

Environmental Protection Act 1986

Section 38E

STATEMENT OF REASONS

REQUEST TO DECLARE A PROPOSAL A DERIVED PROPOSAL

Proposal: Ministers North (Derived Proposal)

Proponent: BHP Iron Ore Pty Ltd

Strategic proposal: Pilbara Expansion Strategic Proposal

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to declare the referred proposal a derived proposal.

Background

On 6 July 2012, BHP Billiton Iron Ore Pty Ltd, now BHP Iron Ore Pty Ltd (BHP) referred the Pilbara Expansion Strategic Proposal to the EPA under s.38 of the *Environmental Protection Act 1986* (EP Act). The proposal included developing iron ore mining and associated mining infrastructure in the Pilbara through existing and future mining operations.

The EPA assessed the proposal as a strategic proposal at the level of Public Environmental Review and published its report in July 2018 ([Report 1619](#)). The development of the Ministers North mining operation was identified as a future derived proposal in EPA Report 1619.

On 11 July 2019, the then Minister for Environment, after consulting relevant decision-making authorities, published Ministerial Statement 1105. The statement said that the future derived proposals identified in EPA Report 1619 may be implemented subject to the conditions set out in the statement.

Since the publication of MS 1105, two derived proposals have been declared: the Orebody 32 Below Water Table derived proposal; and the Newman Hub (Western Ridge) derived proposal.

On 17 October 2025, BHP referred the Ministers North (Derived Proposal) to the EPA under s.38 of the EP Act. BHP requested that the referred proposal be declared a derived proposal in writing. Details of Ministers North are attached to the EPA's s.38E notice accompanying this Statement of Reasons.

The referral and the request that the referred proposal be declared a derived proposal were advertised on the EPA Consultation Hub from 31 October 2025 to 6 November 2025. Two comments were received. One submission raised matters relating to potential impacts to flora and vegetation, subterranean fauna, and inland waters including surface water modifications, geochemical characterisation, and rehabilitation and closure liabilities. The other provided feedback on the timeframe to provide public comment.

Relevant statutory and administrative provisions

On receipt of a request that a referred proposal be declared a derived proposal, the EPA's consideration of the request is subject to the provisions of s.38E of the EP Act.

After considering public comments received and the proposal documentation, the EPA then considers whether or not to declare the referred proposal to be a derived proposal.

To do so, s.38E(4) of the EP Act requires that:

- the proposal was identified in the strategic proposal, and
- the strategic proposal Ministerial Statement provides that the referred proposal may be implemented, subject to any conditions.

The EPA may refuse to declare the referred proposal to be a derived proposal under s.38E(5) of the EP Act if it considers that:

- environmental issues raised by the referred proposal were not adequately assessed when the strategic proposal was assessed; or
- there is significant new or additional information that justifies the reassessment of the issues raised by the referred proposal; or
- there has been a significant change in the relevant environmental factors since the strategic proposal was assessed.

Sections 38E(4) and (5) provide the requirements for the EPA's consideration of a request to declare a referred proposal to be a derived proposal.

Materials considered in making this decision

In determining whether to declare the referred proposal a derived proposal, the EPA has considered the following:

- EPA Report 1619 and the implementation conditions of MS 1105
- the information provided by the proponent
- further information provided during consultation with decision-making authorities
- information obtained from conducting its own inquiries and investigations.

Consideration

1. Was the referred proposal identified in a strategic proposal that was assessed by the EPA?

Yes. This proposal is to develop Ministers North which is an above water table iron ore mine with associated infrastructure, which was identified as a future proposal in the Pilbara Expansion Strategic Proposal. The specifications and characteristics of the future proposals for the Pilbara Expansion Strategic Proposal are identified in Schedule 1 of Ministerial Statement 1105. The Ministers North proposal referred to the EPA is in accordance with these requirements, which is outlined below.

| Element | Description and Authorised Extent | Minister North (Derived Proposal) Characteristics |
|--|---|---|
| Iron ore mines and associated activities and operations, being new mining operations at: <ul style="list-style-type: none"> • Caramulla • Coondiner • Gurinbiddy • Jinidi • Marillana • Mindy • Ministers North • Mudlark • Munjina/Upper Marillana • Ophthalmia/Prairie Down • Rocklea • Roy Hill • Tandanya | Located on tenements or any other interest in land held by BHP or its Associates within the Project Boundary and as identified in MS 1105. Clearing (as defined in s.51A of the EP Act), caused by or likely to be caused by all future proposals identified in column 1, shall not exceed 98,500 hectares (ha). | The development of an above water table iron ore mining operation at Ministers North. Mining will be undertaken through standard open pit mining techniques with the extracted ore transported to BHP's existing Yandi mining operation for processing via a haul road. The proposal is entirely within the Strategic Proposal Project Boundary, identified in MS 1105. The clearing of 1,848 ha of vegetation within a 5,556.6 ha development envelope is within the cumulative clearing limit of 98,500 ha. |

| Element | Description and Authorised Extent | Minister North (Derived Proposal) Characteristics |
|---|---|--|
| <p>and future expansion to new mining operations listed above and existing mining operations at:</p> <ul style="list-style-type: none"> • Jimblebar • Mining Area C • Newman • Yandi. | <p>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:</p> <p>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</p> | <p>Cumulative impacts to key environmental factors are minimised by using existing infrastructure at BHP's Yandi operation.</p> <p>Water abstraction is excluded from the derived proposal. Water for construction and pre-stripping activities will be supplied by BHP's Yandi operation and water during operations will be supplied by the Central Pilbara Hub Surplus Water Proposal at BHP's Mining Area C South Flank (or other sources to be identified).</p> <p>This is the third derived proposal referral under MS 1105, and the cumulative impact limit of 98,500 ha would not be exceeded.</p> |
| | <p>b) The environmental objectives specified in the relevant conditions will be met</p> | <p>EPA Services recommends that the following conditions of MS 1105, requiring Environmental Management Plan (EMP), be implemented for this proposal to ensure that the relevant environmental objectives are met:</p> <ul style="list-style-type: none"> • Condition 1 Derived Proposal • Condition 2 Contact Details • Condition 3 Time limit for Substantial Commencement • Condition 4 Compliance Reporting |

| Element | Description and Authorised Extent | Minister North (Derived Proposal) Characteristics |
|---------|--|--|
| | | <ul style="list-style-type: none"> • Condition 5 Public Availability of Data • Condition 6 Condition Environmental Management Plans • Condition 7 Flora and Vegetation EMP • Condition 8 Terrestrial Fauna EMP • Condition 10 Water EMP • Condition 11 Air Quality EMP • Condition 15 Rehabilitation and Decommissioning • Condition 16 Offsets. |
| | <p>c) Scientifically verifiable estimates of the likely success of future rehabilitation have been made.</p> | <p>BHP provided rehabilitation information in the <i>BHP Pilbara Expansion Strategic Proposal: Derived Proposal Rehabilitation report FY 2024</i>. The report details criteria derived scientifically to assess the success of historical rehabilitation, which is at the completion stage, and to measure the likely success of rehabilitation in the young and progressive stage (future rehabilitation).</p> |

2. Was an agreement reached or a decision made that the referred proposal could be implemented or could be implemented subject to conditions and procedures?

Yes. The then Minister for Environment issued Ministerial Statement 1105 on 11 July 2019. The statement said that the future derived proposals identified in EPA Report 1619 and described in Schedule 1 of MS 1105 may be implemented subject to the conditions set out in the statement. As outlined above, the referred proposal by BHP satisfies these requirements.

3. Does the referred proposal raise environmental issues that were not adequately assessed when the strategic proposal was assessed?

No. The EPA assessed the environmental factors of Flora and Vegetation; Terrestrial Fauna; Subterranean Fauna; Hydrological Processes and Inland Waters Environmental Quality; Social Surroundings; Air Quality; Landforms and Terrestrial Environmental Quality in its assessment of the Strategic Proposal. Consistent with the EPA's *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2023), factors Hydrological Processes and Inland Waters Environmental Quality, and Air Quality would now be considered equivalent to Inland Waters; Air Quality and Greenhouse Gas Emissions. These remain the relevant environmental factors and the assessment of these factors in Report 1619 was both rigorous and comprehensive. The referred proposal does not raise environmental issues that were not adequately assessed when the strategic proposal was assessed.

4. Is there significant new or additional information that justifies reassessment of the issues raised by the referred proposal?

No. The EPA considers that there is no new or additional information that justifies reassessment of the Pilbara Expansion Strategic Proposal.

Clarification on matters related to key environmental factors was sought from the proponent in a request for further information. This information along with the referral documentation was used by the EPA in its consideration of the referred proposal.

The EPA considers that its assessment of the Pilbara Expansion Strategic Proposal remains up to date. The request that the Ministers North proposal be declared a derived proposal was advertised on the EPA's Consultation Hub from 31 October 2025 to 6 November 2025. The comments are summarised above and can be adequately addressed through the implementation conditions. The EPA therefore does not consider that significant new or additional information was raised that justifies reassessment.

5. Has there been a significant change in the relevant environmental factors since the strategic proposal was assessed?

No. The EPA does not consider there has been a significant change in relevant environmental factors since the strategic proposal was assessed.

Other advice

The EPA notes that the proponent proposes to mine above the water table only which removes the need for groundwater abstraction for dewatering and the need to discharge surplus water.

The proponent has established a Mining Exclusion Zone (MEZ) to protect two Category 3 ghost bat roosts and connecting habitat. The MEZ includes the protection of approximately 7 ha of gorge/gully habitat and four ephemeral waterholes and ensures that direct impacts to these roosts are avoided.

The proponent amended the mine layout such that a mine haul road does not pass between two Category 3 ghost bat roosts avoiding indirect impacts to ghost bat individuals and impacts to habitat the species may be reliant on.