

# TERMS OF REFERENCE

**Gouldian Finch Technical Advisory Committee  
Mt Todd Gold Project (EPBC 2011/5967)**

**Prepared for:**

Vista Gold Australia Pty Ltd  
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## BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Vista Gold Australia Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

## DOCUMENT CONTROL

| Reference          | Date             | Purpose  | Prepared     | Authorised  |
|--------------------|------------------|--|--------------|-------------|
| 680.10533-R01-v3.0 | 7 November 2018  | Update to reflect membership changes of the TAC. | Loren Yallop | Sarah Smith |
| 680.10406-R01-v2.0 | 22 March 2018    | Update following approval                        | Mihkel Proos | Sarah Smith |
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## 1 Introduction

On 19 January 2018, Vista Gold Australia Pty Ltd (Vista Gold) received approval under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to re-open and operate the Mt Todd Gold Project ('the project'; EPBC Act reference number 2011/5967). The project is located approximately 55 km north of Katherine, Northern Territory (NT).

A portion of the area to be disturbed by the project lies within the Yinberrie Hills. These hills are considered to be nationally conservation significant, primarily for the presence of the Gouldian Finch (*Erythrura gouldiae*). This species is listed as Endangered under the EPBC Act and Vulnerable under the NT *Territory Parks and Wildlife Conservation Act* (TPWC Act).

From 2011 to 2014, an Environmental Impact Assessment was undertaken for the project, which highlighted the need for additional assessments and planning for the monitoring of potential impacts to the Gouldian Finch. From 2015 to 2017, further assessment of potential impacts, proposed management of these impacts and monitoring requirements / recommendations was undertaken. This culminated into a Gouldian Finch Monitoring and Mitigation Program (GFMMP). The GFMMP has since been renamed as the Gouldian Finch Management Plan (GFMP) in accordance with Condition 3 of the EPBC Act approval and is currently being implemented.

Condition 8 of the EPBC Act approval (**Appendix A**) requires a Technical Advisory Committee (TAC) to be appointed to advise the preparation and implementation of any plans and strategies required by conditions 3, 5 and 6 of the approval. This includes:

- Condition 3: A Gouldian Finch Management Plan (which was previously titled the GFMMP)
- Condition 5: A Gouldian Finch Offset Strategy (GFOS)
- Condition 6: Offsets Proposals.

It should be noted that a TAC was established in 2015 to assist with the preparation of the GFMMP. The GFMMP was submitted to the Department of the Environment and Energy (DoEE) in 2017 following endorsement by an independent expert.

The TAC will again review and provide comment on the GFMP in 2018 in accordance with Condition 8 of the EPBC Act approval, prior to its submission to the DoEE for approval.

These Terms of Reference (ToR) specify the requirements of the TAC during the course of the project, as per the conditions of approval under the EPBC Act.

## 2 Name

The committee is known as the 'Mt Todd Gold Project Gouldian Finch Technical Advisory Committee' (referred to in this document as the TAC).

### 3 Purpose

As per the EPBC Act conditions of approval (**Appendix A**), the purpose of the TAC is to provide advice to Vista Gold and its consultants / contractors on technical aspects of any management plans and strategies related to the Gouldian Finch. Ultimately, the original establishment of a TAC illustrated Vista Gold’s commitment to investing the required resources to ensure that the species is monitored and conserved during the project so that no significant impact exists to the species in the long term.

### 4 Functions

The TAC plays a role during the development, and ongoing revision, of all relevant documentation required by the EPBC Act conditions of approval. The requirements of the relevant conditions of approval (**Appendix A**) are summarised as:

- Condition 8: Advise on the preparation and implementation of all plans, strategies and research and threat abatement proposals required in conditions 3, 5 and 6 of the approval. All members of the TAC must be a suitably qualified expert<sup>1</sup>. ToR must be developed for the TAC. The TAC must review all relevant management plans, strategies and proposals. Comments from each TAC member, plus the incorporation of comments into the relevant documents, must be submitted to the Department.
- Condition 9: The TAC must review and endorse annual reporting relating to the plans and strategies required in Conditions 3 and 5 of the approval. All changes to monitoring activities must be endorsed by the TAC. All breaches must be reported to the TAC within ten days, and the Department with 30 days.

### 5 Membership composition and suitability

The TAC members are appointed by invitation and include those listed in **Table 1**.

**Table 1 TAC Members**

| Name          | Professional Position                              | Company                             | Role   |
|---------------|--|-------------------------------------|--|
| Martin Doyle  | Director   | Northstar Air Quality               | Provision of ongoing review and advice on dust and air quality monitoring and modelling.   |
| Cameron Yates | Team Leader - Darwin Centre for Bushfires Research | Charles Darwin University           | Fire specialist  |
| Eddy Cannella | Principal Zoologist                                | BIOSTAT Pty Ltd                     | Provision of advisory services on the ecological relevance and statistical validity of the survey and monitoring designs for the Gouldian Finch. |
| Ian Radford   | Senior Research Scientist                          | WA Department of Parks and Wildlife | Gouldian Finch biology and fire specialist   |

<sup>1</sup> A person with relevant tertiary qualifications and a minimum of ten years demonstrated experience relevant to the requirements of the conditions of approval.

Each TAC member must be suitably qualified<sup>1</sup>.

Sub-groups may also be formed over time to deal with specific issues as they arise. Individual TAC members may be more suitably qualified for particular issues and therefore other members will acknowledge this as and when required.

A member of the TAC may be elected as the Chairperson through consensus among the other TAC members and/or the Project Management Team (see **Section 6.2**).

A minimum three members will constitute the TAC, including an independent Chairperson.

## 6 Responsibilities

### 6.1 All TAC members

It is the responsibility of all TAC members, whilst in their capacity as a TAC member, to:

- Be honest
- Act with care and diligence
- Respect and uphold the ToR
- Attend relevant TAC meetings (whether by phone or in person)
- Accurately report their views based on experience
- Identify concerns or questions from their specialist field
- Provide knowledge or ideas to improve issues discussed.
- Allow all TAC members to present their views, uninterrupted, and to listen
- Respect other members' opinions
- When acting in the course of the TAC, comply with all applicable Australian laws
- Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with the TAC or the project
- Actively and constructively contribute to TAC discussions with a view to finding mutually agreed resolutions to concerns
- Suggest items for discussion (agenda items)
- If approached by the media, speak only on their own behalf and not discuss confidential information relating to the project
- Respect that all comments on behalf of the TAC will be through the TAC Champion (see **Section 6.3.1**)
- Acknowledge that all reporting must go through the Project Management Team (see **Section 6.3**).

### 6.2 Independent Chairperson

The appointed independent Chairperson is responsible for the conduct of meetings. This includes:

- Manage TAC meetings in line with the agenda established for each
- Ensure all members of the TAC have equal opportunity to contribute
- Maintain the order of the meeting
- Ensure discussion by the TAC remains focused on the objectives and scope of the group (including the Project Management Team)

## 6.3 Project Management Team

The Project Management Team does not form part of the TAC, however will coordinate, and participate in, the TAC meetings as required.

### 6.3.1 Vista Gold

A representative from Vista Gold will champion the TAC (i.e. the 'Champion'). It is the responsibility of the Champion to:

- Provide drive and commitment to the process
- Act as the spokesperson for the TAC in any media activity covering the TAC's work
- Undertake timely follow-up on issues, as required
- Be frank, open and transparent in their approach
- Be respectful of TAC member concerns.

### 6.3.2 Lead environmental consultant

The lead environmental consultant, under the direction of Vista Gold, will be responsible for:

- The preparation of relevant documentation as required by the EPBC Act conditions of approval.
- Considering and utilising the advice provided by the TAC during the preparation of the material and ensure that all comments or written endorsements from the TAC are included with the material, as required by the EPBC Act conditions of approval.
- Preparing agendas, and coordinating TAC meetings and teleconferences.
- Recording and distributing minutes of the TAC meetings.

## 7 Quorum

The quorum for the TAC is two TAC members.

## 8 Timeframes for Commencement

It is expected that the TAC will be established by the end of November 2018.

## 9 Confidentiality

It is important that TAC members feel free to contribute honestly and that there is an appropriate level of trust between the TAC members, Champion (**Section 6.3.1**) and lead environmental consultant (**Section 6.3.2**).

All documentation or information sent to TAC members must only be used or distributed responsibly (including for obtaining feedback from the groups represented). No project related information is to be made available to the media.

## 10 Conflicts of interest

TAC members must declare any conflicts of interest. For the purposes of the project, a conflict of interest is where a TAC member, their immediate relative or business partner, or an organisation with which a TAC member has direct pecuniary or non-pecuniary involvement, has a personal stake or strong interest in the outcomes of TAC deliberations leading to particular advice or recommendations to Vista Gold.

## 11 Membership

### 11.1 Review and renewal

TAC membership will be reviewed every 12 months, or by exception, as follows:

- There has been non-attendance at three meetings without reasonable justification
- The member is no longer required because their skills, experiences and qualifications are not appropriate to the relevant elements of the plans and strategies required by the conditions of EPBC Act approval for the following 12 months
- The member has acted inappropriately (see **Section 11.3**).

### 11.2 Resignation

A member may resign from the TAC in writing addressed to the TAC Champion (**Section 6.3.1**).

### 11.3 Conduct

The TAC is established by Vista Gold as per the requirements of the EPBC Act approval. However, Vista Gold retains ultimate responsibility for the conduct of the TAC. In this regard, any member found acting inappropriately (i.e. not in line with the requirements of these ToR) will have their membership reviewed and may be dismissed from the TAC.

## 12 Document review

The lead environmental consultant (**Section 6.3.2**) will provide supporting documents (e.g. publications, papers) and draft versions of the relevant plans and strategies to the TAC with sufficient time for review (usually two to three weeks) prior to any meetings. The timing for the provision of drafts to TAC members and the review period will be outlined in a work plan, as agreed to by the TAC, which will be updated and provided to TAC members during the early period of their tenure each year.

## 13 Meetings

### 13.1 Schedule

Meetings will occur on an as need basis, rather than at regular intervals. Administratively, it is simpler to have members review documentation and provide comments. If matters become complex and there is an obvious need to have a meeting (e.g. significant difference in opinion between TAC members), a meeting may be called. Meetings can be suggested by any TAC member, the lead environmental consultant and Vista Gold.

All meetings will be held during normal business hours.

### 13.2 Venue

If a meeting is called, the venue will typically be the Vista Gold or lead environmental consultant office in Darwin.

### 13.3 Agenda

The lead environmental consultant (**Section 6.3.2**), in consultation with the independent Chairperson (**Section 6.2**), is responsible for the preparation and distribution of the agenda. The agenda should be distributed to TAC members by email at least one week prior to the scheduled meeting date. TAC members are welcome to submit other items for discussion, preferably at least 48 hours prior to meetings.

Non-tabled items may be presented by a TAC member but it must be accepted that a satisfactory response may not be reached at that meeting.

### 13.4 Minutes

A record of each TAC meeting will be documented by Vista Gold or the lead environmental consultant and distributed to the TAC.

Any changes required to the report of meeting will be amended and endorsed at the next TAC meeting.

### 13.5 Non-attendance

Should a member not be able to attend a meeting, that member may send a proxy to represent them. If a member wishes to invite an observer to any meeting, they must first ask the permission of the Chair.

## 14 Expenses

Fees for services will be paid to TAC members upon prior written agreement with Vista Gold. TAC members will be sub-consulted by the lead environmental consultant, however, reasonable travel and, where necessary, accommodation expenses will be reimbursed per travelling member per meeting by Vista Gold (upon prior agreement).

Vista Gold will pay catering, logistical and/or audio visual for face-to-face meetings.

## 15 Changes to Terms of Reference

Changes to these ToR may be made by Vista Gold in accordance with the EPBC Act conditions of approval. Vista Gold will notify all TAC members in writing of any such changes.

# APPENDIX A

2011-5967 (Mt Todd Gold Project) Approval final notice signed  
19 January 2018



**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**

|                        |   |
|------------------------|---|
| <b>Approval holder</b> | Vista Gold Australia Pty Ltd  |
| <b>proponent's ACN</b> | 117 327 509   |
| <b>proposed action</b> | 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**

|                          |   |
|--------------------------|---|
| <b>name and position</b> | Gregory Manning<br>Assistant Secretary<br>Assessments (WA, SA, NT) and Post Approvals |
| <b>signature</b>         |    |
| <b>date of decision</b>  | 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

or proposal, the revised strategy or proposal must be implemented in place of the strategy or proposal originally approved.

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.

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.

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**.

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**.

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**.

## **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.

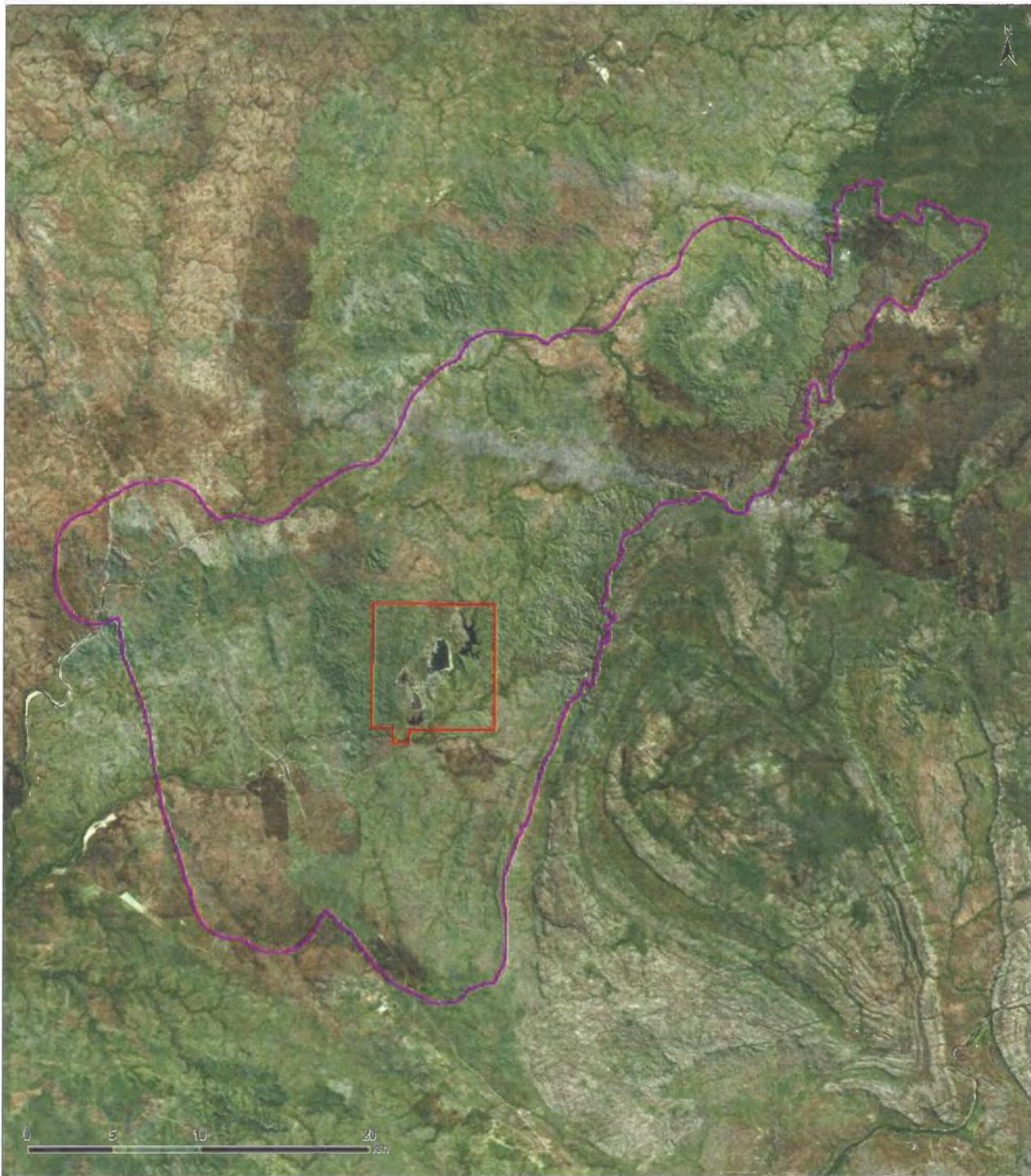
**Suitably qualified expert** means a person with relevant tertiary qualifications and a minimum of ten (10) years demonstrated experience relevant to the requirements of the condition of approval.

**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



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

Acknowledgements

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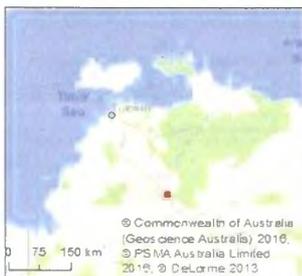
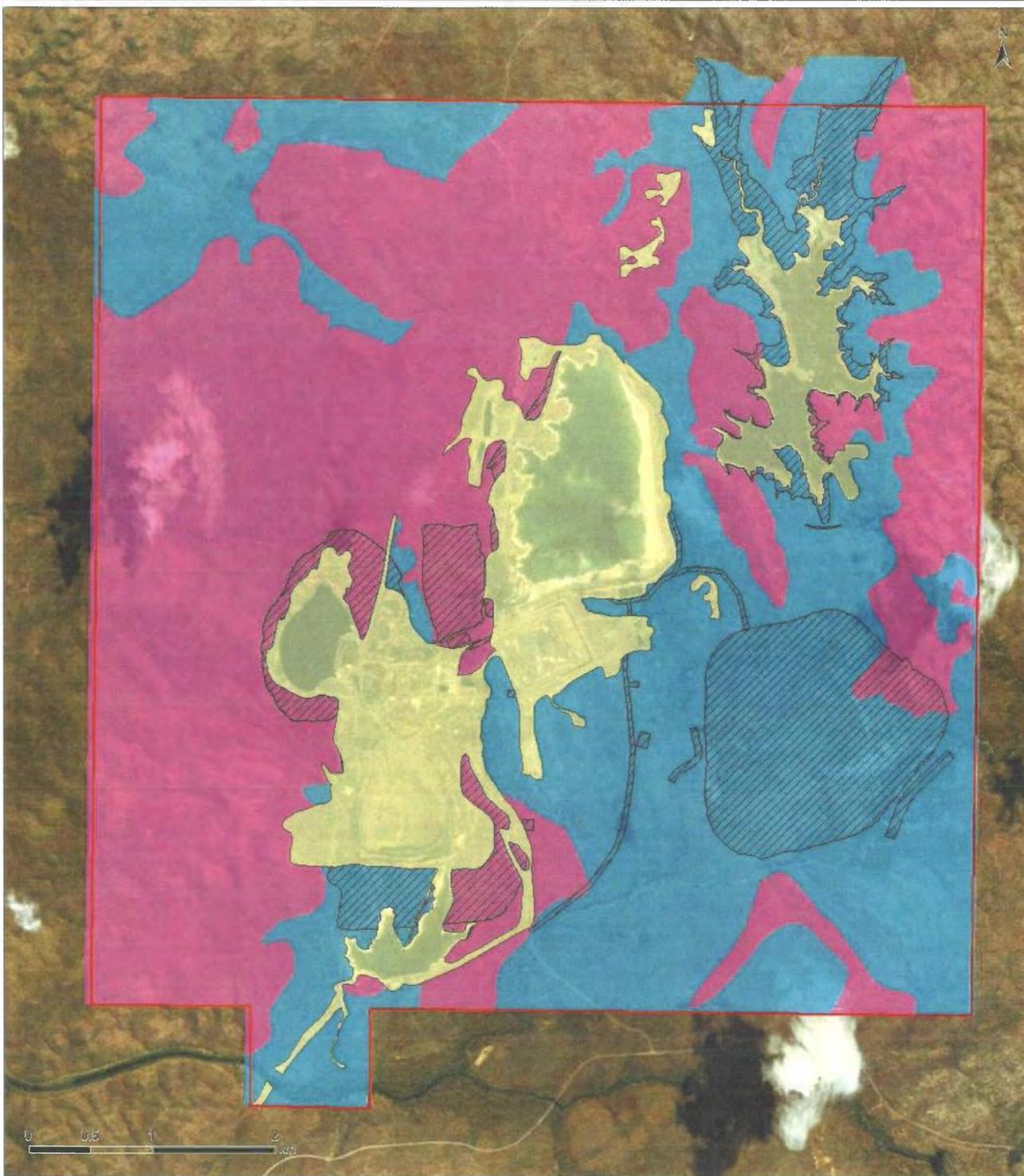
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Coordinate System: GDA 1994 MGA Zone 52  
 Projection: Transverse Mercator  
 Datum: GDA 1994



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

REVISIONS  
LIBR: 62/14/02



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

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