



Notification of approval decision

Lynas Find Project, Pilbara region, WA (EPBC 2023/09471)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.


Approved Action

person to whom the approval is granted (approval holder)	Pilbara Minerals Ltd ACN: 112425788
Action	To construct and operate an open pit mine which involves land clearing, site preparation, drilling, blasting, excavation, haulage of material mine closure and rehabilitation, located approximately 80 km SSE from Port Hedland, Pilbara Region, Western Australia (See EPBC Act referral 2023/09471)

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
period for which the approval has effect	This approval has effect until 31 December 2035	
conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Kylie Calhoun Branch Head Environment Assessments West
signature	
date of decision	13 March 2025

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and compensation conditions**CLEARING LIMITS**

- 1) The approval holder must not:
 - a) **Clear** outside of the **development envelope**.
 - b) **Construct** outside of the **development envelope**.
- 2) The approval holder must not **clear** more than:
 - a) a combined total of 87.34 hectares (ha) of **native vegetation** within the **development envelope**
 - b) 4.62 ha of **Northern Quoll critical habitat**;
 - c) 82.72 ha of **Northern Quoll supporting habitat**;
 - d) 5.56 ha of **Pilbara Leaf-nosed Bat supporting habitat**.
- 3) To avoid and mitigate **harm** to the **Northern Quoll** and its habitat, the approval holder must:
 - a) Not disturb, **clear**, **construct**, or take any part of the Action that may cause **harm** to **protected matters** in the **avoidance area**.
 - b) Allow only personnel required to survey or monitor the **Northern Quoll** population to ensure **protected matters** are not harmed in the **avoidance area**.
 - c) Ensure that the **avoidance area** continues to provide a **habitat corridor** for dispersal of **Northern Quoll** by excluding any disturbance from the **avoidance area** and maintaining its **habitat quality**.

- d) Conduct a pre-clearance survey less than 24 hours prior to any **clearing** and ensure that any **Northern Quoll** individual recorded during the pre-clearance survey is immediately trapped and released to nearby appropriate habitat by a **suitably qualified fauna handler**.
 - e) Ensure that targeted surveys to determine the population status of **Northern Quoll** in the **development envelope** are undertaken by a **suitably qualified field ecologist** at least once in every three years.
 - f) Undertake **progressive clearing** to retain **protected matters** habitat for as long as possible.
 - g) Within 3 years of **commencement of dumping**, undertake progressive rehabilitation on Waste Rock Landforms to create suitable habitat for the **Northern Quoll** as outlined in the Section 6 of the **Environmental Management Plan**.
 - h) Undertake monitoring, at least once each year, commencing within 4 years of the commencement of **dumping**, of the **habitat quality** of rehabilitated **Northern Quoll** habitat, in the **development envelope**, until the objectives relating to **Northern Quoll** habitat within the **Environmental Management Plan (EMP)** have been met.
- 4) If the approval holder detects the presence, where likely to be affected by the Action, of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department** as part of the referral of this Action or in accordance with this condition, the approval holder must:
- a) notify the **department** in writing of the presence and likely extent of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department** within 10 **business days** of detecting the presence of any **protected matter** or the habitat of any **protected matter** not previously reported to the **department**, and
 - b) not **clear** any area where the **protected matter** or the habitat of the **protected matter** is located unless:
 - i) condition 2 provides for the **clearing** of that **protected matter** or habitat of that **protected matter**, and
 - ii) **clearing** does not exceed the limit specified in condition 2 for that **protected matter** or habitat of that **protected matter**.

ACTION MANAGEMENT PLANS

Environmental Management Plan

- 5) To avoid and mitigate **harm** as a result of the Action on **protected matters**, the approval holder must commence implementing the **Environmental Management Plan (EMP)** no later than the **commencement of the Action** and continue to implement the **EMP** until the **Minister** has approved a Revised EMP.

- 6) By implementing the **EMP** or the Revised EMP, the approval holder must achieve the following environmental outcomes for the **protected matters**:
- a) No decrease to the local geographic distribution of the **Northern Quoll**.
 - b) No decrease to the abundance of **Northern Quoll** in the **development envelope** and no decline in population condition through the measurement of the **health condition index (HCI)** of captured females of the **Northern Quoll**.
 - c) No significant decrease to the **level of activity** or presence of **Pilbara Leaf-nosed Bat** in the **development envelope**.
- 7) By implementing the **EMP** or the Revised EMP, the approval holder must:
- a) Minimise loss or degradation of habitat.
 - b) Minimise risk of habitat fragmentation and edge effects.
 - c) Reduce risk of faunal displacement and death.
 - d) Reduce impacts from dust, noise, vibration, light emission and fire.
 - e) Prevent attraction of fauna and (both native and feral animals) to the **development envelope**, particularly storage areas of water and food wastes.
 - f) Minimise the introduction of weeds.
 - g) Minimise alteration of surface water flows and surface water quality.
 - h) Avoid impacts on groundwater ecosystems as a result of changes to groundwater quality.
- 8) The approval holder must not exceed any threshold criteria related to **protected matters** specified in the **EMP** or the Revised EMP.
- 9) In the event of any exceedance of a threshold criterion related to **protected matters** specified in the **EMP** or the Revised EMP, the approval holder must:
- a) notify the **department** of the exceedance within **2 business days** of becoming aware of the exceedance,
 - b) investigate to determine the cause of the exceedance and submit a report of the findings of this investigation to the **department** in writing within **20 business days** of becoming aware of the exceedance.

Surface water and ground management

- 10) To prevent sediment entering local creek systems, the approval holder must implement the bunding measures at the proposed **Waste Rock Landform** recommended at “Table 3-1: Management Measures” of the **EMP**. The approval holder must ensure that water captured within the bunding does not mix with water from the natural creek system. The approval holder must, at least once each year, ensure the integrity of the bund.

- 11) To better understand **dewatering** requirements to ensure that habitat for the **protected matters** is not impacted, the approval holder must:
- a) Install a minimum of 4 monitoring bores, prior to the **commencement of the Action**, within the vicinity of the proposed pit.
 - b) Conduct monthly monitoring of groundwater levels and quarterly groundwater quality sampling. All the parameters specified at “Table 3-6: Groundwater Monitoring Parameters” must be measured in compliance with the monitoring frequency specified in Table 3-6.
 - c) Establish a baseline of at least 2 years of data relating to water quality and level prior to commencement of **mining** below the water table and utilise the baseline data to establish standards to develop implementation of environmental controls.
- 12) The approval holder must, prior to commencement of **mining** below the water table, submit to the **department** for approval by the **Minister** a revised version of the **EMP** (a ‘Revised EMP’) that is informed by 2 years of monitoring data collected prior to **mining** below the water table. The approval holder must not commence **mining** below the water table until the **Minister** has approved the Revised EMP in writing or as per condition 23 of this approval. The approval holder must commence implementing the Revised EMP within 14 days of its approval and continue to implement the Revised EMP until the **completion of the Action**.
- 13) To mitigate the **harm** to the **protected matters** and their habitat, in the event that any Potentially Acid Forming material (PAF) is encountered at any point throughout the life of the approval, the approval holder must incorporate management measures including encapsulation above measured groundwater level into a revised EMP to be submitted to the **department** within 40 **business days** of encountering the PAF. In the event that the approval holder is required by this condition to submit a Revised EMP to address PAF, the approval holder must implement the approved Revised EMP within 14 days of its approval and continue to implement the revised EMP until the **completion of the Action**.

OFFSETS

- 14) To compensate for the residual significant impacts of **clearing Northern Quoll critical habitat** and **Northern Quoll supporting habitat** and **Pilbara Leaf-nosed Bat supporting habitat**, the approval holder must make financial contributions to the **Pilbara Environmental Offsets Fund (PEOF)**.
- 15) In contributing to the **PEOF** the approval holder must:
- a) contribute funds toward an offset activity or activities that:
 - i) reduces the rate of decline of the **Northern Quoll** and **Pilbara Leaf-nosed Bat**,
 - ii) ensures viable populations of **Northern Quoll** and **Pilbara Leaf-nosed Bat** remain in the Pilbara region,

- iii) has specified outcomes and performance indicators; timeframes and milestones for their achievement,
 - iv) includes sufficient monitoring to detect achievement of performance indicators, milestones, and the outcomes, and
 - v) requires regular reporting to the approval holders of the outcomes of the offset activity or activities their funding has contributed towards.
- b) Prior to the **commencement of the Action**, make a payment of AUD 16,120.06 into the **PEOF** (which is estimated as 10 per cent of the possible total contribution that will be paid into the **PEOF** for the entire Action), which will contribute towards achieving the requirements of Condition 15(a) of this approval,
- c) Make biennial payments to the **PEOF** based on evidence of the **actual clearing footprint** in accordance with the timing specified in the **Lynas Find Project Impact Reconciliation Procedure**, which are equivalent to or greater than the value of the following amounts, by adjustment in accordance with the **CPI** from the date of this approval decision until the date on which the payment is made, of:
- i) A minimum of \$3,306 AUD (excluding GST) per hectare of **Northern Quoll critical habitat cleared**.
 - ii) A minimum of \$1,653 AUD (excluding GST) per hectare of **Northern Quoll supporting habitat and Pilbara Leaf-nosed Bat supporting habitat cleared**.
- d) Submit evidence of each payment made to the **department** within 10 **business days** of the date of making the payment. The initial 10% prepayment may be progressively and proportionately reconciled during the required subsequent payments to the **PEOF**.
- e) Provide details of progress towards, or achievement of, the outcomes specified under condition 15) a) of this approval for the **Northern Quoll** and **Pilbara Leaf-nosed Bat** in each **compliance report** submitted to the **department**.
- 16) The approval holder must write to the **Minister**, within 10 **business days** of being aware or having concerns, that the offset outcomes specified for the projects supported through the approval holder's payments to the **PEOF** may not be achieved for the **Northern Quoll** and **Pilbara Leaf-nosed Bat**.
- 17) Should the **Minister** determine that the **PEOF** is likely to **fail** for one or more **protected matter(s)**, the **Minister** may write to the approval holder asking to provide evidence that **failure** has not occurred or is unlikely to occur and nominating a deadline by which this must be provided.
- 18) If, after considering any information provided by the approval holder, the **Minister** determines that the **PEOF** has **failed** for one or all species named in Condition 15 of this approval, the approval holder must submit for the **Minister's** approval, within 4 months of being notified by the **Minister**, an Offset Strategy consistent with the principles of the **Environmental Offsets Policy** to the satisfaction of the **Minister**.

- 19) If the Offset Strategy has not been approved by the **Minister** in writing within 6 months of the notification by the **Minister** under condition 18 of this approval, and the **Minister** notifies the approval holder that the provided Offset Strategy is not suitable for approval, the **Minister** may, at least 2 months after so notifying the approval holder, approve a version of the Offset Strategy revised by the **department**.
- 20) The approval holder must commence implementation of the approved Offset Strategy within 2 months of the approval of the Offset Strategy by the **Minister** in writing, or another time as agreed in writing by the **Minister**. The approval holder must implement the approved Offset Strategy for the **life of the approval**.
- 21) If the approval holder is required to prepare and submit an Offset Strategy for the **Minister's** approval under Condition 18 of this approval, the Offset Strategy must be prepared by a suitably qualified ecologist and provide a framework for how the **residual significant impacts** from the approved action on the **Northern Quoll** and **Pilbara Leaf-nosed Bat** will be offset. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the Offset Strategy must be **SMART** and based on referenced or included evidence of effectiveness. must include:
- a) how the strategy will achieve the outcomes required under condition 12(a) of this approval;
 - b) how it accounts for relevant approved **conservation advices, recovery plans and threat abatement plans**;
 - c) the party to be responsible for implementing the proposed offset(s);
 - d) the location and nature of the proposed offset(s);
 - e) objectives, outcomes, and timeframes for their achievement;
 - f) budget;
 - g) performance and completion criteria for evaluating conservation outcomes;
 - h) project monitoring (with indicators and measures) capable of detecting progress towards and achievement of the required outcomes;
 - i) reporting of specified outputs/offset activities, progress towards and achievement of the required outcomes, and evaluation of appropriateness of measures implemented;
 - j) a description of the potential risks to the successful implementation of each proposed offset (including but not limited to environmental, administrative, financial, and governance risks);
 - k) a description of the measures that will be implemented to mitigate risk associated with each proposed offset and a description of the **contingency actions** that will be implemented if performance or completion criteria are not met;

- l) processes to adaptively manage the proposed offset;
 - m) how the proposed offset is consistent with the **Environmental Offsets Policy**; and
 - n) how the approval holder will ensure that the measures to be implemented as part of the Offsets Strategy have no detrimental **impact** on any **protected matters** under the **EPBC Act**.
- 22) If the approval holder is required to prepare and submit an Offset Strategy for the **Minister's** approval under Condition 18 of this approval, the approval holder must implement the Offset Strategy from the date it is approved until the expiry date of this approval.

Part B – Administrative conditions

PLAN REVISION

Note: Section 143A of the **EPBC Act** entitles the approval holder to apply for the **Minister's** approval of a revised version of a **plan**.

- 23) The approval holder may choose to revise a **plan** required to be implemented under condition 5 without submitting it for approval under section 143A of the **EPBC Act**, if:
- a) the taking of the Action in accordance with the revised **plan** would be consistent with the approved Action,
 - b) the taking of the Action in accordance with the revised **plan** would be consistent with the conditions attached to this approval,
 - c) the taking of the Action in accordance with the revised **plan** would not be likely to have a **new or increased impact**, and
 - d) the approval holder notifies the **department** electronically that it has prepared a revised version of the **plan** (the 'revised **plan**'). In notifying the **department**, the approval holder must specify each condition which references the **plan** and provide the **department** with:
 - i) an electronic copy of the revised **plan**,
 - ii) an electronic copy of the revised **plan** marked up with track changes to show the differences between the **plan** and the revised **plan**,
 - iii) a comprehensive explanation of all differences between the **plan** and the revised **plan**,
 - iv) a declaration that the approval holder has read and understands the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017,
 - v) a comprehensive analysis and detailed discussion on the likelihood that taking the Action in accordance with the revised plan will not have, or will be not likely to have, a **new or increased impact**,

- vi) written notice of the date on which the approval holder will implement the revised **plan** (the 'revised **plan** implementation date'), being at least 30 **business days** after the date of providing notice of the revision of the **plan**, or a date agreed to in writing with the **department**, and
- vii) a copy of the **compliance report** for the latest **ACR period** and a statement of any relevant history of compliance (including non-compliance) in relation to the **plan**.

The approval holder must commence implementation of the revised **plan** from the revised **plan** implementation date unless otherwise notified in writing by the **Minister**.

- 24) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with a **plan** which has been revised without submitting it for the **Minister's** approval would be likely to have a **new or increased impact**, then:
- a) the approval holder's ability to choose to revise a **plan** without submitting the **plan** for **Minister** approval does not apply, or ceases to apply, in relation to the revised **plan**,
 - b) the approval holder must implement the **plan** in force immediately prior to that revised **plan** or a version of the **plan** specified by the **Minister** in the notice, and
 - c) the **Minister** may also notify that, for a specified period, the approval holder's ability to choose to revise a **plan** without submitting the **plan** for **Minister** approval does not apply for one or more specified **plans**.
- 25) The approval holder may, at any time by giving written notice to the **department**, revoke its choice to implement a **plan** which has been revised without submitting it for the **Minister's** approval. If the approval holder revokes the choice to implement a revised **plan**, the approval holder must implement the plan in force immediately prior to that revised **plan**.

Note: The above conditions are not intended to limit the operation of section 143A of the **EPBC Act**.

SUBMISSION AND PUBLICATION OF PLANS

- 26) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 27) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
- a) of this approval, if the version of the **plan** to be implemented is specified in these conditions,
 - b) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**,
- 28) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.

- 29) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

COMMENCEMENT OF THE ACTION AND DEWATERING

- 30) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 31) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.
- 32) The approval holder must notify the **department** electronically of the date of commencement of **mining** below the water table, within 5 **business days** following commencement of **mining** below the water table.

COMPLIANCE RECORDS

- 33) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 34) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 35) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 36) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 37) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of the next anniversary of the date of this approval decision except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

- 38) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.

- 39) The approval holder must ensure each **compliance report** includes:
- a) accurate and complete details of compliance and any non-compliance with:
 - i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
 - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 40) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines, Commonwealth of Australia 2023*.
- 41) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 42) The approval holder must:
- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
 - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 43) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.

- 44) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

Note: Compliance reports may be published on the **department's** website.

REPORTING NON-COMPLIANCE

- 45) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - a short description of the **incident**, and
 - the location (if applicable, including co-ordinates), date and time of the **incident**.
- 46) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - the potential impacts of the **incident**,
 - the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 47) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 48) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 49) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 50) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 51) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.

- 52) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.
- 53) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 54) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 55) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 56) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.
- 57) The approval holder must notify the **department** electronically at least 60, but not more than 70, **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Actual clearing footprint means the spatial extent of **clearing** completed during the period specified in the **Lynas Find Project Impact Reconciliation Procedure**.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent five year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Avoidance area means area represented in Attachment B by the zone shaded grey and designated 'Proposed Avoidance Area' in the legend.

Biodiversity data means 'biodiversity data' as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in Western Australia.

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation 'but does not include weeds (see *the Australian Weeds Strategy 2017-2027, Commonwealth of Australia 2017* for further guidance).

Commence the Action or commences the Action means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **development envelope**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**.
- Undertake water sampling, water testing or geotechnical investigations provided these cause only minor physical disturbance, will not harm any protected matter and are required in advance of commencement of site works.

Commencement of dumping means the first instance of **dumping**.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with

commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Conservation advice is any conservation advice or plan made or adopted by the **Minister** under the **EPBC Act**.

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the minor physical disturbance activities listed as exceptions in the definition of **Commence the Action**.

Critical caves means caves determined to be critical for the survival of the **Pilbara Leaf-nosed Bat** and categorised as Category 1, Category 2 and Category 3 by the guidance document *A review of Pilbara leaf-nosed bat ecology, threats and survey requirements* May 2021 authored by Bat Call WA Pty Ltd.

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

Development envelope means the location of the Action, represented in Attachment A by the zone enclosed by the red line and Attachment B by the zone enclosed by the red line designated 'Lynas Find Mine Development Envelope' in the legend.

Dewatering means the removal of groundwater to enable **mining**.

Dump or **dumping** means the movement and depositing of overburden, waste earth or rock and uneconomic mineralized rock to enable **mining** of the useful mineral resource.

Environmental Management Plan or **EMP** means the document Environmental Management Plan Lynas Find Project-EPBC 2023/09471, version number 2.0 and dated 13 June 2024.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012.

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

Habitat corridor means a designated area of habitat that is protected from human activities and connects habitat areas to allow **protected matters** to safely pass from one area of habitat to another.

Habitat quality means a measure of the overall viability of a site and its capacity to support **protected matters**, with respect to site condition, site context and species stocking rate and/or composition.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Health condition index (HCI) is calculated as the cube root of body weight (g) divided by the body length (mm).

Incident means any:

- event which has the potential to, or does, **harm** any **protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,

- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which the person, or firm, is required.

Level of activity means activity of **Pilbara Leaf-nosed Bat** determined by monitoring involving combination of continual acoustic-based monitoring, acoustic lure twice a year and periodic camera trap in comparison of baseline monitoring and determined by a **Suitably qualified field ecologist**.

Lynas Find Project Impact Reconciliation Procedure means the document named Impact Reconciliation Procedure dated June 2024, attached as Appendix H of the **Preliminary Documentation** or a subsequently revised version endorsed by the **Minister** in writing.

Mine or **mining** means all activities associated with the extraction of overburden or ore.

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

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

Native vegetation means plants indigenous to the Pilbara region of Western Australia. **Northern Quoll critical habitat**, **Northern Quoll supporting habitat** and **Pilbara Leaf-nosed Bat supporting habitat** all constitute **native vegetation**.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Northern Quoll means **EPBC Act** listed threatened species *Dasyurus hallucatus*.

Northern Quoll critical habitat means habitat that is considered to be habitat critical to the survival of the **Northern Quoll** by supporting breeding/denning. Within the **development envelope** and its surrounds, **Northern Quoll critical habitat** is represented in Attachment C by the purple shaded zones Attachment D by the aqua shaded zone and designated 'FH1' in the legend.

Northern Quoll supporting habitat means habitat considered to support the survival of the species for foraging, dispersal or water sources within 1 km of the critical denning habitat for the **Northern Quoll**. Within the **development envelope**, this habitat is represented in Attachment C by the zones designated as 'FH2', 'FH3', 'FH4', 'FH5' and 'FH6' in the legend and identified as Platy rock outcrops, Low hills, Sandy plains, Stony gullies and Stony plains habitat types respectively in the **Preliminary Documentation**.

Pilbara Environmental Offsets Fund or **PEOF** means an account, called the **Pilbara Environmental Offset Fund (PEOF)** Account, established under section 16(1)(d) of the *Financial Management Act 2006* and administered by the Western Australian Government to achieve environmental offsets in the Pilbara region.

Pilbara Leaf-nosed Bat means **EPBC Act** listed threatened species *Rhinoicteris aurantia* (Pilbara form).

Pilbara Leaf-nosed Bat supporting habitat means habitat considered to support the survival of the **Pilbara Leaf-nosed Bat** for foraging, dispersal or water sources within 20 km of the **critical caves** for the **Pilbara Leaf-nosed Bat**. Within the **development envelope**, this habitat is represented in Attachment E by the green shaded zones designated 'Moderate habitat rating' in the legend.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Preliminary Documentation means the Lynas Find Project Preliminary Documentation, EPBC Act Referral 2023/09471, Version 5.0, dated 25 November 2024.

Progressive clearing means undertaking **clearing** in progressive stages across the **development envelope** that allows **protected matters** to slowly disperse from the area into surrounding habitat.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Recovery Plan means a recovery plan made or adopted by the **Minister** under the **EPBC Act**.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified ecologist (for the purpose of preparing and implementing Offset Strategies and monitoring activities means a person who has relevant professional qualifications and:

- at least 3 years of work experience writing and implementing management plans for the habitat of **protected matters**,

- has implemented and reported on management plans for the habitat of **protected matters**, and can demonstrate the implementation of those plans achieved the desired **habitat quality** for habitat of **protected matters**, and
- can give authoritative assessment and advice on offset management to improve the **habitat quality** of the habitat of **protected matters** using relevant protocols, standards, methods and/or literature.

Suitably qualified field ecologist (for the purpose of undertaking surveys) means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing surveys for **protected matters** and can give an authoritative assessment and advice on the presence of **protected matters** using relevant protocols, standards, methods and/or literature.

Suitably qualified fauna handler means a person with relevant qualifications and has suitable training to be a fauna handler under the Sections 47 and 50 of the Biodiversity Conservation Regulation 2018 (BC Regs) of the DWER to remove the identified fauna from the construction right of way.

Waste Rock Landform means the areas where the rock excavated from the mine will be stockpiled. Within the **development envelope**, **Waste Rock Landform** is represented in Attachment B by the pale-yellow zones designated 'Waste Rock Landform Footprint' in the legend and labelled 'Waste Rock Dump' in the map.

Threat Abatement plan means any threat abatement plan made or adopted by the **Minister** under the **EPBC Act**.

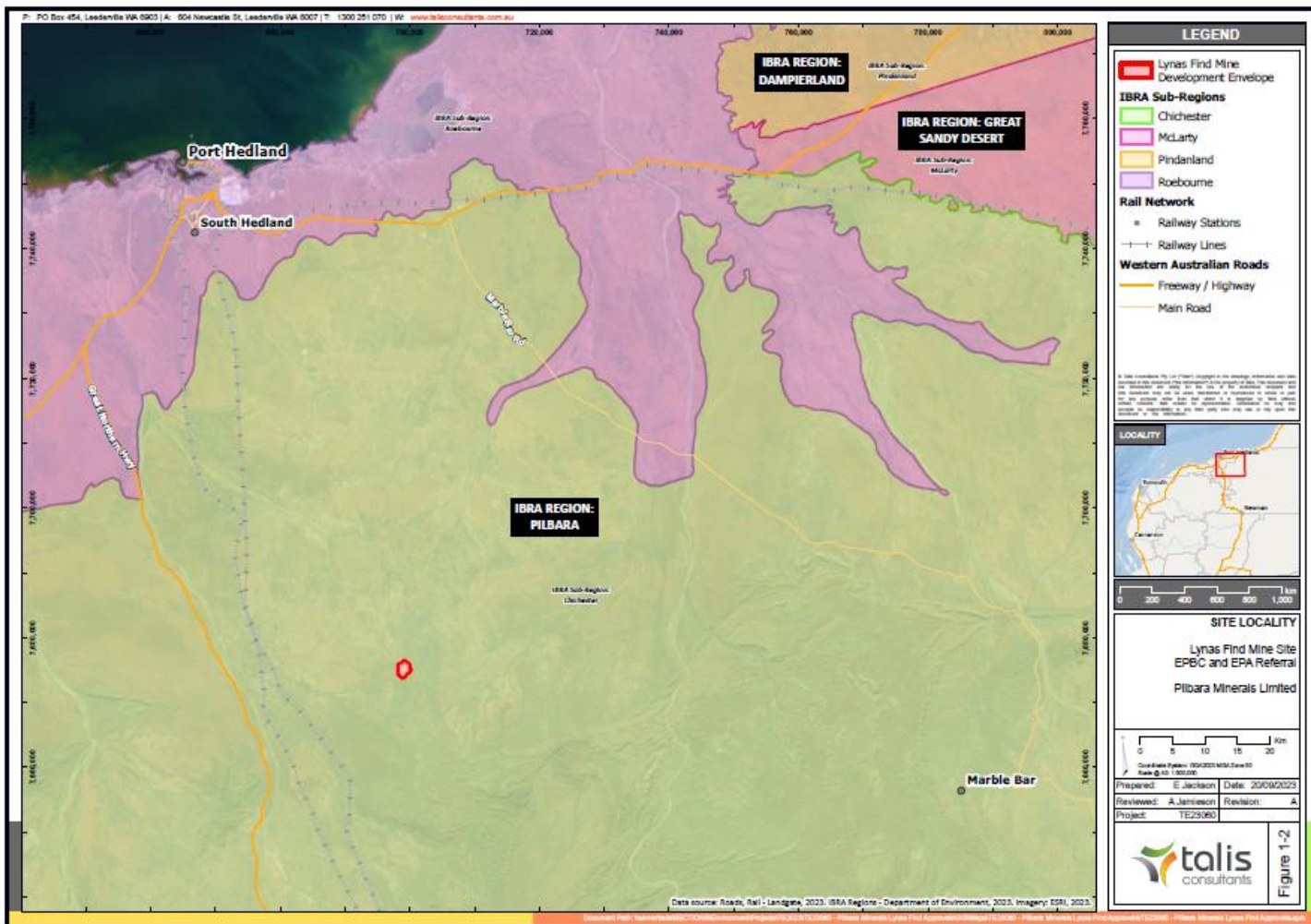
Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Attachments

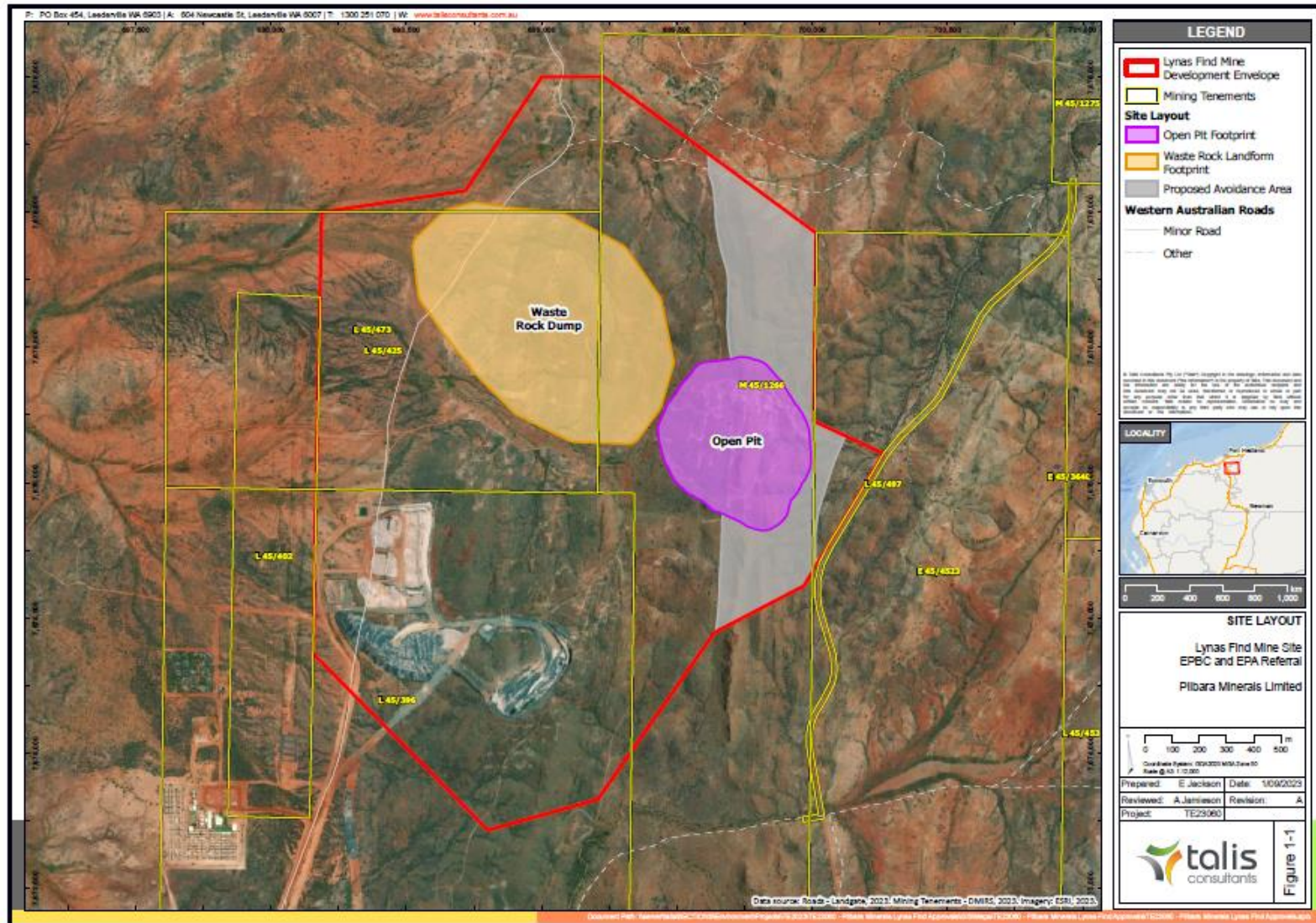
- A: Regional location of the proposal
- B: Development envelope and disturbance footprint with avoidance area
- C: Fauna habitat types within the development envelope
- D: Records of Northern Quoll
- E: Records of Pilbara Leaf-nosed Bat



Attachment A: Regional location of the proposal



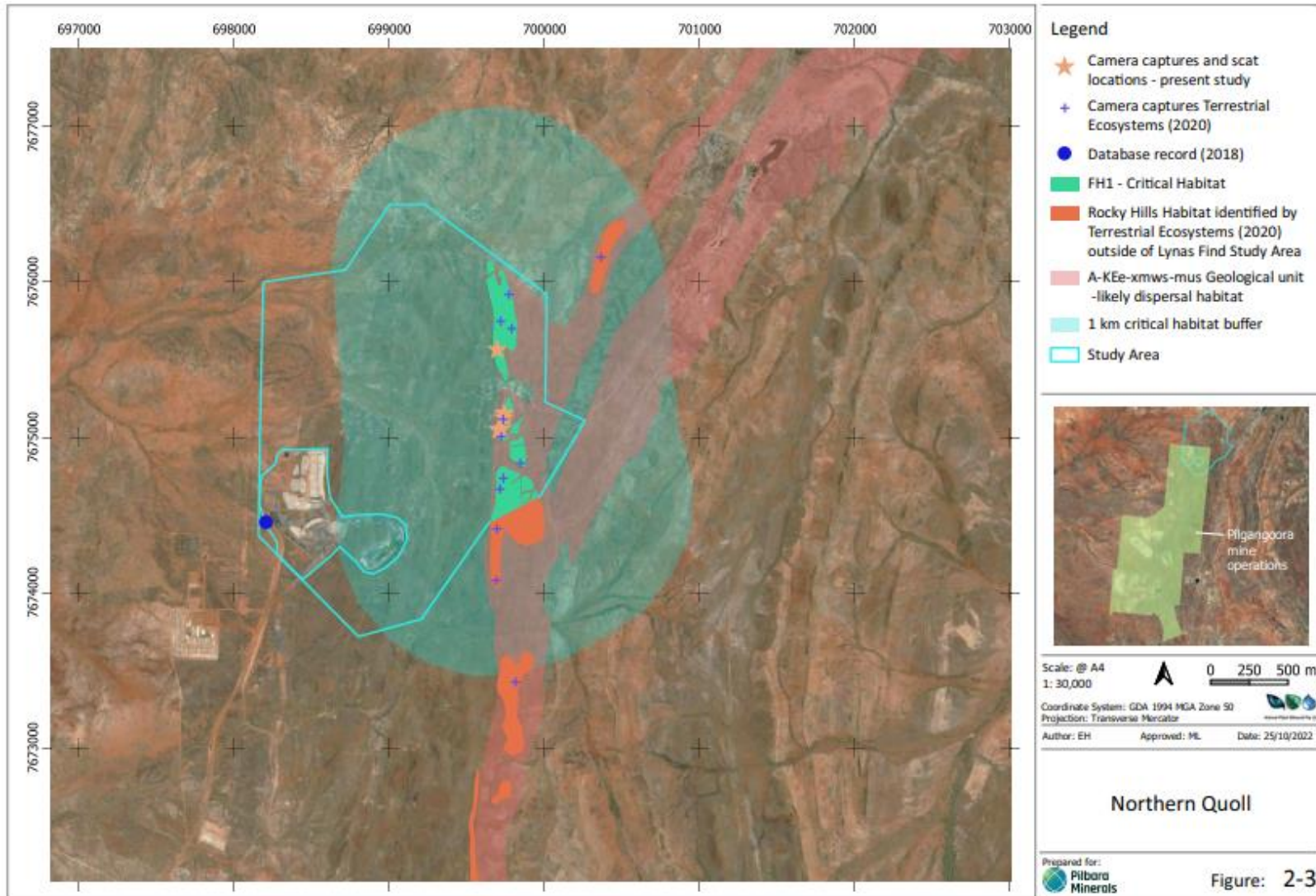
Attachment B: Development envelope and disturbance footprint with avoidance area



Attachment C: Fauna habitat types within the development envelope



Attachment D: Records of Northern Quoll



Attachment E: Records of Pilbara Leaf-nosed Bat

