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Published on: 19 August 2019

Statement No. 1110

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED**  
**(*Environmental Protection Act 1986*)**

**YANGIBANA RARE EARTHS PROJECT**

**Proposal:** The proposal is to develop a mine to extract and process rare earth elements. The proposal includes five open pits, tailings facilities and ancillary infrastructure to support the mining operation. The proposal is located 270 kilometres east-northeast of Carnarvon in the Shire of Upper Gascoyne.

**Proponent:** Hastings Technology Metals Ltd  
Australian Company Number ACN 122 911 399

**Proponent Address:** Level 8 Westralia Plaza  
167 St Georges Terrace  
PERTH WA 6000

**Assessment Number:** 2115

**Report of the Environmental Protection Authority:** 1642

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Table 1 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

**1 Proposal Implementation**

1-1 When implementing the proposal, the proponent must not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

## **2 Contact Details**

- 2-1 The proponent must notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

## **3 Time Limit for Proposal Implementation**

- 3-1 The proponent must not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 The proponent must provide to the CEO documentary evidence demonstrating they have complied with condition 3-1 no later than fourteen (14) days after the expiration of five (5) years from the date of this Statement.

## **4 Compliance Reporting**

- 4-1 The proponent must prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan must indicate:
- (1) the frequency of compliance reporting;
  - (2) the approach and timing of compliance assessments;
  - (3) the retention of compliance assessments;
  - (4) the method of reporting of potential non-compliances and corrective actions taken;
  - (5) the table of contents of Compliance Assessment Reports; and
  - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent must assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent must retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and must make those reports available when requested by the CEO.

- 4-5 The proponent must advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent must submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report must:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

## **5 Public Availability of Data**

- 5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent must make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.
- 5-2 If any data referred to in condition 5-1 contains particulars of:
- (1) a secret formula or process; or
  - (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent must provide the CEO with an explanation and reasons why the data should not be made publicly available.

## 6 Flora and Vegetation

6-1 The proponent must manage the implementation of the proposal to meet the following environmental objectives:

- (1) Avoid where possible, and minimise direct and indirect impacts to:
  - (a) vegetation units AtGc, AaSaEs and Fs;
  - (b) listed Priority Flora including but not limited to *Acacia curryana*, *Rhodanthe frenchii* and species subject to further targeted surveys under condition 6-2; and
  - (c) vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation.

6-2 Prior to the commencement of ground disturbing activities, the proponent must undertake a targeted vegetation and flora survey within and outside of the development envelope in accordance with *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA 2016) for:

- (1) vegetation units AtGc and AaSaEs;
- (2) *Acacia curryana*, *Elacholoma* sp. Showy flowers (C.P. Campbell 1762), *Isotropis forrestii*, *Rhodanthe frenchii*, *Solanum octonum*, *Wurmbea fluviatilis*, *Goodenia berringbinensis* and *Goodenia nuda*; and
- (3) vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation.

6-3 Prior to the commencement of ground disturbing activities, the proponent must undertake modelling to determine indirect impacts from altered surface water regimes on vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation and the associated Priority Flora as identified in condition 6-2(2).

6-4 Prior to the commencement of ground disturbing activities, the proponent must prepare and submit a Condition Environmental Management Plan to the satisfaction of the CEO. The plan must demonstrate that the environmental objectives in condition 6-1 will be met.

6-5 The Condition Environmental Management Plan required by condition 6-4 must:

- (1) specify the environmental objectives to be achieved, as specified in condition 6-1;
- (2) specify management actions that will be implemented to achieve compliance with the environmental objective specified in condition 6-1;

- (3) specify management targets to determine the effectiveness of the risk-based management actions;
- (4) specify monitoring to measure the effectiveness of management actions against management targets, including but not limited to, parameters to be measured, baseline data, monitoring locations, and frequency and timing of monitoring;
- (5) specify a process for revision of management actions and changes to proposal activities, in the event that the management targets are not achieved. The process must include an investigation to determine the cause of the management target(s) not being achieved;
- (6) provide the format and timing for the reporting of monitoring results against management targets to demonstrate that condition 6-1 has been met over the reporting period in the Compliance Assessment Report required by condition 4-6 including but not limited to:
  - (a) verification of the implementation of management actions; and
  - (b) reporting on the effectiveness of management actions against management target(s);
- (7) provide details of the timing and methodology and results of additional surveys required by condition 6-2;
- (8) specify management actions to be undertaken to minimise direct and indirect impacts to vegetation units AtGc, AaSaEs and Fs, vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation, and Priority Flora, *Acacia curryana*, *Elacholoma* sp. Showy flowers (C.P. Campbell 1762), *Isotropis forrestii*, *Rhodanthe frenchii*, *Solanum octonum*, *Wurmbea fluvialis*, *Goodenia berrinbinensis* and *Goodenia nuda*;
- (9) specify management actions to be undertaken to avoid direct or indirect impacts to records of vegetation units AaSaEs and Fs, vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation, and individuals and populations of Priority Flora species *Acacia curryana*, *Elacholoma* sp. Showy flowers (C.P. Campbell 1762), *Isotropis forrestii*, *Rhodanthe frenchii*, *Solanum octonum*, *Wurmbea fluvialis*, *Goodenia berrinbinensis* and *Goodenia nuda*, informed by survey outcomes, to maximise representation of vegetation and Priority Flora within areas that will not be disturbed as defined in Figure 1 of Schedule 1;

- (10) provide details of monitoring to be conducted within and outside the predicted indirect impact areas as defined in Figure 1 of Schedule 1, including, but not restricted to, groundwater drawdown extent; and
  - (11) provide details of the outcomes of vegetation health monitoring, groundwater drawdown levels, weed monitoring, surface water monitoring to detect potential for indirect impacts to vegetation units AtGc, AaSaEs and Fs, vegetation communities associated with claypans/depressions, drainage lines, creeks and riparian vegetation, and Priority Flora, *Acacia curryana*, *Elacholoma* sp. Showy flowers (C.P. Campbell 1762), *Isotropis forrestii*, *Rhodanthe frenchii*, *Solanum octonum*, *Wurmbea fluvialis*, *Goodenia berringbinensis* and *Goodenia nuda*.
- 6-6 Failure to implement one or more of the management actions required by condition 6-5(2) represents non-compliance with these conditions.
- 6-7 After receiving notice in writing from the CEO that the Condition Environmental Management Plan satisfies the requirements of conditions 6-5, the proponent must:
- (1) implement the Condition Environmental Management Plan, or any subsequent approved versions; and
  - (2) continue to implement the Condition Environmental Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives specified in condition 6-1 have been met.
- 6-8 In the event that monitoring, tests, surveys or investigations indicate one or more management actions specified in the Condition Environmental Management Plan have not been implemented, the proponent must:
- (1) investigate to determine the cause of the management action(s) not being implemented;
  - (2) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to the failure to implement management actions;
  - (3) provide a report to the CEO within seven (7) days of the non-compliance being identified. The report must include:
    - (a) cause for failure to implement management actions;
    - (b) the findings of the investigation required by conditions 6-8(1) and 6-8(2);
    - (c) relevant changes to proposal activities; and

- (d) measures to prevent, control or abate the environmental harm which may have occurred.

6-9 The proponent:

- (1) may review and revise the Condition Environmental Management Plan; or
- (2) must review and revise the Condition Environmental Management Plan as and when directed by the CEO.

6-10 The proponent must implement the latest revision of the Condition Environmental Management Plan required by condition 6-4, which the CEO has confirmed by notice in writing, satisfies the requirements of conditions 6-5.

## **7 Subterranean Fauna**

7-1 The proponent must manage the implementation of the proposal during the construction and operations phases to meet the following environmental outcome for stygofauna:

- (1) ensure that groundwater drawdown of the local calcrete aquifer outcrop as defined in Figure 2 of Schedule 1 does not exceed five (5) m over an area greater than 50% of the local calcrete aquifer extent.

7-2 Prior to the commencement of ground disturbing activities of the Yangibana North and West pits, the proponent must prepare and implement a Condition Environmental Management Plan to the satisfaction of the CEO. The plan must demonstrate that the environmental outcomes specified in condition 7-1 will be met.

7-3 The Condition Environmental Management Plan required by condition 7-2 must:

- (1) specify the environmental outcomes to be achieved, as specified in condition 7-1;
- (2) specify trigger criteria that must provide an early warning that the threshold criteria identified in condition 7-3(3) may not be met;
- (3) specify threshold criteria to demonstrate compliance with the environmental outcomes specified in condition 7-1. Exceedance of the threshold criteria represents non-compliance with these conditions;
- (4) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
- (5) specify trigger level actions to be implemented in the event that trigger criteria have been exceeded;

- (6) specify thresholds contingency actions to be implemented in the event that threshold criteria are exceeded; and
  - (7) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 7-1 has been met over the reporting period in the Compliance Assessment Report required by condition 4-6.
- 7-4 After receiving notice in writing from the CEO that the Condition Environmental Management Plan satisfies the requirements of conditions 7-2 and 7-3 the proponent must:
- (1) implement the Condition Environmental Management Plan, or any subsequent approved versions; and
  - (2) continue to implement the Condition Environmental Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives specified in condition 7-1 have been met.
- 7-5 In the event that monitoring, tests, surveys or investigations indicate exceedance of threshold criteria specified in the Condition Environmental Management Plan, the proponent must:
- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
  - (2) implement the threshold level contingency actions specified in the Condition Environmental Management Plans within twenty-four (24) hours and continue implementation on those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and the implementation of the threshold contingency actions is no longer required;
  - (3) investigate to determine the cause of the threshold criteria being exceeded;
  - (4) investigate to provide information for the CEO to determine potential environmental harm that occurred due to the threshold criteria being exceeded; and
  - (5) provide a report to the CEO within twenty-one (21) days of the exceedance being reported as required by condition 7-5(1). The report must include:
    - (a) details of threshold contingency actions implemented;
    - (b) the effectiveness of the threshold contingency actions implemented, against the threshold criteria;



- (c) the finding of the investigations required by conditions 7-5(3) and 7-5(4);
- (d) measures to prevent the threshold criteria being exceeded in the future;
- (e) measures to prevent, control or abate the environmental harm which may have occurred; and
- (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that outcomes would continue to be met.

7-6 The proponent:

- (1) may review and revise the Condition Environmental Management Plan; or
- (2) must review and revise the Condition Environmental Management Plan as and when directed by the CEO.

7-7 The proponent must implement the latest revision of the Condition Environmental Management Plan required in condition 7-2, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 7-3.

[signed on 19 August 2019]

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Table 1: Summary of the Proposal

<b>Proposal Title</b>	Yangibana Rare Earths Project
<b>Short Description</b>	The proposal is to develop a mine to extract and process rare earth elements. The proposal includes five open pits, tailings facilities and ancillary infrastructure to support the mining operation. The proposal is located 270 km east-northeast of Carnarvon in the Shire of Upper Gascoyne.

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Proposed extent
<b>Physical elements</b>		
Mine and associated infrastructure	Figure 1	Clearing of no more than 1,000 ha within a development envelope of 13,373 ha.
<b>Operational elements</b>		
Mining	Figure 1	Mining from five pits: <ul style="list-style-type: none"> <li>• Yangibana North</li> <li>• Yangibana West</li> <li>• Bald Hill and Bald Hill SE</li> <li>• Frasers</li> </ul>
Groundwater abstraction, from fractured rock aquifer of the Yangibana North and West, Bald Hill and Bald Hill SE and Frasers mine pits and the paleochannel of the SipHon Borefield	Figure 1	no more than 2.5 GL/a of groundwater
Tailings disposal	Figure 1	no more than: 10 Mt into Beneficiation TSF 770,000 t into Hydromet TSF

Table 3: Abbreviations and Definitions

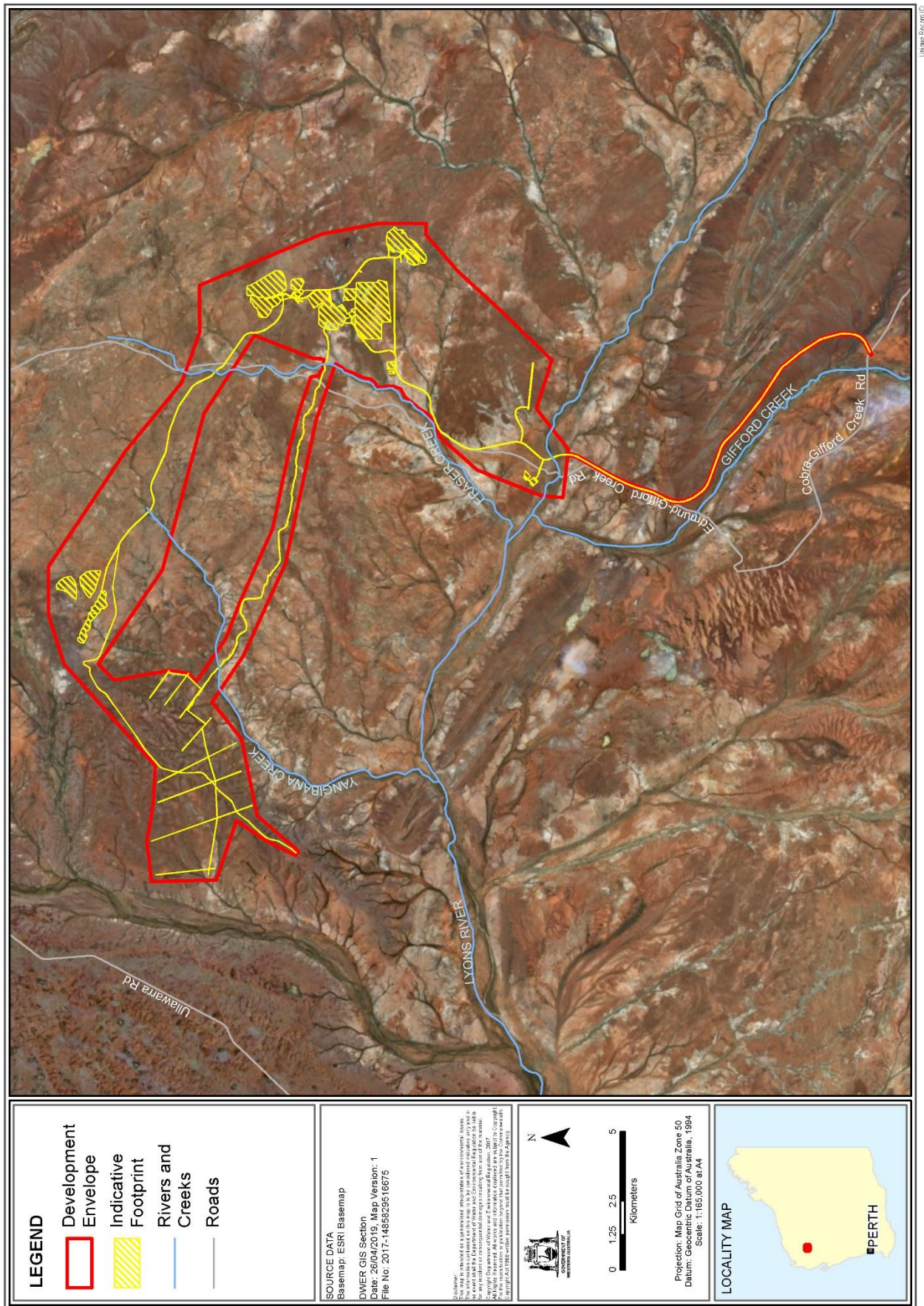
Acronym or Abbreviation	Definition or Term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectares
Gifford Creek PEC	Priority 1 <i>Gifford Creek, Mangaroon, Wanna calcrete groundwater assemblage type on Lyons palaeodrainage on Gifford Creek, Lyons and Wanna Stations</i> Priority Ecological Community
GL/a	Gigalitres per annum

Acronym or Abbreviation	Definition or Term
Ground disturbing activities	Activities that are associated with the substantial implementation of a proposal including but not limited to, digging (with mechanised equipment), blasting, earthmoving, vegetation clearance, grading, gravel extraction, construction of new or widening of existing roads and tracks.
km	kilometres
m	Metres
Mt	Million tonnes
Priority Flora	Plant taxa listed by the Department of Biodiversity, Conservation and Attractions that are either under consideration as threatened flora but are in need of additional survey to adequately determine their status, or are adequately known but require monitoring to ensure that their security does not decline.
Significant Flora	Flora may be considered significant for a range of reasons, including, but not limited to the following: <ul style="list-style-type: none"> <li>• being identified as threatened or priority species</li> <li>• locally endemic or association with a restricted habitat type (e.g. surface water or groundwater dependent ecosystems)</li> <li>• new species or anomalous features that indicate a potential new species</li> <li>• representative of the range of a species (particularly, at the extremes of range recently discovered range extensions, or isolated outliers of the main range)</li> <li>• unusual species, including restricted subspecies, varieties or naturally occurring hybrids</li> <li>• relictual status, being representative of taxonomic groups that no longer occur widely in the broader landscape.</li> </ul>
t	Tonnes
TSF	Tailings Storage Facility

### Figures (attached)

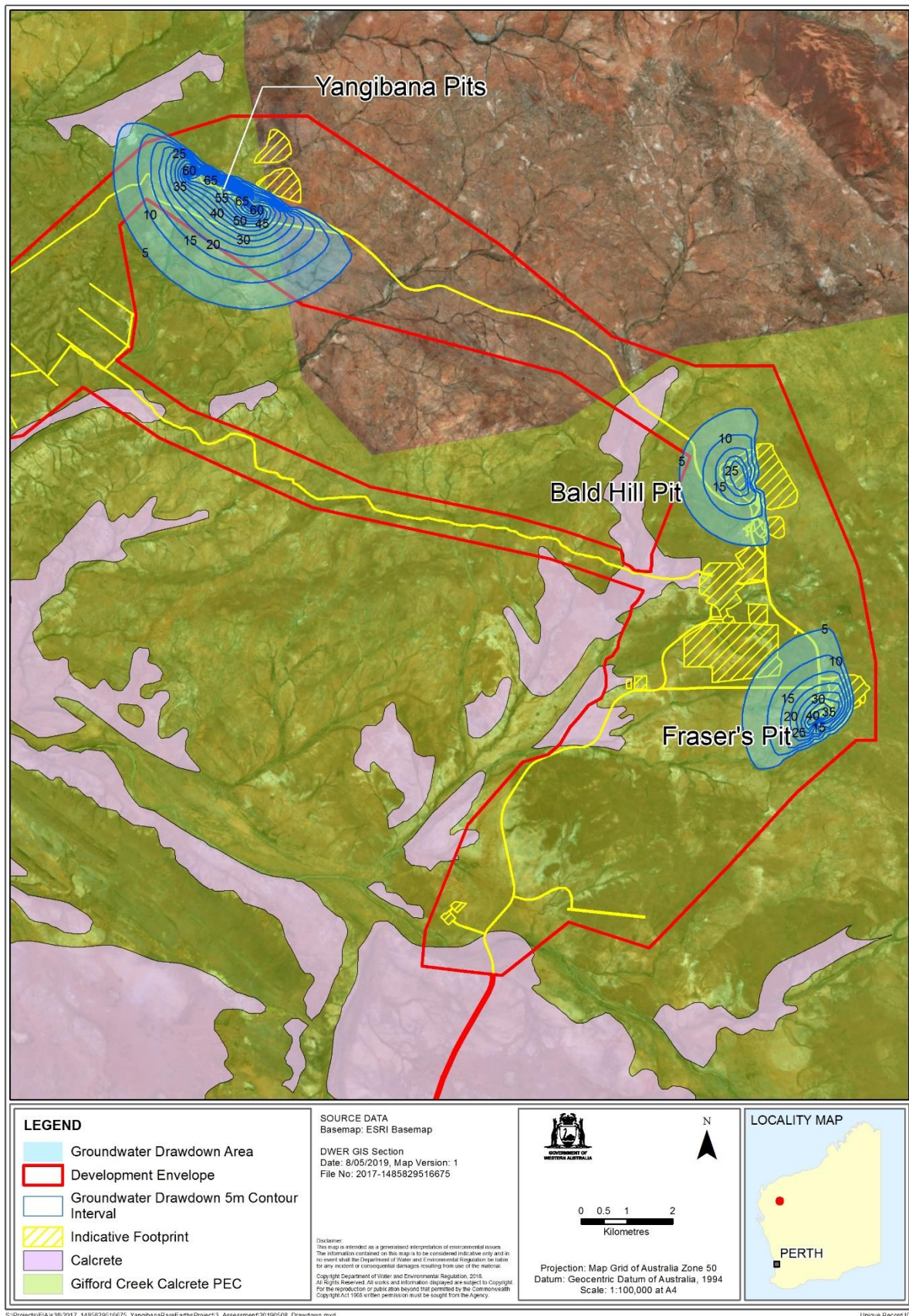
Figure 1 Yangibana development envelope and indicative footprint

Figure 2 Potential area of groundwater drawdown on calcrete aquifer outcrop associated with the Gifford Creek PEC



**Figure 1 Yangibana development envelope and indicative footprint**





**Figure 2 Potential area of groundwater drawdown on calcrete aquifer outcrop associated with the Gifford Creek PEC**

## **Schedule 2**

Co-ordinates defining the areas referred shown in Figures 1 and 2 of Schedule 1, and referred to in Ministerial Conditions 7 and 8 are held by the Department of Water and Environmental Regulation under the following reference number DWERDT-168166.