



Notification of approval decision

Goschen Mineral Sands and Rare Earth Project, Victoria (EPBC 2018/8291)

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)	VHM Limited ABN: 58 601 004 102
Action	To develop, operate, rehabilitate and decommission a mine and associated infrastructure, to extract and process heavy mineral sands and rare earths, approximately 20 km south of Swan Hill, Victoria [See EPBC Act referral 2018/8291 subject to the variation of the proposed Action accepted by the Minister under section 156B on 19 October 2022].

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	Controlling Provision	Decision
	Wetlands of international importance (sections 16 and 17B)	Approve
	Listed threatened species and communities (section 18 and section 18A)	Approve
	Nuclear Actions (section 21 and section 22A)	Approve
period for which the approval has effect	This approval has effect until 1 December 2060.	
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	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
signature	
date of decision	18 September 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 and mitigation conditions**CLEARING LIMITS**

- 1) The approval holder must not **clear**:
 - a) Outside of the **Action area** or **Road and Intersection upgrade areas**.
 - b) more than 0.2 hectares (ha) of vegetation within the **Pump Station**.
 - c) more than 1.7 ha of **treed native vegetation** within the **A2 pipeline route**.
 - d) more than 2.1 ha of **treed native vegetation** within the **Road and Intersection upgrade areas**.
 - e) more than 16.2 ha of **treed native vegetation** within the **MIN 7256**.
 - f) any **Natural Grasslands of the Murray Valley Plains (NGMVP)** within the **MIN 7256** or the **Pump Station**.
 - g) more than 0.25 ha of **NGMVP** within the **A2 pipeline route** or **Road and Intersection upgrade areas**.
- 2) The approval holder must not **harm** any:
 - a) **Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions**.
- 3) The approval holder must not **construct** outside the **Action area** or **Road and Intersection upgrade areas**.

- 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 assessment of this Action or in accordance with this condition, the approval holder must:
 - a) notify the **department** in writing within 10 **business days** of detecting the presence and likely extent 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 1 provides for the **clearing** of that **protected matter** or the habitat of that **protected matter**, and
 - ii) **clearing** does not exceed the limit specified in condition 1 for that **protected matter** or habitat of that **protected matter**.
- 5) To avoid and mitigate **harm** to **protected matters** the approval holder must comply with all conditions of any approval related to the Action issued by the Minister for Planning as constituted under the *Planning and Environment Act 1987 (Vic)* to the extent that they relate to **protected matters**.

ACTION MANAGEMENT PLANS

- 6) To avoid and mitigate **harm** to **protected matters** the approval holder must comply with all requirements of the Construction Environmental Management Plan when approved by the Minister for Planning where they relate to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting impacts to **protected matters**.

Pump Station Management Plan

- 7) The approval holder must submit a Pump Station Management Plan (PSMP) to the **department** for the **Minister's** approval to mitigate **harm** to **protected matters**, including but not limited to fish species.
- 8) The approval holder must not **commence construction** of the Pump Station unless the **Minister** has approved the PSMP in writing. The approval holder must commence implementing the PSMP approved by the **Minister** no later than **commencement of construction** and continue to implement the approved PSMP until the **completion of the Action**.
- 9) By implementing the PSMP, the approval holder must achieve the environmental outcome of preventing any avoidable **harm** to **protected matters** and mitigating unavoidable and accidental **harm** to **protected matters**.

- 10) The PSMP must be prepared by a **suitably qualified fish ecologist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the PSMP must be **SMART** and based on referenced or included evidence of effectiveness. The PSMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
- a) details of the relevant **protected matters** and a reference to **EPBC Act** approval conditions to which the plan refers,
 - b) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
 - c) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan,
 - d) impact avoidance, mitigation and/or repair measures, and the timing of those measures,
 - e) references to other relevant plans or conditions of approval (including state approval conditions),
 - f) a table of commitments made in the plan to achieve the environmental outcome, and a reference to exactly where these commitments are detailed in the plan,
 - g) commitments capable of ensuring that the environmental outcomes are achieved, and
 - h) a monitoring program that will detect:
 - i) entrainment of or impingement of **protected matters**,
 - ii) noise or vibration that may lead to **harm to protected matters**,
 - iii) water quality changes that may lead to **harm to protected matters**,
 - iv) any spills or leaks of fuels and/or chemicals that may lead to **harm to protected matters**.

Note: If a monitoring program submitted to a Victorian Government agency meets the above requirements for a PSMP the same plan can be submitted for approval by the Minister. If the approval holder's reporting obligations to other agencies are consistent with the PSMP monitoring and reporting conditions, these reports may be accepted by the department to meet the reporting requirements of the PSMP conditions.

Ecological Restoration Management Plan

- 11) The approval holder must submit a Ecological Restoration Management Plan (ERMP) to the **department** for the **Minister's** approval to mitigate **harm to protected matters**.

- 12) The approval holder must not commence any **clearing** or **construction** in the **MIN 7256** unless the **Minister** has approved the ERMP in writing. The approval holder must commence implementing the RMP approved by the **Minister** within 3 years following **commencement of the Action** and continue to implement the approved ERMP until the **completion of the Action**.
- 13) By implementing the ERMP, the approval holder must achieve the following environmental outcomes:
 - a) The return of the **MIN 7256** to a condition comparable to the condition prior to the taking of the action.
 - b) The rehabilitation of the **MIN 7256** for the benefit of **protected matters**.
- 14) The ERMP Plan must be prepared by a **suitably qualified ecologist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the ERMP must be **SMART** and based on referenced or included evidence of effectiveness. The ERMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
 - a) details of the relevant **protected matters** and a reference to **EPBC Act** approval conditions to which the plan refers,
 - b) maps which clearly show the avoided areas that retain **protected matters** and the locations of any proposed rehabilitation areas for **protected matters**,
 - c) a table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
 - d) commitments capable of ensuring that the environmental outcomes are achieved,
 - e) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan,
 - f) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
 - g) impact avoidance, mitigation and/or repair measures, and the timing of those measures, and
 - h) references to other relevant plans or conditions of approval (including state approval conditions).

Note: If a monitoring program submitted to a Victorian Government agency meets the above requirements for a ERMP the same plan can be submitted for approval by the Minister. If the approval holder's reporting obligations to other agencies are consistent with the ERMP monitoring and reporting conditions, these reports may be accepted by the department to meet the reporting requirements of the ERMP conditions.

OFFSET STRATEGY DEVELOPMENT

- 15) To compensate for the residual significant impacts of the Action on **NGMVP**, within 18 months of the date of the approval of the Action, the approval holder must submit an Offset Strategy to the **department** for approval by the **Minister**. The approval holder must not **commence the Action** unless the Offset Strategy has been approved by the **Minister** in writing. The approval holder must implement the Offset Strategy approved by the **Minister** prior to **commencement of the Action** and continue to implement the Offset Strategy until the expiry date of this approval. The Offset Strategy must, to the satisfaction of the **Minister**:
- a) be prepared in accordance with the **Environmental Offsets Policy**,
 - b) identify and propose one or more environmental offsets suitable to compensate for the residual significant impacts of the Action on **NGMVP**,
 - c) include summary information on the residual impacts to **protected matters** that will be compensated for by the proposed offset including all areas of habitat, and the **habitat quality**, for **protected matters** at all locations impacted by the Action which the offset is to address,
 - d) detail the areas of the habitat, and the **habitat quality**, for **protected matters** at each proposed offset site,
 - e) specify achievable proposed offset outcomes for each proposed offset site and timeframes for their achievement,
 - f) specify a monitoring program to determine progress towards, attainment of and maintenance of the proposed environmental outcomes for the **protected matters** at each proposed offset site,
 - g) specify how and at what frequency offsets management results, monitoring program findings and assessments of offset outcomes will be reported to the **department** and the general public, and
 - h) detail how each offset site will be protected, including **securement**, and offset outcomes for the **protected matters** will be maintained at least until the expiry of this approval.

OFFSET MANAGEMENT PLAN

- 16) To compensate for the residual significant impacts of the Action on **NGMVP**, prior to commencement of the Action, the approval holder must submit to the **department** for approval by the **Minister** an Offset Management Plan (OMP) in respect of each offset site identified in the approved Offset Strategy. The approval holder must not **commence the Action** unless an OMP for each offset site identified in the approved Offset Strategy has been approved in writing by the **Minister**. The approval holder must commence implementing each approved OMP prior to the **commencement of the Action** and continue to implement each approved OMP at least until the expiry date of this approval.

- 17) Each OMP must meet the requirements of the **Environmental Offsets Policy** and the **Environmental Management Plan Guidelines** to the satisfaction of the **Minister**. All commitments, including environmental outcomes, management measures, corrective actions, trigger values and performance indicators in each OMP must be **SMART** and based on referenced or included evidence of effectiveness. Each OMP must be prepared by a **suitably qualified ecologist** and must include:
- a) detailed information on the residual impacts to **protected matters** that will be compensated for by the offset (comprising both the **securement** of all offset sites and the habitat quality improvements to be achieved at each offset site), including all areas of habitat, and the habitat quality, for **protected matters** at all locations impacted by the Action which the offset is to address,
 - b) the relevant **protected matters** and a reference to the **EPBC Act** approval conditions to which the OMP refers,
 - c) detailed information and a **shapefile** specifying the location, area and boundaries of each offset site,
 - d) detailed baseline information on the areas of the habitat, and the habitat quality, for **protected matters** on each offset site,
 - e) commitments to achievable offset outcomes at each offset site and the timeframes in which they will be achieved,
 - f) a table summarising all commitments to achieve the offset outcomes for **protected matters** at each offset site and a reference to where each commitment is detailed in the OMP,
 - g) reporting and review mechanisms to inform the **department** annually regarding compliance with the management and environmental outcome commitments, and attainment and maintenance of the offset outcomes specified in the OMP,
 - h) an assessment of risks to achieving each offset outcome and what risk management measures and/or strategies will be applied to address these,
 - i) a monitoring program, which must specify:
 - i) measurable performance indicators and the timeframes for their achievement to gauge attainment of each offset outcome for the **protected matters**.
 - ii) trigger values for corrective actions, and
 - iii) the proposed timing (including season/time of day/frequency) methods and effort, and an explanation of how these will be effective for this purpose, of monitoring to detect trigger values, changes in the performance indicators and to gather evidence that effectively demonstrates actual progress towards, attainment of and maintenance of all offset outcomes for the **protected matters**,

- j) corrective actions to be implemented to ensure all offset outcomes for the **protected matters** are achieved or maintained if trigger values are reached or performance indicators not achieved in the specified timeframes,
 - k) references to related plans and conditions of approval (including state/territory approval conditions), and
 - l) how each offset site will be protected, including **securement**, and all offset outcomes maintained, at least until the expiry of the approval.
- 18) The approval holder must, within 5 **business days** of commencing implementation of the OMP, notify the **department** of the date on which implementation of the OMP commenced.

OFFSET SITE SECUREMENT

- 19) The approval holder must not **commence the Action** unless each offset site specified in all approved OMP has been **secured**. The approval holder must ensure each offset site remains **secured** at least until the expiry date of this approval.
- 20) The approval holder must notify and provide evidence to the **department** in writing within five (5) **business days** of each offset site being **secured**.

ACHIEVEMENT OF OFFSET OUTCOMES

- 21) The approval holder must achieve the offset outcomes for each offset site specified in the approved OMPs by the time specified in the OMPs. Once achieved, the approval holder must maintain or exceed, in terms of the ecological benefit with respect of the relevant **protected matters**, the offset outcomes at least until the expiry date of this approval.
- 22) The approval holder must, within 40 **business days** of the 20th anniversary of the **commencement of the Action**:
- a) have each offset site specified in the approved OMPs assessed by a **suitably qualified ecologist** to determine if the offset outcomes specified in the OMPs have been achieved,
 - b) submit to the **department** a report prepared by a **suitably qualified ecologist** detailing the areas and **habitat quality** of **NGMVP** present in the month prior to the 20th anniversary of the **commencement of the Action** in each offset site specified in the approved OMPs, and
 - c) notify the **department** in writing of all offset outcomes at any offset site specified in an approved OMP which has not been achieved and the likely reasons that achievement of each offset outcome has not been realised.

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 7 or 11 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 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 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) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**, or
 - b) the **plan** is submitted to the **department** in accordance with a requirement of these conditions, if the **plan** does not require 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

- 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.

COMPLIANCE RECORDS

- 32) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 33) 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.

- 34) 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.
- 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 *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 36) 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/absence) 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

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

- 39) The approval holder must ensure each **compliance report** is completed and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 40) 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**.
- 41) 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.
- 42) 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**.
- 43) 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

- 44) 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:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.

- 45) 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:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the **incident**,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) 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

- 46) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 47) 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**.
- 48) 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**.
- 49) 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**.
- 50) 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.
- 51) 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.
- 52) 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.
- 53) 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**.
- 54) 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

- 55) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** before this approval expires, 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**.
- 56) 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:

Action area means the location of the Action, represented in Attachment A by the areas designated 'MIN007256' designated 'Kangaroo Lake Pipeline' and designated 'Kangaroo Lake Pump station'.

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**.

A2 pipeline route means the pipeline route represented in Attachment A designated 'Kangaroo Lake Pipeline'.

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 Victoria.

Buloke Woodlands of the Riverina and Murray Darling Depression Bioregions means the **EPBC Act** listed threatened ecological community Buloke Woodlands of the Riverina and Murray Darling Depression Bioregions.

Clear or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commence construction or **commences construction** means the first instance of any **construction**.

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 **Action area**, 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**.

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

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

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 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**).

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 installation of temporary fences or signage.

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

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).

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

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 an independent person, or firm, is required.

MIN 7256 means the locations of the mining activity and the services corridor represented in Attachment B: Mine Area 1 and Attachment C: Mine area 3, both designated as 'MIN007256'.

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**.

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.

Natural Grasslands of the Murray Valley Plains (NGMVP) means the **EPBC Act** listed threatened ecological community Natural Grasslands of the Murray Valley Plains.

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

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect. The matter protected in respect of a nuclear action (Section 21 of the **EPBC Act**) is the environment.

Pump Station means the 'Kangaroo Lake Pump Station' represented in Attachment D, designated as 'Pump Station layout'.

Road and Intersection upgrade areas means the locations of the intersection upgrades at eight locations shown in Attachments E to J, represented by the dashed line designated 'Proposed intersection upgrade footprint'.

Secure, secured, or securement means to provide enduring conservation protection of land under one of the following mechanisms: a Conservation Covenant under s3A of the *Victorian Conservation Trust Act 1972* (Vic), and agreement under section 69 of the *Conservation, Forests and Lands Act 1987* (Vic), a Conservation Agreement under Part 14 of the **EPBC Act**, or another enduring protection mechanism agreed to in writing by the **department**, to provide protection for the site against development incompatible with conservation.

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.

SMART means specific, measurable, achievable, relevant and time bound.

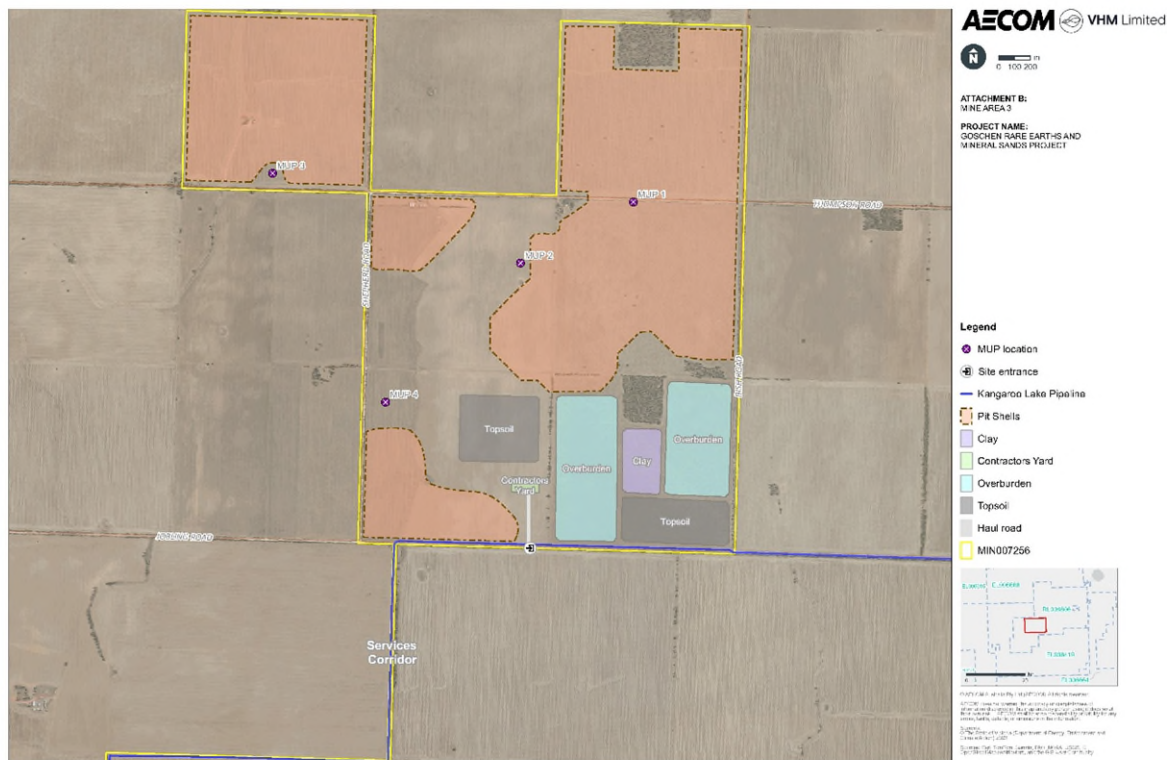
Suitably qualified ecologist means a person who has professional qualifications and at least 3 years of work experience designing and implementing surveys for **NGMVP** and **Buloke Woodlands of the Riverina and Murray Darling Depression Bioregions** and can give an authoritative assessment and advice on the presence of **NGMVP** and **Buloke Woodlands of the Riverina and Murray Darling Depression Bioregions** using relevant protocols, standards, methods and/or literature.

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

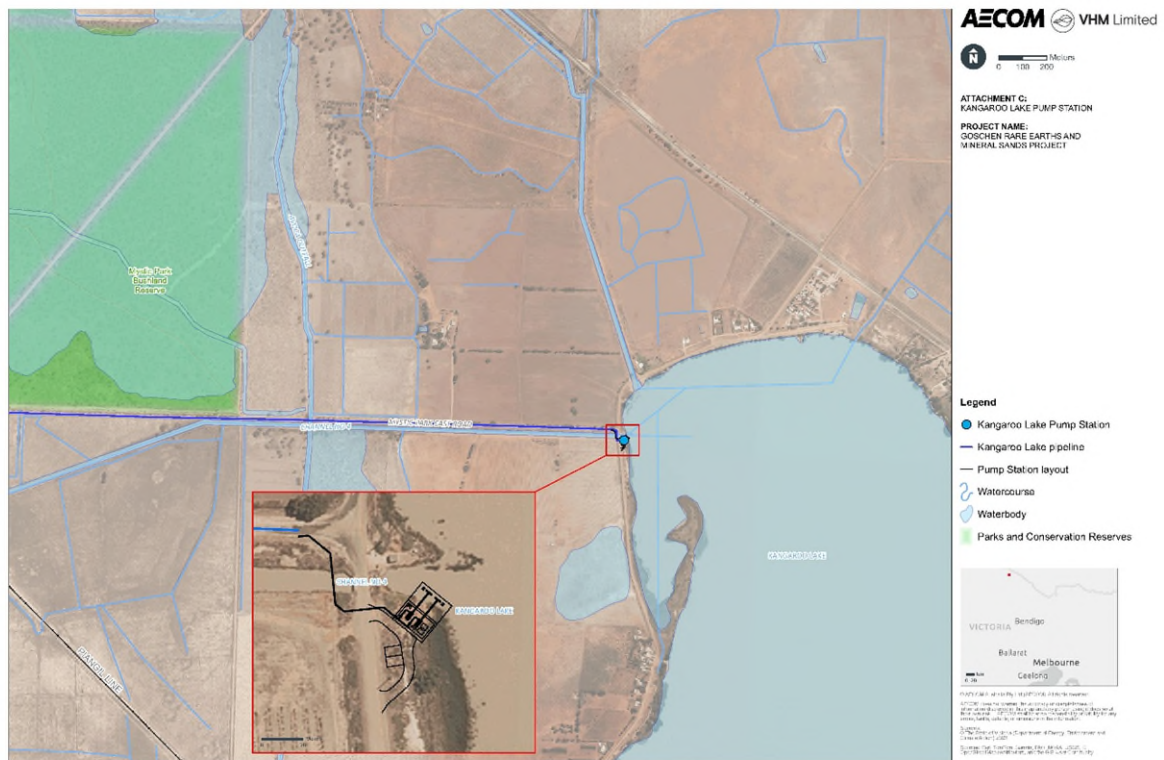
Treed native vegetation means vegetation which is an indigenous tree or shrub for the Murray Darling Depression or Riverina Bioregions within the North West region of Victoria, particularly the Local Government area of the Gannawarra and Swan Hill municipalities and is a tree canopy species (meaning a tree with a canopy > 5 m) or small tree and/or large shrub layer (meaning with a canopy of 3-5 m).

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

Attachment C: Mine Area 3



Attachment D: Pump Station location and footprint



Attachment E: Road and Intersection upgrade - Corner of Donald - Swan Hill and Bennett Roads



Attachment F: Road and Intersection upgrade - Corner of Shepherd and Jobling Roads



Attachment G: Road and Intersection upgrade - Corner of Donald - Swan Hill and Jobling Roads



Attachment H: Road and Intersection upgrade – Corner of Donald - Swan Hill and Lake Boga - Ultima Roads



Attachment I: Road and Intersection upgrade – Corner of Lake Boga - Ultima Road and David Street



Attachment J: Road and Intersection upgrade – Corner of Sea Lake – Swan Hill Road and David Street

