



Approval

Extension of Wiluna Uranium Mine Project, Shire of Wiluna, WA (EPBC 2014/7138)

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

Proposed action

person to whom the approval is granted Toro Energy Limited

proponent's ACN 117 127 590

proposed action To construct and operate open pit mines at the Millipede and Lake Maitland uranium deposits, located approximately 30 km south and 105 km south east of Wiluna, WA respectively. In addition, to process uranium ore at an already approved processing plant, rehabilitate disturbed areas and transport uranium by road for shipment from Port Adelaide, SA, or Darwin Port, NT [See EPBC Act referral 2014/7138].

Proposed approval decision

Controlling Provision	Decision
Sections 18 & 18A (Listed threatened species and communities)	Approved
Sections 21 & 22A (Nuclear actions)	Approved

Conditions of approval

This approval is subject to the conditions specified below.

Expiry date of approval

This approval has effect until 31 March 2043.

Decision-maker

name and position The Hon Josh Frydenberg MP
Minister for the Environment and Energy

signature

date of decision

5/7/17

Conditions attached to the approval

1. To manage the impacts of the action on the **environment**, the person taking the action must comply with the conditions attached to the **WA approval** to the extent those conditions apply to the taking of the action specified in this approval.

*Note: To avoid doubt, the person taking the action is not required to comply with the **WA approval** conditions in taking EPBC No. 2009/5174 approved by the **Minister** on 2 April 2013.*

2. To avoid and mitigate potential impacts to the Night Parrot (*Pezoporus occidentalis*) from taking the action, the person taking the action must prepare a Night Parrot Conservation Plan (the Conservation Plan). The Conservation Plan must:
 - a) fund or detail research activities to improve the scientific understanding of Night Parrot ecology and conservation management in Western Australia
 - b) detail financial commitments and duration of research activities to improve the scientific understanding of Night Parrot ecology and conservation management in Western Australia
 - c) be prepared in consultation with **DBCA**

The Conservation Plan must be submitted to the **Minister** for approval within 12 months from the date of this approval. The person taking the action must implement the approved Conservation Plan. The findings of research activities funded or undertaken under the approved Conservation Plan must be reported to the **Department** within 12 months of completion of the respective activity.

3. To avoid and mitigate potential impacts to the Night Parrot from taking the action, the person taking the action must submit for approval by the **Minister** a Night Parrot Management Plan (the Management Plan). The Management Plan must:
 - a) be informed by the findings of the research activities in the approved Conservation Plan (Condition 2)
 - b) include pre-clearance surveys; detailing methodology, timing and location
 - c) include a vegetation clearance procedure; detailing methodology, timing and location
 - d) provide contingency management measures if Night Parrot are detected in the project area; detailing avoidance and mitigation from any potential impact/s
 - e) include review mechanisms of any contingency management measures adopted to avoid and mitigate potential impacts to the Night Parrot; detailing frequency, intensity, duration and reporting of activities and results

The person taking the action must not begin **commencement** of the action prior to the **Minister** approving the Management Plan. The approved Management Plan must be implemented.

4. Within ten (10) days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
5. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management 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**. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
6. Within three (3) months of every twelve (12) month anniversary of the **commencement** of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
7. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The person taking the action 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**.
8. If, at any time after five (5) years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Definitions

Commencement: means any vegetation clearing or construction of infrastructure, excluding construction of fences, signage or geotechnical investigations where no vegetation clearance is required.

Department: means the Australian Government Department of the Environment and Energy or any other agency responsible for administering the **EPBC Act** from time to time.

DBCA: means the Western Australian Department of Biodiversity, Conservation and Attractions or any other agency responsible for administering the Conservation and Land Management Act 1984 from time to time.

Environment: means the environment as defined under section 528 of the EPBC Act.

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

Minister: means the Minister responsible for administering the **EPBC Act** from time to time and includes a delegate of the Minister.

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

WA approval: means the Western Australia Minister for Environment; Heritage Statement No. 1051 published on 9 January 2017 as amended and in force from time to time.