

***Environmental Protection Act 1986***

**Section 43A**

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING  
ASSESSMENT**

**PERSON TO WHOM THIS NOTICE IS GIVEN**

Lynas Kalgoorlie Pty Ltd (ABN: 73053160302)  
Suite 1, 45 Royal Street  
EAST PERTH WA 6004

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Lynas Kalgoorlie Rare Earths Processing Facility  
Assessment No. 2269

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

- Removal of the Yarri Road by-product storage facility.

See Figure 1 and Schedule 1 attached.

**EFFECT OF THIS NOTICE:**

1. The EPA considers that the change is unlikely to significantly increase any impact that the proposal may have on the environment. 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.



**Professor Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

9 September 2021

**Schedule 1**  
**Change to Proposal**

**Table 1: Summary of the Proposal**

<b>Proposal title</b>	Lynas Rare Earths Processing Facility
<b>Proponent name</b>	Lynas Kalgoorlie Pty Ltd
<b>Short description</b>	<del>Construction and Operation of a Rare Earths Processing Facility and By-product Storage Facility.</del> <b>Construct and operate a rare earths processing facility at Lot 500 Great Eastern Highway, Yilkari, Kalgoorlie.</b>

**Table 2 Location and proposed extent of physical and operational elements**

<b>Proposal element</b>	<b>Current proposed extent</b>	<b>Proposed change to the proposed extent</b>
<b>Physical elements</b>		
Location	<ul style="list-style-type: none"> <li>Rare Earths Processing Facility: 70 Johns Road, Yilkari General Purpose Lease No. G 26/169</li> <li>By-Product Storage Facility: 90% on Common Reserve 8767, and 10% on Unallocated Crown Land (UCL), Parkeston1</li> </ul>	<b>Rare Earths Processing Facility: 70 Johns Road, Yilkari General Purpose Lease No. G 26/169</b>
Proposal footprint	Lot 500 Rare Earths Processing Facility disturbance envelope of 120 ha over 135 ha site. Yarri Road By-product Storage Facility disturbance envelope of 97.3 ha over a 535 ha site	<b>Lot 500 Rare Earths Processing Facility: disturbance footprint of 120 ha within a 135 ha development envelope.</b>
<b>Operational elements</b>		
Primary feed	162,000 tonnes per annum Mt Weld Rare Earth Concentrate	No change to the proposed extent
Production capacity:	86,000 tonnes per annum Rare Earth Carbonate Product	No change to the proposed extent

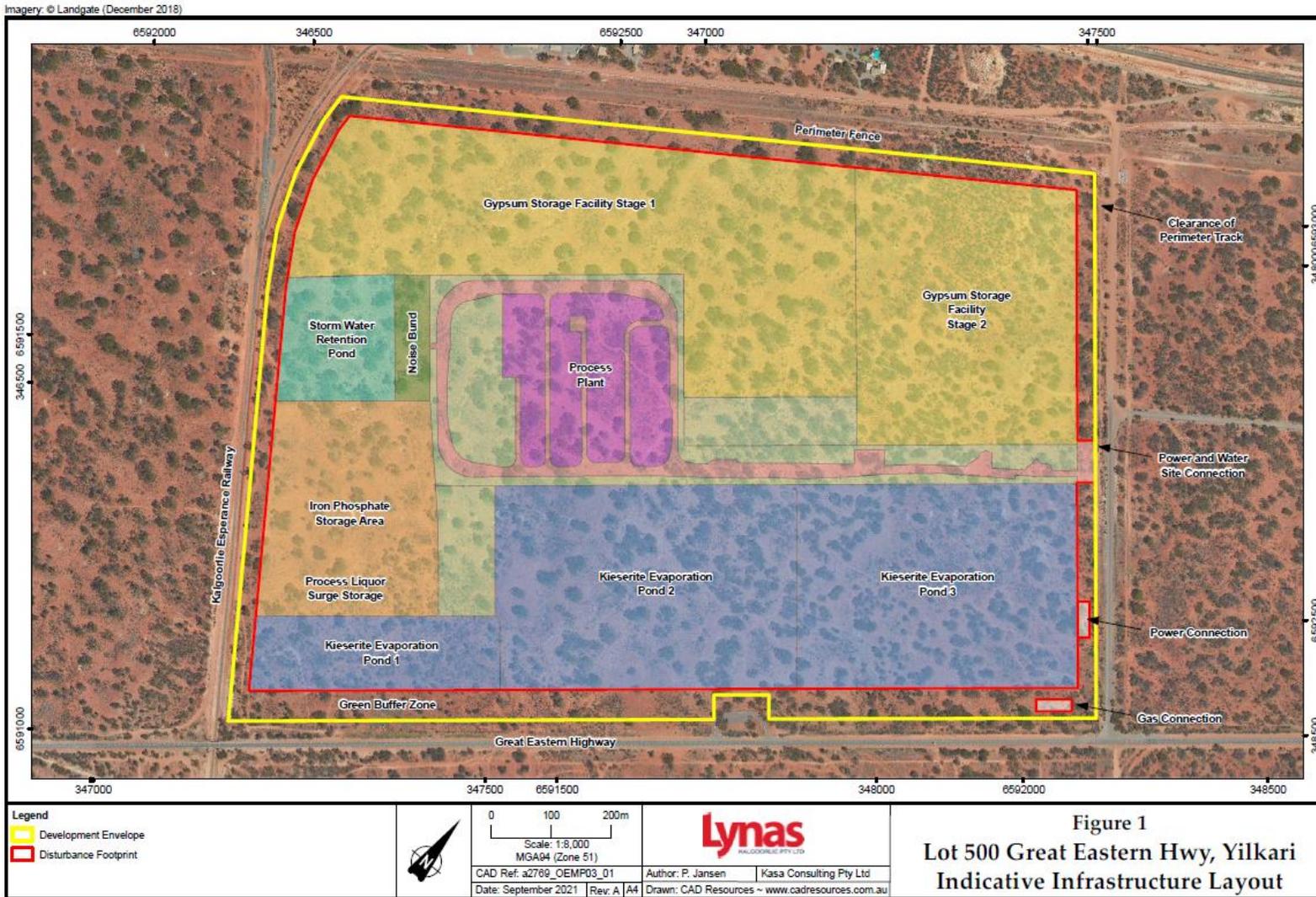


Figure 1: Revised development envelope and disturbance footprint. The indicative layout is also shown.

***Environmental Protection Act 1986***

**Section 43A**

**STATEMENT OF REASONS**

**CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT**

**Proposal:** Lynas Kalgoorlie Rare Earths Processing Facility

**Proponent:** Lynas Kalgoorlie Pty Ltd

**Decision**

For the reasons outlined below, the EPA has determined to consent to the proponent changing the proposal outlined in Schedule 1 attached to this Statement of Reasons.

**Background**

On 13 September 2020, Lynas Kalgoorlie Pty Ltd (the Proponent) referred the Lynas Kalgoorlie Rare Earths Processing Facility (the Proposal) to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal is to construct and operate a new Rare Earths Processing Facility at Lot 500 Great Eastern Highway, Yilkari and a By-product storage facility on Common Reserve 8767, Yarri Road, Parkerston in the City of Kalgoorlie-Boulder.

The EPA determined to assess the Proposal at the level of Referral Information with updated referral document and additional information required (4-week public review) on 24 November 2020.

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 the proponent changing 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.

The proponent is required to provide:

- 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. Lynas Rare Earths Processing Facility – Kalgoorlie Section 43A Application (KASA Consulting 2021)
2. Lynas Rare Earth Processing Facility – Kalgoorlie Environmental Review Document Response to Submissions Revision 2 (KASA Consulting 2021)
3. Chair's Determination of Level of Assessment (November 2020)
4. Environmental Review Document Lynas Rare Earths Processing Facility and By-product Storage Facility – Kalgoorlie Version 1 (KASA Consulting 2021)
5. Advice from the Department of Mines, Industry Regulation and Safety
6. Advice from the Radiological Council of Western Australia
7. Public submissions
8. EPA Guidance and procedures.

### **Consideration**

#### **1. Nature of the proposed change**

The proponent Lynas Kalgoorlie Pty Ltd (Lynas) proposes to remove the Yarri Road by-product storage facility, located at Common Reserve 8767 Yarri Road Parkerston, from the proposal. The proponent has been investigating alternatives for reuse and long term storage of the by-products and determined to change the storage option for this proposal. The change is based on ongoing Native Title determinations and stakeholder feedback.

The by-products will instead be returned and stored in mine waste areas at the Mt Weld mine site, near Laverton. The transport and storage of the by-products is covered by the approval of the Mt Weld Rare Earths Project under Ministerial Statement 476.

While Lynas may continue to investigate alternatives for reuse and long term storage of the by-products, these are excluded from the proposal.

The change will remove the by-product storage facility from the key characteristics of the proposal and reduce the disturbance footprint by 97.3 hectares (ha). The revised disturbance footprint is shown in Figure 1.

#### **2. Stage of the assessment process**

The EPA set a level of Referral Information with updated referral document and additional information required under section 40(2) of the EP Act (4-week public

review). The updated referral document and additional information underwent public review from 9 June 2021 to 7 July 2021.

The proponent has submitted a response to submissions document which is being reviewed by the Department of Water and Environmental Regulation EPA Services Directorate.

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

The information relating to the change is considered reliable and relevant in relation to the change. There was sufficient information provided with the referral to undertake the assessment on Referral Information with additional information. The additional information was mostly on the Yarri Road by-product storage facility, and this was determined to be suitable for public release on 9 June 2021.

### 4. Community engagement

The community had an opportunity to comment on the updated referral document and additional information between 9 June and 7 July 2021. Sixteen organisations and members of the public, along with two government agencies, submitted comments on the proposal.

The EPA is considering the comments received in its assessment of the proposal.

### 5. Level of public concern

There were 27 public submissions during the 7 day comment period on the level of assessment with all submissions wanting the EPA to assess the proposal. There were 16 submissions from the public, and 2 from government agencies during the 4-week public review period. The EPA does not consider that the proposed changes will result in an increased level of interest in the proposal.

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

The following were considered:

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

The EPA Chair's determination identified the preliminary key environmental factors as:

- Flora and Vegetation
- Terrestrial Fauna

- Terrestrial Environmental Quality
- Inland Waters
- Air Quality
- Social Surroundings
- Human Health

There are no additional key environmental factors as a result of the change.

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

The EPA considers that the extent of the likely impacts from the proposal will decrease as a result of the removal of the Yarri Road by-product storage facility.

The disturbance footprint will decrease from 217.3 ha within a 670 ha development envelope, across two sites, to 120 ha within a 135 ha development envelope on one site.

There are no changes to the primary feed or production capacity.

- Consequence of the likely impacts (or change)

The likely consequence of the change is a decrease in the impacts for some environmental factors and no change to others.

The disturbance will be reduced by 97.3 ha, or 45 per cent. The amount of flora and vegetation impacted will be reduced with no clearing of native vegetation at the removed Yarri Road site. There were no Threatened Flora, Threatened Ecological Communities or Priority Ecological Communities at either the Yarri Road site or the remaining Lot 500 Great Eastern Highway, therefore the impact to these will not change. One Priority Flora species was recorded within the Yarri Road site while no Priority Flora species were recorded within the Lot 500 Great Eastern Highway site. There were seven *Eremophila praecox* (Priority 2) plants recorded within the Yarri Road site and the potential impact to this species has been removed as a result of the change.

The fauna surveys did not record significant fauna at either the Yarri Road or Lot 500 sites. The impact on significant fauna species is not likely to change, however, there will be a decrease in clearing of potential fauna habitats for terrestrial fauna.

Dust emissions were raised as a concern in public comments. The potential for dust emissions from the Yarri Road by-product storage facility has been avoided through the by-products being returned to Mt Weld. The Rare Earths

Processing Facility is not changing and its impact will be assessed by the EPA.

Any potential impacts from contamination of soils from spills and seepage at the Yarri Road by-product storage facility have been removed.

The status of Aboriginal heritage is different between the two sites and the change will remove the site where consultation is still ongoing. An Indigenous Heritage Archaeological and Ethnographic survey was carried out in 2003 over a larger area that included Lot 500 Great Eastern Highway and no Registered Aboriginal Sites or Other Aboriginal Sites were recorded on Lot 500 Great Eastern Highway. However, the Yarri Road site is undergoing a Native Title claims process through the tenement application process administered under the *Mining Act 1978*. Lynas has commenced consultation with the two Native Title claimants. The removal of Yarri Road will avoid any potential impacts to Aboriginal Heritage impacts while Native Title is being resolved and consultation is ongoing.

The source material for the Rare Earths Processing Facility is rare earth concentrate from the Mt Weld mine and this has low levels of Naturally Occurring Radioactive Material (NORM). The long-term storage of the NORM by-products at the Yarri Road site has been removed from the proposal. The EPA considers the consequences of returning the by-products to the Mt Weld mine were assessed in the Mt Weld Rare Earths Project (Ministerial Statement 476) and will also be regulated through other legislation.

Both the Department of Mines, Industry Regulation and Safety and the Radiological Council of Western Australia have confirmed that the transport of by-products from Lot 500 Great Eastern Highway will be managed and regulated under the Radiation Safety (Transport of Radioactive Substances) Regulations which requires compliance with Australia's Code for the Safe Transport of Radioactive Material published by ARPANSA and a Transport Management Plan (Radiation Protection Programme). The Department of Mines, Industry Regulation and Safety have also confirmed that the storage of NORM waste at Mt Weld will be regulated through amendments to the existing Radiation Management Plan.

- Resilience of the environment to cope with the impacts or change

The EPA considers the resilience of the environment to cope with the change to the proposal remains unchanged from the original proposal.

- Cumulative impacts with other projects

Cumulative impacts will be considered in the EPA's assessment of the changed proposal. The removal of the Yarri Road by-product storage facility will reduce the impact from the proposal on a local scale.

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

The connections and interactions between parts of the environment will not change as a result of the proposed changes to the proposal. A holistic assessment of the changed proposal is currently being undertaken as part of the EPA's assessment and will be published in its report and recommendations.

- 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.

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

The EPA received 18 submissions during the 4-week public review period on the updated referral document and additional information. The submissions raised issues about the following key environmental factors:

- Flora and Vegetation
- Terrestrial Fauna
- Air Quality
- Inland Waters
- Human Health
- Social Surroundings

Many of the comments concerned the Yarri Road by-product storage facility. The concerns raised included the pending *Mining Act 1978* tenure, ongoing Native Title negotiations, rehabilitation and closure, and storage of low level radioactive material close to the Kalgoorlie-Boulder community.

The use of the alternative by-product storage solution at the Mt Weld mine site, already approved under Part IV of the EP Act, addresses several environmental issues of public interest received by the EPA.

## **Conclusion**

In conclusion, the EPA considers that the change is unlikely to significantly increase any impact the proposal may have on the environment primarily because:

- The proposed changes do not alter the key environmental factors likely to be impacted by the proposal and will be considered during the assessment.

- There is a reduction in disturbance with the change resulting in no disturbance at the Yarri Road site.
- The removal of the Yarri Road by-product storage facility from the proposal addresses some of the comments received during the public submission period.
- The transport and storage of the by-products at the Mt Weld mine site will be regulated under Part IV of the EP Act through the Mt Weld Rare Earths Project (Ministerial Statement 476) as well as other regulations and licences.

**Schedule 1**  
**Change to Proposal**

**Table 1: Summary of the Proposal**

<b>Proposal title</b>	Lynas Rare Earths Processing Facility
<b>Proponent name</b>	Lynas Kalgoorlie Pty Limited
<b>Short description</b>	<del>Construction and Operation of a Rare Earths Processing Facility and By-product Storage Facility.</del> <b>Construct and operate a rare earths processing facility at Lot 500 Great Eastern Highway, Yilkari, Kalgoorlie.</b>

**Table 2 Location and proposed extent of physical and operational elements**

<b>Proposal element</b>	<b>Current proposed extent</b>	<b>Proposed change to the proposed extent</b>
<b>Physical elements</b>		
Location	<ul style="list-style-type: none"> <li>Rare Earths Processing Facility: 70 Johns Road, Yilkari General Purpose Lease No. G 26/169</li> <li>By-Product Storage Facility: 90% on Common Reserve 8767, and 10% on Unallocated Crown Land (UCL), Parkeston1</li> </ul>	<b>Rare Earths Processing Facility: 70 Johns Road, Yilkari General Purpose Lease No. G 26/169</b>
Proposal footprint	Lot 500 Rare Earths Processing Facility disturbance envelope of 120 ha over 135 ha site. Yarri Road By-product Storage Facility disturbance envelope of 97.3 ha over a 535 ha site	<b>Lot 500 Rare Earths Processing Facility: disturbance footprint of 120 ha within a 135 ha development envelope.</b>
<b>Operational elements</b>		
Primary feed	162,000 tonnes per annum Mt Weld Rare Earth Concentrate	No change to the proposed extent
Production capacity:	86,000 tonnes per annum Rare Earth Carbonate Product	No change to the proposed extent

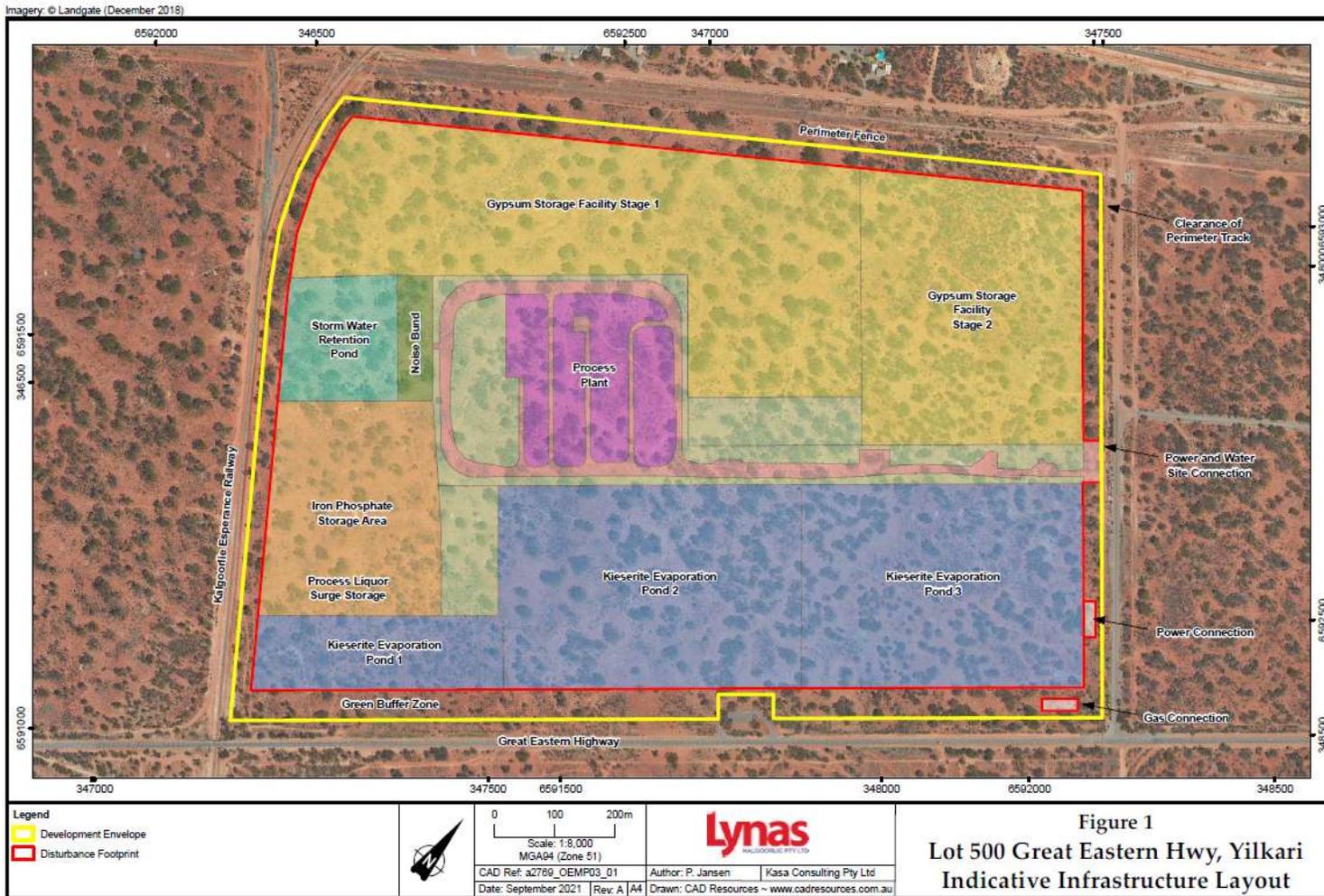


Figure 1: Revised development envelope and disturbance footprint. The indicative layout is also shown.