

Appendix B

Compliance against EPBC Approval 2012/6242

An internal desktop review has been conducted to determine the level of compliance with the Project's EPBC Approval conditions.

Compliance status has been assigned as either:

- NYA (not yet applicable)
- NA (not applicable)
- FC (fully compliant): all aspects of the conditions have been met
- PC (partially compliant): indicates that compliance has been achieved on some but not all aspects the condition
- NC (non-compliant): indicates that most or all of the aspects of the condition have not been met
- UTD (unable to determine)

Table B1 - Project compliance against approval conditions EPBC 2012/6242

Conditions	Response	Evidence	Compliance Status
Condition 1 Within 28 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	NRR does not have access to the original operators (Western Dessert Resources) correspondence to determine whether advice was provided to the Department at the commencement of operations. Assumes notice was provided.	NA	FC
Condition 2 The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan(s) required by this approval, and make them available upon request to the	This report in part addresses Condition 2. A compliance assessment has also been undertaken against the Project's current active management plan - Acid Metalliferous Drainage Management Plan (AMDMP). Some actions have not been undertaken as initially planned and some commenced actions have been put on hold due to the site entering care	Table 2 Compliance against Approval conditions EPBC 2012/6242. Nathan River Project AMD Management Plan Revision 4 – GEO Compliance Comments	PC

Conditions	Response	Evidence	Compliance Status
Department. Such records may be subject to audit by the Department or an independent auditor in accordance with Section 458 of the <i>EPBC Act</i> , or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	and maintenance into care and maintenance in December 2021. A conservative approach has been taken with any waste material > 0.3% sulphur being managed as PAF during mining activities. No Departmental or independent audit has been undertaken or requested during the reporting period.		
Condition 3 Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plan(s) 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.	This Environmental Mining Report (ECR) represents the third report iteration from NRR to meet this condition. NRR is using the recommencement of operations (5 th October, 2020) as the trigger date for initiating the reporting year	The competed EMR will be placed on the Company website and a confirmatory link emailed to the Department.	FC
Condition 4 Upon the direction of the Minister, the person taking the action 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	No direction for an independent compliance audit has been received from the Minister during the reporting period.	NA	FC

Conditions	Response	Evidence	Compliance Status
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.			
<p>Condition 5</p> <p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.</p>	<p>Some actions within the Project's approved and active AMD-MP have not been undertaken as initially planned and some commenced actions have been put on hold due to the site entering care and maintenance in December 2021. A conservative approach has been taken with any waste material > 0.3% sulphur being managed as PAF during mining activities. A revised Management plan has been prepared by an independent third party. The plan has not yet been peer reviewed and submitted to the Department due to the site entering into Care and Maintenance in December 2021. This scope will recommence in 2023 upon the re-start of operations.</p> <p>Proposed actions at the site are of a reduced scale and impact than those identified within the <i>EPBC</i> referral.</p>	<p>Nathan River Project AMD Management Plan Revision 4 – GEO Compliance Comments.</p> <p>Acid and Metalliferous Drainage (AMD) Management Plan</p> <p>Nathan River Project, Northern Territory, Nathan River Resources. Revision No 5</p>	PC

Conditions	Response	Evidence	Compliance Status
<p>Condition 6</p> <p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities and/or listed migratory species to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s) specified in the conditions and submit the revised management plan(s) for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan(s) must be implemented. Unless the Minister has approved the revised management plan(s), then the person taking the action must continue to implement the management plan(s) originally approved, as specified in the conditions.</p>	<p>Condition acknowledged. No Ministerial request has been made.</p>	<p>NA</p>	<p>FC</p>
<p>Condition 7</p> <p>If, at any time after five years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>	<p>Original project commenced within five years of the Ministerial Approval.</p>	<p>Correspondence from previous operator (Western Dessert Resources) not available.</p>	<p>FC</p>
<p>Condition 8</p> <p>Unless otherwise agreed to in writing by the Minister,</p>	<p>The AMDMP (required under Condition 9) and has been approved by DAWE and is available on the</p>	<p>Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River</p>	<p>FC</p>

Conditions	Response	Evidence	Compliance Status
the person taking the action must publish all management plan(s) referred to in these conditions of approval on their website. Each management plan(s) must be published on the website within one month of being approved.	Company's web site. The rehabilitation and mine closure plan (RMCP) (required under Condition 23) has not yet been submitted to the Minister for approval.	Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link: https://www.nathan-river.com/environment	
Acid Metalliferous Drainage Management Plan (AMDMP)			
Condition 9 To protect freshwater sawfish (<i>Pristis microdon</i>), the person taking the action must submit an AMDMP for approval of the Minister. The AMDMP must include: a. Sampling and analysis procedures that will be employed to identify PAF materials; b. Design details and management strategies of proposed encapsulation beds, waste rock dumps, drainage systems, sediment traps, seepage diversion barriers, collection ponds and embankments; and c. A strategy for the ongoing monitoring of PAF material, including threshold trigger levels and mitigation responses.	AMD-MP was submitted to the Department of the Environment in April 2013. Following its submission, it was independently technically reviewed by Dave Salmon (Golder Associates) who in line with Condition 11 provided advice and recommendations which were subsequently put into an updated plan (the current plan). The AMD-MP was updated by NRR in 2019. DoEE approved the AMDMP in January 2020. Proposed actions at the site are of a reduced scale and impact than those identified within the EPBC referral.	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link: https://www.nathan-river.com/environment	FC
Condition 10 Actions required under 9a to 9c must be consistent with the Australian Government's <i>Managing Acid and Metalliferous Drainage Handbook</i> (February 2007) and any	The AMD-MP has been produced in general accordance with Department of Industry Tourism and Resources (DITR) (2007). Managing Acid and Metalliferous Drainage. Manual in the	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4.	FC

Conditions	Response	Evidence	Compliance Status
subsequent versions of this document.	Leading Practice Sustainable Development Program for the Mining Industry series. Commonwealth of Australia.	Website link: https://www.nathan-river.com/environment	
Condition 11 The person taking the action must ensure the AMDMP is reviewed by an independent technical reviewer to provide advice to the person taking the action on the development and review of the AMDMP. The person taking the action must nominate an independent technical reviewer. The independent technical reviewer must be approved by the Minister in writing.	In June 2013 the independent reviewer (David Salmon) provided advice on the proposed AMD management strategies for the Project in the form of a written report (Golder Associates, Review of material characterisation reports and acid mine drainage management Plan for the RBIOP. Report No. 137636012- 001-R-Rev 0). The review identified seven recommendations pertaining to AMD management which were subsequently addressed. The Independent Technical Reviewer was approved by the Minister in 2013 (Correspondence reference 212/14423).	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link: https://www.nathan-river.com/environment DSEWPC correspondence 2012/14423 (3rd April 2013).	FC
Condition 12 The person taking the action must ensure that the independent technical reviewer undertakes the following: a. Provide advice on the sampling and analysis procedures, design details and management strategies and the strategy for the ongoing management of PAF material. b. Provide advice on exceedance of trigger	In June 2013 the independent reviewer (David Salmon) provided advice on the proposed AMD management strategies for the Project in the form of a written report (Golder Associates). Review of material characterisation reports and acid mine drainage management Plan for the RBIOP. Report No. 137636012-001-R-Rev0). The AMDMP was updated by NRR in 2019. DoEE	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link: https://www.nathan-river.com/environment	FC

Conditions	Response	Evidence	Compliance Status
values and recommended changes to PAF material management practices, through the AMDMP, as required.	approved the AMDMP in January 2020.		
Condition 13 The person taking the action must provide to the Minister, a copy of all advice and recommendations made by the independent technical reviewer and an explanation of how the advice and recommendations will be implemented or an explanation of why the person taking the action does not propose to implement certain recommendations. This information must be provided to the Minister when the AMD-MP is submitted for approval.	The AMDMP was submitted to the Department of the Environment in April 2013. Following its submission, it was independently technically reviewed by Dave Salmon (Golder Associates) who in line with Condition 11 provided advice and recommendations which were subsequently put into an updated plan (the current plan). The AMDMP was updated by NRR in 2019. DoEE approved the AMDMP in January 2020.	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link: https://www.nathan-river.com/environment	FC
Condition 14 The AMDMP must be submitted for approval by the Minister at least 60 days prior to the start of mining, unless otherwise approved in writing by the Minister.		Correspondence from previous operator (Western Dessert Resources) not available	FC
Condition 15 Mining must not start until the AMDMP has been approved by the Minister. The approved AMD-MP must be implemented.	The AMDMP has been implemented at the Project. The AMDMP was updated by NRR in 2019 and approved by the Minister of DoEE in January 2020. Some AMD-MP actions have not been undertaken as initially planned and some commenced actions have been put on hold due to the site entering care and	Acid and Metalliferous Drainage (AMD) Management Plan (2020-2023) Nathan River Project, Northern Territory, Nathan River Resources. Revision No. 4. Website link:	PC

Conditions	Response	Evidence	Compliance Status
	<p>maintenance in December 2021. A conservative approach has been taken with any waste material > 0.3% sulphur being managed as PAF during mining activities.</p>	<p>https://www.nathan-river.com/environment</p>	
<p>Condition 16</p> <p>For the ongoing protection of freshwater sawfish (<i>Pristis microdon</i>), the AMDMP must be reviewed annually from the date of first approval of the AMDMP (until two years following the closure of Area F-East Pit 3) by the independent technical reviewer, to enable continuous improvement and adaptive management of PAF material management. From two years following the closure of Area F-East Pit 3, the AMD-MP must be reviewed by the independent technical reviewer once every three years for the remaining life of the project. The person taking the action must provide to the Minister, a copy of all advice and recommendations made by the independent technical reviewer and an explanation of how the advice and recommendations will be implemented or an explanation of why the person taking the action does not propose to implement certain recommendations. If the independent technical reviewer recommends that the approved AMDMP be</p>	<p>It is noted that this Condition was drafted with recognition to the previous design which proposed allowing the Towns River to flow through the (Area F Pit 3) mine pit. Mining in this area has not been undertaken and the design has changed such that it is not proposed to allow Towns River to flow through the Area F Pit 3 (now referred to as Oratism), thereby reducing the risk to aquatic habitat and any freshwater sawfish (should they be present down-stream) from any mine affected and potentially metalliferous acid drainage.</p> <p>NRR commenced mining in October 2020 and initiated review of the approved AMD-MP in July 2021 by an independent specialist - Pendragon Environmental Solutions and NRR geology and mining specialists. The review was completed in October 2021 but has not progressed for independent review and subsequent submission for Ministerial Approval due to the site entering into Care and Maintenance.</p>	<p>Acid and Metalliferous Drainage (AMD) Management Plan Nathan River Project, Northern Territory, Nathan River Resources. Revision No 5</p>	<p>PC</p>

Conditions	Response	Evidence	Compliance Status
varied, then the approved AMDMP must be varied in accordance with Condition 5.			
Haul Road Waterway Crossings			
<p>Condition 17</p> <p>To ensure passage for freshwater sawfish (<i>Pristis microdon</i>) is maintained, the person taking the action must construct waterway crossings over all waterways along the haul road route in accordance with the <i>Culvert Fishway Planning and Design Guidelines</i> (Kapitzke 2010) and the <i>Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (Fairfull & Witheridge 2003).</p>	<p>Haul road bridges were constructed in general accordance with <i>Culvert Fishway Planning and Design Guidelines</i> (Kapitzke 2010) and <i>Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (Fairfull & Witheridge 2003).</p> <p>All haul road river crossing are of an elevated beam bridge design which pose no constraints or barriers to fish movements up or down stream.</p>		FC
<p>Condition 18</p> <p>All waterway crossings must be monitored prior to and at the end of the wet season to ensure that there are no impediments to freshwater sawfish (<i>Pristis microdon</i>) passage. Any impediments to freshwater sawfish passage identified to be caused by or associated with the waterway crossings must be removed. Impediments must be removed on the day they are identified. If the impediment cannot be removed on the day it is identified, the person taking the action must notify the department within 48 hours and provide a report detailing the nature of the</p>	<p>Bridges are constructed several meters above the waterways which they span. Routine monitoring of the haul road and associated bridges is undertaken for impediments.</p>		FC

Conditions	Response	Evidence	Compliance Status
impediment (including photographs) and actions to be taken to remove the impediment.			
Port and Shipping Operations			
Condition 19 To protect marine turtles, dugong (<i>Dugong dugon</i>) and in-shore dolphins, vessels must not exceed a speed of 6 knots, unless otherwise stated.	Speed restrictions to minimise impacts to marine fauna are documented in the Marine Management and Monitoring Plan.	Marine Management and Monitoring Plan	FC
Condition 20 Within the dredged channel and swing basin of the Port of Bing Bong vessels must not exceed a speed of 4 knots.	Speed restrictions to minimise impacts to marine fauna are documented in the Marine Management and Monitoring Plan.	Marine Management and Monitoring Plan	FC
Condition 21 Any injury to, or mortality of, marine turtles, dugong (<i>Dugong dugon</i>) or in-shore dolphins must be reported to the Minister within one business day.	Reporting requirements for injury or mortality of marine fauna are documented in the Marine Management and Monitoring Plan. There have been no reports of injury or mortality of turtles, dugongs or inshore dolphins.	Marine Management and Monitoring Plan. HSE Incident Reporting system (MYOSH)	FC
Condition 22 To protect marine turtles, dugong (<i>Dugong dugon</i>) and in-shore dolphins, the person taking the action must undertake marine piling activities in accordance with the following measures: a. Pre-start-up visual observations: Visual observations for marine turtles, dugongs and in-shore dolphins must be undertaken to the extent of the marine piling observation zone by a	Marine piling was undertaken in 2013 prior to NRR acquiring operational control. No marine piling has been undertaken by NRR.	NA	NA

Conditions	Response	Evidence	Compliance Status
<p>suitably trained crew member for at least 30 minutes before the commencement of marine piling.</p> <p>b. Operating procedures: While marine piling is undertaken, the following procedures must be implemented:</p> <p>i. Visual observations of a 1500 meter radius from the pile hammer must be maintained continuously to identify if there are any dugongs or in-shore dolphins present;</p> <p>ii. Visual observations of a 300 meter radius from the pile hammer must be maintained continuously to identify if there are any marine turtles present;</p> <p>iii. A 500 meter radius exclusion zone must be implemented for in-shore</p> <p>iv. dolphins and dugongs;</p> <p>v. A 100 meter radius exclusion zone must be implemented for marine turtles;</p> <p>vi. If marine turtles, dugongs or in- shore dolphins are sighted within the relevant exclusion zone, action to cease all piling within the relevant exclusion zone, within 2 minutes or as soon as safely possible;</p> <p>vii. Piling activities must not</p>			

Conditions	Response	Evidence	Compliance Status
<p>recommence until marine turtles, dugongs or in-shore dolphins are observed to move outside the exclusion zone or 30 minutes have passed since the last sighting;</p> <p>viii. Soft start procedures: Piling activities must be initiated at the soft start level and then build up to full operating impact force. The soft start procedures may only commence if no marine turtles, dugongs or in-shore dolphins have been sighted within the exclusion zone during the pre-start-up visual observations.</p>			
<p>Condition 23</p> <p>To protect freshwater sawfish (<i>Pristis microdon</i>) the person taking the action must submit for the Minister's approval a RMCP for the decommissioning of the Roper Bar Iron Ore and Transport Infrastructure. The RCMP must be submitted at least six months prior to the proposed commencement of closure or as otherwise agreed by the Minister.</p>	<p>An RMCP will be provided for the Minister's approval at least six months prior to the proposed commencement of closure or as otherwise agreed by the Minister.</p> <p>The Mining Management Plan approved under the NT Mining Act contains a conceptual Mine Closure Plan.</p>	NYA	NYA
<p>Condition 24</p> <p>Rehabilitation and closure must not commence until the RMCP is approved by the Minister. The approved RMCP must be implemented.</p>	<p>An RMCP will be provided for the Minister's approval at least six months prior to the proposed commencement of closure or as otherwise agreed by the Minister.</p> <p>Rehabilitation activities with the potential to impact protected freshwater sawfish (<i>Pristis</i></p>	NYA	NYA

Conditions	Response	Evidence	Compliance Status
	<i>microdon</i>) will not be undertaken without approval of the Minister.		