



Approval

Mt Todd Gold Mine Project (EPBC 2011/5967)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

Approval holder	Vista Gold Australia Pty Ltd
proponent's ACN	117 327 509
proposed action	To reopen and operate the Mt Todd Gold Mine 55 km north of Katherine, Northern Territory; as described in the referral received by the Department on 17 May 2011 [See EPBC Act referral 2011/5967 and the requests to vary the proposal dated 5 June 2013, 24 June 2013 and 27 September 2017].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve


conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2040.

Decision-maker

name and position	Gregory Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals
signature	
date of decision	19 January 2018

Conditions attached to the approval

1. The Approval holder must not **clear** more than:
 - a) 158 ha of **breeding habitat** for the **Gouldian Finch** within the **Mt Todd Mineral Lease Area**
 - b) 458 ha of **foraging habitat** for the **Gouldian Finch** within and outside the **Mt Todd Mineral Lease Area**.
2. The Approval holder must undertake the action in accordance with the following objectives for the **Gouldian Finch** for the life of the action. The action must not result in:
 - a) significant reduction in the **quality or extent** of **breeding habitat** outside of the **project footprint**, or
 - b) significant reduction in the **quality or extent** of **foraging habitat** outside the **project footprint**, or
 - c) significant decrease in the short, medium or long-term abundance or distribution of the **Gouldian Finch** within the **Yinberrie Hills Site of Conservation Significance**, or
 - d) significant decrease in the short, medium or long-term health of the **Gouldian Finch** population within the **Yinberrie Hills Site of Conservation Significance**.

3. The Approval holder must prepare and submit to the **Department** a Gouldian Finch Management Plan (the Plan) detailing how the objectives outlined in Condition 2 of this approval will be achieved. The Plan must be prepared by a **suitably qualified expert(s)**. The Approval holder must not **commence** the action unless the **Minister** has approved the Plan. The approved Plan must be implemented.

The Plan must be prepared in accordance with the **Department's Environmental Management Plan Guidelines** and include, but not be limited to:

- a) objectives to be achieved for the **Gouldian Finch**, including by defining significant reduction or decrease as it applies to each objective specified in condition 2, based on baseline data
- b) components of the action that may impact on the **Gouldian Finch**, and commencement and completion dates for those components
- c) performance targets to achieve or maintain the objectives
- d) identify and manage risks of failure to achieve performance targets
- e) include baseline information from which performance targets are derived
- f) detailed monitoring methodology including:
 - i. the purpose of monitoring and its functional relationship to operational decisions
 - ii. monitoring objectives including provisions for early warning, early control and for improved predictive capacity

- iii. variables to be measured which are appropriate to detect changes in a manner which allows for timely implementation of corrective actions
 - iv. frequency of monitoring
 - v. interpretation and analysis of monitoring data to inform the contingency response and corrective actions
- g) management triggers that will enable actual or potential adverse impacts to the **Gouldian Finch** to be avoided, mitigated or minimised in a timely manner
 - h) detailed management measures to be implemented to achieve performance targets, management triggers for implementing a contingency response(s), and corrective actions that may be implemented
 - i) mechanisms to review performance targets and triggers based on monitoring data including processes for validation of predictive models used in determining performance targets and management triggers
 - j) responsibilities and accountabilities including data handling, technical review, self-auditing and reporting requirements.

4. Prior to any **clearing a suitably qualified expert** must undertake a pre-clearance survey to identify potential den sites for **Northern Quoll** or nest sites of the **Crested Shrike-tit (northern)**. The survey must:

- a) identify, record and flag all potential den sites for the **Northern Quoll** or nests of the **Crested Shrike-tit (northern)** within the area to be cleared
- b) inspect all potential den or nest sites for the **Northern Quoll** or the **Crested Shrike-tit (northern)** for the presence of individuals no more than 48 hours prior to clearance

If the **Northern Quoll** is present and can be relocated, the **suitably qualified expert** must relocate the individual(s) to a near-by potential den that is not subject to vegetation **clearing**. If the **Northern Quoll** is present and cannot be relocated, **clearing** cannot commence until the **Northern Quoll** leaves the area (is no longer present).

If nesting individuals of the **Crested Shrike-tit (northern)** are detected, any clearing within 50 m of the nest site must be avoided, until the nest is abandoned due to natural processes or the young fledge.

5. The Approval holder must prepare and submit a Gouldian Finch Offset Strategy (GFOS) for approval by the **Minister** to provide a framework for how the residual significant impacts to the **Gouldian Finch** will be offset and associated financial commitments. The Approval holder must not **commence** the action unless the **Minister** has approved the GFOS. The approved GFOS must be implemented.

The GFOS must:

- a) identify and assess threats to **Gouldian Finch populations** from the action and other sources, and outline options and priorities for addressing those threats as a basis for developing Offset Proposals (condition 6). To this end the GFOS must:
 - i. review relevant literature including approved conservation advices, recovery

- plans and threat abatement plans relevant to the **Gouldian Finch** and
- ii. identify, specify and evaluate the best available science and
 - iii. specify and evaluate feedback obtained from relevant stakeholder consultations
- b) considering 5(a), outline the:
- i. need(s) of, and/or threat(s) to, **Gouldian Finch populations** to be addressed by Offset Proposals (condition 6)
 - ii. relative priority of different threat abatement, recovery and research strategies and actions to address the need(s) or threat(s) outlined at (i)
 - iii. conservation gains that can be captured by addressing the need(s) or threat(s) outlined at (i) via the strategies and actions outlined at (ii)
 - iv. purpose(s) of, and the environmental outcomes and specific objectives to be achieved by, the GFOS
- c) outline a process for developing, and a schedule for submitting, Offset Proposals to the **Department** for the written approval of the **Minister** (the schedule must provide for the full expenditure of offset contributions specified in Condition 7(a-c) by not later than 12 years after **commencement**)
- d) detail an adaptive management program to be implemented to promote the achievement of the specific objectives identified in the GFOS (particularly condition 5(b)), including by providing for early warning and early control:
- i. describe data to be collected and variables to be monitored, and the frequency of data collection and any monitoring to be carried out
 - ii. monitoring methodology
 - iii. precision and confidence of monitoring actions
 - iv. management triggers
 - v. interpretation and analysis of data collected and monitoring data to inform the contingency responses
 - vi. schedule periodic assessments of the risk of failure to achieve the purpose and objectives of the GFOS – each periodic assessment must account for the results of the monitoring program required at condition 3, and the results of monitoring completed under Offset Proposals approved and implemented under condition 6
- e) detail responsibilities and accountabilities including data handling, technical review, self-auditing and reporting requirements.

6. To offset residual significant impacts to the **Gouldian Finch**, the Approval holder must submit Offset Proposals to the **Department** for approval.

Each Offset Proposal must:

- a) be prepared by a **suitably qualified expert(s)**

- b) be consistent with the objectives of the approved Gouldian Finch Offset Strategy (GFOS, particularly condition 5b)
- c) describe the purpose, and either the research question to be addressed (for research projects, herein 'research') or the environmental outcomes and specific objectives to be achieved (for threat abatement and recovery action projects, herein 'projects')
- d) describe the research or the project:
 - i. where the research or project will occur (location)
 - ii. the management proposed, including the activities to be completed, sufficient to confirm the scale, magnitude, sequencing and timeframes for each research or project activity, and the reporting (publication) of results
 - iii. the tenure of the location, including by noting permissions obtained (or to be obtained) to conduct the research or project at the location
 - iv. the ecological values and ecological condition to be improved (projects) or investigated (research) at the location
 - v. specify the views on the research or project of all land (or lease) holders controlling the location, traditional owners with responsibilities for the location, the **Northern Territory Department of Environment and Natural Resources** and any other relevant stakeholders consulted
 - vi. specify how the Approval holder has responded to the views expressed by these people and organisations (under condition 6(d)(v))
 - vii. provide a budget with costings itemised for research or project components
- e) for projects, demonstrate that the project will:
 - i. be additional to the general duty of landholders to manage land effectively at the project location, and additional to natural resource management programs already being carried out at the project location
 - ii. be consistent with other principles of the **EPBC Act Environmental Offsets Policy** - if relevant, details of how the Offset Proposal meets the criteria for research and educational programs identified in Appendix A of the **EPBC Act Environmental Offsets Policy** must be included
- f) for projects, detail a monitoring program in accordance with the **Department's Environmental Management Plan Guidelines** that includes, but is not limited to:
 - i. monitoring objectives, including for early warning and early control
 - ii. variables to be measured
 - iii. interim performance targets and completion criteria
 - iv. monitoring methodology
 - v. precision and confidence of monitoring actions
 - vi. management triggers
 - vii. interpretation and analysis of monitoring data to inform the contingency response and corrective actions
 - viii. for projects of over three years' duration, details of an adaptive implementation program to review management measures and trigger

management action considering monitoring data collected, to ensure environmental objectives will be attained and/or maintained

- ix. detail responsibilities and accountabilities including data handling, technical review, self-auditing and reporting requirements
- g) if an Offset Proposal involves land acquisition, identify the land, describe its ecological values to **Gouldian finch** and outline a schedule of commitments required to:
 - i. acquire the land (or the lease)
 - ii. establish the land (or the lease) as an area that can be managed exclusively and effectively for conservation - such as through installing fencing or other means of controlling access
 - iii. provide evidence the land (or lease) can be formally (legally) protected for the purpose of conservation - suitable evidence includes (but is not limited to) letters from agencies administering conservation covenanting programs and pastoral leases confirming that the land (or lease) to be acquired can be destocked (if applicable), formally (legally) protected and managed exclusively and effectively for conservation
 - iv. manage the land effectively for conservation and for the benefit of **Gouldian Finch**
- h) for research the Offset Proposal must:
 - i. Describe the research and why it will be beneficial to the conservation of the **Gouldian Finch**;
 - ii. Detail who will be undertaking the research and their relevant expertise;
 - iii. Detail timeframes for completion of the research;
 - iv. Seek any relevant ethics clearances (if necessary);
 - v. Conduct the research to a standard that would allow the results to be published in a peer reviewed scientific journal;
 - vi. Submit the research for publication in an appropriate peer reviewed scientific journal.

The approval holder must not commence an Offset Proposal until the Offset Proposal has been approved in writing by the **Department**. Unless otherwise agreed by the **Department**, approved Offset Proposals must be implemented.

For approved proposals, offset attributes and shapefiles of the location of the projects must be provided to the **Department** within 6 months of the approval of the project.

- 7. To offset residual significant impacts to the **Gouldian Finch**, the Approval holder must undertake the Offset Proposals (condition 6) in accordance with the following requirements:
 - a) The value of Offset Proposals associated with direct impacts will be calculated as follows:
 - i. AUD \$4000 (excluding GST) per hectare for the (up to 158 hectares of) **clearing of breeding habitat** for the **Gouldian Finch** within the **Mt Todd**

Mineral Lease Area

ii. AUD \$3000 (excluding GST) per hectare for the (up to 458 hectares of) **clearing of foraging habitat** for the **Gouldian Finch** within and outside the **Mt Todd Mineral Lease Area**.

- b) The value of expenditure on Offset Proposals must be adjusted annually in accordance with the Darwin Consumer Price Index (CPI) from 1 July 2018. The first adjustment is to be applied on 1 July 2018.
- c) The Approval holder must have Offset Proposals submitted to the **Department** for approval to the total value of Offset Proposals by no later than seven years from **commencement**.

8. The Approval holder must appoint, support and maintain a Technical Advisory Committee (TAC) to advise on the preparation and implementation of plans and strategies required in conditions 3, 5 and 6 of this approval. All members of the TAC must be a **suitably qualified expert**.

Terms of reference for the TAC must be developed by the Approval holder and must include:

- a) roles and responsibilities
- b) membership (including an independent chair)
- c) timeframes for commencement
- d) frequency of proposed meetings
- e) quorum arrangements.

Terms of reference must be submitted to the **Minister** within two months of the date of this approval.

The TAC must review the management plan, strategy or project required under conditions 3, 5 or 6 of this approval prior to submission to the **Department**. A summary of comments from each TAC member, and a summary of how each TAC member's comments have been responded to by the Approval holder, must be submitted to the **Department** with any management plan or strategy required to be approved by the **Minister** or the **Department**. The **Minister** may seek advice from the TAC at any time.

9. The Technical Advisory Committee (TAC) (Condition 8) must review and endorse in writing annual reporting related to the plans and strategies required in Conditions 3 and 5 of this approval. All changes to monitoring activities conducted as part of the above plans must be endorsed in writing by the TAC prior to implementation (see also Condition 11 on revised management plans). All breaches must be reported to the Department within 30 days.

All breaches of the conditions of this approval must be reported to the TAC within 10 days of the breach occurring. All such reports must detail corrective action taken or proposed and include a re-assessment of impact after the corrective action has been implemented.

10. Within 10 days after the **commencement** of the action, the Approval holder must advise the **Department** in writing of the actual date of **commencement**.

11. 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 audits may also be publicised through the general media.

12. The Approval holder may choose to revise the management plan approved by the **Minister** under Condition 3 of this approval 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 they must notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:

- a) an electronic copy of the revised plan;
- b) written endorsement of the changes from the Technical Advisory Committee in accordance with Condition 8 of this approval; and
- c) the 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**.

13. The Approval holder may revoke their choice under Condition 12 at any time by written notice to the **Department**. If the Approval holder revokes the choice to implement the revised plan, without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented.

14. 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:

- a) Condition 12 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**.

To avoid any doubt, this condition does not affect any operation of Conditions 12, 13 and 14 in the period before the day the notice is given.

At the time of giving the notice, the **Minister** may also notify that for a specified period that Condition 12 does not apply for the plan required under the approval.

15. If the Approval holder wishes to carry out an activity otherwise than in accordance with the strategy or a proposal approved at Conditions 5 or 6, the Approval holder must submit to the **Department** for the **Minister's** written approval a revised version of the strategy or proposal. The Approval holder must not commence the varied activity until the **Minister** has approved the varied strategy or proposal. If the **Minister** approves the revised strategy

<p>or proposal, the revised strategy or proposal must be implemented in place of the strategy or proposal originally approved.</p>
<p>16. Conditions 12, 13, 14 and 15 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>
<p>17. By 31 March of each year following commencement, the Approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of all plans, strategies and proposals. 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. 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. Reports must remain on the website and continue to be published until advised by the Minister in writing.</p>
<p>18. 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 independent auditor and audit criteria have been approved by the Minister in writing. The audit report must address the criteria to the satisfaction of the Minister.</p>
<p>19. If, at any time after five (5) years from the date of this approval, the Approval holder has not substantially commenced the action, then the Approval holder must not substantially commence the action without the written agreement of the Minister.</p>
<p>20. Unless otherwise agreed to in writing by the Minister, the Approval holder must publish all plans and strategies referred to in these conditions of approval on its website within one (1) month of being approved by the Minister.</p>

Definitions

Breeding habitat is woodland or forest containing *Eucalyptus tintinnans* identified as 'Breeding Habitat' in **Map 1** of this approval.

Clear/clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Commence, commenced or commencement of the action is preparatory works required to be undertaken including **clearing**. Investigatory geotechnical works or fencing of the site are required to establish the project are not considered commencement for the purposes of this approval.

Core breeding habitat is the known breeding aggregation area for the **Gouldian Finch**, located within the **Yinberrie Hills Site of Conservation Significance**, and which is shown in Figure 1 of Attachment K to the *Supplement to the Draft Environmental Impact Statement* for the action (URL: <https://ntepa.nt.gov.au/environmental-assessments/register/mt-todd-gold-mine-project/supplement-to-the-draft-environmental-impact-statement>)

Crested Shrike-tit *Falcunculus frontatus whitei* as listed under the EPBC Act.

Department is the Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

Department's Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines* published on the **Department's** website.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Foraging habitat is habitat containing suitable wet season grass species identified as 'Wet Season Foraging Habitat' in **Map 1** of this approval.

Gouldian Finch *Erythrura gouldiae* as listed under the EPBC Act.

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

Mt Todd Mineral Lease Area is the area shown in **Map 1**.

New or increased impact A new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the Minister.

Northern Quoll *Dasyurus hallucatus* as listed under the EPBC Act.

Northern Territory Department of Environment and Natural Resources as the current government department responsible to protect the environment and natural resources in the Northern Territory, and including any government department that assumes that role for the Northern Territory Government in the future.

Project footprint is the footprint of the proposed action as shown in **Map 2**.

Quality or extent include environmental and ecological characteristics as measured during baseline surveys required to be undertaken to inform the preparation of plans or strategies outlined in this approval decision.

Substantially commenced the erection of any infrastructure, excluding signs and fences, associated with the action.

Suitably qualified expert means a person with relevant tertiary qualifications and a minimum of ten (10) years demonstrated experience relevant to the requirements of the condition of approval.

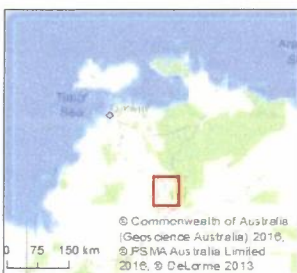
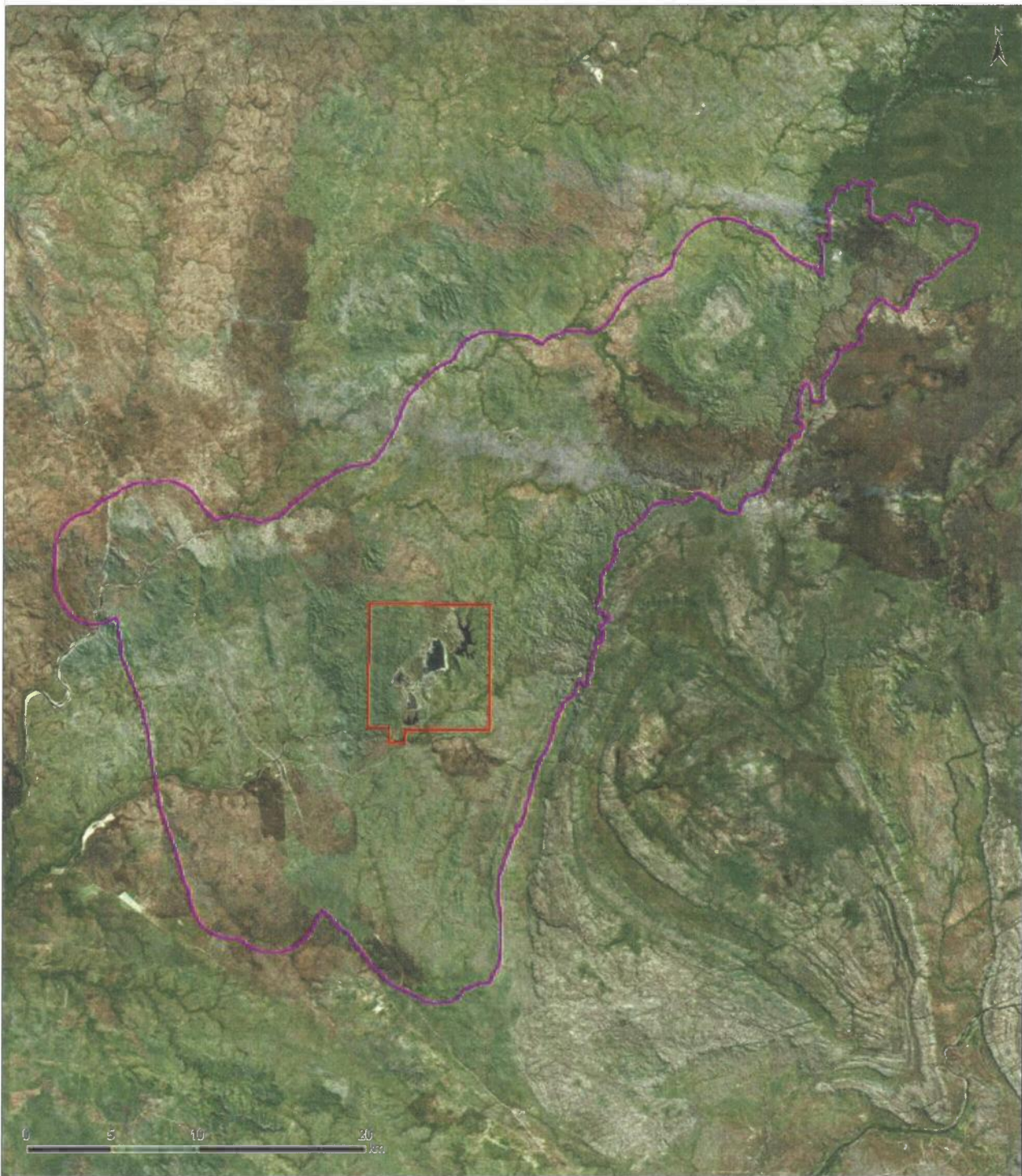
Yinberrie Hills Site of Conservation Significance is as shown in **Map 1** of this approval.



Map 1 – Gouldian Finch Foraging and Breeding Habitat in Yinberrie Hills Site of Conservation Significance

Map 1: Yinberrie Hills Site of Conservation Significance showing location of Mt Todd Gold Project (EPBC 2011/5967)

Date: 3/10/2017

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Legend	
	Mt Todd Gold Project (EPBC 2011/5967)
	Yinberrie Hills Site of Conservation Significance, Northern Territory

Acknowledgements

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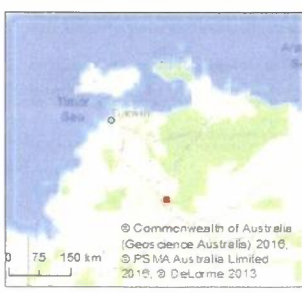
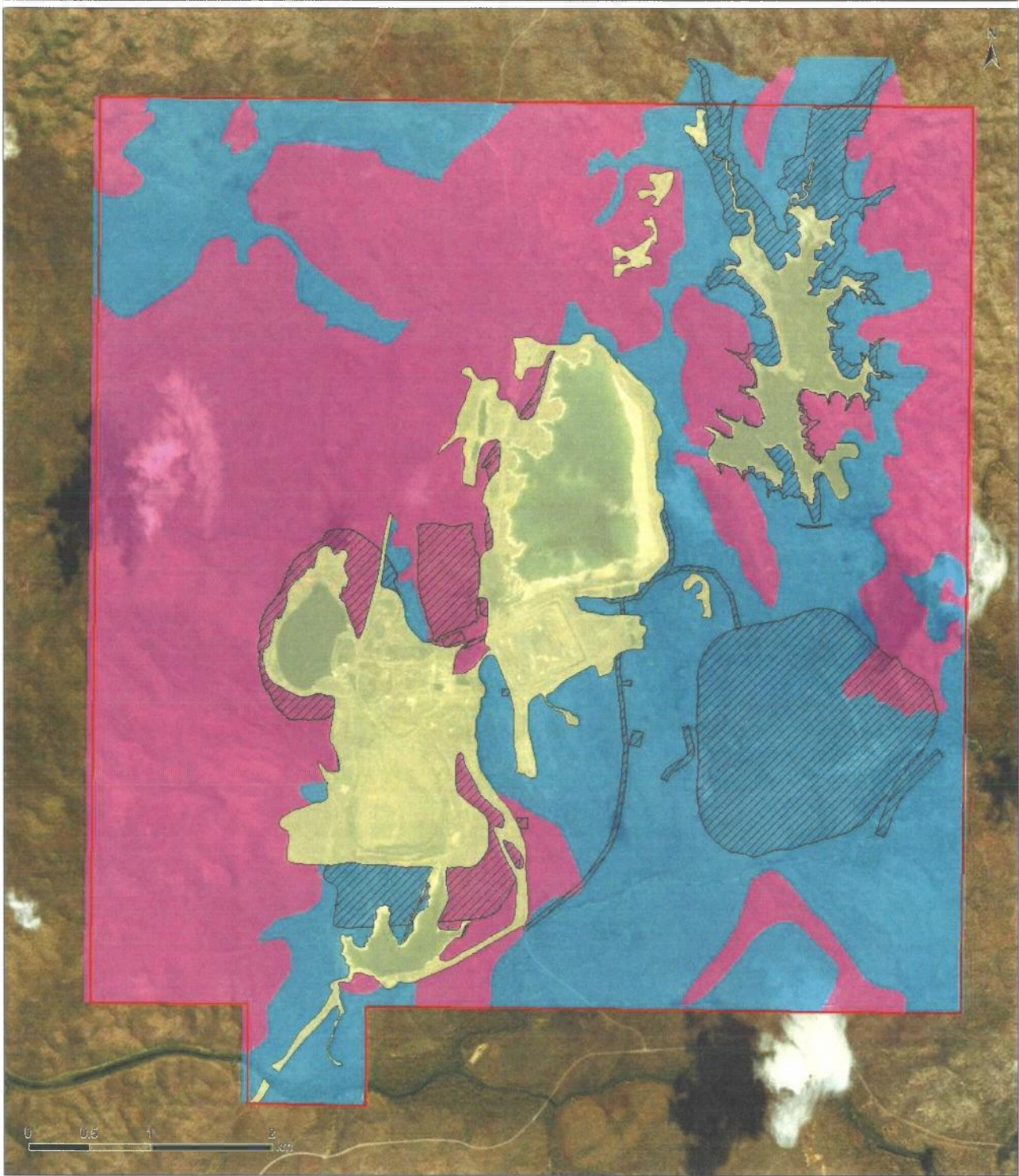
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Coordinate System: GDA 1994 MGA Zone 52
 Projection: Transverse Mercator
 Datum: GDA 1994



Map 2: Gouldian Finch habitat disturbance (EPBC 2011/5967)

ENVIRONMENTAL
LAW: 623482



Mt Todd Mineral Lease	Project footprint	Gouldian Finch
	Existing mine	Breeding habitat
	Expansion area	Wet season foraging habitat

Acknowledgements:
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