

# GEMCO EASTERN LEASES PROJECT 2023 ANNUAL COMPLIANCE REPORT



EPBC Act approval number: 2014/7228

**South32 Limited | ACN 093 732 597**

## Overview

Groote Eylandt Mining Company Proprietary Limited (GEMCO) was granted an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act approval) (2014/7228) for the development of open cut mining areas on the Eastern Leases (ML31219 and ML31220), and to link these mining areas to an existing mine via new haul roads, on Groote Eylandt in the Northern Territory (the Eastern Leases project).

This report addresses the annual compliance reporting requirements with regards to compliance with the EPBC Act approval. The wording of condition 3 of the EPBC Act approval states:

*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.*

GEMCO has published this compliance report on the GEMCO website:  
[GEMCO Documents \(south32.net\)](#)

GEMCO assessed compliance against the conditions referred to in the *Variation of Conditions Attached to Approval Eastern Leases Project, Groote Eylandt, NT (EPBC 2014/7228)*, dated 18 July 2020.

## Date of commencement of action and reporting period

The date of commencement of the action was the 17 June 2022.

The reporting period of this report is the 17 June 2022 to the 16 June 2023.

Condition	Status	Compliant Yes/No
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 substantiating all activities associated with or relevant to the conditions of approval.	GEMCO advised the then Department of Department of Agriculture, Water and the Environment (DAWE) on 20 June 2022 of the date of the commencement of the action on 17 June 2022.	Yes
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.	GEMCO can confirm that records substantiating all activities associated with or relevant to the conditions of approval have been kept. They are saved in the company SharePoint.	Yes
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.	This report, which has been published to the South32 website, addresses compliance with this condition.  Documentary evidence providing proof of the date of publication will be provided to the Department at the same time as the compliance report is published.	Yes
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.	No direction with regards to an independent audit has been received from the Minister during the reporting period.	N/A
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  i. notify the Department in writing that the approved EMP has been revised and provide the Department with:  a. an electronic copy of the EMP marked up with track changes to show the differences between the approved EMP and the revised EMP;	The EMP has not been revised during the reporting period.	N/A

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<ul style="list-style-type: none"> <li>b. an explanation of the differences between the approved EMP and the revised EMP;</li> <li>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</li> <li>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.</li> </ul> <ul style="list-style-type: none"> <li>ii. subject to condition 5B, implement the revised EMP from the revised EMP implementation date.</li> </ul>		
<p>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.</p>	This condition has not been triggered during the reporting period.	N/A
<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"> <li>i. Condition 5 does not apply, or ceases to apply, in relation to the revised EMP; and</li> <li>ii. The approval holder must implement the EMP approved by the Minister.</li> </ul> <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>	This condition has not been triggered during the reporting period.	N/A
<p>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.</p>	Noted.	N/A
<p>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</p>	GEMCO has commenced the action on 17 June 2022, which is less than ten years from the date of the approval (23 June 2016).	N/A
<p>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</p>	The documents to which this condition currently applies are the <i>Eastern Leases Environmental Management Plan (EMP)</i> and the <i>Eastern Leases Biodiversity Offset Strategy_June 2021</i> .	Yes

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<p>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. 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.</p>	<p>Both documents have been published on the South32 website and are accessible at the following link: <a href="https://www.south32.net/our-business/australia/gemco/gemco-documents">https://www.south32.net/our-business/australia/gemco/gemco-documents</a></p>		
8	<p>The approval holder must not clear more than 1525 ha of native vegetation for the purpose of the action.</p>	<p>Records of disturbances within the Eastern Leases have been maintained during the reporting period.</p>	Yes
<p>Vegetation clearing during the reporting period did not exceed 1525 ha of native vegetation.</p>			
9	<p>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).</p>	<p>The recommendations 3, 4, 7 and 8 of the Assessment Report 77 have been included as conditions in the FY21-FY24 Mining Management Plan Amendment (MMPA).</p>	Yes
	<p>The plans mentioned in the Assessment Report 77 are:</p> <ul style="list-style-type: none"> <li>• Weed Management Plan</li> <li>• Cane Toad Management</li> <li>• Rehabilitation Plan</li> <li>• Closure Plan</li> </ul> <p>A discussion on compliance with these management plans is included in the annual <i>Environmental Mining Report</i> (EMR), which is prepared under the MMPA for each financial year.</p>		
10	<p>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>	<p>The EMP was prepared and submitted to DAWE in 2021. The current version of the EMP was approved on 26 September 2021.</p>	Yes
<p>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.</p> <p>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.</p> <p>c. The prohibition of pets and firearms on the project site.</p> <p>d. Measures to control waste on the project site in order to avoid attracting and propagating vermin and feral cats.</p> <p>e. Demonstrate how the Weed Management Plan, prepared in accordance with recommendation 3 of Assessment Report 77, has considered, where relevant,</p>	<p>No incidents that resulted in death or injury to impacted species were recorded during the reporting period</p>		

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<p>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).</p> <p>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).</p> <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>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.</p> <p>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"> <li>a) be consistent with the offsets policy</li> <li>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</li> <li>c) be prepared in consultation with the Northern Territory Department of Land Resource Management and the Anindilyakwa Land Council</li> <li>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"> <li>i. feral cats</li> <li>ii. cane toads</li> </ul> </li> </ul>	<p>The Eastern Leases Biodiversity Offset Strategy (BOS) was approved on 6 July 2021</p> <p>The action was commenced after the approval of the BOS on 17 June 2022.</p> <p>The Biodiversity Offset Management Plan (BOMP) required in condition 12 will describe specific programs to implement the approved BOS. The BOMP has not been approved within the reporting period.</p>	<p>Yes</p>

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<ul style="list-style-type: none"> <li>iii. inappropriate fire regimes</li> <li>iv. weeds</li> <li>e) describe the outcomes to be achieved by the BOS</li> <li>f) include a regime for                             <ul style="list-style-type: none"> <li>i. planning and setting a biennial (2 year) work program;</li> <li>ii. reporting outcomes against the work program</li> </ul> </li> <li>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</li> </ul> <p>If the Minister approves the BOS then the approved BOS must be implemented.</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.</p> <p>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. The BOMP must:</p> <ul style="list-style-type: none"> <li>a. be consistent with the BOS described in condition 11.</li> <li>b. be prepared in consultation with the Northern Territory Department of Land Resource Management and the Anindilyakwa Land Council</li> <li>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)</li> <li>d. identify measurable environmental outcomes which achieve a conservation gain</li> <li>e. describe how the programs and/or actions, described in accordance with condition 12(c), will be implemented</li> <li>f. describe the role (if any) of the Anindilyakwa Land and Sea Rangers in implementing the strategies and/or actions identified in the BOMP</li> <li>g. include a regime for:                             <ul style="list-style-type: none"> <li>i. planning and setting a biennial (2 year) work program;</li> <li>ii. monitoring outcomes;</li> </ul> </li> </ul>	<p>The BOMP was submitted to DCCEEW on 11 May 2023. This date is before the first anniversary of the commencement of the action (17 June 2023).</p> <p>The BOMP has not been approved within the reporting period.</p>	<p>Yes</p>

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<ul style="list-style-type: none"> <li>iii. reporting outcomes against the work program; and</li> <li>iv. adaptive management.</li> </ul>		
<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> <ul style="list-style-type: none"> <li>a. The value of programs and/or actions to be delivered will be calculated and reported as follows:                             <ul style="list-style-type: none"> <li>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).</li> <li>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.</li> </ul> </li> <li>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:                             <ul style="list-style-type: none"> <li>i. work completed and outcomes achieved in the two preceding calendar years against the agreed work program; and</li> <li>ii. the work program for the subsequent two (2) year period.</li> </ul> <p>An impact reconciliation report shall be submitted every two years thereafter, by 30 March, for approval of the Minister.</p> </li> <li>c. The impact reconciliation report shall:                             <ul style="list-style-type: none"> <li>i. require the approval holder to submit spatial data identifying the areas of native vegetation cleared during the previous two years to 30 March</li> <li>ii. include the methodology for calculating the monies required to be expended on programs and/or actions pursuant to the requirements of this approval.</li> </ul> </li> </ul>	<p>This condition is currently not being triggered, as the BOMP has not been approved during the reporting period</p> <p>The impact reconciliation report is not due until 31 August 2024.</p>	N/A