

Metro Mining

Bauxite Hills Mine

**EPBC 2015/7538 | EPBC Annual
Compliance Report 2023 – 2024**



July 2024



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Proponent Declaration

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular.

I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed

A handwritten signature in blue ink, appearing to read 'Mark Imber', written in a cursive style.

Mark Imber
Manager Environment and Communities
Metro Mining (ABN 45 117 763 443)

31 July 2024

1 Purpose

This compliance report details the progress of Metro Mining Limited (Metro) against the requirements outlined in approval EPBC 2015/7538. For the purposes of reporting, Metro has elected to report on a financial year basis (1 July 2023 – 30 June 2024).

1.1 Background

Metro operates the Bauxite Hills Mine (BHM) comprising the tenements controlled by three entities, Aldoga Minerals Pty Ltd, Cape Alumina Pty Ltd and Gulf Alumina Pty Ltd. For reporting and administration purposes, Gulf Alumina Pty Ltd tenements will be referenced to as Skardon River and Aldoga Minerals Pty Ltd and Cape Alumina Pty Ltd tenements will be known collectively as Bauxite Hills.

This compliance audit report refers to the Bauxite Hills tenements, which are located on Cape York Peninsula, in the Parish of Skardon within the Cook Shire. The BHM site is located approximately 85 km north of Weipa and approximately 35 km to the north of Mapoon.

The Bauxite Hills tenements are operated under a State environmental authority for mining (EPML03398515), as well as Commonwealth approval, decided under sections 130(i) and 133 of the EPBC Act.

The Bauxite Hills tenements includes open cut operations and haul roads, with all other activities associated with the mining of bauxite occurring on the adjacent Skardon River tenements.

Bauxite product from Bauxite Hills and Skardon River tenements is transported via haul roads to the infrastructure at the Port of Skardon River and transhipped by barge to bulk carriers in deep water beyond the mouth of the river for export.

The Bauxite Hills tenements consist of four mining leases:

- ML 20676
- ML 20688
- ML 20689
- ML100130.

1.2 Objective

This report addresses condition 15 of EPBC 2015/7538, whereby:

Within three (3) months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report (the Annual Compliance Report) on its website addressing compliance with each of the conditions of this approval, during the previous 12 months. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the Annual Compliance Report is published. Reports must remain published for the life of the approval. The approval holder must continue to publish the Annual Compliance Report each year until such time as agreed to in writing by the Minister.

1.3 Scope

This report details the commitments outlined within EPBC 2015/7538 and assessment of compliance against conditions for the reporting period 1 July 2023 to 30 June 2024.

No amendments to approval conditions occurred during the reporting period 1 July 2023 to 30 June 2024.

1.4 Designations to Record Findings

1.4.1 Assessment of Compliance

The terminology used to record findings in the compliance report (see Table 1-1) is consistent with that described in Annual Compliance Report Guidelines (DotE, 2014).

Table 1-1 Compliance Status Terminology

Status	Description
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which apprise to an activity that has not yet commenced.

1.4.2 Compliance Status

Three non-compliances with respect to approval conditions 15, 16 and 20 were identified during the reporting period 1 July 2023 to 30 June 2024.

The non-compliances are in respect to Metro being unable to make available previous compliance reports and approved management plans due to a malicious cyber-attack on its website. Similar non-compliances were reported in the 2023 Annual Compliance Report as the cyber attack occurred commenced in June 2023 and wasn't resolved until 14 July 2023.

On reporting the non-compliance, the Department of Climate Change, Energy, the Environment and Water determined that a breach of conditions was substantiated. However, given the nature of the contravention and the circumstances surrounding the breach of conditions, the department decided to take no further compliance action regarding this matter.

A detailed assessment of compliance with the conditions of EPBC 2015/7538 is presented in Table 1-2.

Table 1-2 EPBC 2015/7538 Audit table

Condition No.	Description	Compliance Status	Evidence / Comments
1	The approval holder must not take the action outside of the project area.	Compliant	All actions have been undertaken within the project area.
2-4	Revoked		
5	<p>Prior to the commencement of the action, the approval holder must submit an Offset Strategy for the written approval of the Minister. The Offset Strategy must be a framework for how the clearance of habitat for the Red Goshawk, Masked Owl (Northern), Bare-rumped Sheathtail Bat and Black-footed Tree-rat (North Queensland) will be offset, and must:</p> <ul style="list-style-type: none"> a. review relevant approved conservation advices, recovery plans and threat abatement plans; b. identify threats to Red Goshawk, Masked Owl (Northern), Bare-rumped Sheathtail Bat and Black-footed Tree-rat (North Queensland), and potential recovery actions and research opportunities; and c. outline a process for developing Offset Projects, and a staged process for submitting Offset Projects to the Department for the written approval of the Department. <p>The approval holder must not commence the action until the Offset Strategy has been approved by the Minister in writing. The approved Offset Strategy must be implemented.</p>	Not applicable	<p>The Bauxite Hills Mine Offset Strategy was approved by the Department on 15th September 2017. The revised Offset Strategy and Offset Project 1 were approved 5 May 2020.</p> <p>The conditions of the EPBC Approvals relating to the provision of offsets, implementation and expenditure on approved Offset Projects and related reporting were the subject of judicial review proceedings in the Federal Court.</p> <p>The Court ordered the decision of the delegate of the respondent dated 11 March 2021 under section 143 of the EPBC Act to refuse Metro’s request to vary the conditions of approvals for the actions identified as EPBC 2014/7305 and EPBC 2015/7538 (Variation Request) be set aside.</p> <p>The Court further ordered the Variation Request be remitted to the Department’s delegate for consideration according to law.</p> <p>This process is underway, with the Variation Application currently under assessment by the Department.</p>

Condition No.	Description	Compliance Status	Evidence / Comments
5A	<p>Offset Projects submitted to the Department for approval in accordance with Condition 5 must:</p> <ul style="list-style-type: none"> a) specify the location and nature of Offset Project activities; b) include project goal/s, budget and a detailed Offset Project description, including timeframes for implementing the Offset Project, and reporting and publishing of Offset Project results; c) demonstrate how the Offset Project is consistent with the Offset Strategy; d) outline consultations associated with developing the Offset Project, including the outcomes of those consultations; e) outline how the Offset Project complies with the principles of the EPBC Act Environmental Offsets Policy and, if relevant, details of how the Offset Project meets the criteria for research and educational programs identified in Appendix A of the EPBC Act Environmental Offsets Policy; and f) identify and manage risks associated with implementing the Offset Project. <p>The approval holder must not commence an Offset Project until the Offset Project has been approved in writing by the Department. The approved Offset Project must be implemented.</p>		<p>No further action will be taken by Metro until the action to reconsider the Variation Request has been completed by the Department.</p>
5B	<p>The approval holder must expend on Offset Projects approved in accordance with condition 5A, at least \$2,817 (excluding GST) per hectare of habitat cleared during any financial year, by 30 June of the following financial year. The value of expenditure per hectare of habitat cleared must be annually adjusted in accordance with the Brisbane Consumer Price Index (CPI) fluctuations from 1 July 2017. The first adjustment is to be applied 1 July 2018. The approval holder must prepare and submit to the Department an annual impact reconciliation report by 31 July each year demonstrating compliance with this condition.</p>		
6	Revoked		

Condition No.	Description	Compliance Status	Evidence / Comments
7	<p>The approval holder must submit a Species Management Plan for the written approval of the Minister. The Species Management Plan must be prepared in accordance with the Department's Environmental Management Plan Guidelines and include:</p> <ul style="list-style-type: none"> a. details of measures that will be taken to avoid, mitigate and manage impacts to EPBC Act listed threatened species and their habitat during vegetation clearance, construction, operation and decommissioning of the action; b. measures to manage areas in the project area, that are not within the disturbance footprint, as habitat for EPBC Act listed threatened species; c. details of how rehabilitation and revegetation measures required under the Environmental Authority issued under the <i>Environmental Protection Act 1994</i> (Qld) provides environmental outcomes for EPBC Act listed threatened species and their habitat; d. a monitoring program to determine the success of mitigation and management measures to ensure adaptive management for the duration of this approval; and e. details of how proposed management measures take into account relevant approved conservation advices and are consistent with the measures contained in relevant recovery plans and threat abatement plans. 	Compliant	The Significant Species Management Plan was submitted to the then Department of the Environment and Energy (DotEE) in August 2017.
8	The approval holder must not commence the action until the Species Management Plan has been approved by the Minister in writing. The approved Species Management Plan must be implemented.	Compliant	<p>The Significant Species Management Plan was approved by DotEE 11 August 2017. Construction activities commencing in September 2017 and mining commencing in April 2018.</p> <p>Implementation of the Significant Species Management Plan continued through this reporting period.</p>

Condition No.	Description	Compliance Status	Evidence / Comments
9	<p>The approval holder must submit a Marine Management Plan for the written approval of the Minister for marine-related activities. The Marine Management Plan must be prepared in accordance with the Department's Environmental Management Plan Guidelines and include:</p> <ul style="list-style-type: none"> a. details of measures to avoid, mitigate and manage impacts to EPBC Act listed dolphin species, EPBC Act listed sawfish and river shark species, EPBC Act listed turtle species, the EPBC Act listed Dugong (Dugong dugon) and the environment of the Commonwealth marine area, including: <ul style="list-style-type: none"> I. artificial light related impacts from port construction and operation, barge terminals, shipping and barging activities, and anchored/moored vessels; II. shipping and barging activities, including management of bauxite dust and contamination spills; III. vessel strike, including restricting vessel speed limits to six (6) knots and the implementation of a transit lane in the Skardon River that follows the greatest water depth; IV. underwater noise, including from pile driving activities, and shipping and barging activities; and V. the risk of introduced marine pest species over the duration of this approval, including ballast water management. b. a monitoring program to determine the success of mitigation and management measures to ensure adaptive management for the duration of this approval; c. details of how proposed management measures take into account relevant approved conservation advices and are consistent with the measures contained in relevant recovery plans and threat abatement plans; and d. details of the timeframe for reviews of the approved Marine Management Plan, including to ensure that the Marine Management Plan is informed by the findings of the Sawfish and River Sharks Research Proposal at condition 15. 	Compliant	The updated Marine (Species) Management Plan was approved by the Department on 25 February 2022. .

Condition No.	Description	Compliance Status	Evidence / Comments
10	<p>The approval holder must not commence marine-related activities until the Marine Management Plan has been approved in writing by the Minister and baseline surveys for EPBC Act listed sawfish and river shark species required under EPBC Act approval 2014/7305 have been completed as determined in writing by the Department. The approved Marine Management Plan must be implemented.</p>	Compliant	<p>The original Marine (Species) Management Plan was approved by the Department on 18 August 2017.</p> <p>Baseline sawfish and river shark surveys were undertaken prior to construction activities commencing in September 2017 and mining commencing in April 2018.</p> <p>The updated Marine (Species) Management Plan was approved by the Department on 25 February 2022.</p> <p>Implementation of the updated Marine (Species) Management Plan continued through this reporting period.</p>
11	<p>Within 12 months of the approval of the Marine Management Plan required under EPBC Act approval 2014/7305, the approval holder must submit a Marine Debris Management Plan for the written approval of the Minister. The Marine Debris Management Plan must be prepared in accordance with the Department's Environmental Management Plan Guidelines and in consultation with key organisations. The Marine Debris Management Plan must include:</p> <ol style="list-style-type: none"> a description of the measures that will be taken to reduce marine debris in the Skardon River and the Skardon River mouth; details on the location and scope of the proposed measures; details of how the proposed measures are consistent with Objective 6b in the Sawfish and River Sharks Multispecies Recovery Plan; details of how the proposed measures are consistent with the objectives and actions contained in the Threat abatement plan for the impacts of marine debris on vertebrate marine life; a timeline for implementation of the proposed measures; and a program to report on the effectiveness of the proposed measures. 	Compliant	<p>A Marine Debris Management Plan that satisfied approval EPBC 2015/7538 was submitted to the Department and approved on 6 December 2018.</p>
12	<p>The approved Marine Debris Management Plan must be implemented for the duration of this approval.</p>	Compliant	<p>Implementation of the Marine Debris Management Plan continued through this reporting period.</p>

Condition No.	Description	Compliance Status	Evidence / Comments
13	Within 20 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Compliant	The Department was advised of the actual date of commencement as per the condition.
14	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans and strategies required by this 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 will be posted on the Department’s website. The results of the audits may also be publicised through the general media.	Compliant	Metro retains records as required by this approval condition.

Condition No.	Description	Compliance Status	Evidence / Comments
15	<p>Within three (3) months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report (the Annual Compliance Report) on its website addressing compliance with each of the conditions of this approval, during the previous 12 months.</p> <p>Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the Annual Compliance Report is published. Reports must remain published for the life of the approval.</p> <p>The approval holder must continue to publish the Annual Compliance Report each year until such time as agreed to in writing by the Minister.</p>	<p>Compliant</p> <p>Non-compliant</p> <p>Compliant from 14 July 2023</p>	<p>The Department was notified the 2022 Compliance Report was published on the Metro website 15 September 2023.</p> <p>The compliance reports remained available on the Metro website between 1 July 2022 and 22 May 2023. Some time prior to 22 May 2023, Metro was subjected to a malicious cyber-attack which required Metro to temporarily shut down its website. Following security investigations, it was established the Metro website had been compromised and Metro was required to permanently shut down its website and commence actions to develop a new website. As of 30 June 2023 the website was still undergoing development. Consequently, our annual compliance reports remained unavailable between the period 1 July and 14 July 2023, when the non-compliance was resolved.</p> <p>The Department notified of this on 14 July 2023.</p> <p>On reporting the non-compliance, the Department of Climate Change, Energy, the Environment and Water determined that a breach of conditions was substantiated. However, given the nature of the contravention and the circumstances surrounding the breach of conditions, the department decided to take no further compliance action regarding this matter.</p> <p>Metro has been compliant with this condition during the reporting period from 14 July 2023.</p>

Condition No.	Description	Compliance Status	Evidence / Comments
16	The approval holder must report any potential or actual contravention of the conditions of this approval to the Department in writing within two (2) business days of the approval holder becoming aware of a contravention.	Non-compliant	<p>Metro inadvertently overlooked the need to inform the Department of the non-compliance with Conditions 20 and 28 within the two business days of Metro becoming aware of the contravention. Metro notified the Department 6 July 2023 of the non-compliances.</p> <p>The non-compliance was resolved on 14 July 2023 and the Department notified of this the same date.</p> <p>On reporting the non-compliance, the Department of Climate Change, Energy, the Environment and Water determined that a breach of conditions was substantiated. However, given the nature of the contravention and the circumstances surrounding the breach of conditions, the department decided to take no further compliance action regarding this matter.</p>
17	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 approval holder must not commence the audit until the Minister approves the independent auditor and audit criteria in writing. The audit report must address the criteria to the satisfaction of the Minister.	Not applicable	Metro was not directed by the Minister to conduct an independent audit during this reporting period.

Condition No.	Description	Compliance Status	Evidence / Comments
18	<p>The approval holder may choose to revise a management plan approved by the Minister under conditions 7, 9 and 11 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the approval holder makes this choice it must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved plan has been revised and provide the Department, at least four (4) weeks before implementing the revised plan, with: <ul style="list-style-type: none"> I. an electronic copy of the revised plan; II. an explanation of the differences between the revised plan and the approved plan; and III. reasons the approval holder considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. 	Compliant	All management plans have been submitted and approved by the Minister with no revisions in the reporting period.
18A	<p>The approval holder may revoke their choice under condition 18 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p>		

Condition No.	Description	Compliance Status	Evidence / Comments
18B	<p>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 plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. condition 18 does not apply, or ceases to apply, in relation to the revised plan; and b. the approval holder must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 18 and 18A in the 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 18 does not apply for one or more Specified plans required under the approval.</p>		
18C	<p>Conditions 18, 18A and 18B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval.</p>		
19	<p>If, at any time after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.</p>	Not applicable	The action was commenced within the timeframe outlined by the approval.

2 References

Department of the Environment (DotE) (2014). Annual Compliance Report Guidelines 2014.