



**Approval**

Nolans Rare Earth Project, 135 km North-West of Alice Springs, Northern Territory (EPBC 2015/7436)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

|   |  |
|---|--|
| <b>person to whom the approval is granted</b> | Arafura Resources Limited  |
| <b>proponent's ACN</b>                        | 080 933 455  |
| <b>proposed action</b>                        | To construct and operate an open pit rare earths mine, intermediate processing facility using a phosphoric acid pre-leach process and associated support infrastructure, approximately 135 km north-west of Alice Springs, Northern Territory [See EPBC Act referral 2015/7436 and variation received 16 August 2016]. |

**Approval**

| Controlling Provision   | Decision |
|---|----------|
| Listed threatened species and communities (sections 18 & 18A) | Approved |
| Nuclear actions (sections 21 & 22A)                           | Approved |


**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2069

**Decision-maker**

|                          |  |
|--------------------------|--|
| <b>name and position</b> | Gregory Manning<br>Assistant Secretary<br>Assessments (WA, SA, NT) and Post Approvals Branch |
| <b>signature</b>         |           |
| <b>date of decision</b>  | 11 May 2018  |

## Conditions attached to the approval

1. The **approval holder** must not **clear** more than 4530 hectares of vegetation within the **project area**, including no more than:
  - i. 267 hectares of **Black-footed Rock-wallaby habitat**,
  - ii. 123 hectares of **Great Desert Skink habitat**, and
  - iii. 125 hectares of **Brush-tailed Mulgara habitat**.
2. To manage the impacts of groundwater drawdown, the **approval holder** must submit to the **Minister** for approval, a Water Abstraction Management Plan that meets the following requirements of **Assessment Report 84**:
  - i. a) to i) of recommendation 3,
  - ii. a) to c) of recommendation 4,
  - iii. a) to g) of recommendation 5, and
  - iv. a) to h) of recommendation 6
3. To manage impacts on surface water flow and volume, the **approval holder** must submit to the **Minister** for approval, a Kerosene Camp Creek Management Plan that meets requirements a) to d) of recommendation 7 of **Assessment Report 84**.
4. To manage contaminants in the waste rock dumps, tailings storage facility, and residue storage facility, the **approval holder** must submit to the **Minister** for approval, an Acid and Metalliferous Drainage Management Plan that meets requirements a) to c) of recommendation 8 of **Assessment Report 84**.

The design of the **waste storages**, and any works undertaken at the **waste storages** must be administered by a qualified and experienced **independent certified engineer**.

5. To manage the impacts on **terrestrial fauna** and flora, the **approval holder** must submit to the **Minister** for approval, a Biodiversity Management Plan that meets requirements a) to h) of recommendation 11 of **Assessment Report 84**.
6. Surveys required under condition 5 of this approval must be undertaken in accordance with **survey guidelines** and by a **suitably qualified expert**. Buffers of at least 200 meters must be applied to any additional **Great Desert Skink** warren identified during surveys required under condition 5 of this approval.
7. To manage the containment of radionuclides and radiation protection of people and non-human biota, the **approval holder** must submit to the **Minister** for approval a Radiation Protection Management Plan and a Radioactive Waste Management Plan that meet requirements of:
  - i. a) to b) of recommendation 15, and
  - ii. e) and g) of recommendation 16 of **Assessment Report 84**.

The Radiation Protection Management Plan and the Radioactive Waste Management Plan must be developed by a **suitably qualified expert** based upon guidance material from **ARPANSA**.

8. The **approval holder** must not **commence** the action until the management plans required by conditions 2, 3, 4, 5 and 7 of this approval, are approved by the **Minister**. Once approved by the **Minister**, the management plans must be implemented.
9. Within 10 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
10. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans 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**. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
11. Within three months of every 12 month anniversary of the **commencement** of the action, the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
12. Within 30 days after the **completion** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **completion** and provide a map clearly defining the date, location and boundaries of the **clearing** footprint within the **project area** and be accompanied with a **shapefile**.
13. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The **approval holder** 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**.
14. If, at any time after five years from the date of this approval, the **approval holder** has not **commenced** the action, then the **approval holder** must not **commence** the action without the written agreement of the **Minister**.

## **Definitions**

**ARPANSA** means the Australian Radiation Protection and Nuclear Safety Agency.

**Assessment Report 84** means the Northern Territory Environment Protection Authority's Assessment Report 84 published on 5 January 2018.

**Approval holder** means the 'person to whom the approval is granted', specified in this approval.

**Black-footed Rock-wallaby** means the **EPBC Act** listed *Petrogale lateralis MacDonnell Ranges race*.

**Black-footed Rock-wallaby habitat** means Acacia/Triodia shrubland, rocky or gravelly gneiss or schist outcrops with no spinifex and the rocky outcrops of the Yundurbungu Hills in the **project area**.

**Brush-tailed Mulgara** means the **EPBC Act** delisted *Dasyercus blythi*.

**Brush-tailed Mulgara habitat** means the spinifex grassland on sandplain habitat within the **project area**.

**Clear** or **Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, burning of vegetation, or the removal of soil, rock or other landforms within the **project area**.

**Commencement, Commence** or **Commenced** means the first instance of any specified activity associated with the action including **clearing**, and/or construction of any infrastructure. Commencement of the action does not include minor physical disturbance necessary to undertake pre-clearance surveys or install signage of temporary fencing.

**Completion** means the day after which the mine permanently ceases operation.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Greater Bilby** means the **EPBC Act** listed *Macrotis lagotis*.

**Great Desert Skink** means the **EPBC Act** listed *Liopholis kintorei*.

**Great Desert Skink habitat** means *Triodia basedowii* hummock grassland on sandplains in the **project area**.

**Independent certified engineer** is a person with engineering qualifications accredited by Engineers Australia or equivalent that provides impartial and credible advice.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**Night Parrot** means the **EPBC Act** listed *Pezoporus occidentalis*.

**Princess Parrot** means the **EPBC Act** listed *Polytelis alexandrae*.

**Project area** means the area mapped within the geographic coordinates at Attachment A.

**Shapefile** means an ESRI shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the **project area** and the **clearing** footprint, including but not limited to the area in hectares, **EPBC Act** reference ID number and **EPBC Act** protected matters relevant to the site.

**Suitably qualified expert** means a person who has professional qualifications, training, skills and a minimum of ten years demonstrated experience related to the nominated subject matter that can provide an authoritative independent assessment and/or advice on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Survey guidelines** means the following documents:

- *Survey guidelines for Australia's threatened reptiles: Guidelines for detecting reptiles listed as threatened under the EPBC Act* (Commonwealth of Australia, 2011)(or as amended).
- *Survey guidelines for Australia's threatened birds: Guidelines for detecting birds listed as threatened under the EPBC Act* (Commonwealth of Australia, 2010 and erratum added to page 131 in April 2017)(or as amended).

- *Survey guidelines for Australia's threatened mammals: Guidelines for detecting mammals listed as threatened under the EPBC Act (Commonwealth of Australia, 2011)(or as amended).*

**Terrestrial fauna** includes but is not limited to, the **Black-footed Rock-wallaby** (*Petrogale lateralis MacDonnell Ranges race*), **Great Desert Skink** (*Liopholis kintorei*), **Greater Bilby** (*Macrotis lagotis*), **Princess Parrot** (*Polytelis alexandrae*), **Night Parrot** (*Pezoporus occidentalis*), and **Brush-tailed Mulgara** (*Dasymercus blythi*).

**Waste storages** means waste rock dumps, tailings storage facility (TSF) and residue storage facility (RSF).



**Attachment A – Map with geographic coordinates defining the Project area**

