation of the differences between the approved EMP and the revised EMP; c. the reasons the approval holder considers that taking the action in accordance with the revised EMP would not be likely to have a new or increased impact; and d. written notice of the date on which the approval holder will implement the revised EMP (revised EMP implementation date), being at least 10 business days after the date of providing notice of the revision of the EMP. ii. subject to condition 5B, implement the revised EMP from the revised EMP implementation date.
As varied on the date this instrument was signed	5A. The approval holder may revoke its choice under condition 5 at any time by notice to the Department . If the approval holder revokes the choice to implement a revised EMP, without approval under section 143A of the EPBC Act , the EMP approved by the Minister must be implemented.

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	<p>5B. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised EMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. Condition 5 does not apply, or ceases to apply, in relation to the revised EMP; and ii. The approval holder must implement the EMP approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 5 and 5A in the 10 business day period before the day the notice is given.</p> <p>At the time of giving the notice the Minister may also notify that for a specified period of time that condition 5 does not apply to the EMP required under the approval.</p>
Original dated 23/6/2016	5C. Conditions 5, 5A and 5B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised EMP to the Minister for approval.
As varied on the date this instrument was signed	6. If, at any time after ten years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not undertake substantial commencement of the action without the written agreement of the Minister .
As varied on the date this instrument was signed	7. Unless otherwise agreed to in writing by the Minister , the approval holder must publish all management plans and reports referred to in these conditions of approval on its website. Each management plan and report must be published on the website within 20 business days after being approved. The management plan and/or report must remain on the website for the period this approval has effect.
Original dated 23/6/2016	8. The approval holder must not clear more than 1525 ha of native vegetation for the purpose of the action.
Original dated 23/6/2016	9. For the better protection of the impacted species , the approval holder must comply with recommendations 3, 4, 7 and 8 of Assessment Report 77 once those recommendations are included as conditions in a Mining Management Plan authorising the action under the <i>Mining Management Act</i> (NT).
Original dated 23/6/2016	<p>10. For the better protection of the impacted species, the approval holder must prepare and submit an Environment Management Plan (EMP) for approval by the Minister. The EMP must include, but is not limited to:</p> <ul style="list-style-type: none"> a. A staff induction program that provides information to all employees and contractors on the impacted species and activities/actions that may result in a direct or indirect impact on these species. b. Measures to mitigate vehicle collisions with impacted species through installation of relevant signage on roads and entry points to the project site noting the presence of the impacted species. c. The prohibition of pets and firearms on the project site. d. Measures to control waste on the project site in order to avoid attracting and propagating vermin and feral cats. e. Demonstrate how the Weed Management Plan, prepared in accordance with recommendation 3 of Assessment Report 77, has considered, where relevant, the <i>Threat abatement plan to reduce the impacts on northern Australia's biodiversity by the five listed grasses</i> (Department of Sustainability, Environment, Water, Population and Communities, Canberra, 2012). f. Demonstrate how the Cane Toad Management Plan, prepared in accordance with recommendation 4 of Assessment Report 77, has considered, where relevant, the <i>Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads</i>. (Department of Sustainability, Environment, Water, Population and Communities, Canberra, 2011).

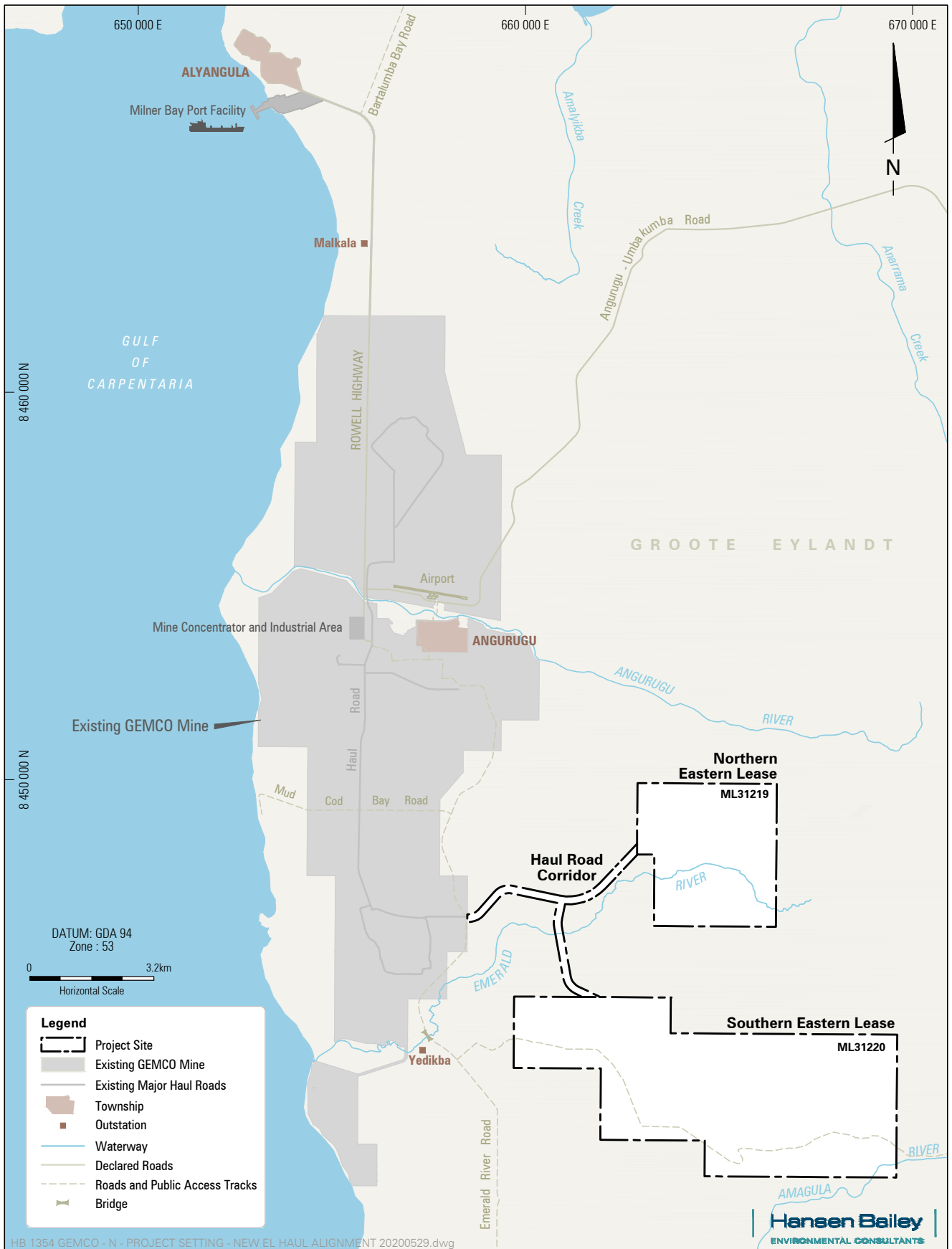
Date of decision	Conditions attached to approval
	<p>g. A requirement for all employees and contractors to report all observations of feral cats, cane toads and the impacted species in the project site to the approval holder's environmental department. The approval holder must report any incidents that result in death or injury to impacted species in the annual compliance report required by condition 3.</p> <p>The EMP must be submitted to the Minister for approval prior to the commencement of the action. Construction must not occur until the EMP has been approved by the Minister. The approved EMP must be implemented.</p>
<p>As varied on the date this instrument was signed</p>	<p>11. The approval holder must prepare and submit a Biodiversity Offsets Strategy (BOS) for the Minister's approval. The BOS must outline and describe the strategy for providing offsets for the significant residual impacts of the action on impacted species. The approval holder must not commence the action unless the Minister has approved the BOS in writing.</p> <p>The BOS must:</p> <ul style="list-style-type: none"> a) be consistent with the offsets policy b) describe how offsets delivered under the strategy will align with current conservation initiatives on Groote Eylandt and the Threatened Species Management Plan for Groote Eylandt c) be prepared in consultation with the Northern Territory Department of Land Resource Management and the Anindilyakwa Land Council d) provide strategies for delivering conservation outcomes to the impacted species on Groote Eylandt. These strategies should address threats to impacted species. The BOS should describe how the following threats have been considered and evaluated in developing the preferred strategies for delivering optimum conservation outcomes: <ul style="list-style-type: none"> i. feral cats ii. cane toads iii. inappropriate fire regimes iv. weeds e) describe the outcomes to be achieved by the BOS f) include a regime for <ul style="list-style-type: none"> i. planning and setting a biennial (2 year) work program; ii. reporting outcomes against the work program g) describe how monies required to be directed to the implementation of the Biodiversity Offsets Management Plan (required by condition 12) will be managed, including how monies will be acquitted <p>If the Minister approves the BOS then the approved BOS must be implemented.</p>
<p>Original dated 23/6/2016</p>	<p>12. The approval holder must prepare a Biodiversity Offset Management Plan (BOMP) to describe specific programs to implement the approved BOS described in condition 11. The approval holder must submit the BOMP to the Minister within 12 months of the commencement of the action. The action cannot continue for more than 24 months from the date of commencement of the action unless the Minister has approved the BOMP. The approved BOMP must be implemented.</p> <p>The BOMP must:</p> <ul style="list-style-type: none"> a. be consistent with the BOS described in condition 11 b. be prepared in consultation with the Northern Territory Department of Land Resource Management and the Anindilyakwa Land Council

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	<p>c. describe programs and/or actions for delivering conservation outcomes to the impacted species on Groote Eylandt. These programs/actions should address threats to impacted species and should reflect the preferred strategies for developing optimum conservation outcomes described in the BOS as per condition 11(d)</p> <p>d. identify measurable environmental outcomes which achieve a conservation gain</p> <p>e. describe how the programs and/or actions, described in accordance with condition 12(c), will be implemented</p> <p>f. describe the role (if any) of the Anindilyakwa Land and Sea Rangers in implementing the strategies and/or actions identified in the BOMP</p> <p>g. include a regime for:</p> <ul style="list-style-type: none"> i. planning and setting a biennial (2 year) work program; ii. monitoring outcomes; iii. reporting outcomes against the work program; and iv. adaptive management.
Original dated 23/6/2016	<p>13. The approval holder must implement the programs and/or actions included in the BOMP required by condition 12, in accordance with the requirements below:</p> <p>a. The value of programs and/or actions to be delivered will be calculated and reported as follows:</p> <ul style="list-style-type: none"> i. AUD \$4,500 (excluding GST) per hectare of native vegetation cleared for the purpose of the action must be directed to the implementation of the programs and/or actions required by condition 12(c). ii. The value of contributions will be adjusted from the value specified in Condition 13(a)(i) in accordance with the Darwin Consumer Price Index (CPI) fluctuations from the date of this approval. The first adjustment is to be applied to the first contribution. <p>b. The approval holder shall prepare and submit an impact reconciliation report for approval of the Minister. The first impact reconciliation report will be due by 31 August in the second year following the commencement of the action. Each impact reconciliation report must account for:</p> <ul style="list-style-type: none"> i. work completed and outcomes achieved in the two preceding calendar years against the agreed work program; and ii. the work program for the subsequent two (2) year period. <p>An impact reconciliation report shall be submitted every two years thereafter, by 30 March, for approval of the Minister.</p> <p>c. The impact reconciliation report shall:</p> <ul style="list-style-type: none"> i. require the approval holder to submit spatial data identifying the areas of native vegetation cleared during the previous two years to 30 March ii. include the methodology for calculating the monies required to be expended on programs and/or actions pursuant to the requirements of this approval.

Date of decision	Definitions attached to approval
Original dated 23/6/2016	Assessment Report 77 means the Northern Territory Environment Protection Authority's Assessment Report 77: <i>GEMCO Eastern Leases Project Groote Eylandt Mining Company Pty Ltd</i> (March 2016).
As varied on the date this instrument was signed	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 23/6/2016	Cane toads means <i>Rhinella marina</i> .
Original dated 23/6/2016	Clear/ cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation .
Original dated 23/6/2016	Commence/Commencement of the action means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.
Original dated 23/6/2016	Construction means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and/ or earthworks .
Original dated 23/6/2016	Department means the Australian Government Department or any other agency administering the EPBC Act from time to time.
Original dated 23/6/2016	Earthworks means the use of heavy duty equipment for the purpose of breaking the ground for the proposed action.
Original dated 23/6/2016	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 23/6/2016	Feral cats means <i>Felis catus</i> .
As varied on the date this instrument was signed	Impacted species means all four species that may or will be impacted by the action including Northern Quoll (<i>Dasyurus hallucatus</i>) and Northern Hopping Mouse (<i>Notomys aqualo</i>), Brush-tailed Rabbit-rat (<i>Conilurus penicillatus</i>) and Masked Owl (northern) (<i>Tyto novaehollandiae kimberli</i>).
Original dated 23/6/2016	Management plans means the Environment Management Plan and the Biodiversity Offset Management Plan described in conditions 10 and 12, respectively.
Original dated 23/6/2016	Minister means the Minister responsible for administering the EPBC Act and includes a delegate of the Minister .
Original dated 23/6/2016	Native vegetation means indigenous vegetation, including trees (including any sapling, shrub and scrub), understorey plants, groundcover (being any type of herbaceous vegetation), epiphytes, and plants occurring in a wetland or swamp.
As varied on the date this instrument was signed	New or increased impact means new or increased impact on any matter protected by the controlling provisions for the action, when compared to the likely impact of implementing the plan that has been approved by the Minister .
Original dated 23/6/2016	Offsets policy means the Department of Sustainability, Environment, Water, Population and Communities (2012) <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> . Commonwealth of Australia, Canberra.
Original dated 23/6/2016	Project site means the area labelled as the ' Project Site ' in Schedule 1 of this Notice.
As varied on the date this instrument was signed	Substantial commencement of the action/Substantially commence the action means earthworks associated with the construction of haul roads, the development of quarries or construction of infrastructure (e.g. bridges, dams) associated with the action. It excludes the erection of signs and fences.
As varied on the date this instrument was signed	Threatened Species Management Plan for Groote Eylandt – the plan titled <i>Groote Archipelago Threatened Species Management Plan 2019-2028</i> or its current equivalent.

Date of decision	Definitions attached to approval
As varied on the date this instrument was signed	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	<u>Annexure A</u>
As varied on the date this instrument was signed	Schedule 1 - Project Site



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EASTERN LEASES PROJECT

Project Site

Schedule 1

