

9 February 2017

The Hon Josh Frydenberg MP
Federal Member for Kooyong
Minister for the Environment and Energy
695 Burke Rd
Camberwell Vic 3124

To The Hon Josh Frydenberg MP

My name is Vicky McCabe I'm the Western Australia Co-Chair of the Australia Nuclear Free Alliance and my country is under threat at Yeelirrie by Cameco's proposed uranium mine.

I have travelled to Melbourne this week to seek support and I ask that the Federal Environment Minister Josh Frydenberg deny the approval of the Yellirrie uranium project. There is also 3 other proposed uranium mines in Western Australia as well and these should also be denied approval.

As the Federal Minister for the Environment you need to come out on country in Western Australia and talk to the Traditional Owners who have been fighting against uranium mining on our country for over 40 years. I am here inviting you to come and sit and talk with us before you make the federal decision to destroy our country.

"Growing up you would hear all the great stories from our elders of life at Yeelirrie station and the good relations between the white lease holders and our mob. Sadly since the mining industry has gotten hold of the land we are excluded from the country and our country is being destroyed, where once it was enjoyed and cared for."

"Our opposition to the mine is strong and with the help of our friends from Australia and overseas we are making a stand for country, culture and a uranium free world. There is no way that Cameco will be digging up our country."

Kind regards

s47F

Vicky McCabe

s47F



16th March 2019

Major Projects West Section
Assessment (WA, SA, NT) & Post Approvals Branch
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CANBERRA ACT 2601

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Response to the invitation to comment on the proposed approval decision, Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

Thank you for the opportunity to comment on the proposed approval conditions for the Yeelirrie project. Thank you also for the opportunity to meet to discuss the proposed conditions.

I offer the following comments for your consideration.

Condition 1

We note the reference to the Conditions of the Western Australian Ministerial approval (Ministerial Statement 1053, dated 16th January 2017) ("State Conditions"). We also note that a number of the proposed approval conditions would be completely satisfied by implementation of the State Conditions, in particular, proposed conditions 4, 5, 6, 7 and 8, relating to groundwater monitoring and management. These are a duplication of the intent of State Conditions 11 and 12. We encourage you to avoid duplication where possible by deferring to existing conditions.

Condition 2

Condition 2 refers to a "south-east site", an area covering a significant portion of the south-east borefield and including the location of three restricted subterranean fauna. As drafted, the condition significantly limits the abstraction of groundwater from this portion of the south east borefield by restricting drawdown across the "south-east site" to 0.5m. This is a considerable impact on groundwater abstraction to protect the habitat of the three species.

Cameco has previously committed to managing drawdown to protect the habitat of the three species by limiting drawdown to 0.5m at the location of the three species.

We propose that the condition be amended to reflect this commitment to provide for protection for the three species without restricting groundwater abstraction over the remainder of the south-east site.

Alternatively we propose deference to State Condition 12-4(5) which we believe meets the same objective.

Condition 3

We suggest the condition is ambiguous and reference should be made to a spatial element to describe/establish the 0.5m groundwater drawdown contour. This could be achieved by referencing Figure 9-17 of the Yeelirrie Uranium Project Public Environmental Review (PER), which is a publically available document.

Conditions 4, 5, 6, 7 and 8

We understand the intent of conditions 4 to 8 is to set out requirements for (one) a baseline groundwater survey and (two) a groundwater management plan. However we suggest that the conditions setting out requirements and timing for each plan are confusing and suggest that for clarity, the requirements for the two plans are set out in separate conditions.

We suggest that State Conditions 11 and 12 meet the above intent, however if there is a preference to have new (Federal) conditions we propose the following for your consideration.

Firstly, a standalone condition for a Groundwater Baseline Monitoring/Survey Plan which could require the following,

- identification of the network of monitoring bores, (names and locations)
- monitoring frequency
- monitoring program (levels and analytes)
- audit and reporting requirements.

We propose that this condition should be submitted, approved, implemented and reported on prior to substantial commencement.

Secondly, we believe the condition for a Groundwater Management Plan should include the elements listed as condition 4 (b) to (g) in the proposed approval conditions and in the State Condition 12. Further we suggest the timing for this should be different to the monitoring plan. It should follow the monitoring plan, recognising that many of the elements required in the Management Plan are not determined until the completion of the definitive feasibility study which would include further groundwater studies. In effect the Groundwater Management Plan should be required to be approved, but not implemented, prior to substantial commencement similar to the requirements of the State Condition 12.

Conditions 4 to 8 also include the requirement for review by approved external groundwater and subterranean fauna specialists.

While there may be some value in having a subterranean fauna specialist review the Management Plan, we suggest there is no purpose for a subterranean fauna specialist to review the baseline monitoring plan as set out in the conditions as the Plan would only report monitoring data.

We note that condition 7 requires the monitoring plan to be reviewed every two (2) years and that condition 8 requires the review to be conducted every five (5) years, neither of which aligns with the State requirement for a review of their version of the Management Plan every three (3) years. Aligning the review dates would reduce duplication and cost and should be an objective we all aim for.

Condition 9

Condition 9 uses the word “action” which is a term generally used to describe the approved project – “the approved action”.

One interpretation of condition 9 is that we cannot commence any of the approved project without evidence from a suitably qualified subterranean fauna specialist, and as such this is a contradiction of the project approval.

Cameco has previously committed to not mining Area 1 to protect the troglofauna that occurs within Area 1. We suggest that the condition be amended to require that Cameco not mine Area 1 until we have found the species or habitat outside of the impact zone, as approved by a subterranean fauna specialist, thus providing for protection of the species.

Condition 10

Cameco considers that condition 10 as set out is also a contradiction of the project approval. We also consider that the requirements set out in the condition are perhaps unprecedented in the extent of what is required to be achieved prior to the commencement of the project and could mean that the project would not proceed.

As there are no other natural populations of *Atriplex yeelirrie* (western genotype) outside of the development envelope, this condition requires us to establish a “viable population” prior to commencement of mining. Viable population is defined as “the survival of a self-sustaining population of mature individuals. In an arid environment where the natural populations of *Atriplex yeelirrie* demonstrate significant boom and bust cycles in response to climatic conditions this could take a very long time, up to or exceeding 10 to 20 years. This has been recognised by the State Condition 17 which allows mining to commence while working toward the objective of a viable population. In recognition of the scale of the task and the potential impact of variables out of our control, including for example the weather, the State Condition allows 20 years to achieve the objective.

You have argued that the State Condition 17 puts all of the risk on the environment and no responsibility on Cameco to meet the objective. We disagree. We also point out that the proposed approval condition 10 gives us no certainty to plan a project development schedule.

We have discussed some options to manage the environmental risk and provide more certainty around the potential to create a viable population. We propose that a condition requiring the implementation of a research program timed to be completed prior to the commencement of mining would achieve this objective.

The proposed condition could require the completion of the tasks listed below (as listed by the State Ministerial Condition 17-2 (1) to (11), prior to substantial commencement of mining,

- (1) identify the ecology, ecophysiology and habitat requirements and determinants of the western population;
- (2) identify the number of mature plants that each translocation site should support;
- (3) identify the appropriate sex ratio distribution;
- (4) describe the plant material to be used for translocation, to promote the viability of the species:

- (5) identify suitable translocation sites similar to those within the western population of the Yeelirrie paleochannel through investigations such as but not limited to impacts to the receiving environment, soil investigations, drainage, land tenure and potential long term protection of the site;
- (6) undertake a trial translocation program, testing surface and sub-surface soils through relocation and potential seeding techniques;
- (7) confirm that irrigation would be feasible for the first two years at each translocation site;
- (8) describe the ongoing protection measures afforded to the translocated plants from threats including fire and future exploration and mining;
- (9) identify completion criteria to demonstrate that the translocated plants have established, are reproducing and have built-up a soil-stored seedbank;
- (10) identify timeframes and responsibilities for implementation;
- (11) identify reporting procedures, including the format, timing and frequency for the reporting of monitoring data against the completion criteria.

We believe bringing forward the completion of these tasks would demonstrate our commitment to the objective of establishing a viable population, provide some comfort about the ability to achieve a viable population and thereby remove some of the risk from the environment.

Conditions 11 to 14 (Night parrot conditions)

No comment.

Conditions 15 (Malleefowl conditions)

No comment.

Standard administrative conditions

No comment.

Again we thank you for the opportunity to provide comment on the proposed approval decision. Please do not hesitate to contact me if you have any queries.

Yours faithfully

s47F

Simon Williamson
General Manager
Cameco Australia Ltd

cc: Ms **s22**, Department of Industry

Senator the Hon. Matthew Canavan, Minister for Resources and Northern Australia

Rick Wilson MP, Member for O'Connor, Western Australia



MINISTER FOR INDIGENOUS AFFAIRS

Reference: MC19-016160

The Hon Melissa Price MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600

Dear Minister

MELISSA

Thank you for your letter of 5 March 2019 inviting comment on your proposed decision to approve the proposal to develop the Yeelirrie Uranium mine in Western Australia under the *Environment Protection and Biodiversity Conservation Act 1999*.

I note the conditions you propose to attach to the approval decision, including avoidance and mitigation of environment impacts and a requirement to adhere to conditions stipulated by the Western Australian Environment Protection Authority (WA EPA) for the project.

I note that the proponent has held consultations with Indigenous stakeholders regarding Indigenous heritage sites in the project area. Following consultations by the Department of the Prime Minister and Cabinet, I am informed that there are differing views within the community about the balance between environmental and cultural outcomes versus potential economic and employment benefits.

I understand that there are registered Aboriginal Heritage Sites (and numerous unregistered sites) in proximity to the project area around Yeelirrie Pool (10.2 km North East of the ore body).

While the WA EPA report indicates that the proposed action will not have an impact on registered heritage sites, I urge you to consider requiring the proponent to prepare and implement an Aboriginal Heritage Management Plan to minimise impacts, as far as practicable, on Aboriginal Heritage in and around the project area.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nigel Scullion', written over a large, stylized 'X' mark.

NIGEL SCULLION

1 / 4 / 2019



THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT

MS19-000243

Mr Simon Williamson
General Manager
Cameco Australia
PO Box 1395
West Perth WA 6872

Dear Mr ~~Williamson~~ *Simon*,

Decision on approval
Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

I am writing to you in relation to a proposal to develop the Yeelirrie open cut uranium mine, ore processing plant and associated infrastructure in the Shire of Wiluna, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Cameco Australia. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you provide the information specified in the conditions and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's compliance monitoring and auditing program is enclosed.

I have also written to the Commonwealth Ministers - Minister Canavan, Minister Scullion and Minister Hunt, and delegate for the Western Australian Environment, Mr Stephen Dawson, to advise them of this decision.

If you have any questions about this decision, please contact the project manager, s22 [REDACTED], by email to s22 [REDACTED]@environment.gov.au, or telephone s22 [REDACTED] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



The Hon Melissa Price MP
Minister for the Environment

10 April 2019



COMPLIANCE MONITORING AND AUDITING

This fact sheet provides an overview of the compliance monitoring and auditing program in place for projects referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and permits granted under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act).

What is the EPBC Act?

The EPBC Act is Australia's key national environment law. Under the EPBC Act, proposals which are likely to have a significant impact on matters of national environmental significance must be referred, assessed, and a decision made by the Minister or his delegate on whether to approve the proposal.

What is the Sea Dumping Act?

The Sea Dumping Act regulates the loading and dumping of waste at sea. The Sea Dumping Act fulfils Australia's international obligations under the London Protocol to prevent marine pollution by dumping of wastes and other matter. Permits are required from the Department for all ocean disposal activities.

What is compliance monitoring and auditing for?

The Department has implemented a program to monitor and audit projects that have been referred under the EPBC Act and the Sea Dumping Act to ensure they are complying with their approval/permit conditions or particular manner requirements and the legislation.

Compliance monitoring activities, including inspections and audits, aim to ensure projects with the potential to impact on nationally protected matters are implemented as planned. Monitoring and audits help the Australian Government to understand how well conditions or requirements are being understood and applied, and contribute to improving the effectiveness of the Department's operations.

All compliance monitoring activities, and any subsequent enforcement activities, are conducted in accordance with the Department's Compliance and Enforcement Policy.

What is a monitoring inspection?

Approved projects are subject to monitoring inspections to ensure and verify compliance with the conditions or requirements of the approval or permit. Projects are selected for a monitoring inspection based on a risk-based process informed through a number of factors, including sector, location, compliance history and the potential impact on listed matters (such as threatened species and ecological communities).

What is a compliance audit?

A compliance audit is an objective assessment of a project's compliance against selected criteria. Projects are audited against conditions or requirements. A compliance audit usually takes the form of a desktop document review and may include a site inspection, if necessary. In some cases, the document review provides the Department with enough information to verify that a project is compliant.

Projects can be chosen for audit based on a random selection process or a risk-focused selection process. If your project is selected for an audit, you will be contacted by a Departmental officer who will explain the process. All audit report summaries are posted on the Department's website. The results of audits may also be publicised through the general media.

Further information

For further information on the compliance monitoring and auditing program, please visit the Department's website at www.environment.gov.au or contact:

The Director, Monitoring and Assurance Section
Department of the Environment and Energy
GPO Box 787 CANBERRA ACT 2601
Telephone: (02) 6274 1111
Email: EPBCmonitoring@environment.gov.au





THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT

MS19-000243

The Hon Greg Hunt MP
Minister for Health and Minister for Sport
Parliament House
CANBERRA ACT 2600

Dear Minister Hunt *Greg,*

Decision on approval
Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

I am writing to you in relation to the proposal by Cameco Australia to develop the Yeelirrie open cut uranium mine, ore processing plant and associated infrastructure in the Shire of Wiluna, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Cameco Australia. A notice of my decision is attached for your information.

If you have any questions about this decision, please contact the project manager, s22 [redacted] by email to s22 [redacted]@environment.gov.au, or telephone 02 s22 [redacted] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

The Hon Melissa Price MP
Minister for the Environment

10 April 2019



THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT

MS19-000243

Senator the Hon Nigel Scullion
Minister for Indigenous Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister ~~Scullion~~ *Nigel,*

Decision on approval
Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

I am writing to you in relation to the proposal by Cameco Australia to develop the Yeelirrie open cut uranium mine, ore processing plant and associated infrastructure in the Shire of Wiluna, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Cameco Australia. A notice of my decision is attached for your information.

If you have any questions about this decision, please contact the project manager, S22 [redacted] by email to S22 [redacted]@environment.gov.au, or telephone 02 S22 [redacted] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

The Hon Melissa Price MP
Minister for the Environment

10 April 2019



THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT

MS19-000243

Senator the Hon Matt Canavan
Minister for Resources and Northern Australia
Parliament House
CANBERRA ACT 2600

Dear Minister ~~Canavan~~ *Matt,*

Decision on approval
Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

I am writing to you in relation to the proposal by Cameco Australia to develop the Yeelirrie open cut uranium mine, ore processing plant and associated infrastructure in the Shire of Wiluna, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Cameco Australia. A notice of my decision is attached for your information.

If you have any questions about this decision, please contact the project manager, **S22**, by email to **S22**@environment.gov.au, or telephone **S22** and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

The Hon Melissa Price MP
Minister for the Environment

10 April 2019



THE HON MELISSA PRICE MP
MINISTER FOR THE ENVIRONMENT

MS19-000243

Mr Mike Rowe
Director General
Department of Water and Environmental Regulation
Locked Bag 33, Cloisters Square
PERTH WA 6850

Dear Mr Rowe

Decision on approval
Yeelirrie uranium mine, Shire of Wiluna, WA (EPBC 2009/4906)

I am writing to you, as the delegated contact for the Western Australian (WA) Minister for Environment and Disability Services, Mr Stephen Dawson MLC, and the WA Minister for Mines and Petroleum, in relation to the proposal by Cameco Australia to develop the Yeelirrie open cut uranium mine, ore processing plant and associated infrastructure in the Shire of Wiluna, WA.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Cameco Australia. A notice of my decision is attached for your information.

If you have any questions about this decision, please contact the project manager, s22, by email to s22@environment.gov.au, or telephone s22 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

The Hon Melissa Price MP
Minister for the Environment

10 April 2019

Attachment E

Proposed approval conditions	Proponent, and State Commonwealth Agency comments	Department's considerations	Department's revised approval conditions
General Comments	<p>Minister Scullion: Minister Scullion acknowledged that there are registered Aboriginal Heritage Sites (and unregistered sites) in proximity to the proposed action (10.2 km NE of the development area. While the WA assessment report determined the action would not impact on these heritage sites, Minister Scullion requested the Commonwealth condition the proponent to prepare and implement an Aboriginal Heritage Management Plan to minimise impacts.</p>	<p>The WA Environmental Protection Authority (WA EPA) considered the culturally significant sites, culturally modified Kopi Gum trees and bush tucker in its assessment. The WA EPA acknowledged the area to the north-east of the proposed action, including the concentration of registered and unregistered Aboriginal heritage sites of ethnographic and archaeological importance to the indigenous people; however, advised this area is not proposed for development and unlikely to be impacted.</p> <p>Condition 1 of the approval requires the approval holder to implement condition 14 of the WA approval. Condition 14 of the WA approval requires the proponent to prepare and implement an Aboriginal Heritage Management Plan to minimise impacts on registered sites (Yeelirrie 03 and Yeelirrie 38), unregistered sites (Yeelirrie_61 and Yeelirrie_198) and culturally modified Kopi Gum trees.</p>	No change
<p>1. To avoid and mitigate impacts on the environment, the approval holder must:</p> <p>a. implement conditions 8 – 16 of the WA approval, and</p> <p>b. not clear more than 2422 hectares within the 4875 hectare development envelope.</p>	<p>Proponent: The proponent is of the view that a number of the Commonwealth conditions would be satisfied by implementation of the WA approval conditions – in particular conditions 4 – 8 of the Commonwealth approval duplicates the intent of conditions 11 and 12 of the WA approval.</p>	<p>The Department has relied upon the State conditions to the extent that they align with the Department's recommendation. The Department has also recommended additional conditions in relation to subterranean fauna, <i>Atriplex yeelirrie</i>, the Malleefowl (<i>Leipoa ocellata</i>) and the Night Parrot (<i>Pezoporus occidentalis</i>). Refer to condition 4 – 8 for further discussion.</p>	No change
<p>2. To avoid impacts on the stygofauna species <i>Atopobathynella</i> sp. 'line K', <i>Enchytraeidae</i> sp. Y4 and <i>Kinnecaris</i> 'lined' sp. n., the approval holder must ensure groundwater drawdown at bores within the south-east site is less than a 0.5 metres for the life of the approval.</p>	<p>Proponent: The proponent is of the view that the requirement to restrict drawdown to the 'south-east site' significantly limits the abstraction of groundwater from this portion of the south east borefield. The proponent states they have previously committed to protecting habitat for the three stygofauna species by limiting drawdown to 0.5 m at the location of each species.</p>	<p>The Department agrees to the revision of condition 2, which is to isolate the 0.5 m restriction at the location of the three stygofauna species rather than the broader south-east borefield.</p>	<p>Condition 2 has been amended to:</p> <p>To avoid impacts on the stygofauna species <i>Atopobathynella</i> sp. 'line K', <i>Enchytraeidae</i> sp. Y4 and <i>Kinnecaris</i> 'lined' sp. n., the approval holder must ensure groundwater drawdown at bores within the south-east site the location of the <i>Atopobathynella</i> sp. 'line K', <i>Enchytraeidae</i> sp. Y4 and the <i>Kinnecaris</i> 'lined' sp. n. is less than limited to 0.5 metres for the life of the approval.</p>
<p>3. To manage impacts on subterranean fauna species, the approval holder must not exceed the 0.5 metre groundwater drawdown contour.</p>	<p>Proponent: The proponent is of the view that this condition is ambiguous and reference should be made to Figure 9-17 of the Public Environment Review (PER) to provide a 0.5 m drawdown contour reference.</p>	<p>Condition 3 refers to 'groundwater drawdown contour', which is defined in the conditions by a map at <u>Attachment B</u>. This map is a copy of Figure 9-17 from the PER.</p>	No change
<p>4. Within 12 months from the date of this approval, the approval holder must develop a groundwater monitoring program. The objective of the groundwater monitoring program is to maintain the ecological function of groundwater within the development envelope to manage impacts on subterranean fauna species and troglofauna</p>	<p>Proponent: The proponent states that they understand the intent of conditions 4 – 8, however suggest that the requirements for a baseline survey plan and groundwater management plan be separated out into two conditions. Furthermore, the proponent is of the view that:</p>	<p>– The Department agrees with the proponent's concerns regarding duplication, so far as the requirement to undertake baseline surveys prior to commencement of the action as required by conditions 4, and further at conditions 6 and 7, could be satisfied by requiring the approval holder to implement condition 11 of the WA approval. For</p>	<p>Condition 4 has been amended to:</p> <p>Within At least 12 months from prior to the commencement of the action, the date of this approval, the approval holder must develop a groundwater monitoring program. The objective of the groundwater monitoring program is to maintain the ecological function of groundwater within the development</p>

<p>species. The groundwater monitoring program must be adequate to inform:</p> <ol style="list-style-type: none"> baseline data for groundwater quality and groundwater levels, groundwater abstraction rates and groundwater levels to confirm predicted drawdown levels, location of production bores to reduce impacts on subterranean fauna species, trigger levels to reduce impacts on subterranean fauna species and avoid impacts on troglofauna species within Area 2 defined at <u>Attachment D</u>, adaptive management of groundwater abstraction rates and ground water levels, the outcomes of conditions 2 and 3 of this approval are being met, and the extent of impact on subterranean fauna species and troglofauna species. 	<ul style="list-style-type: none"> conditions 11 and 12 of the WA approval meet the intent of conditions 4 – 8, there is no purpose for a subterranean fauna specialist to review the groundwater monitoring plan, and to avoid unnecessary costs and duplication, the management plan review timeframes should be revised to align with the WA approval 3-yearly reviews. 	<p>this reason, the Department agrees to amend conditions 4 and 5, and remove conditions 6 and 7 that relate to pre-commencement works.</p> <ul style="list-style-type: none"> The requirement to plan and implement baseline surveys prior to commencement will be given effect by condition 1, which requires the approval holder to implement condition 11 of the WA approval. The intent of the groundwater management plan is to manage impacts on subterranean fauna species that may be impacted by the action. For this reason, the Department considers it appropriate for a subterranean fauna ecologist to review the groundwater management plan. To ensure conditions are convenient, the Department agrees to align the management plan review timeframes with that of the WA approval. 	<p>envelope to manage impacts on subterranean fauna species and troglofauna species. The groundwater monitoring program must be adequate to inform:</p> <p>a.—baseline data for groundwater quality and groundwater levels,</p> <ol style="list-style-type: none"> groundwater abstraction rates and groundwater levels to confirm predicted drawdown levels, location of production bores to reduce impacts on subterranean fauna species, trigger levels to reduce impacts on subterranean fauna species and avoid impacts on troglofauna species within Area 2 defined at <u>Attachment D</u>, adaptive management of groundwater abstraction rates and ground water levels, the outcomes of conditions 2 and 3 of this approval are being met, and the extent of impact on subterranean fauna species and troglofauna species.
<p>5. The groundwater monitoring program must be reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist. Following review of the groundwater monitoring program by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist, the approval holder must submit the groundwater monitoring program to the Minister for approval. If the Minister approves the groundwater monitoring program then the groundwater monitoring program must be implemented within 12-months of being approved in writing.</p>	<p>Refer to comments at condition 4</p>	<p>Refer to response at condition 4</p>	<p>Condition 5 has been amended to:</p> <p>The groundwater monitoring program must be reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist. Following review of the groundwater monitoring program by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist, the approval holder must submit the groundwater monitoring program to the Minister for approval. If the Minister approves the groundwater monitoring program then the groundwater monitoring program must be implemented within upon commencement of the action. 12-months-of-being approved in writing.</p>
<p>6. Within ten (10) days from the date of implementation of the groundwater monitoring program, the approval holder must notify the Department in writing of the date the groundwater monitoring program is implemented.</p>	<p>Refer to comments at condition 4</p>	<p>Refer to response at condition 4</p>	<p>Condition 6 has been removed</p>
<p>7. Up until commencement of the action, the groundwater monitoring program must be reviewed every two (2) years from the date of implementation by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist to ensure it meets the objective of the groundwater monitoring program set out in condition 4 of this approval. Within thirty (30) days of the groundwater monitoring program being reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist, the approval holder must submit the groundwater monitoring program to the Minister for approval. If the Minister approves the groundwater monitoring program then the</p>	<p>Refer to comments at condition 4</p>	<p>Refer to response at condition 4</p>	<p>Condition 7 has been removed</p>

<p>groundwater monitoring program must be implemented within 2-months of being approved in writing.</p>			
<p>8. From commencement of the action, the groundwater monitoring program must be reviewed every five (5) years by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist to ensure it meets the objective of the groundwater monitoring program set out in condition 4 of this approval. Within thirty (30) days of the groundwater monitoring program being reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist, the approval holder must submit the groundwater monitoring program to the Minister for approval. If the Minister approves the groundwater monitoring program then the groundwater monitoring program must be implemented within 2-months of being approved in writing.</p>	<p>Refer to comments at condition 4</p>	<p>Refer to response at condition 4</p>	<p>Condition 8 has been amended to: From commencement of the action, the groundwater monitoring program must be reviewed every three (3) years by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist to ensure it meets the objective requirements of the groundwater monitoring program set out in condition 4 of this approval. Within thirty (30) days of the groundwater monitoring program being reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist, the approval holder must submit the groundwater monitoring program to the Minister for approval. If the Minister approves the groundwater monitoring program then the groundwater monitoring program must be implemented within 2-months of being approved in writing.</p>
<p>9. To avoid impacts on troglofauna species, the approval holder must submit for the Minister's approval, evidence from a suitably qualified subterranean fauna ecologist that the action will not result in the extinction of troglofauna species located in Area 1. The approval holder must not commence clearing of Area 1 until the Minister has approved the evidence.</p>	<p>Proponent: The proponent is of the view that the term 'action' may be interpreted in this condition. For example, 'action' has been taken to be the approval action (any action) within the development area, rather than an action within Area 1. As a result, the proponent has determined the 'approved action' cannot commence anywhere within the development area without evidence from a suitably qualified subterranean fauna ecologist.</p>	<p>In assessment documentation, the proponent committed to not mining in Area 1 to protect the Troglogauna species currently only known from this location. However, if through further studies they locate the species outside the development area, the proponent intends to mine Area 1.</p>	<p>To avoid impacts on troglofauna species, the approval holder must submit for the Minister's approval, evidence from a suitably qualified subterranean fauna ecologist that the any action taken within Area 1 will not result in the extinction of troglofauna species located in Area 1. The approval holder must not commence clearing of Area 1 until the Minister has approved the evidence.</p>
<p>10. To mitigate impacts on the Western Atriplex yeelirrie population, prior to the clearing of any Western Atriplex yeelirrie population, the approval holder must:</p> <ol style="list-style-type: none"> submit for the Minister's approval, evidence from a suitably qualified flora ecologist who has been approved in writing by the Department, that a viable population of the Western Atriplex yeelirrie population exists outside the development envelope within the Eastern Murchison (MUR1) IBRA subregion, and avoid any direct or indirect impacts on the Western Atriplex yeelirrie population within the development envelope until the Minister has approved the evidence referred to in condition 10(a) in writing. 	<p>Proponent: The proponent is of the view that the requirements of condition 10 is unprecedented in the extent of what is required to be achieved prior to commencement of the action. The proponent states that in an arid environment where the natural populations of <i>A. yeelirrie</i> demonstrate significant boom and bust cycles in response to climatic conditions, achievement of this condition could take a long time up to or exceeding 10 – 20 years. The proponent also states that this condition also provides no certainty to plan a project development schedule. Based on discussion with the Department, the proponent proposes the Department consider a condition requiring the implementation of a research program timed to be completed prior to the commencement of mining. The research program would require the completion of the following:</p> <ol style="list-style-type: none"> identify the ecology, ecophysiology and habitat requirements and determinants of the western population; 	<p>Condition 10 requires the proponent to provide evidence that a viable population exists outside the development envelope <u>prior to the clearing of the <i>Western Atriplex yeelirrie</i> population</u> not prior to the commencement of the action as the proponent has stated. Based on assessment documentation provided by the proponent, there is approximately 12-years before any of the Western population of <i>A. yeelirrie</i> will impacted. Condition 17 of the WA approval allows the proponent to clear the <i>Western Atriplex yeelirrie</i> population prior to commencement of the action. To offset the impact of clearing, the proponent has 20-years to ensure the survival of a self-sustaining population of mature individuals of the <i>Western Atriplex yeelirrie</i> population. Should the proponent not achieve this objective, they are required to revise the offset plan to try once again to achieve this outcome. In the absence of incentive in the WA approval condition, there is the risk that this outcome may not be achieved. To provide greater certainty that the intended environmental outcome for the Western Atriplex</p>	<p>To mitigate impacts on the Western Atriplex yeelirrie population, prior to the clearing of any Western Atriplex yeelirrie population, the approval holder must:</p> <ol style="list-style-type: none"> implement a detailed micro-genetic study and translocation trials and minimum viable population analysis to define the reproductive and ecological attributes of the Western Atriplex yeelirrie population to demonstrate the viability of establishing a self-sustaining population of mature individuals of the Western Atriplex yeelirrie population that are capable of surviving long-term outside the development envelope within the Eastern Murchison (MUR1) IBRA subregion. submit for the Minister's approval, evidence from a suitably qualified flora ecologist who has been approved in writing by the Department, that a micro-genetic study, translocation trials and minimum viable population analysis has been undertaken; the reproductive and ecological attributes of the Western Atriplex yeelirrie population have

	<ul style="list-style-type: none"> b. identify the number of mature plants that each translocation site should support; c. identify the appropriate sex ratio distribution; d. describe the plant material to be used for translocation, to promote the viability of the species; e. identify suitable translocation sites similar to those within the western population of the Yeelirrie paleochannel through investigations such as but not limited to impacts to the receiving environment, soil investigations, drainage, land tenure and potential long-term protection of the site; f. undertake a trial translocation program, testing surface and sub-surface soils through relocation and potential seeding techniques; g. confirm that irrigation would be feasible for the first two years at each translocation site; h. describe the ongoing protection measures afforded to the translocated plants from threats including fire and future exploration and mining; i. identify completion criteria to demonstrate that the translocated plants have established, are reproducing and have built-up a soil-stored seedbank; j. identify timeframes and responsibilities for implementation; k. identify reporting procedures, including the format, timing and frequency for the reporting of monitoring data against the completion criteria. 	<p>yeelirrie population could be achieved, the Department has revised condition 10 to include the requirement for the approval holder to undertake a micro-genetic study, translocation trials and minimum viable population analysis, to demonstrate the viability of establishing a self-sustaining population of the Western Atriplex yeelirrie population.</p>	<p>been defined; and that a self-sustaining Western Atriplex yeelirrie population can be established that is capable of undergoing natural population processes such as producing viable seed and recruitment of subsequent generations to ensure long-term population persistence.</p> <ul style="list-style-type: none"> c. viable population of the Western Atriplex yeelirrie population exists outside the development envelope within the Eastern Murchison (MUR1) IBRA subregion, and d. avoid any direct or indirect impacts on the Western Atriplex yeelirrie population within the development envelope until the Minister has approved the evidence referred to in condition 10(a) 8(b) in writing. <p>Should the Minister approve the evidence, the approval holder must establish a self-sustaining population of mature individuals of the Western Atriplex yeelirrie population, as defined by evidence provided at condition 9, outside the development envelope within the Eastern Murchison (MUR1) IBRA subregion.</p>
<p>11. Prior to the commencement of the action, the approval holder must engage a suitably qualified fauna ecologist to undertake a Night Parrot survey within the development envelope, in accordance with the WA DBCA recommended Night Parrot survey methods. Within three months of the Night Parrot survey being completed, the approval holder must provide the Department with the Night Parrot survey results.</p>	<p>Proponent: No comments</p>		<p>No change</p>
<p>12. Should the Night Parrot or evidence of the Night Parrot be recorded during the survey required under condition 11 of this approval, the approval holder must submit a Night Parrot Management Plan for the Minister's approval. If the Minister approves the Night Parrot Management Plan then the Night Parrot Management Plan must be implemented.</p>	<p>Proponent: No comments</p>	<p>No response</p>	<p>No change</p>
<p>13. If a Night Parrot Management Plan is required under condition 12, the approval holder must not commence the action unless the Minister has</p>	<p>Proponent: No comments</p>	<p>No response</p>	<p>No change</p>

<p>approved the Night Parrot Management Plan in writing.</p>			
<p>14. The Night Parrot Management Plan must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ul style="list-style-type: none"> a. The Night Parrot Management Plan environmental objectives, relevant protected matter and a reference to EPBC Act approval conditions to which the Night Parrot Management Plan refers, b. A table of commitments made in the Night Parrot Management Plan to achieve the objectives, and a reference to where the commitments are detailed in the Night Parrot Management Plan, c. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the Night Parrot Management Plan, d. An assessment of risks to achieving Night Parrot Management Plan environmental objectives and risk management strategies that will be applied, e. Impact avoidance, mitigation and/or repair measures, and their timing; and f. A monitoring program, which must include: <ul style="list-style-type: none"> i. measurable performance indicators, ii. the timing and frequency of monitoring to detect changes in the performance indicators, iii. trigger values for corrective actions, and iv. proposed corrective actions, if trigger values are reached. 	<p><u>Proponent:</u> No comments</p>	<p>No response</p>	<p>No change</p>
<p>16. To compensate for the loss of Malleefowl habitat within the development envelope, the approval holder must:</p> <ul style="list-style-type: none"> a. legally secure for the life of the approval an offset area(s) containing Malleefowl habitat that is equal to or greater in size and quality to the Malleefowl habitat to be cleared within the development envelope; and b. submit for the Minister's approval, a Malleefowl Offset Strategy detailing the environmental attributes of the offset area(s). The Malleefowl Offset Strategy must: <ul style="list-style-type: none"> i. specify the proposed environmental offset area(s) including, but not limited to: <ul style="list-style-type: none"> – location, 	<p><u>Proponent:</u> No comments</p>	<p>No response</p>	<p>No change</p>

<ul style="list-style-type: none"> – proximity to high-value ecological corridors, – tenure, – suitability to offset impacts to the Malleefowl, and – baseline condition quantified using quality score for area of habitat, and if applicable, the number of Malleefowl individuals present. <p>ii. provide evidence of the capacity of the offset site(s) to meet the requirements and intent of this condition, and the principles of the <i>EPBC Act Environmental Offsets Policy (2012)</i>,</p> <p>iii. detail when and how the offset area(s) will be protected in perpetuity under a conservation mechanism,</p> <p>iv. demonstrate the adequacy of the proposed conservation mechanism proposed to legally secure the offset area(s), and describe any means by which a future site owner may seek to amend or remove the mechanism,</p> <p>v. provide a completed <i>EPBC Act Offsets Assessment Guide</i> (offset calculator) for the Malleefowl offset area(s), and</p> <p>vi. present evidence substantiating inputs to the offset calculator, including:</p> <ul style="list-style-type: none"> – confidence in result, time until ecological benefit, start and future condition (scale of 1 - 10), and risk of loss, – the specific components used to derive start and future condition (i.e. stocking rate, site context and site condition) of the Malleefowl habitat at the offset site, and current condition of the Malleefowl habitat at the impact site, and – set-out in general terms potential offset management activities considered feasible to achieve future condition and time until ecological benefit. <p>If the Minister approves the Malleefowl Offset Strategy then the Malleefowl Offset Strategy must be implemented. The approval holder must not commence the action unless the Minister has approved the Malleefowl Offset Strategy in writing.</p>			
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17. The approval holder must notify the Department in writing of the date of commencement of the action within ten (10) business days after the date of commencement of the action .	<u>Proponent:</u> No comments	No response	No change
18. The approval holder must maintain accurate and complete compliance records .	<u>Proponent:</u> No comments	No response	No change
19. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	<u>Proponent:</u> No comments	No response	No change
20. The approval holder must: <ul style="list-style-type: none"> a. submit plans electronically to the Department for approval by the Minister; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	<u>Proponent:</u> No comments	No response	No change
21. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions 4, 12 and 15 of this approval, are prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plans .	<u>Proponent:</u> No comments	No response	No change
22. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action , or as otherwise agreed to in writing by the Minister . The approval holder must: <ul style="list-style-type: none"> a. publish each compliance report on the website within 60 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; 	<u>Proponent:</u> No comments	No response	No change

<p>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p>			
<p>23. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. the condition which is or may be in breach; and</p> <p>b. a short description of the incident and/or non-compliance.</p>	<p><u>Proponent</u>: No comments</p>	<p>No response</p>	<p>No change</p>
<p>24. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>	<p><u>Proponent</u>: No comments</p>	<p>No response</p>	<p>No change</p>
<p>25. The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12 month period from the date of this approval and for every subsequent twelve (12) month period.</p>	<p><u>Proponent</u>: No comments</p>	<p>No response</p>	<p>No change</p>
<p>26. For each independent audit, the approval holder must:</p> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	<p><u>Proponent</u>: No comments</p>	<p>No response</p>	<p>No change</p>
<p>27. The approval holder must publish the audit report on the website within ten (10) business days of</p>	<p><u>Proponent</u>: No comments</p>	<p>No response</p>	<p>No change</p>

<p>receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.</p>			
<p>28. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 12, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>	<p>Proponent: No comments</p>	<p>No response</p>	<p>No change</p>
<p>29. The approval holder may choose to revise an action management plan approved by the Minister under condition 12, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>	<p>Proponent: No comments</p>	<p>No response</p>	<p>No change</p>
<p>30. If the approval holder makes the choice under condition 26 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. Subject to condition 29, implement the RAMP from the RAMP implementation date. 	<p>Proponent: No comments</p>	<p>No response</p>	<p>No change</p>

31. The approval holder may revoke their choice to implement a RAMP under condition 26 at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 26, the approval holder must implement the previous action management plan approved by the Minister .	Proponent: No comments	No response	No change
32. 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 RAMP would be likely to have a new or increased impact , then: a. condition 26 does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice.	Proponent: No comments	No response	No change
33. At the time of giving the notice under condition 29, the Minister may also notify that for a specified period of time, condition 26 does not apply for one or more specified action management plans.	Proponent: No comments	No response	No change
34. Within 30 days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .	Proponent: No comment	No response	No change
Definitions	Proponent: No comment	<ul style="list-style-type: none"> – Due to amendments at condition 2, the definition of ‘south east site’ is no longer required. – Due to amendments to condition 10, the definitions ‘micro-genetic study’, ‘translocation trials’, ‘minimum viable population analysis’ and ‘reference community’ have been added and ‘viable population’ is no longer required. 	<p>Remove definition of ‘south east site’ and ‘viable population’</p> <p>Add the following definitions:</p> <ul style="list-style-type: none"> – Minimum viable population analysis means a study to determine the ecological threshold that specifies the smallest number of individuals of Western Atriplex yeelirrie population capable of persisting long-term in the environment. – Micro-genetic study means a detailed genetic analysis that will determine the comprehensive micro-genetic diversity of the impacted Western Atriplex yeelirrie population, including the population genetic structure spatially and through sampling of seed generated from the plants. – Translocation trials means the transfer of genetic material generated from the micro-genetic study to a range of recipient sites to determine: <ul style="list-style-type: none"> o The genetic representativeness of the translocated plants as assessed to the reference community,

			<ul style="list-style-type: none"> ○ The population growth, development and demographic diversity matching or exceeding the reference community, and ○ The factors influencing seedling recruitment, plant fecundity and seedling establishment as assessed to the reference community. – Reference community means the pre-disturbance Western <i>Atriplex yeelirrie</i> population. – Long-term means greater than 20 years.
Attachments	Proponent: No comment	Due to amendments at condition 2, the map at <u>Attachment B</u> requires the removal of the reference to 'south-east site'.	Remove the reference to 'south-east site'.