

## Environmental Protection Authority

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### *Environmental Protection Act 1986*

#### Section 45C

### NOTICE OF DECISION TO CONSENT TO AMEND AN APPROVED PROPOSAL WITHOUT INQUIRY

#### PERSON TO WHOM THIS NOTICE IS GIVEN

Northern Minerals Limited

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#### PROPOSAL TO WHICH THIS NOTICE RELATES

Browns Range Rare Earths Project

#### MINISTERIAL STATEMENT and ANY APPROVED CHANGES

MS 986, issued 20 October 2014

Attachment 1 to MS 986, issued 12 April 2017

Attachment 2 to MS 986, issued 4 September 2020

#### DECISION

Pursuant to s. 45C (1) (a) of the *Environmental Protection Act 1986* (EP Act), the Deputy Chair acting as delegate for the Minister for Environment gives approval to the following amendments of the approved proposal:

- Increase the disturbance footprint from 711 ha to 771 ha (8.4% increase), predominantly for the inclusion of renewable energy infrastructure, and an increase in the development envelope from 2,590 ha to 4,384 ha (70% increase), predominantly for the expansion and relocation of the borefield.
- Realignment of the development envelope to reflect changes to the alignment of the access road, inclusion of associated borrow pits, relocation and expansion of the borefield, and to account for changes to drainage infrastructure.

The amended proposal content document and figures are attached.

#### SUMMARY OF REASONS

- There are no Priority Ecological Communities (PEC), Threatened Ecological Communities (TEC) or threatened flora species identified within the amended development envelope. The 60 ha increase in vegetation clearing is therefore

not likely to have a significant impact on flora and vegetation or vegetation values.

- The amendment associated with the access road will increase the area of a restricted vegetation association (Perched Damplands (D1)) within the development envelope (from 7 ha to 24.6 ha). The Perched Damplands vegetation association has only been mapped within the access road portion of the development envelope near the Ringer Soak community. There are no Perched Damplands mapped in other portions of the proposed development envelope, associated with larger disturbance footprints (e.g. mine infrastructure and renewable energy infrastructure). Consistent with the proponent's commitments during the EPA's assessment of the approved proposal, the EPA expects the proponent to avoid, where possible, clearing of the Perched Damplands vegetation association. The proponent has committed to limiting direct disturbance to this vegetation association to 0.7 ha.
- The additional 60 ha of vegetation clearing will increase direct impacts to fauna habitat. However, impacted fauna habitat types are well represented both locally and regionally and the habitat types within the expanded development envelope are the same as those within the approved proposal. The extent of fauna habitats present within the amended development envelope represents less than 35% of the locally mapped extent of each fauna habitat.
- Potential impacts to conservation significant species of terrestrial vertebrate fauna will continue to be mitigated through implementation of the Conservation Significant Fauna Management Plan (SFMP) required by existing Condition 6 of Ministerial Statement 986 (MS986). The SFMP is required to include pre-disturbance survey, monitoring during operations, and contingency measures for conservation significant fauna to ensure that impacts to significant species of terrestrial vertebrate fauna are minimised. Consistent with conditions 6-8 and 6-9 of MS986, to incorporate these changes approved under s45C, the proponent will be required to review and revise the SFMP and submit it for approval.
- The amendments will not increase impacts to any restricted habitat types, such as 'internal drainage' and 'seasonal drainage', with the potential to support short-range endemic (SRE) species. Other potential SRE habitats are widely available within the development envelope.
- The amendments include an increase to the development envelope by 1794 ha; however, the proposed increase to the disturbance footprint is limited to 60 ha (8.4% increase) within the expanded development envelope. The scale of the increase to the size of development envelope reflects the proponent's requirement for flexibility in proposal design (e.g. to allow appropriate siting of water production bores, and to facilitate avoidance of environmental values), rather than a requirement for a significant increase in extent of on-ground disturbance/clearing.

- Given that the proponent has provided adequate information about the environmental values within the proposed additional development envelope area, and for the reasons set out above, I have concluded the amendments are not likely to result in a significant impact on biodiversity values for flora and vegetation and terrestrial fauna.
- There is no change to the volume or rate of groundwater abstraction. The expanded borefield will result in groundwater abstraction from the same aquifer, that is geologically consistent with the existing borefield location. The expanded borefield area provides similar stygofauna habitat that is likely to be connected with and support a similar assemblage of stygofauna species as the approved borefield area. In addition, groundwater abstraction from production wells spread over a larger area will reduce impacts to stygofauna habitat due to lowering of the watertable. Therefore, the expansion of the borefield development envelope is not likely to have a significant effect on subterranean fauna.
- The inclusion of renewable energy infrastructure will reduce the proposal's GHG emissions by approximately 60%.
- The amendments are unlikely to result in a significant impact to Aboriginal cultural heritage (ACH). The amendments were designed to avoid and minimise impacts to ACH values located within or in close proximity to the expanded development envelope. The proponent's obligations in respect to the protection of Aboriginal heritage matters are set out in existing Heritage Protection Agreements with the respective native title parties.
- There are no new environmental factors likely to be significantly affected as a result of the amendments.
- The amended proposal, if implemented, is unlikely to have a significant effect on the environment and is therefore not considered a significant amendment. In considering this, the effects of the amendments on its own, the effects of the amendments in the context of the existing approved proposal, cumulative and holistic impacts have been considered.
- The amended proposal will be substantially the same character as the existing referred proposal.

## **EFFECT OF THIS NOTICE:**

1. The proposal as amended in accordance with this notice is taken to be able to be implemented under s. 45 of the EP Act.

**RIGHTS OF APPEAL:**

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

A handwritten signature in black ink, appearing to read 'Ms Lee McIntosh', with a stylized, cursive script.

**Ms Lee McIntosh**  
**Delegate of the Environmental Protection Authority**  
DEPUTY CHAIR

26 August 2024

**Attachment 1- Amended proposal content document showing the new approved proposal**

Attachment 1: [Browns Range Rare Earths Project Proposal Content Document](#)