

Environmental Protection Act 1986

Section 43A

NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING ASSESSMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

Hastings Technology Metals Limited (ABN: 43 112 911 399)
Suite 506, Level 5, 50 Clarence Street
SYDNEY NSW 2000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Yangibana Rare Earths Project
Assessment No. 2115

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred;

1. Change to development envelope boundary relating to the relocation of proposed airstrip;
2. Increase in capacity of tailings storage facilities (TSF) to;
9.336 Megatonnes in TSF 1;
484,000 tonnes in TSF2;
638,000 tonnes in TSF3; and
3. Change to development envelope for the inclusion of a Borefield and Water Pipeline.

These changes are illustrated in Figure 1 (attached).

EFFECT OF THIS NOTICE:

1. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.

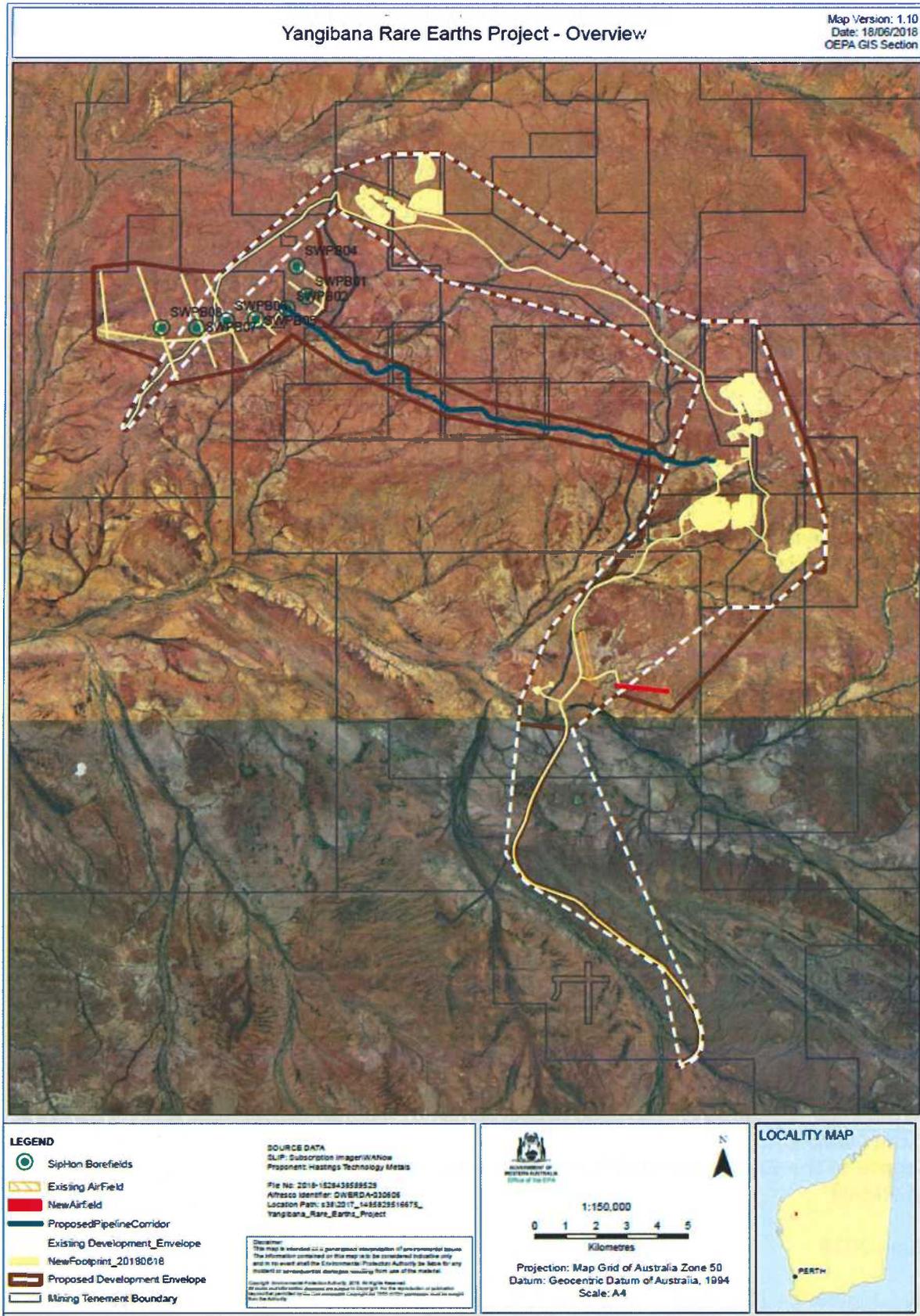


Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

26 June 2018

Encl: Figure 1 – Revised Development Envelope including new airstrip location, borefield and water pipeline

Figure 1 – Revised Development Envelope including new airstrip location, borefield and water pipeline



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STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Yangibana Rare Earths Project

Proponent: Hastings Technology Metals Limited

Decision

For the reasons outlined below, the EPA has determined to consent to the Proponent changing the Proposal outlined in Table 1 and Figure 1 attached to this Statement of Reasons.

Background

On 31 January 2017, Hastings Technology Metals Limited (HTML) referred the Yangibana Rare Earths Project to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal includes mining above and below the ground water table, on-site processing of ore and associated infrastructure. Transport of the produce via road to Fremantle port is currently proposed. The proposal would involve clearing up to 1,000 hectares (ha) within a development envelope of 12,051 ha and water abstraction of up to 2.5 gigalitres per year.

On 22 February 2018, the EPA determined to assess the Proposal at the level of Public Environmental Review with a 4-week public review period and an EPA-prepared Environmental Scoping Document (ESD).

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to change the Proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change
- statement of the significance of the change and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. Proposal Referral Documentation;
2. Public submissions from the 7-day advertising period for the referral;
3. Proponent's Request to Change Proposal; and
4. Relevant EPA policy and procedures.

Consideration

1. Nature of the proposed change

a) Change to the location of the airstrip

At the request of the pastoral lease holder adjacent to the proposal, HTML proposes to change the location of the proposed airstrip 1 km east-south-east of the original proposal. This changes the development envelope from what was originally proposed (Figure1). This change is not considered to be significant as it does not change the scale of clearing for this proposal and no conservation significant flora are located in the new airstrip location.

b) Increased capacity of Tailings Storage Facilities

HTML propose to increase the proposed capacity of the three tailings facilities (TSF) by 3.213 Megatonnes (44.3 percent). The increases for each of the three TSF are as follows (Table 1);

TSF	Original Extent	Proposed Extent
TSF1	6.545 Megatonnes	9.336 Megatonnes
TSF 2	280,000 tonnes	484,000 tonnes
TSF 3	420,000 tones	638,000 tonnes
Total	7.245 Megatonnes	10.458 Megatonnes

Table 1: Change in capacity for each Tailings Storage Facility at Yangibana

The change is a result of an increase in the design life of the TSF from seven years to ten years. HTML states that the disturbance footprint for the TSFs will not change nor will the management approach to the disposal of the tailings.

c) Inclusion of a Borefield and Water Pipeline

The proponent has been required to identify a sustainable water supply source for the proposal. HTML has identified an appropriate water source outside the proposed development envelope. Inclusion of this water source and associated water pipeline increases the development envelope by 10.5% from 12,098 hectares to 13,373 hectares (Figure 1).

HTML states that the clearing involved will not be significant as the pipeline will be predominantly located alongside an existing track and will be installed above ground. Due to the flexibility in the pipeline, priority flora can be avoided. HTML also states that due to the physical characteristics of the aquifer and lithology in the proposed borefield area, impacts on stygofauna is considered to be unlikely.

2. Stage of the assessment process

HTML is in the process of submitting an Environmental Review Document (ERD) which will be released for public review over a 4-week period.

3. Currency, relevance and reliability of the information, including submissions

The EPA Services Directorate considers that the currency, relevance and reliability of the information provided is satisfactory.

4. Community engagement

One public comment (recommendation to review on proponent information) was received in relation to the proponent's referral documentation for the proposal during the 7-day public comment from 13 to 19 February 2017. The draft ESD was subject to review from the following decision-making authorities prior to the proponent submitting their Section 43A application to the Chairman of the EPA;

- Department of Biodiversity, Conservation and Attractions;
- Department of Mines, Industry Regulation and Safety;
- Department of Aboriginal Affairs;
- Radiological Council;
- Department of Health;
- Shire of Upper Gascoyne; and
- The Commonwealth Department of the Environment and Energy

The draft ERD will be amended to include all the proposed changes to the proposal described in the proponent's Section 43A application prior to being released for a 2-week public review period followed by a review of the Public Environmental Review Document for a further 4 weeks. The EPA Services Directorate considers that this constitutes an adequate level of community engagement.

5. Level of public concern

As indicated above, 1 public comment was received in relation to the proponent's referral documentation for the proposal during the 7-day public comment from 13 to 19 February 2017. The level of public concern regarding the changes to the proposal will only be able to be ascertained once the public review period for ERD has been completed.

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The EPA Chairman's determination on the level of assessment for the original proposal dated 22 February 2017 identified the following preliminary key environmental factors:

- Flora and Vegetation;
- Subterranean Fauna;
- Terrestrial Environmental Quality;
- Hydrological Processes;
- Inland Waters Environmental Quality; and
- Human Health;

The proposed changes will not require additional factors to be considered as preliminary key environmental factors for the purposes of preparing the draft ERD. However, some additional works may be required for some of the preliminary key environmental factors due to the addition of the Borefield and water pipeline. These changes will be identified within the draft ERD which is currently being prepared by the proponent.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The area of the development envelope for the changed proposal will be increased by about 10.5% however the proponent considers that no conservation significant flora will be impacted. The EPA Services Directorate is of the opinion that this increase in the area of impact on the environment is unlikely to affect the significance and duration of the potential impacts in the context of the entire proposal.

c) Consequence of the likely impacts (or change)

The consequences of the likely impacts of implementing the changes to the proposal are will be larger than the original proposal given that the total area of clearing that will be required will be increased. The management of the TSF will be unlikely to change despite the increase of TSF capacity. The inclusion of borefields are unlikely to impact stygofauna.

d) Resilience of the environment to cope with the impacts or change

The EPA Services Directorate considers that the resilience of the environment to cope with the impacts from the changed proposal remains unchanged from that of the original proposal, should it be implemented.

e) Cumulative impacts with other projects

Cumulative impacts will be considered in the EPA's assessment of the changed proposal.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The impact to the environmental functions and values of the proposal area is likely to be increased as a result of the changed proposal being implemented given that the development envelope will be increased by approximately 10.5%. A holistic assessment of the changed proposal will be undertaken during the EPA's assessment of the proposal.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

There is no change to the level of confidence in the prediction of impacts and the success of the proposed mitigation.

h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

One comment was received during the 7-day public comment period following the referral of the proposal to the EPA. The comment indicated that the preferred level of assessment for the proposal is to assess on referral information.

Figure 1 Yangibana Rare Earths Project Revised Proposal Layout

