

NORTHERN TERRITORY OF AUSTRALIA

Environment Protection Act 2019 (NT)

VARIATION OF AUTHORISATION DML0126-01


Pursuant to section 308 of the *Environment Protection Act 2019*, the application for the grant of an Authorisation variation must be determined in accordance with the former *Mining Management Act 2001* and granted under the *Environment Protection Act 2019*¹.

To: Groote Eylandt Mining Company Proprietary Limited (ACN 004 618 491)

I, JOANNE TOWNSEND, Chief Executive Officer as delegate of the Minister for Lands, Planning and Environment, pursuant to the *Environment Protection Act 2019* (NT) and in accordance with section 38(2) of the *Mining Management Act 2001* (the Act), after having paid due regard to the matters referred to in section 34 of the Act and being satisfied as to the matters referred to in section 38(3) of the Act, vary Authorisation DML0126-01 by:

1. Deleting the schedule to Authorisation DML0126-01 and substituting it with Schedule 1 as attached to this Variation of Authorisation.
2. Omitting paragraph (a) of Authorisation DML0126-01 and inserting:
 - (a) on the mining site known as the Gemco Mine situated within the title areas of MLN2, MLN3, MLN951, MLN952, MLN953, MLN956, MLN957, MLN958, MLN959, MLN960, MLN961, ML31219, ML31220, AA31711 granted under the *Mineral Titles Act 2010*; and
3. Omitting paragraph (b) of Authorisation DML0126-01 and inserting:
 - (b) up to 30 June 2028, unless the deemed mining licence is earlier cancelled or revoked, or a replacement environmental (mining) licence is granted pursuant to section 313 of the *Environment Protection Act 2019*².

This Variation commences on the date this document is signed.



Joanne Townsend
as delegate of the Minister for Lands, Planning and Environment

// /10/2024

¹ The now repealed *Mining Management Act 2001* (NT) is available here:
https://legislation.nt.gov.au/LegislationPortal/~/_/link.aspx?id=A4297F2822AB4A77B435384C3726DEOA& z=z

² Section 305 of the *Environment Protection Act 2019*

Document history:

Authorisation No.	Grant or variation	Date issued
0126-01	Grant	09/04/2003
0126-01	Variation 1	26/04/2013
0126-01	Variation 2	17/02/2014
0126-01	Variation 3	04/01/2017
0126-01	Variation 4	21/09/2018
0126-01	Variation 5	16/12/2019
0126-01	Variation 6	06/04/2020
0126-01	Variation 7	10/10/2022
DML0126-01	Variation 8	11/10/2024

SCHEDULE 1 - CONDITIONS

Definitions

1. In this Schedule, unless the contrary intention appears:
 - a. **Act** means the *Mining Management Act 2001* as in existence immediately before 1 July 2024³ and includes any statutory instruments made under it.
 - b. **Authorisation** means this document being Authorisation DML0126-01.
 - c. **Department** means the Northern Territory of Australia government department or Agency that is, from time to time, responsible for the administration of the *Environment Protection Act 2019*, including delegates, officers, employees and other agents of that department.
 - d. **EMR** is an acronym for Environmental Mining Report, which has the same meaning as in the Act.
 - e. **EPBC Act** is the Australian Commonwealth Government *Environment Protection and Biodiversity Conservation Act 1999*
 - f. **Independent**, in relation to a person, means the person has agreed in writing to:
 - i. Function independently of the parties with an interest in the person's engagement; and
 - ii. Function with honesty, reason, and with the degree of professional care, skill, knowledge, experience and diligence which may reasonably be expected of the person in carrying out the engagement.
 - g. **Independent Certified Engineer** or **ICE** means a person or entity, subject to Condition 1f of this schedule, who has appropriate qualifications, training and experience, and relevant insurances, in fields relevant to this Authorisation.
 - h. **Mine** means the mining site known as the Gemco Mine as described in Authorisation 0126-01
 - i. **Mining site** has the meaning given to that term under the *Environmental Protection Act 2019*. Including Special Purpose Leases (SPL) SPL382, SPL383, SPL392 and SPL393 granted under the *Special Purposes Leases Act 1953*⁴
 - j. **Mining Remediation Fund** has the meaning given to that term under Part 2 of the *Legacy Mines Remediation Act 2023*.
 - k. **Minister** means the Minister responsible for the *Environment Protection Act 2019* or their delegate.

³ The now repealed *Mining Management Act 2001* (NT) is available here:
https://legislation.nt.gov.au/LegislationPortal/~/_/link.aspx?id=A4297F2822AB4A77B435384C3726DEOA&z=z

⁴ *Special Purposes Leases Act 1953* is available here:
<https://legislation.nt.gov.au/Legislation/SPECIAL-PURPOSES-LEASES-ACT-1953>

- l. **MMP** means the current Mining Management Plan as approved by the Minister in respect of the Mining Site.
- m. **Operator** means Groote Eylandt Mining Company Proprietary Limited ACN 004 618 491.
- n. **Quality Assurance** or **QA** means a system for the maintenance of a desired level of quality in construction, especially by means of attention to every stage of the construction process.
- o. **Quality Control** or **QC** means a system of maintaining standards in construction by testing samples of the output against pre-defined specifications.
- p. **Resident Engineer** is an on-site engineer who has appropriate qualifications, training and experience in fields relevant to this Authorisation.

Interpretation

- 2. In this schedule, unless the contrary intention appears:
 - a. words defined or used in the Act⁵ have the same meaning as in the Act⁴;
 - b. a reference to a document is a reference to that document as in effect from time to time;
 - c. a reference to time is to the time at Darwin in the Northern Territory of Australia; and
 - d. monetary references are references to Australian currency.

General

- 3. This Authorisation is subject to any conditions contained in the Act⁶, the *Environment Protection Act 2019* and this schedule.
- 4. The Operator must abide by recommendations provided in Assessment Report 77 Issued by the Northern Territory Environment Protection Authority in March 2016.
- 5. The Operator must undertake works proposed in the approved MMP in accordance with approval conditions for Gemco Mine (Eastern eases) Project, NT (Ref: EPBC2014/7228) subject to the Environment Protection and Biodiversity Conservation Act 1999.
- 6. All activities relating to extraction of water, discharge of water, or interference with a waterway must be undertaken in accordance with the Water Act 1992.

⁵ *Mining Management Act 2001*

⁶ Section 37 *Mining Management Act 2001*.

Mining Management Plan

7. The Operator must comply with the MMP⁷.
8. The Operator must on 30 September and on each anniversary of that date (or such other date as nominated by the Operator and approved by the Minister), review the MMP. An MMP may be varied in accordance with section 306 of the *Environmental Protection Act 2019* (NT), or the Operator may at any time apply for a replacement environmental (mining) licence under section 312 of the *Environment Protection Act 2019*.
9. The Minister may direct the Operator to publish a MMP⁸.

Security and levy

10. The Operator must provide a security of \$156,893,690 in the form of cash or an unconditional bank guarantee to the Minister⁹ prior to undertaking any mining activities authorised by this Authorisation¹⁰.
11. Each financial year, the Operator must pay a levy to the Mining Remediation Fund in accordance with section 13 of the *Legacy Mines Remediation Act 2023* (NT).

Eastern Northern Lease (ML31219)

12. The Operator is Authorised to undertake Mining Activities on Mineral Lease ML31219 subject to submission and approval of a security calculation by the department.

Independent oversight

13. The Operator must appoint an Independent Certified Engineer (ICE), approved by the Department, to:
 - a. Review and endorse design and construction of new or existing structures (e.g. Dams, Roads, Bridge etc.) that are to be developed, as per the approved MMP, that:
 - i. Confirms design lifetimes of above-ground waste structures are appropriate, taking into account the uncertainties of climate variability;
 - ii. Confirms the design includes construction hold-points at key stages of the structure development that is likely to affect the construction and/or future performance of the structure;
 - iii. Includes implementation of appropriate monitoring equipment/system to enable performance monitoring of the structure;
 - iv. Confirms that the adequacy of the design is in accordance with industry best practice including codes, guidelines and Australian Standards;

⁷ Section 37(2)(a) *Mining Management Act 2001*.

⁸ Section 310(3) *Environment Protection Act 2019*.

⁸ Section 43 *Mining Management Act 2001*.

¹⁰ Section 37(2)(b)(i) *Mining Management Act 2001*.

- v. Confirms the suitability and adequacy of the construction methodology, including QA/QC and construction material specifications; and,
 - vi. Confirms that relevant matters from any independent review have been adequately addressed;
- 14. The ICE may agree in writing that the Operator appoint a Resident Engineer as an onsite representative.
- 15. The ICE must agree in writing that using a Resident Engineer does not diminish the ICE's responsibility or liability for the project.
- 16. The ICE must, by being present on site and sighting construction and/or through the Operator's Resident Engineer:
 - a. Verify that structures meet design specifications and Condition 15a of this schedule;
 - b. Approve re-commencement of construction at defined hold points;
 - c. Approve any material changes to the design during construction;
 - d. Verify that monitoring equipment/structures installed or to be installed as part of the construction, as specified in the relevant detailed designs, remain functional at the conclusion of the construction works; and
 - e. Endorse replacement or alternative monitoring equipment used in structures in the event that such equipment becomes non-functional.
- 17. On completion of construction, endorse an "as-constructed" report, which includes:
 - a. All the works undertaken, including relevant designs and scaled maps; and
 - b. Evidence of:
 - i. Hold point sign-offs;
 - ii. Conformance where deviations to the endorsed plan have occurred and justification that demonstrates the design intent and performance of the structure has not been compromised;
- 18. The Operator must ensure the ICE holds appropriate public and professional indemnity insurance.
- 19. Prior to commissioning new structures as per Condition 15(a) the Operator must provide the report required under Condition 19 to the Department for review and acceptance.

Environmental Mining Report

- 20. The Operator must submit to the Department an Environmental Mining Report (EMR), and related environmental monitoring data, on or before 30 September and on each anniversary date and be made available to the public.
- 21. The EMR must report against environmental commitments, annual highlights and Environmental Management Systems performance as specified in the MMP.

Water Discharge

22. The Operator must monitor the quality of the water as per the MMP, prior to discharging into bushland within the mineral titles.
23. Discharge must cease immediately should water quality exceed Site Specific Trigger Values (SSTV) as defined in the MMP.
24. The Operator must monitor the health of the vegetation and detail results in the annual EMR