

MINISTERIAL APPROVAL CONDITIONS FOR THE 2023-2027 MINING AND MANAGEMENT PROGRAM (MMP)

Overarching conditions and Interpretation

1. The following conditions set out in this document are in addition to the requirements imposed on Alcoa of Australia Limited (Alcoa) by the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023* (Exemption Order) however to the extent that the following conditions may be in their terms or operation inconsistent with the requirements of the Exemption Order in relation to the area of operation of the Exemption Order then the following conditions are subject to and do not detract from the requirements of the Exemption Order.

In this document, subject to the context:

"date of the MMP approval" means the date that the State Development Minister approved the MMP;

"rehabilitation", in relation to an area that has been disturbed, includes –

- (a) stabilisation of an area; and
- (b) restoration of the landforms of the area to a state that is as close as practicable to their original undisturbed state; and
- (c) the return of the native vegetation of the area to a state that is as close as practicable to its original undisturbed state;

"stabilise", in relation to an area that has been disturbed, means carry out landscaping, ripping and other appropriate operations to prevent erosion of sediment, promote infiltration and manage surface water runoff, and "stabilisation" has a corresponding meaning;

In complying with the following conditions, Alcoa shall ensure compliance by its officers, employees, contractors, subcontractors and agents.

2. Alcoa will treat as not having been endorsed, 1,231 ha of Forest Clearing Advices (FCA) endorsed prior to 1 September 2023 as defined in Figure 5 of the Exemption Order, being:
 - (a) 1,016 ha of FCA in Huntly; and
 - (b) 214 ha of FCA in Willowdale.
3. Within 10 business days of the date of the MMP approval, Alcoa must submit written evidence, to the satisfaction of the State Development Minister, demonstrating that the mining contemplated by the MMP within the Serpentine Dam Catchment is required from a social and economic perspective.
4. Any clearing, exploration, mining or other operations permitted by this MMP approval must be implemented by Alcoa to meet the following environmental objectives:
 - (a) avoiding or otherwise minimising clearing within 50 metres of Black Cockatoo nesting trees; and

(b) avoiding or otherwise minimising discharge of environmentally hazardous material outside of containment infrastructure.

- If:

(c) clearing within 50 metres of Black Cockatoo nesting trees; and/or

(d) discharges of environmentally hazardous material outside of containment infrastructure,

cannot be avoided, Alcoa must provide, to the satisfaction of the State Development Minister, a written report explaining why the relevant avoidance cannot be met prior to the clearing being undertaken.

Operational restrictions

5. Alcoa must not undertake any clearing, exploration, mining or other operations:

(a) within 1km of the top water level of any water reservoir; or

(b) within the Serpentine Pipehead Dam Catchment;

(c) in any area with an average slope greater than 16% within the Reservoir Protection Zone of any water reservoir; or

(d) within 10 metres of any Black Cockatoo nesting trees or Black Cockatoo significant trees.

6. Condition 5 does not apply to:

(a) stabilisation or rehabilitation activities; or

(b) environmental monitoring activities; or

(c) use and maintenance of existing infrastructure; or

(d) modification of existing road infrastructure with the written consent of the State Development Minister; or

(e) construction of drainage control infrastructure; or

(f) mining within 1 kilometre of the top water level of any water reservoir in Myara Central and Myara South carried out before 30 June 2024.

7. If any activity described in paragraphs (b) – (f) of condition 6 is undertaken, the disturbance must be stabilised either within 12 months of the relevant activity ceasing, or within the first available rehabilitation season, whichever is earliest. Alcoa must implement drainage controls in the affected area until the area is stabilised.

Clearing restrictions

8. Alcoa will not undertake any MMP-related clearing until the Mine Operations Group (MOG) has provided its endorsement of the relevant FCA.

9. Alcoa will not clear more than 800ha of native vegetation for MMP-related mining activities per calendar year for the duration of the Exemption Order.

10. Unused capacity from the annual clearing cap detailed within Condition 9 may be rolled over into the following year, only following approval from the State Development Minister as part of any subsequent MMP submissions.
11. Alcoa will ensure that FCA submissions to the MOG for pits or haul roads within the public drinking water catchment areas are accompanied by Drainage Control Management Plans (DCMP) that are capable of meeting the requirements of condition 14(b)(iii). DCMPs are conceptual designs and will be developed using the Drainage Design Manual and field data and will include an assessment against the Groundwater Risk Assessment Framework (2021 Forest Clearing Advice 23 March 2022).
12. Alcoa will ensure that for MOG-endorsed clearing for haul roads or pits where the average slope is greater than 16% or where sub-catchments in which mining disturbance is greater than 30% of the total sub catchment area:
 - (a) pit and drainage control as-builts and details on any design variations will be provided to the MOG twice a year, at least 4 months apart;
 - (b) conceptual rehabilitation designs will be provided to the MOG 6 months after FCA endorsement;
 - (c) no clearing will be undertaken where the topographic wetness index is greater than or equal to 9, and groundwater data availability is less than 12 months;
 - (d) undertake targeted fauna and flora and vegetation surveys for all future clearing under the MMP, as per the Flora and Vegetation and Fauna Management Plans; and

Following completion of the work required by condition 26(a), undertake a clearing risk assessment to ensure appropriate avoidance and management measures are implemented for all future clearing under the MMP, and submit these to MOG with each FCA submission.

Management Plans

From the date of the MMP approval:

13. Alcoa will implement to the extent practicable the plans referred to below until the relevant revised plan is submitted to the State Development Minister in accordance with condition 14:
 - (a) Fauna Management Plan (Version 0) submitted to the Minister for State Development on 13 November 2023, as included in the MMP;
 - (b) Water Resources Management Plan (Version 1) submitted to the Minister for State Development on 13 November 2023, as included in the MMP;
 - (c) Recreational Trails and Facilities Management Plan submitted to the Minister for State Development on 13 November 2023, as included the MMP; and
 - (d) Flora and Vegetation Management Plan submitted to the Minister for State Development on 13 November 2023, as included the MMP.
14. Alcoa will review and update the plans referred to below and submit them to the State Development Minister for approval within the timeframes outlined in

condition 17, and in accordance with *Environmental Protection Authority's Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans* (EPA, 2021):

- (a) the Fauna Management Plan (Version 0), in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA) and relevant stakeholders so that it:
 - i. satisfies the requirements of conditions 18 and 19; and
 - (b) the Water Resources Management Plan (Version 1) so that it:
 - i. satisfies the requirements of conditions 18 and 19;
 - ii. satisfactorily addresses comments received by the MMPLG; and
 - iii. includes data and analysis that demonstrates the effectiveness of implementation of drainage controls, stabilisation and rehabilitation at avoiding, minimising and mitigating potential impacts to drinking water quality within water reservoirs, as proposed in each DCMP submitted in accordance with conditions 11 and 16.
 - (c) the Recreational Trails and Facilities Management Plans, in consultation with DBCA and relevant stakeholders so that it:
 - i. satisfies the requirements of conditions 18 and 19;
 - (d) the Flora and Vegetation Management Plan, in consultation with DBCA and relevant stakeholders so that it:
 - i. satisfies the requirements of conditions 18 and 19.
15. Alcoa must prepare the management plans referred to below and submit them to the State Development Minister for approval within the timeframes outlined in condition 17 and where relevant, in accordance with *Environmental Protection Authority's Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans* (EPA, 2021):
- (a) Rehabilitation Schedule and Management Plan that:
 - i. initially satisfies the requirements of condition 17(b), and then as part of any subsequent MMP submission;
 - ii. demonstrates that condition 7 has been complied with;
 - iii. includes a detailed rolling 5 yearly stabilisation/rehabilitation schedule that meets completion criteria and demonstrates an increase each consecutive year in the area (ha) in which stabilisation and rehabilitation activities are being undertaken over the next 4 years, achieving a minimum of 3,159 ha of rehabilitation (cumulative) over this period (2024-2027); and
 - iv. demonstrates that Alcoa is prioritising rehabilitation within public drinking water catchment areas.
 - (b) Environmentally Hazardous Materials Management Plan that:
 - i. satisfies the requirements of conditions 18 and 19; and

- ii. demonstrates how the environmental objective in condition 4(b) will be achieved.
 - (c) ML1SA operational Cultural Heritage Management Plan, in consultation with Gnaala Karla Booja and the Department of Planning Lands and Heritage.
16. If undertaking clearing for pits and haul roads within a public drinking water catchment area, Alcoa must:
- (a) develop a DCMP prior to commencement of the activity;
 - (b) implement the relevant DCMP;
 - (c) provide the State Development Minister with a copy of DCMPs upon his/her request; and
 - (d) provide the State Development Minister with a copy of a DCMP as-builts within four months of construction, upon his/her request.
17. Alcoa must submit the management plans to the State Development Minister within the following time periods, or such other time period should the State Development Minister determine, following a request from Alcoa:
- (a) revised Fauna Management Plan, within 6 months of the date of the MMP approval;
 - (b) Rehabilitation Schedule and Management Plan, by 30 June 2024;
 - (c) revised Water Resources Management Plan, within 6 months of receiving feedback from the MMPLG;
 - (d) Recreational Trails and Facilities Management Plan, by 31 December 2024;
 - (e) Environmentally Hazardous Materials Management Plan, within 6 months of the date of the MMP approval.
 - (f) ML1SA operational Cultural Heritage Management Plan, by 31 December 2024.
 - (g) Flora and Vegetation Management Plan, by 31 December 2024.
18. The management plans required under condition 17 must contain evidence to demonstrate compliance with relevant '*Operational restrictions*' and '*Clearing restrictions*' conditions, and must also include:
- (a) threshold criteria and trigger criteria that are relevant to the environmental impacts that the plans are mitigating and managing;
 - (b) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies, which will be used to measure threshold criteria and trigger criteria;
 - (c) methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future;
 - (d) data collection and analysis methodologies;
 - (e) adaptive management methodology;

- (f) contingency measures which will be implemented if threshold criteria or trigger criteria are not met; and
 - (g) reporting requirements.
19. The management plans required under condition 17 must, also contain provisions which demonstrate whether conditions 4 (a) and (b) and relevant '*Operational restrictions*' and '*Clearing restrictions*' conditions are reasonably likely to be met, and must also include:
- (a) management actions;
 - (b) management targets;
 - (c) contingency measures if management targets are not met; and
 - (d) reporting requirements.
20. Upon submission of each management plan, Alcoa must to the extent practicable:
- (a) implement the submitted management plan(s) until receiving notice from the State Development Minister confirming that the management plan(s) satisfies the relevant requirements (i.e. is approved); and
 - (b) following approval by the State Development Minister, implement the most recently approved version of the management plan.
21. Alcoa:
- (a) may review, revise and re-submit to the State Development Minister any management plan listed in condition 17 at any time provided it meets the relevant requirements of that management plan, including any consultation that may be required when preparing the management plan; and
 - (b) must review and revise any management plan listed in condition 17 and ensure it meets the relevant requirements of that management plan, including any consultation that may be required when preparing the management plan, as and when directed by the State Development Minister.
22. Approved management plans, and any revised management plans, must be published on Alcoa's website and provided to the State Development Minister in electronic form suitable for on-line publication within twenty (21) business days of being implemented, or being required to be implemented (whichever is earlier).

Rehabilitation Completion Criteria

23. Alcoa will consult with the DBCA in the drafting of a revised set of Rehabilitation Completion Criteria and once agreed, provide these to the State Development Minister by 31 December 2024.

Re-establishment and operation of the Independent Technical Advisory Group (ITAG)

24. Alcoa will provide adequate resourcing to ensure that the ITAG (formerly Bauxite Hydrology Committee), with an independent chair, is reconstituted by 30 June 2024.

25. Alcoa will, in consultation with the ITAG, develop agreed methodologies for a full mining cycle planning approach and cumulative catchment scale risk assessment, and submit these to the State Development Minister by 31 December 2024.
26. Alcoa will consult with the ITAG to develop the following for submission to the State Development Minister by 31 December 2024, or at a later time as recommended by the ITAG and agreed by the State Development Minister:
 - (a) a risk assessment methodology that enables appropriate avoidance and management measures to be implemented for all future clearing under the MMP;
 - (b) a drainage design manual; and
 - (c) a rehabilitation design manual.

Monitoring

27. Alcoa must ensure that an independent qualified party undertakes monitoring capable of:
 - (a) determining whether the limitations in conditions 5 and 9 are exceeded; and
 - (b) determining whether the objectives of conditions 4 (a) and (b) have been met.
28. Alcoa must submit as part of the Compliance Assessment Report required by condition 32, a compliance monitoring report that:
 - (a) outlines what monitoring was undertaken of any activities carried out in accordance with condition 18 (b) and (c);
 - (b) identifies why the monitoring was capable of substantiating whether the limitations in conditions 5 and 9 are exceeded;
 - (c) identifies why the monitoring was scientifically robust and capable of determining whether all conditions have been met;
 - (d) outlines the results of the monitoring and provides the data; and
 - (e) reports whether the conditions have been met, based on analysis of the results of the monitoring.

Compliance, time limits, audits and other conditions

29. If Alcoa becomes aware of a failure of drainage, or discharge from containment infrastructure that includes any potentially environmentally hazardous material, Alcoa must:
 - (a) report this to the Department of Water and Environmental Regulation, the Water Corporation and the State Development Minister within 24 hours;
 - (b) implement contingency measures;
 - (c) investigate the cause;
 - (d) investigate environmental impacts;

- (e) advise rectification measures to be implemented;
 - (f) advise any other measures to be implemented to ensure no further impact; and
 - (g) provide a report to the State Development Minister within twenty-one (21) calendar days of being aware of the potential non-compliance, detailing the measures required in conditions 29(a)-(f).
30. Failure to comply with the requirements of a condition, constitutes a non-compliance with these conditions. The State Development Minister will consider the contingency measures, rectification or other measures immediately put in place by Alcoa to remedy the non-compliance, before determining further action in response to the non-compliance.

Compliance and monitoring reporting

31. Alcoa will ensure surface water and groundwater monitoring data collected in accordance with the relevant monitoring requirements detailed in condition 28, will be provided to the Department of Water and Environmental Regulation and Water Corporation as per a monitoring schedule agreed by those agencies.
32. Alcoa must provide an annual Compliance Assessment Report to the State Development Minister for the purpose of determining whether the conditions in this MMP approval are being complied with.
33. Unless a different date or frequency is approved by the State Development Minister, the first annual Compliance Assessment Report must be provided within six (6) months of the date of the MMP approval, and subsequent reports must be provided annually from that date.
34. Each annual Compliance Assessment Report must be endorsed by a Director (as defined in the *Corporations Act 2001*) of Alcoa, or a person approved by a Director of Alcoa to be delegated to sign on behalf of the Director.
35. Each annual Compliance Assessment Report must:
- (a) state whether each condition has been complied with, including:
 - i. the limitations in conditions 5 and 9;
 - ii. requirements to implement the content of Drainage Control Management Plans or an approved management plan;
 - iii. monitoring requirements;
 - iv. implementation of contingency measures;
 - v. requirements to implement adaptive management; and
 - vi. reporting requirements;
 - (b) include the results of any monitoring (inclusive of any raw data) that has been required under these conditions in order to demonstrate that the conditions have been met;
 - (c) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;

- (d) describe progress and status of any consultation undertaken to review and update management plans;
 - (e) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
 - (f) be provided in a form suitable for publication on Alcoa's website; and
 - (g) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition 36 which the State Development Minister has approved in writing satisfies the relevant requirements.
36. Alcoa must prepare and submit to the satisfaction of the State Development Minister, a Compliance Assessment Plan at least two (2) months prior to the first Compliance Assessment Report required by condition 32.
37. The Compliance Assessment Plan must include:
- (a) details of the independent qualified person engaged to undertake monitoring under condition 28;
 - (b) what, when and how information will be collected and recorded to assess compliance;
 - (c) the methods which will be used to assess compliance;
 - (d) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the conditions outlined in this condition set are being complied with;
 - (e) the retention of previous compliance assessments;
 - (f) the table of contents of Compliance Assessment Reports, including audit tables; and
 - (g) how and when Compliance Assessment Reports will be made publicly available.

Public Availability of Data

38. Alcoa must make the following documents publicly available on its Website:
- (a) any Mining and Management Plan, accompanying appendices and associated approval conditions, within seven (7) calendar days of receiving notice requiring publication from the State Development Minister;
 - (b) any Management Plan required in accordance with Conditions 13 - 17 within twenty (21) business days of being implemented, or being required to be implemented (whichever is earlier);
 - (c) any Compliance Assessment Report or other report required to be produced by these conditions within sixty (60) days of being provided to the State Development Minister; and
 - (d) all geospatial data relevant to the MMP approval.
39. If any information or data referred to in condition 38 contains:

- (a) Copyright material;
- (b) trade secrets; or
- (c) confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

Alcoa may submit a request for approval from the State Development Minister to not make this information or data publicly available and the State Development Minister may agree to such a request if the State Development Minister is satisfied that the information or data meets the above criteria.

40. In making a request under condition 39, Alcoa must provide the State Development Minister with an explanation and reasons why the data should not be made publicly available.