



Approval

Eastern Leases Project, Groote Eylandt, NT (EPBC 2014/7228)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Groote Eylandt Mining Company Proprietary Limited
proponent's ABN	26 004 618 491
proposed 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].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

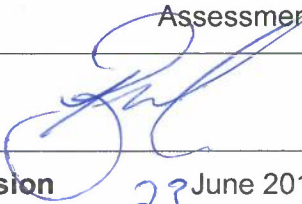
conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 May 2046.

Decision-maker

name and position	Bruce Edwards Assistant Secretary Assessments (WA, SA, NT) and Air Branch
signature	
date of decision	23 June 2016

Conditions attached to the approval

1. Within 10 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**.
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.
3. Within three months of every 12 month anniversary of the **commencement** of the action, 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 and non-compliance with any of the conditions of this approval 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.
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 must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
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:
 - a. notify the **Department** in writing that the approved EMP has been revised and provide the **Department** with an electronic copy of the revised EMP;
 - b. implement the revised EMP from the date that the revised EMP is submitted to the **Department**; and
 - c. for the life of this approval, maintain a record of 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**.
- 5A. The approval holder may revoke their 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 Act, the EMP approved by the **Minister** must be implemented.

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:

- a. Condition 5 does not apply, or ceases to apply, in relation to the revised EMP; and
- b. The approval holder must implement the EMP approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 5 and 5A in the period before the day the notice is given.

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.

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.

6. If, at any time after 5 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**.

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 1 month after being approved. The **management plan** and/or report must remain on the website for the period this approval has effect.

8. The approval holder must not **clear** more than 1525 ha of **native vegetation** for the purpose of the action.

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 *Mining Management Act* (NT).

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:

- 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 *Threat abatement plan to reduce the impacts on northern Australia's biodiversity by the five listed grasses* (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 *Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads*. (Department of Sustainability, Environment, Water, Population and Communities, Canberra, 2011).
- 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.

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.

- 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.

The BOS must:

- 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 Plan¹ 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:
 - i. **feral cats**
 - ii. **cane toads**
 - iii. inappropriate fire regimes
 - iv. weeds
- e) describe the outcomes to be achieved by the BOS

¹ The Threatened Species Management Plan for Groote Eylandt is currently being developed by the Northern Territory Department of Land Resource Management

- f) include a regime for
 - 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

If the **Minister** approves the BOS then the approved BOS must be implemented.

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 the **commencement of the action** unless the **Minister** has approved the BOMP. The approved BOMP must be implemented.

The BOMP must:

- 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
- 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)
- d. identify measurable environmental outcomes which achieve a conservation gain
- e. describe how the programs and/or actions, described in accordance with condition 12(c), will be implemented
- f. describe the role (if any) of the Anindilyakwa Land and Sea Rangers in implementing the strategies and/or actions identified in the BOMP
- g. include a regime for:
 - i. planning and setting a biennial (2 year) work program;
 - ii. monitoring outcomes;
 - iii. reporting outcomes against the work program; and
 - iv. adaptive management.

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:

- a. The value of programs and/or actions to be delivered will be calculated and reported as follows:
 - 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.
- 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:
 - 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.

An impact reconciliation report shall be submitted every two years thereafter, by 30 March, for approval of the **Minister**.

- c. The impact reconciliation report shall:
 - 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.

Definitions:

Assessment Report 77 means the *Northern Territory Environment Protection Authority's Assessment Report 77: GEMCO Eastern Leases Project Groote Eylandt Mining Company Pty Ltd* (March 2016).

Cane toads means *Rhinella marina*.

Clear/ cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of **native vegetation**.

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.

Construction means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and/ or **earthworks**.

Department means the Australian Government Department or any other agency administering the **EPBC Act** from time to time.

Earthworks means the use of heavy duty equipment for the purpose of breaking the ground for the proposed action.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

Feral cats means *Felis catus*.

Impacted species means all four species that will be impacted by the action including northern quoll (*Dasyurus hallucatus*) and northern hopping mouse (*Notomys aquilo*) and brush-tailed rabbit-rat (*Conilurus penicillatus*) and masked owl (northern) (*Tyto novaehollandiae kimberli*).

Management plans means the Environment Management Plan and the Biodiversity Offset Management Plan described in conditions 10 and 12, respectively.

Minister means the **Minister** responsible for administering the **EPBC Act** and includes a delegate of the **Minister**.

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.

New or increased impact means **new or increased impact** on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the **Minister**.

Offsets policy means the Department of Sustainability, Environment, Water, Population and Communities (2012) *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*. Commonwealth of Australia, Canberra.

Project site means the area labeled as the '**Project Site**' in Schedule 1 of this Notice.

Substantial commencement of 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.

Schedule 1: Project Site

