



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC ref: 2013/7083

Ms Cathy Paxton
Head of Environment and Sustainability
Deep Yellow Limited
cathy.paxton@deepyellow.com.au

Reporting Period variation for the Mulga Rock Uranium Project, Shire of Menzies, WA

Dear Ms Paxton

I refer to correspondence dated 17 April 2023 to the department on behalf of Vimy Resources Limited requesting variation of conditions attached to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2013/7083 to realign the compliance reporting requirement with the WA requirements.

Officers of this department have reviewed the variation request and briefed me. As delegate of the Minister for the Environment and Water, I have varied the conditions attached to EPBC Act approval 2013/7083 under section 143(1)(c) of the EPBC Act to re-align annual reporting period to the WA requirements. The action must now be taken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

As you are aware, the department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the department on request.

Should you require any further information please contact Max Stratton by email to PostApproval@dcceew.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachel Short', written over a light blue horizontal line.

Rachel Short
Branch Head
Environment Assessments (Vic, Tas) and Post Approvals Branch
Nature Positive Regulation Division

5 December 2023

Attach:

- Variation Notice



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Mulga Rock Uranium Project, Shire of Menzies, WA (EPBC 2013/7083)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

approval holder	Vimy Resources Limited ABN: 56 120 178 949
approved action	To develop the Mulga Rock Uranium Project located 240 km north east of Kalgoorlie [See EPBC referral 2013/7083 and variation to the action received 12 November 2015 and accepted on 11 December 2015].

Variation

variation of conditions attached to approval	The variation is: Delete condition 6 attached to the approval and substitute with the condition specified in the table below. Delete the definition of Department and substitute with the definition specified in the table below. Add definitions for Business Day, Clear, cleared or clearing, Compliance Report, Harm, Incident, Sensitive Ecological Data, Shapefile and Website as specified in the table below.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Rachel Short Branch Head Environment Assessments (Vic, Tas) and Post Approvals Branch
signature	
date of decision	5 December 2023

date of decision	Conditions attached to the approval
Original decision dated 2/3/2017	<p>1. To manage the impacts of the action on protected matters, the person taking the action must implement the conditions of the WA approval.</p>
Original decision dated 2/3/2017	<p>2. To offset the residual significant impact to the Sandhill Dunnart (<i>Sminthopsis psammophila</i>), the person taking the action must prepare a Sandhill Dunnart Conservation Plan (the Plan) to reduce the threat to the Sandhill Dunnart posed by feral animals within the defined area.</p> <p>The Plan must be prepared by a suitably qualified expert and in consultation with the WA Department of Parks and Wildlife. The Plan must:</p> <ul style="list-style-type: none"> a) define the area over which the Plan applies (the defined area). The defined area must: <ul style="list-style-type: none"> i. be located outside of the MRUP development envelope, but within the project boundary ii. contain at least 6000 ha of suitable habitat for the Sandhill Dunnart iii. contain a local population of Sandhill Dunnart. b) detail objectives and measurable performance indicators for implementing the Plan and managing threats to the Sandhill Dunnart within the defined area relating to feral animals c) detail the methodology that will be implemented for determining the baseline condition of the defined area including estimated baseline local population of Sandhill Dunnart and feral animals d) detail management actions that will be implemented to achieve the objectives of the Plan e) identify and manage risks associated with achieving the Plan's objectives f) detail contingency responses and corrective actions that will be implemented should performance indicators not be achieved. This includes trigger values for implementing contingency responses and corrective actions, and the timeframes in which corrective actions will be implemented g) detail a monitoring program, including a monitoring methodology, to review effectiveness of management actions and to support an adaptive management approach to implementation of the Plan h) provide the timing and frequency of management actions, monitoring and reporting programs and the person/s responsible for implementing the actions and programs

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date of decision	Conditions attached to the approval
Original decision dated 2/3/2017	<p>3. The person taking the action must not commence construction of the airstrip unless the Plan has been approved in writing by the Minister. If the Minister approves the Plan, then the approved plan must be implemented for the life of the approval.</p>
Original decision dated 2/3/2017	<p>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.</p>
Original decision dated 2/3/2017	<p>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, 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.</p>
As varied on the date this notice was signed	<p>6. The person taking the action must prepare a compliance report for each 12-month period following 31 December of any given year, or as otherwise agreed to in writing by the Minister. Each compliance report must be consistent with the <i>Annual Compliance Report Guidelines, Commonwealth of Australia 2014</i> and include:</p> <ul style="list-style-type: none"> a) Accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents. b) One or more shapefile showing all clearing of protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared. c) A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented. <p>The person taking the action must:</p> <ul style="list-style-type: none"> d) Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required. e) Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website. f) Provide the weblink for the compliance report in the notification to the department.

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date of decision	Conditions attached to the approval
	<p>g) Keep all published compliance reports required by these conditions on the website until the expiry date of this approval.</p> <p>h) Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public.</p> <p>i) If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.</p> <p>Note: Compliance reports may be published on the department's website.</p>
Original decision dated 2/3/2017	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 .
Original decision dated 2/3/2017	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 .
Original decision dated 2/3/2017	9. Unless otherwise agreed to in writing by the Minister , the person taking the action must publish the Plan referred to in these conditions of approval on its website within one (1) month of being approved by the Minister .

Date of decision	Definitions attached to approval
	Definitions
As varied on the date this notice was signed.	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
As varied on the date this notice was signed.	Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation
Original decision dated 2/3/2017	Commencement: any vegetation clearing or construction of infrastructure, excluding construction of fences, signage or geotechnical investigations where no vegetation clearance is required.

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Date of decision	Definitions attached to approval
Original decision dated 2/3/2017	Commence construction of the airstrip: means any action taken to construct the airstrip for the proposed action detailed in Figure 1 including any vegetation clearance or ground disturbance. This definition excludes the installation of fencing, signage or other investigations where no vegetation clearance is required.
As varied on the date this notice was signed.	Compliance report: means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
As varied on the date this notice was signed.	Department: the Australian Government Department of Climate Change, Energy, the Environment and Water or any other agency administering the EPBC Act from time to time.
Original decision dated 2/3/2017	EPBC Act: <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
As varied on the date this notice was signed.	Harm: means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.
As varied on the date this notice was signed.	Incident: means any event which has the potential to, or does, harm any protected matter .
Original decision dated 2/3/2017	Minister: the Minister administering the EPBC Act and includes a delegate of the Minister.
Original decision dated 2/3/2017	MRUP development envelope: The MRUP development envelope as identified in Figure 1 attached to this approval.
As varied on the date this notice was signed.	Plan: means any action management plan or strategy that the approval holder is required by these conditions to implement.
Original decision dated 2/3/2017	Project boundary: The project boundary (mining tenure and miscellaneous tenure) as identified in Figure 1 attached to this approval.
Original decision dated 2/3/2017	Protected matters: matters protected under Part 3 of the EPBC Act for which this approval has effect, which are the Ooldea Guinea-Flower (<i>Hibbertia crispula</i>), the Sandhill Dunned (<i>Sminthopsis psammophila</i>) and the environment (as defined by section 528 of the EPBC Act).

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Date of decision	Definitions attached to approval
As varied on the date this notice was signed.	Sensitive ecological data means data as defined in the <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> , Commonwealth
As varied on the date this notice was signed.	<p>Shapefile: means location and attribute information about the Action provided in an Esri shapefile format containing:</p> <ol style="list-style-type: none"> 1. '.shp', '.shx', '.dbf' files, 2. a '.prj' file which specifies the projection or geographic coordinate system used, and 3. an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
Original decision dated 2/3/2017	Substantially commenced: means the erection of any infrastructure, excluding signs and fences, associated with the action.
Original decision dated 2/3/2017	Suitably qualified expert: means a person with relevant tertiary qualifications and a minimum of ten (10) years demonstrated experience relevant to the task in question.
Original decision dated 2/3/2017	WA approval: means the WA Minister for Environment Approval Statement (Statement 1046), or as varied by the WA Minister for Environment.
As varied on the date this notice was signed.	Website: means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	<u>Appendices</u>
Original decision dated 2/3/2017	Figure 1 – Proposed Development Envelope

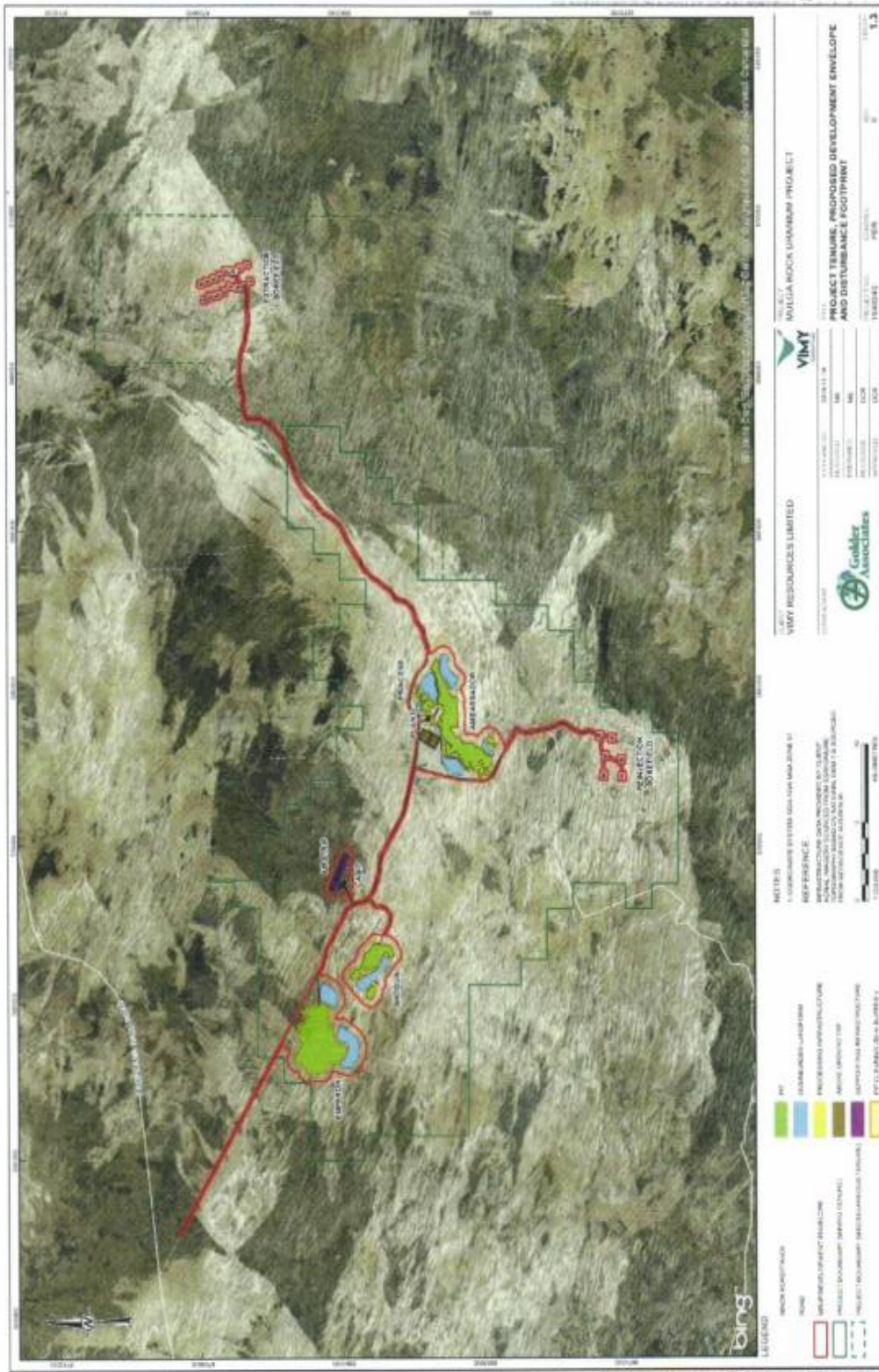


Figure 1