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Published on: 11 July 2019

Statement No. 1105

**STATEMENT THAT A FUTURE PROPOSAL(S) IDENTIFIED IN A STRATEGIC PROPOSAL MAY BE IMPLEMENTED**

**(Sections 40B and 45 of the *Environmental Protection Act 1986*)**

**PILBARA EXPANSION STRATEGIC PROPOSAL**

**Strategic Proposal:** To construct and operate the iron ore mine developments, listed and described in Table 2 of Schedule 1 and represented in Figures 1 and 2 of Schedule 1.

**Proponent:** BHP Billiton Iron Ore Pty. Ltd.  
Australian Company Number 008 700 981

**Proponent Address:** 125 St Georges Terrace  
Perth Western Australia 6000

**Assessment Number:** 1934

**Report of the Environmental Protection Authority: 1619**

Pursuant to sections 40B and 45 of the *Environmental Protection Act 1986* (the Act), it has been agreed that in the event of a declaration by the Environmental Protection Authority pursuant to section 39B of the Act that it is a derived proposal, a proposal to do one or more of the Developments (including the Associated Activities and Operations) listed in Column 1 within the location described in Column 2 and subject to the limitations and extent detailed in Column 3 of Table 2 in Schedule 1 of this Statement, and which was identified in the Strategic Proposal to which Report 1619 relates, may be implemented.

Upon declaration that the proposal is a derived proposal, subject to the Minister for Environment's identification of relevant conditions under section 45A(3) of the Act, the implementation of the proposal shall be subject to the following implementation conditions and procedures.

The Strategic Proposal or any future proposal does not include and this Statement does not authorise any developments, activities or operations within any existing national park, including the Karijini National Park.

## **1 Derived Proposals**

- 1-1 Proposals referred to the EPA and declared to be derived proposals containing one or more of the Developments (including the Associated Activities and Operations) listed in Column 1 of Table 2, within the location described in Column 2 shall not exceed the Description of Limits or Extent, relevant to the Developments provided for in Column 3 of Table 2.

## **2 Contact Details**

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

## **3 Time Limit for Substantial Commencement**

- 3-1 If the proposal is not substantially commenced within five (5) years from the date of issue of the Section 45A Notice, the proposal may not be implemented.
- 3-2 If the proposal is substantially commenced in accordance with condition 3-1, the proponent must provide to the CEO documentary evidence demonstrating that it has complied with condition 3-1 no later than thirty (30) days after the expiration of five (5) years from the date of issue of the Section 45A Notice.

## **4 Compliance Reporting**

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
  - (2) the approach and timing of compliance assessments;
  - (3) the retention of records concerning compliance assessments;
  - (4) the method of reporting of potential non-compliances and corrective actions taken;
  - (5) the table of contents of Compliance Assessment Reports; and
  - (6) public availability of Compliance Assessment Reports.

- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO in writing of any potential non-compliance including exceedance of threshold criteria and/or failure to implement management actions in an Environmental Management Plan within seven (7) days of that potential non-compliance being known.
- 4-6 The proponent shall submit to the CEO a Compliance Assessment Report annually by 1 October each year addressing compliance in the previous financial year, or as otherwise agreed in writing by the CEO.
- 4-7 The Compliance Assessment Report shall:
- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf;
  - (2) include a statement as to whether the proponent has complied with the conditions;
  - (3) identify all potential non-compliances and describe corrective and preventative actions taken;
  - (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
  - (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.
- 4-8 The proponent:
- (1) may review and revise the Compliance Assessment Plan, or
  - (2) shall review and revise the Compliance Assessment Plan as and when directed by the CEO.
- 4-9 The proponent shall implement the latest revision of the Compliance Assessment Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 4-2.

## **5 Public Availability of Data**

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO after the issue of the Section 45A Notice and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), environment plans and reports relevant to the assessment of the strategic proposal and implementation of this proposal.

5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

## **6 Condition Environmental Management Plans**

6-1 The proponent shall prepare and submit Condition Environmental Management Plans:

- (1) prior to ground-disturbing activities, and within six (6) months from the date of issue of the Section 45A Notice or as otherwise agreed in writing by the CEO, to demonstrate that the environmental objectives specified in the conditions referred to in the Section 45A Notice for the proposal will be met.

6-2 The Condition Environmental Management Plan(s) shall:

- (1) specify environmental outcomes that achieve the environmental objectives, specified in the relevant conditions referred to in the Section 45A Notice for the proposal;
- (2) specify trigger criteria that will provide early warning for the implementation of trigger level actions if exceeded;
- (3) specify threshold criteria that provides a limit beyond which the environmental outcome is not achieved;
- (4) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
- (5) specify trigger level actions to be implemented in the event that trigger criteria have been exceeded;

- (6) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded;
- (7) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that the relevant conditions referred to in the Section 45A Notice for the proposal have been met over the reporting period in the Compliance Assessment Report required by condition 4-6; and
- (8) provide for reporting of exceedances of the trigger and threshold criteria.

**Or where it is not possible to specify environmental outcomes for the proposal:**

- (9) specify the environmental objectives to be achieved, as specified in the relevant conditions referred to in the Section 45A Notice for the proposal;
- (10) specify risk-based management actions that will be implemented to demonstrate compliance with the environmental objectives specified in the relevant conditions referred to in the Section 45A Notice for the proposal;
- (11) specify measurable management target(s) to determine the effectiveness of the risk-based management actions;
- (12) specify monitoring to measure the effectiveness of management actions against management targets, including but not limited to, parameters to be measured, baseline data, monitoring locations, and frequency and timing of monitoring;
- (13) specify a process for revision of management actions and changes to proposal activities, in the event that the management targets are not achieved. The process shall include an investigation to determine the cause of the management target(s) not being achieved;
- (14) provide the format and timing to demonstrate that the relevant conditions referred to in the Section 45A Notice for the proposal have been met for the reporting period in the Compliance Assessment Report required by condition 4-6 including, but not limited to:
  - (a) verification of the implementation of management actions; and
  - (b) reporting on the effectiveness of management actions against management target(s).

6-3 The failure to implement one or more management actions, the exceedance of a threshold criteria (regardless of whether threshold contingency actions have been or are being implemented in accordance with condition 6-7(2)), and/or

comply with the requirements of a Condition Environmental Management Plan(s) represents non-compliance with these conditions.

6-4 After receiving notice in writing from the CEO that the Condition Environmental Management Plan(s) satisfies the requirements of relevant conditions referred to in the Section 45A Notice for the proposal, the proponent shall:

- (1) implement the provisions of the Condition Environmental Management Plan(s); and
- (2) continue to implement the Condition Environmental Management Plan(s) until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives specified in the relevant conditions referred to in the Section 45A Notice for the proposal have been met.

6-5 If monitoring, tests, surveys or investigations indicate non-achievement of management target(s) specified in a Condition Environmental Management Plan(s), the proponent shall:

- (1) report the non-achievement in writing to the CEO within twenty-one (21) days of the non-achievement being identified;
- (2) investigate to determine the cause of the management target(s) not being achieved;
- (3) provide a report to the CEO within ninety (90) days of the non-achievement being reported as required by condition 6-5(1). The report shall include:
  - (a) the cause(s) of the management targets not being achieved;
  - (b) the findings of the investigation required by condition 6-5(2);
  - (c) details of revised and/or additional management actions to be implemented to prevent non-achievement of the management target(s); and
  - (d) relevant changes to proposal activities.

6-6 If monitoring, tests, surveys or investigations indicate that one or more management actions specified in a Condition Environmental Management Plan(s) has not been implemented, the proponent shall:

- (1) report the failure to implement the management action(s) in writing to the CEO within seven (7) days of identification;
- (2) investigate to determine the cause of the management action(s) not being implemented;

- (3) investigate to determine the potential environmental harm or alteration of the environment that occurred due to the failure to implement the management action(s);
- (4) provide a report to the CEO within twenty-one (21) days of the reporting required by condition 6-6(1). The report shall include:
  - (a) the cause of the failure to implement the management actions;
  - (b) the findings of the investigations required by conditions 6-6(2) and 6-6(3);
  - (c) relevant changes to proposal activities; and
  - (d) measures to prevent, control or abate the environmental harm which may have occurred.

6-7 In the event that monitoring, tests, surveys or investigations indicates exceedance of trigger criteria and/or threshold criteria specified in a Condition Environmental Management Plan(s), the proponent shall:

- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
- (2) immediately implement the trigger level actions and/or threshold contingency actions specified in the Condition Environmental Management Plan(s) and continue implementation of those actions until the trigger criteria and/or threshold criteria are being met and implementation of the trigger level actions and/or threshold contingency actions are no longer required;
- (3) investigate to determine the cause of the trigger criteria and/or threshold criteria being exceeded;
- (4) identify additional measures required to prevent the trigger criteria and/or threshold criteria being exceeded in the future;
- (5) investigate to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and
- (6) provide a report to the CEO within ninety (90) days of the exceedance being reported. The report shall include:
  - (a) details of any trigger level actions or threshold contingency actions implemented;
  - (b) the effectiveness of the trigger level actions or threshold contingency actions implemented, monitored and measured against trigger criteria and threshold criteria;

- (c) the findings of the investigations required by conditions 6-7(3) and 6-7(5);
- (d) additional measures to prevent the trigger or threshold criteria being exceeded in the future; and
- (e) measures to prevent, control or abate the environmental harm or alteration of the environment which may have occurred.

6-8 The proponent:

- (1) may review and revise the Condition Environmental Management Plan(s), or
- (2) shall review and revise the Condition Environmental Management Plan(s) as and when directed by the CEO.

6-9 The proponent shall implement the latest revision of the Condition Environmental Management Plan(s), which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-3.

## **7 Flora and Vegetation Environmental Management Plan**

7-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

- (1) protect flora and vegetation so that biological diversity and ecological integrity are maintained, and in particular:
  - (a) maintain the local and regional populations of flora taxa declared as threatened flora under the relevant legislation.
  - (b) avoid and minimise direct and indirect impacts on flora taxa that is specially protected under the relevant legislation.
  - (c) avoid and minimise direct and indirect impacts on flora taxa listed as priority flora.
  - (d) avoid and minimise direct and indirect impacts on the occurrences of threatened and priority ecological communities, and their habitat.

7-2 The proponent shall prepare a Flora and Vegetation Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objectives specified in condition 7-1, in consultation with the agency responsible for administration of the *Wildlife Conservation Act 1950* and the *Biodiversity Conservation Act 2016*.



- 7-3 The Flora and Vegetation Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address impacts on conservation significant flora and vegetation, where relevant, including from, but not limited to: changes to groundwater levels and groundwater quality; changes to surface water flows and quality; dust; fire regimes, and weeds.
- 7-4 The proponent shall continue to implement the version of the Flora and Vegetation Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 7-1.

## **8 Terrestrial Fauna Environmental Management Plan**

- 8-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:
- (1) protect terrestrial fauna so that biological diversity and ecological integrity are maintained, and in particular:
    - (a) maintain the local and regional populations of terrestrial fauna taxa that are listed as threatened or specially protected under the relevant legislation;
    - (b) avoid and minimise direct and indirect impacts on the habitat of terrestrial fauna that is specially protected under the relevant legislation;
    - (c) avoid and minimise direct and indirect impacts on terrestrial fauna listed as priority fauna, and its habitat; and
    - (d) avoid and minimise direct and indirect impacts on conservation significant short-range endemic fauna.
- 8-2 The proponent shall prepare a Terrestrial Fauna Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objectives specified in condition 8-1, in consultation with the agency responsible for administration of the *Wildlife Conservation Act 1950* and the *Biodiversity Conservation Act 2016*.
- 8-3 The Terrestrial Fauna Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address impacts on conservation significant fauna, where relevant, including from, but not limited to: loss of habitat, changes to surface water regimes; risk of vehicle strikes; changes to fire regimes; emissions of dust, light and noise; and impacts from feral animals.
- 8-4 The proponent shall continue to implement the version of the Terrestrial Fauna Management Plan most recently approved by the CEO until the CEO has

confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 8-1.

## **9 Subterranean Fauna Environmental Management Plan**

9-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

- (1) protect subterranean fauna so that biological diversity and ecological integrity are maintained, and in particular:
  - (a) maintain the local population of subterranean fauna taxa which are known to have a restricted distribution;
  - (b) maintain the local and regional populations of subterranean fauna that is specially protected under the relevant legislation;
  - (c) avoid and minimise direct and indirect impacts on the habitat of subterranean fauna that is specially protected under the relevant legislation; and
  - (d) avoid and minimise direct and indirect impacts on the occurrences of threatened and priority ecological communities, and their habitat, which are recognised as having conservation significant subterranean fauna values, including, but not limited to:
    - (i) Ethel Gorge aquifer stygobiont community Threatened Ecological Community.

9-2 The proponent shall prepare a Subterranean Fauna Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objectives specified in condition 9-1, in consultation with the agency responsible for administration of the *Wildlife Conservation Act 1950* and the *Biodiversity Conservation Act 2016*.

9-3 The Subterranean Fauna Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address impacts on conservation significant subterranean fauna, where relevant, including from, but not limited to: changes to groundwater levels and groundwater quality; ground disturbance.

9-4 The proponent shall continue to implement the version of the Subterranean Fauna Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 9-1.

## 10 Water Environmental Management Plan

- 10-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:
- (1) maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected, including where relevant avoiding and minimising direct and indirect impacts of the proposal, on:
    - (a) Fortescue Marsh;
    - (b) hydrological regimes that support threatened and priority ecological communities;
    - (c) proclaimed Public Drinking Water Source Areas;
    - (d) permanent and ephemeral rock pools;
    - (e) wetlands which are Ramsar listed, or listed in the Directory of Important Wetlands in Australia;
    - (f) wild rivers;
    - (g) wetland types which may be poorly represented;
    - (h) natural springs;
    - (i) ecosystems which support conservation significant flora/vegetation and fauna species or communities, including migratory waterbirds, bats, groundwater dependent biota and subterranean fauna; and
    - (j) ecosystems which support significant amenity, recreation and cultural values.
- 10-2 The proponent shall prepare a Water Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objectives specified in condition 10-1, in consultation with the agency responsible for administration of the *Wildlife Conservation Act 1950* and the *Biodiversity Conservation Act 2016*.
- 10-3 The Water Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address impacts on hydrological regimes and water quality, where relevant, including from, but not limited to: water abstraction; managed aquifer recharge; disposal of mine dewater to surface water systems; diversion of surface water systems; discharge of wastes to storage or evaporative basins and dewatering of aquifers and exposure of potentially acid forming material or the creation of acid and metalliferous drainage.

10-4 The proponent shall continue to implement the version of the Water Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 10-1.

## **11 Air Quality Environmental Management Plan**

11-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

(1) maintain air quality and minimise emissions so that environmental values are protected, and in particular:

(a) meet recognised air quality standards and criteria, including:

(i) National Environment Protection (Ambient Air Quality) Measure for carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, lead, particles as PM<sub>10</sub> and PM<sub>2.5</sub>; or

(ii) other guidelines on a proposal specific basis as determined by the CEO.

11-2 The proponent shall prepare an Air Quality Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objectives specified in condition 11-1.

11-3 The Air Quality Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address impacts on air quality, where relevant, including from, but not limited to: dust emissions due to clearing of vegetation; emissions from power plants; mining (including blasting), handling, stockpiling and transport of iron ore; and crushing and screening of materials.

11-4 The proponent shall continue to implement the version of the Air Quality Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 11-1.

## **12 Greenhouse Gas Management Plan**

12-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

(1) avoid, where possible, and minimise greenhouse gas emissions as far as practicable.

- 12-2 The proponent shall prepare a Greenhouse Gas Management Plan required by condition 6-1 that satisfies the requirements of condition 6-2, to meet the objective required by condition 12-1.
- 12-3 The Greenhouse Gas Management Plan required by condition 6-1 shall include provisions required by condition 6-2 to address the following matters:
- (1) benchmarking and design of the proposal;
  - (2) monitoring and public reporting;
  - (3) continuous improvement and minimising net emissions; and
  - (4) offsets for greenhouse gas emissions.
- 12-4 The proponent shall continue to implement the version of the Greenhouse Gas Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 6-1 satisfies the requirements of condition 6-2 to meet the objectives specified in condition 12-1.

### **13 Cultural Heritage Management Plan**

- 13-1 The proponent shall prepare and submit, within six (6) months from the date of issue of the Section 45A Notice or as otherwise agreed in writing by the CEO, a Cultural Heritage Management Plan to meet the following environmental objective:
- (1) manage the proposal to minimise the impacts on Aboriginal heritage and culture.
- 13-2 The Heritage Management Plan required by condition 13-1 shall address impacts on Aboriginal heritage and culture, where relevant, including from, but not limited to: disturbance of the ground that may impact cultural associations and heritage; potential loss of access to areas to undertake traditional activities; and changes to water regimes of water resources known to have Aboriginal heritage value.
- 13-3 After receiving notice in writing from the CEO that the Cultural Heritage Management Plan satisfies the requirements of condition 13-2, the proponent shall:
- (1) implement the provisions of the Cultural Heritage Management Plan; and
  - (2) continue to implement the Cultural Heritage Management Plan(s) until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives in condition 13-1 have been met.

13-4 The proponent:

- (1) may review and revise the Cultural Heritage Management Plan, or
- (2) shall review and revise the Cultural Heritage Management Plan as and when directed by the CEO.

13-5 The proponent shall implement the version of the Cultural Heritage Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 13-1 satisfies the requirements of condition 13-2 to meet the objectives specified in condition 13-1.

#### **14 Conservation Reserve Impact Avoidance Plan**

14-1 The proponent shall prepare and submit, within six (6) months from the date of issue of the Section 45A Notice or as otherwise agreed in writing by the CEO, a Conservation Reserve Impact Avoidance Plan to meet the following environmental objectives:

- (1) avoid direct impacts on public reserve lands to which the *Conservation and Land Management Act 1984* (or any subsequent Act with similar objectives to that Act) applies and their associated public values and uses.
- (2) avoid, where possible, and minimise indirect impacts as far as practicable on public reserve lands to which the *Conservation and Land Management Act 1984* (or any subsequent Act with similar objectives to that Act) applies and their associated public values and uses to the requirements of the CEO on the advice of the Director General responsible for the *Conservation and Land Management Act 1984*.

14-2 The Conservation Reserve Impact Avoidance Plan required by condition 14-1 shall address impacts on flora, fauna, heritage and where applicable to the type of reserve, public use and amenity, including from, but not limited to: changes to groundwater levels and groundwater quality; surface water regimes and quality; dust emissions; altered fire regimes; and weed introduction and spread.

14-3 After receiving notice in writing from the CEO that the Conservation Reserve Impact Avoidance Plan satisfies the requirements of condition 14-2, the proponent shall:

- (1) implement the provisions of the Conservation Reserve Impact Avoidance Plan; and
- (2) continue to implement the Conservation Reserve Impact Avoidance Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives in condition 14-1 have been met.

14-4 The proponent:

- (1) may review and revise the Conservation Reserve Impact Avoidance Plan, or
- (2) shall review and revise the Conservation Reserve Impact Avoidance Plan as and when directed by the CEO.

14-5 The proponent shall implement the version of the Conservation Reserve Impact Avoidance Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan required by condition 14-1 satisfies the requirements of condition 14-2 to meet the objectives specified in condition 14-1.

## **15 Rehabilitation and decommissioning**

15-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

- (1) ensure that the proposal is decommissioned and the site of the proposal rehabilitated to be safe, stable and non-polluting and in an ecologically appropriate and sustainable manner.

15-2 Within six (6) months from the date of issue of the Section 45A Notice or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit a Mine Closure Plan in accordance with the Guidelines for Preparing Mine Closure Plans, May 2015 (or any subsequent revisions of the guidelines), on advice of the Department of Mines, Industry Regulation and Safety and, where the proposal impacts on land managed pursuant to the *Conservation and Land Management Act 1984*, the Department of Biodiversity, Conservation and Attractions.

15-3 The plan required by condition 15-2 shall include provisions to address the following:

- (1) specify the environmental objectives to be achieved, as specified in condition 15-1;
- (2) specify the management actions that will be implemented to demonstrate compliance with the environmental objectives specified in condition 15-1. Failure to implement one or more of these management actions represents non-compliance with these conditions;
- (3) the provisions required by conditions 6-2(11) to 6-2(13); and
- (4) demonstrate the validity of assumptions used in the Mine Closure Plan and consideration of the effects of breakdown of those assumptions.

- 15-4 If monitoring, tests, surveys or investigations indicate non-achievement of management target(s) specified in the Mine Closure Plan, the proponent shall:
- (1) report the non-achievement in writing to the CEO within twenty-one (21) days of the non-achievement being identified;
  - (2) investigate to determine the cause of the management targets not being achieved;
  - (3) provide a report to the CEO within ninety (90) days of the non-achievement being reported as required by condition 15-4(1). The report shall include:
    - (a) cause of management targets not being achieved;
    - (b) the findings of the investigation required by condition 15-4(2);
    - (c) details of revised and/or additional management actions to be implemented to prevent non-achievement of the management target(s); and
    - (d) relevant changes to proposal activities.
- 15-5 In the event that monitoring, tests, surveys or investigations indicate that one or more management actions specified in the Mine Closure Plan have not been implemented, the proponent shall:
- (1) report the failure to implement management action/s in writing to the CEO within seven (7) days of identification;
  - (2) investigate to determine the cause of the management action(s) not being implemented;
  - (3) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to the failure to implement management actions;
  - (4) provide a report to the CEO within twenty-one (21) days of the reporting required by condition 15-5(1). The report shall include:
    - (a) cause for failure to implement management actions;
    - (b) the findings of the investigation required by conditions 15-5(2) and 15-5(3);
    - (c) relevant changes to proposal activities; and
    - (d) measures to prevent, control or abate the environmental harm which may have occurred.



15-6 The proponent shall review and revise the Mine Closure Plan required by condition 15 at intervals not exceeding three (3) years, or as otherwise specified by the CEO, and submit the plan to the CEO at the agreed interval.

15-7 The proponent shall continue to implement the version of the Mine Closure Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 15-2, to meet the objectives of condition 15-1.

## **16 Offsets**

16-1 In view of the significant residual impacts as a result of the implementation of the proposal identified in condition 16-2, the proponent shall contribute funds to the Pilbara Environmental Offsets Fund.

16-2 The significant residual impacts are:

- (1) clearing of 'Good' to 'Excellent' condition native vegetation, including habitat for threatened fauna species, within the Hamersley and/or Chichester IBRA subregion.
- (2) clearing of native vegetation referred to in condition 16-2(1) which has other important or specialised environmental values within the Hamersley and/or Chichester IBRA subregion.
- (3) clearing of 'Good' to 'Excellent' condition native vegetation, including habitat for threatened fauna species, within the Fortescue IBRA subregion.
- (4) clearing of native vegetation referred to in condition 16-2(3) which has other important or specialised environmental values within the Fortescue IBRA subregion.

16-3 The proponent shall contribute funds to the Pilbara Environmental Offsets Fund calculated pursuant to conditions 16-4 and 16-5, subject to any reduction approved by the CEO under condition 16-11.

16-4 The proponent's contribution to the Pilbara Environmental Offsets Fund shall be paid biennially, with the amount to be contributed calculated based on the clearing undertaken in each year of the biennial reporting period in accordance with the following calculation:

$$C = R \times H$$

Where:

C = the contribution to the fund for clearing done in the relevant year

R = contribution rate for the year in which the clearing is undertaken as published for the Pilbara Environmental Offsets Fund by the CEO for each significant residual impact identified in condition 16-2.

H = number of hectares of land cleared in the relevant year for each significant residual impact referred to in condition 16-2.

- 16-5 The first biennial reporting period shall commence at the beginning of the financial year that ground-disturbing activities causing one or more of the significant residual impacts identified in condition 16-2 are undertaken.
- 16-6 Prior to ground-disturbing activities, the proponent shall prepare and submit an Impact Reconciliation Procedure to the CEO.
- 16-7 The Impact Reconciliation Procedure required pursuant to condition 16-6 shall:
- (1) state that clearing calculations for each biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the CEO;
  - (2) include a methodology to calculate the amount of clearing undertaken during each year of the biennial reporting period for each of the significant residual impacts identified in condition 16-2; and
  - (3) indicate the timing and content of the Impact Reconciliation Reports.
- 16-8 The proponent shall not commence ground-disturbing activities, unless otherwise agreed by the CEO, until the CEO has confirmed in writing that the Impact Reconciliation Procedure satisfies the requirements of condition 16-7.
- 16-9 The proponent shall submit Impact Reconciliation Reports in accordance with the Impact Reconciliation Procedure approved in condition 16-8.
- 16-10 The Impact Reconciliation Reports required pursuant to condition 16-9 shall provide the location and spatial extent of the clearing undertaken within each biennial reporting period.
- 16-11 The proponent may seek the written approval of the CEO to reduce all or part of the contribution payable under condition 16-4 where:
- (1) a payment has been made to satisfy a condition of an approval under the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the proposal;
  - (2) the payment counterbalances impacts of the proposal on matters of national environmental significance; and
  - (3) the payment counterbalances the significant residual impacts to the environmental values identified in condition 16-2.

[signed on 11 July 2019]

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

## Guidelines for submitting a derived proposal

When submitting a request to the EPA to declare a referred proposal to be a derived proposal, the proponent must comply with the following:

1. a request to declare a referred proposal to be a derived proposal must include:
  - (a) targeted surveys identifying conservation significant flora and vegetation, terrestrial fauna and subterranean fauna species;
  - (b) a demonstration of how the results of the targeted survey have been used to apply the mitigation hierarchy to the proposal;
  - (c) a report that details the following information:
    - (i) the types of ecosystems and total area of rehabilitation that the proponent will be required to rehabilitate across their iron ore tenure including the derived proposal.
    - (ii) an analysis of the history of rehabilitation that the proponent has undertaken in the Pilbara and the demonstrated success of this rehabilitation.
    - (iii) the likely success of future rehabilitation activities in establishing self-sustaining areas of rehabilitation, taking into account:
      - relevant contemporary scientific evidence;
      - the types of area to be rehabilitated; and
      - the scale of rehabilitation activities.
  - (d) draft management plans that specifically demonstrate how the objectives in the conditions of this Ministerial Statement will be met by the implementation of the management plans for the proposal; and
  - (e) details of the consultation that has been undertaken with relevant stakeholders in regards to the proposal and the outcomes of this consultation.

**Supplementary note:** The wildlife protection provisions of the *Biodiversity Conservation Act 2016* (BC Act) came into effect on 1 January 2019. In relation to implementation conditions 7 to 9, please note that the implementation of derived proposals under these conditions will not affect the capacity of the Minister for Environment or delegate to grant or refuse an authorisation to take or disturb threatened flora and/or fauna, or to modify a threatened ecological community that is protected under Part 3 of the BC Act.

Table 1: Summary of the Strategic Proposal

<b>Proposal title</b>	Pilbara Expansion Strategic Proposal
<b>Short description</b>	This Strategic Proposal identifies future iron ore mining and associated activities and operations within the project boundary delineated in Figure 1.

Table 2: Location and authorised extent of physical and operational elements

<b>Column 1 Developments</b>	<b>Column 2 Location</b>	<b>Column 3 Description of limits/extent</b>
<p>Iron ore mines and associated activities and operations, being new mining operations at:</p> <ul style="list-style-type: none"> <li>• Caramulla</li> <li>• Coondiner</li> <li>• Gurinbidy</li> <li>• Jinidi</li> <li>• Marillana</li> <li>• Mindy</li> <li>• Ministers North</li> <li>• Mudlark</li> <li>• Munjina/Upper Marillana</li> <li>• Ophthalmia/Prairie Down</li> <li>• Rocklea</li> <li>• Roy Hill</li> <li>• Tandanya</li> </ul> <p>and future expansions to new mining operations listed above and existing mining operations at:</p> <ul style="list-style-type: none"> <li>• Jiblebar</li> <li>• Mining Area C</li> <li>• Newman</li> <li>• Yandi.</li> </ul>	<p>Within mining tenements and any other interest in land, including amendments to these tenements and interests, or the future acquisition of related tenements or interests, held by BHP or its Associates within the Project Boundary and as identified in Figures 1 and 2.</p> <p>Associated Activities and Operations may be located on tenements and any other interests in land currently held by BHP or its Associates or, which will be acquired in the future, and located within the Project Boundary as identified in Figures 1 and 2.</p>	<ol style="list-style-type: none"> <li>1. Clearing (as defined in s51A of the <i>Environmental Protection Act 1986</i>), caused by or likely to be caused by all future proposals identified in Column 1 of Table 2, shall not exceed 98,500 hectares</li> <li>2. Planned, designed and managed (demonstrated in the referral of future proposal and draft management plans submitted at the time of referral of future proposals) to ensure: <ol style="list-style-type: none"> <li>a. Cumulative impacts to key environmental factors are minimised through use, where practicable, of existing mine infrastructure, rail, road and associated developments and do not exceed cumulative impact limit of 98,500 ha specified above</li> <li>b. The environmental objectives specified in the relevant conditions will be met</li> <li>c. Scientifically verifiable estimates of the likely success of future rehabilitation have been made.</li> </ol> </li> </ol>

**Table 3: Abbreviations and definitions**

<b>Acronym or Abbreviation</b>	<b>Definition or Term</b>
Associates	Means joint venture partners, subsidiaries, related bodies corporate, contractors or agents.
Associated activity and operations	<p>Means:</p> <p>(a) any of the following activities associated with the Developments:</p> <ul style="list-style-type: none"> <li>(i) Geotechnical investigations and associated activities</li> <li>(ii) Mine pit excavation</li> <li>(iii) Dewatering</li> <li>(iv) Blasting, drilling, and extraction</li> <li>(v) Ore transportation infrastructure, including conveyors</li> <li>(vi) Ore processing infrastructure including crushers</li> <li>(vii) Beneficiation and associated activities</li> <li>(viii) Over burden storage areas, ore stockpiles and topsoil stockpiles and associated stacking, reclaiming and loading activities</li> <li>(ix) Laydown areas, vehicle maintenance areas, assembly areas, water bores, turkey nests and culverts</li> <li>(x) Tailings storage facilities, fuel and hydrocarbon storage, explosives storage and storage of environmentally hazardous goods and materials</li> <li>(xi) Accommodation camps</li> <li>(xii) Airstrips and airports</li> <li>(xiii) Administration and workshop buildings</li> <li>(xiv) Rehabilitation and decommissioning activities</li> <li>(xv) Ancillary infrastructure and associated activities, including concrete batching plants</li> <li>(xvi) Ground-disturbance and earthworks (vegetation, habitat and landform removal)</li> <li>(xvii) Emissions to the environment</li> <li>(xviii) Abstractions from the environment</li> <li>(xix) Water supply, water abstraction, water use, water storage, water treatment, drainage and stormwater management and water discharge and water reinjection</li> <li>(xx) Power distribution infrastructure including substations, switchyards and above or below ground cables</li> <li>(xxi) Diesel power generators</li> <li>(xxii) Waste management</li> </ul> <p>(b) any rail associated with the Development and including:</p> <ul style="list-style-type: none"> <li>(i) Rail spurs</li> <li>(ii) Rail loops</li> <li>(iii) Expanded rail capacity of the Newman-Port Hedland rail line</li> </ul>

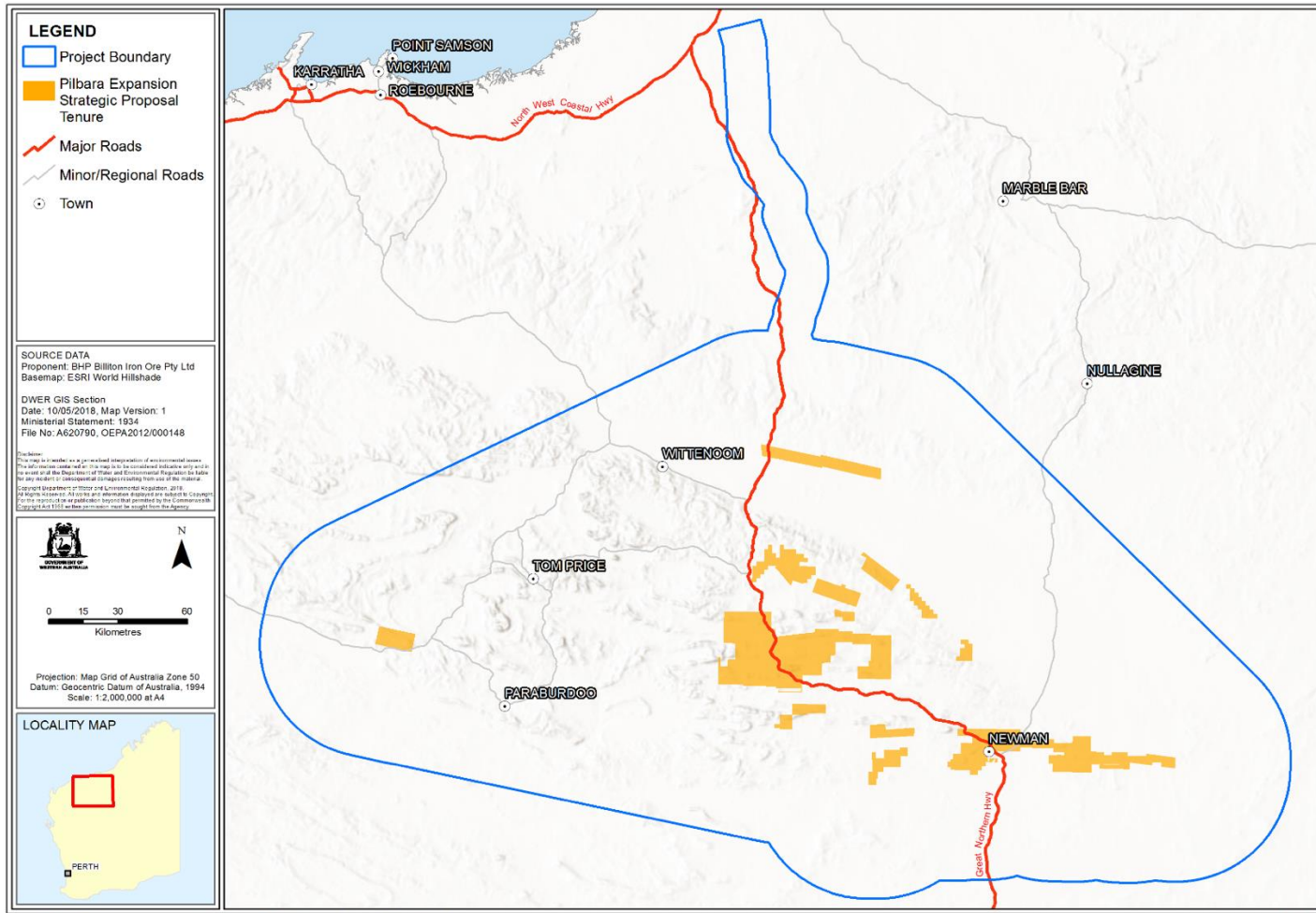
Acronym or Abbreviation	Definition or Term
	<ul style="list-style-type: none"> <li>(iv) Accommodation camps for rail development</li> <li>(v) Borrow pits</li> <li>(vi) Rail welding yards</li> <li>(vii) Workshops and repair yards</li> <li>(viii) Support infrastructure including pipelines, powerlines, fibre optic cables and other service infrastructure</li> <li>(ix) Laydown areas</li> <li>(x) Roads and access tracks</li> </ul>
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
Ecological Integrity	The composition, structure, function and processes of ecosystems, and the natural range of variation of these elements.
'Good' to 'Excellent' condition native vegetation	Means the condition of native vegetation rated in accordance with the EPA's <i>Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment</i> (December, 2016), including any revision to this technical guidance.
ha	Hectare
IBRA	Interim Biogeographic Regionalisation for Australia
Other important or specialised environmental values	Refers to areas identified as specialised fauna habitat, important vegetation types, and management and/or conservation areas, such as but not limited to, riparian vegetation, threatened or priority ecological communities, or Fortescue Marsh management zones
Pilbara Environmental Offsets Fund	A special purpose account created pursuant to section 16(1)(d) of the <i>Financial Management Act 2006</i> by the Department of Water and Environmental Regulation.
Relevant legislation	Means the <i>Wildlife Conservation Act 1950</i> and/or the <i>Biodiversity Conservation Act 2016</i> or any other Western Australian legislation that has similar objects to the above Acts.
wild rivers	Rivers listed in DWER's Water Notes no. 37 <i>Wild rivers in Western Australia</i> (January 2009).

<b>Acronym or Abbreviation</b>	<b>Definition or Term</b>
<b>Management-based provisions</b>	
Management actions	Risk-based actions to be implemented to meet the environmental objective.
Management targets	Targets to determine the effectiveness of the management actions.
Monitoring	Monitoring to measure the effectiveness of management actions.
Reporting	Reporting of implementation of management actions and reporting on the effectiveness of management actions to demonstrate that the objective/s have been met.
<b>Outcome-based provisions</b>	
Outcome	Proposal-specific, desired state for an environmental factor/s to be achieved from the implementation of outcome-based provisions.
Trigger criteria	Criteria that provide an early warning that the threshold criteria may not be met.
Threshold criteria	Limit of acceptable impact beyond which there is likely to be a significant effect on the environment, which indicates the environmental outcome is not being met.
Monitoring	Monitoring to determine if trigger criteria and threshold criteria are exceeded.
Trigger level actions	Actions to be implemented in the event that trigger criteria are exceeded.
Threshold contingency actions	Actions to be implemented in the event that threshold criteria are exceeded.
Reporting	Reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that the outcome/s have been met.

### **Figures (attached)**

Figure 1 Strategic Proposal project boundary and BHP Billiton Iron Ore tenements

Figure 2 Future proposals Identified in the Strategic Proposal



**Figure 1: Strategic Proposal project boundary and BHP Billiton Iron Ore tenements**



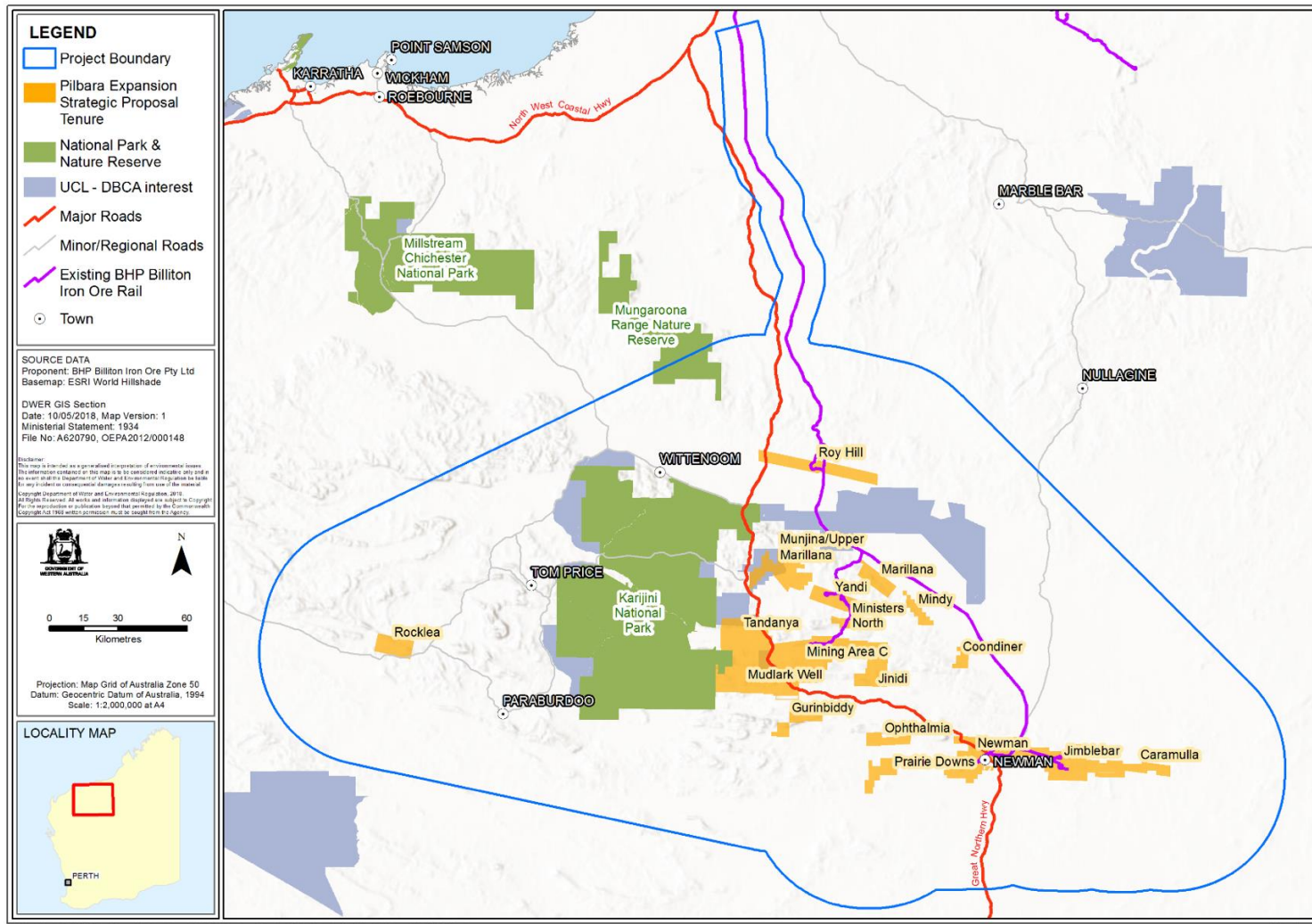


Figure 2 Future Proposals identified in the Strategic Proposal

## **Schedule 2**

Coordinates defining the Project Boundary and Future Proposals identified in the Strategic Proposal are held by the Department of Water and Environmental Regulation, 2018-1528354351392.