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Published on: 3 November 2023

Statement No. 1212

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(Environmental Protection Act 1986)

WOODSIDE SOLAR FACILITY

Proposal: The proposal is to construct and operate a large-scale solar photovoltaic farm and energy storage (battery) infrastructure in the Maitland Strategic Industrial Estate, located approximately 15 kilometres south-west of Karratha.

Proponent: Woodside Energy Ltd
Australian Company Number 005 482 986

Proponent Address: 11 Mount St, PERTH WA 6000

Assessment Number: 2321

Report of the Environmental Protection Authority: 1746

Introduction: Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal entitled Woodside Solar Facility described in the 'Proposal Content Document' attachment 2 of the referral of 16 November 2021, may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

Conditions and procedures

Part A: Proposal extent

Part B: Environmental outcomes, prescriptions and objectives

Part C: Environmental management plans and monitoring

Part D: Compliance, time limits, audits and other conditions

PART A: PROPOSAL EXTENT

A1 Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents / capacities / ranges are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
Development envelope	Figure 1	1,100.3 ha
Disturbance footprint, including areas subject to shading from infrastructure	Within the development envelopes shown in Figure 1	No more than 878 ha within a 1,100.3 ha development envelope.
Direct disturbance of native vegetation	Within the development envelopes shown in Figure 1	Clearing of no more than 878 ha of vegetation in ' Good ' to ' Excellent ' condition.
Operational elements		
Solar PV farm	Figure 1	Up to 500 MW (alternating current) of electricity generated from up to 1,000,000 solar panels and associated infrastructure, including battery storage.
SPSI	Figure 1	A battery energy storage system, electrical substation, and associated infrastructure.
Timing elements		
Proposal life	-	Up to 70 years

PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

B1 Staged Disturbance Footprint Report

- B1-1 The proponent must prepare and submit a Staged Disturbance Footprint Report to the **CEO** that identifies the final **disturbance** footprint for the relevant stage of the proposal prior to construction activities. The Staged Disturbance Footprint Report may be submitted in stages and must demonstrate, at every stage, that the maximum clearing extents specified under Condition A1-1 and achievement of environmental outcomes specified under Conditions B2-1 and B3-1 will be met for all stages combined.
- B1-2 Each Staged Disturbance Footprint Report must identify protected areas within the development envelope, which include native fauna habitat corridors, **northern quoll (*Dasyurus hallucatus*) critical habitat**, areas supporting large trees of *Acacia coriacea* and *A. xiphophylla* and **Aboriginal cultural heritage** sites which will not be disturbed or subjected to **adverse impacts**. The total protected areas shall be a minimum of 97.6 **ha** across all stages.
- B1-3 The proponent must ensure there is no **disturbance** of land that has not been surveyed as at 27 July 2023 until it has been surveyed consistent with EPA guidance and the survey results confirm it is not subject to any of the vegetation, communities or habitat restrictions referenced in condition B2 or condition B3.

B2 Vegetation

- B2-1 The proponent must ensure implementation of the proposal achieves the following environmental outcomes:
- (1) **disturb** no more than 40 **ha** of the 'Roebourne Plains coastal grasslands with gilgai microrelief on deep cracking clays' priority ecological community';
 - (2) **disturb** no more than 526.6 **ha** of the 'Horseflat land system of the Roebourne plains' priority ecological community';
 - (3) no **disturbance** to large trees of *Acacia coriacea* and *A. xiphophylla* on larger drainage lines (Vegetation Type 34) identified in Figure 2;
 - (4) no **disturbance** or **adverse impacts** to native vegetation identified in protected areas in the Staged Disturbance Footprint Report; and
 - (5) no **adverse impacts** to native vegetation within twenty (20) **m** of the boundary of the development envelope.
- B2-2 The proponent must implement the proposal to achieve the following environmental objectives:

- (1) no **adverse impacts** to flora and vegetation from the introduction or spread of **environmental weeds** compared with pre-construction condition outside of the development envelopes; and
 - (2) and no **adverse impacts** to flora and vegetation outside of the development envelopes through generation of dust from **construction activities**.
- B2-3 The proponent must implement the Woodside Solar Facility Weed Management Plan (May 2023, Rev 1, PA1000RH0000004) with the purpose of ensuring the flora and vegetation environmental objective in condition B2-2(1) is achieved.
- B2-4 The proponent must review and update the Woodside Solar Facility Environment Management Plan (May 2023, Rev 4, PA1000RH0000003) to ensure it demonstrates how achievement of the vegetation environmental outcomes in condition B2-1 will be monitored and substantiated, and how the environmental objective in condition B2-2(2) will be achieved, and submit it to the **CEO**.
- B2-5 The proponent must revegetate all areas of native vegetation cleared but not reasonably expected to be required for ongoing **operations** within twenty-four (24) months after completion of each stage of **construction activities** until areas of revegetation achieve a cover and composition of locally native species such that weed cover and abundance is no greater than undisturbed reference sites, and soil is protected from erosion.

B3 Terrestrial Fauna

- B3-1 The proponent must implement the proposal to meet the following environmental outcomes:
- (1) **disturb** no more than:
 - (a) 40.4 ha of **minor drainage lines** habitat type;
 - (b) 104.2 ha of **hummock grassland on rocky plain (*Triodia* on stony soils)** habitat type; and
 - (c) 733.4 ha of **tussock grassland on cracking clays** habitat type.
 - (2) no **disturbance** to the short range endemic invertebrate **granite** habitat type;
 - (3) no **disturbance** to **northern quoll (*Dasyurus hallucatus*) critical habitat** identified in Figure 3;
 - (4) no **disturbance** or **adverse impacts** to native fauna habitat identified in protected areas in the Staged Disturbance Footprint Report.

B3-2 The proponent must implement the proposal to achieve the following environmental objectives:

- (1) minimise the risk of physical injury or mortality from **construction activities** and **operations** on native fauna;
- (2) minimise the risk of **adverse impacts** and indirect **disturbance** to native fauna including physical injury or mortality, behavioural changes, and health impacts; and
- (3) minimise the risk of **adverse impacts** to migratory and raptorial birds from collisions with infrastructure.

B3-3 The proponent must review and update the Woodside Solar Facility Environment Management Plan (May 2023, Rev 4, PA1000RH0000003) to:

- (1) include the results and **management actions** for threatened fauna recorded in the development envelopes from the Proposed Woodside Solar Farm Targeted Fauna Survey (July 2023, Rev B, Biota); and
- (2) to ensure it demonstrates how achievement of the terrestrial fauna environmental outcomes in condition B3-1 will be monitored and substantiated, and how the environmental objectives in condition B3-2 will be achieved, and submit it to the **CEO**.

*Clearing for **construction activities***

B3-4 Prior to **ground disturbing activities** the proponent must undertake the following actions:

- (1) within seven (7) days prior to clearing, using a licenced **fauna spotter**, undertake **pre-clearance surveys** to detect presence of northern quoll (*Dasyurus hallucatus*) within clearing areas; and
- (2) **ground disturbing activities** shall not commence until either:
 - (a) the individual has been relocated by the **fauna spotter**; or
 - (b) the individual has been observed by the **fauna spotter** to have moved on from the area to adjoining **suitable habitat**; and
 - (c) the **fauna spotter** considers that the individual no longer occurs in the area.

B3-5 The proponent must undertake the following actions during **construction activities**:

- (1) ensure the presence of **fauna spotters** during all **ground disturbing activities**; and

- (2) **construction activities** must cease in any area where northern quoll (*Dasyurus hallucatus*) are identified until:
 - (a) the individual has been relocated by a **fauna spotter**; or
 - (b) the individual has been observed by the **fauna spotter** to have moved on from the area to adjoining **suitable habitat**; and
 - (c) the **fauna spotter** considers that the individual no longer occurs in the area.

B3-6 The proponent must produce and provide a report on fauna management no later than sixty (60) days after the completion of each stage of **construction activities** to the **CEO**. The report shall include the following:

- (1) details of fauna inspections;
- (2) dates and details of clearing activities for each area inspected;
- (3) the number and type of fauna removed and relocated and actions taken;
- (4) details of the **fauna spotter** commissioned;
- (5) results of the **pre-clearance surveys**; and
- (6) vertebrate fauna mortalities.

Trench inspection

B3-7 The proponent must undertake the following actions during **construction activities**:

- (1) clear trapped vertebrate fauna from within open **trenches**, using a suitably trained and licensed **fauna spotter**
 - (a) at least twice daily, with the first daily clearing to be completed no later than three (3) hours after sunrise and the second clearing to be completed between the hours of 3:00 pm and 6:00 pm of that same day, unless otherwise agreed to by the **CEO**; and
 - (b) within one (1) hour prior to backfilling of **trenches**;
- (2) ensure open **trench** lengths shall not exceed a length capable of being inspected and cleared by the requirements set out in condition B3-7(1);
- (3) ensure ramps providing egress points and/or fauna refuges providing suitable shelter from the sun and predators for trapped vertebrate fauna are to be placed in the **trench** at intervals not exceeding fifty (50) metres;

- (4) in the event of substantial rainfall, and following the clearing of vertebrate fauna from the **trench**, pump out any pooled water in the open **trench** and discharge it to adjacent vegetated areas in a manner that does not cause erosion;
- (5) produce and provide a report on fauna management no later than sixty (60) days after the completion of each stage of **construction activities** to the **CEO**. The report shall include the following:
 - (a) details of fauna inspections;
 - (b) dates of trenching activities for each **trench** inspected;
 - (c) the number and type of fauna cleared from **trenches** and actions taken;
 - (d) details of the **fauna spotter** commissioned; and
 - (e) vertebrate fauna mortalities.

B4 Aboriginal Cultural Heritage

B4-1 The proponent must implement the proposal to meet the following environmental outcomes:

- (1) no **disturbance** to **heritage sites ID 16590, 16591, 21673 and 21674** and any **heritage sites** found in **pre-clearance surveys**, including no **disturbance** in a buffer of fifty (50) m around any heritage site;
- (2) no significant **adverse impacts** to **Aboriginal cultural heritage**, including areas that are outside the development envelope where **Aboriginal cultural heritage** may be directly affected; and
- (3) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by the **Ngarluma People**.

B4-2 The proponent must provide the **Ngarluma People** with the opportunity to be consulted on the Staged Disturbance Footprint Report under condition B1 and Waste Minimisation, Decommissioning and Rehabilitation environmental management plan under condition B5, at least three (3) months before they are submitted to the **CEO**.

B5 Waste Minimisation, Decommissioning and Rehabilitation

B5-1 The proponent must implement the proposal to ensure the following environmental outcomes are achieved:

- (1) waste minimisation opportunities are reviewed and implemented throughout the life of the proposal, including review of life cycle of waste from replacement of solar panels and other infrastructure;
- (2) rehabilitated landforms are stable and do not cause pollution or environmental harm;
- (3) rehabilitated areas are capable of sustaining achievement of the other environmental outcomes in Part B during the life of the proposal;
- (4) rehabilitated vegetation is self-sustaining; and
- (5) rehabilitated areas are consistent with species diversity and abundance consistent with native vegetation adjacent to the proposal and achieves a cover and composition of locally native species such that weed cover and abundance is no greater than undisturbed reference sites, and soil is protected from erosion.

B5-2 Within five (5) years of the commencement of the proposal, and every five (5) years after, the proponent must prepare a Waste Minimisation, Decommissioning and Rehabilitation environmental management plan that satisfies the requirements of condition C4 and demonstrates how decommissioning and rehabilitation environmental outcomes in condition B5-1 will be achieved, monitored and substantiated, and submit it to the **CEO**.

B6 Environmental Performance Reporting

B6-1 The proponent must submit an Environmental Performance Report to the **CEO** every five (5) years.

B6-2 The first Environmental Performance Report shall be submitted within three (3) months of the expiry of the five (5) year period commencing from the date of substantial commencement of the proposal, or such other time as may be approved by the **CEO**.

B6-3 Each Environmental Performance Report shall report on proposal emissions and proposal impacts on the following environmental values:

- (1) state of flora and vegetation;
- (2) state of terrestrial fauna;
- (3) state of **Aboriginal cultural heritage**; and
- (4) state of the holistic environment.

B6-4 The Environmental Performance Report must include:

- (1) a comparison of the environmental values identified in condition B6-3 at the end of the five (5) year period; against the state of each environmental value at the beginning of the 5-year period;
- (2) a comparison of the environmental values identified in condition B6-3 at the end of the five (5) year period; against the state of the environmental values identified in first Environmental Performance Report submitted in accordance with condition B6-1;
- (3) proposed adaptive management and continuous improvement strategies; and
- (4) the Environmental Performance Report may be in whole or part prepared in conjunction with other proponents where there are cumulative impacts from their proposals.

B6-5 Each Environmental Performance Report must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the **DWER** within twenty (20) business days of being provided to the **CEO**.

B7 Pilbara Environmental Offsets Fund

B7-1 The proponent must contribute funds to the **Pilbara Environmental Offsets Fund** calculated pursuant to condition B7-2, to achieve the objective of counterbalancing the significant residual impacts by the proposal to:

- (1) **'Good' to 'Excellent' condition native vegetation;**
- (2) **'Roebourne Plains coastal grasslands with gilgai microrelief on deep cracking clays' priority ecological community';**
- (3) **'Horseflat land system of the Roebourne Plains' priority ecological community'; and**
- (4) **northern quoll (*Dasyurus hallucatus*) supporting habitat, Pilbara leaf-nosed bat (*Rhinonictis aurantia*) supporting habitat, ghost bat (*Macroderma gigas*) supporting habitat, Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat and grey falcon (*Falco hypoleucos*) supporting habitat, subject to any reduction approved by the **CEO** under condition B7-8.**

B7-2 The proponent's contribution to the **Pilbara Environmental Offsets Fund** must be paid biennially, with the amount to be contributed calculated based on the clearing of native vegetation undertaken in each year of the biennial reporting period in accordance with the rates in condition B7-3. The first biennial reporting period must commence from **ground disturbing activities** of the environmental value(s) identified in condition B7-3.

B7-3 Calculated on the 2021-2022 financial year, the contribution rates are:

- (1) \$890 AUD (excluding GST) per ha of **'Good' to 'Excellent' condition native vegetation** and **northern quoll (*Dasyurus hallucatus*) supporting habitat**, **Pilbara leaf-nosed bat (*Rhinioncteris aurantia*) supporting habitat**, **ghost bat (*Macroderma gigas*) supporting habitat**, **Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat** and **grey falcon (*Falco hypoleucos*) supporting habitat** cleared as a result of the proposal within the Roebourne **IBRA** subregion.
- (2) \$1,780 AUD (excluding GST) per ha of **'Roebourne Plains coastal grasslands with gilgai microrelief on deep cracking clays' priority ecological community** and **'Horseflat land system of the Roebourne Plains' priority ecological community** cleared as a result of the proposal within the Roebourne **IBRA** subregion.

B7-4 The rates in condition B7-3 change annually each subsequent financial year in accordance with the percentage change in the **CPI** applicable to that financial year.

B7-5 To achieve the objective in condition B7-1 the proponent must prepare an Impact Reconciliation Procedure, and submit to the **CEO**. This procedure must:

- (1) spatially define the environmental value(s) identified in condition B7-1;
- (2) spatially define the areas where offsets required by condition B7-1 are to be exempt;
- (3) include a methodology to calculate the amount of clearing undertaken during each year of the biennial reporting period for each of the environmental values identified in condition B7-3;
- (4) state that clearing calculation for the first biennial reporting period will commence from **ground disturbing activities** in accordance with condition B7-2 and end on the second 30 June following commencement of **ground disturbing activities**;
- (5) state that clearing calculations for each subsequent biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the **CEO**;
- (6) be prepared in accordance with Instructions on how to prepare *Environmental Protection Act 1986 Part IV Impact Reconciliation Procedures and Impact Reconciliation Reports* (or any subsequent revisions).

B7-6 The proponent must submit an Impact Reconciliation Report in accordance with the **confirmed** Impact Reconciliation Procedure in condition B7-5.

- B7-7 The Impact Reconciliation Report required pursuant to condition B7-6 must provide the location and spatial extent of the **ground disturbing activities** undertaken as a result of the proposal during each year of each biennial reporting period.
- B7-8 The proponent may apply in writing and seek the written approval of the **CEO** to reduce all or part of the contribution payable under condition B7-2 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; and
 - (2) the payment is made for the purpose of counterbalancing impacts of the proposal on matters of national environmental significance.
- B7-9 The **CEO** may grant approval to discount the amount payable under condition B7-1(4) if the **CEO** is satisfied that the payment will offset the significant residual impacts of the proposal.
- B7-10 Condition C2 applies to the **confirmed** Impact Reconciliation Procedure required by condition B7-5 as if it were an environmental management plan.

PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING

C1 Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal

C1-1 The proponent must not undertake:

- (1) **ground disturbing activities** until the **CEO** has **confirmed** in writing that the environment management plan required by condition B2-4 and condition B3-3 meets the requirements of that condition and condition C5;
- (2) **ground disturbing activities** until the **CEO** has **confirmed** in writing that the Impact Reconciliation Procedure required by condition B7-5 meets the requirements of that condition; and
- (3) solar panel or infrastructure replacement, decommissioning and rehabilitation activities until the **CEO** has **confirmed** in writing that the waste minimisation, decommissioning and rehabilitation environmental management plan required by condition B5-2 meets the requirements of that condition and condition C4.

C2 Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication

C2-1 Upon being required to implement an environmental management plan under Part B, or after receiving notice in writing from the **CEO** under condition C1-1 that the environmental management plan(s) required in Part B satisfies the relevant requirements, the proponent must:

- (1) implement the most recent version of the **confirmed** environmental management plan; and
- (2) continue to implement the **confirmed** environmental management plan referred to in condition C2-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C2-2 The proponent:

- (1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;

- (2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**; and
 - (3) must revise and submit to the **CEO** the **confirmed** environmental management plan if there is a material risk that the outcomes or objectives it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.
- C2-3 Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-4 If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the **CEO** with the following at least twenty (20) business days before it implements the revisions:
- (1) the revised environmental management plan clearly showing the minor revisions;
 - (2) an explanation of and justification for the minor revisions; and
 - (3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.
- C2-6 **Confirmed** environmental management plans, and any revised environmental management plans under condition C2-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the **DWER** within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

C3 Conditions Related to Monitoring

- C3-1 The proponent must undertake monitoring capable of:
- (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and

- (2) **detecting** and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).

C3-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:

- (1) outlines the monitoring that was undertaken during the implementation of the proposal;
- (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;
- (3) for any environmental outcomes to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental outcomes in Part B are met;
- (4) outlines the results of the monitoring;
- (5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental outcomes to which condition C3-1 (2) applies) whether the environmental outcomes in Part B were achieved, based on analysis of the results of the monitoring; and
- (6) reports any actions taken by the proponent to remediate any potential non-compliance.

C4 Environmental Management Plans: Conditions Relating to Monitoring and Adaptive Management for Outcomes Based Conditions

C4-1 The environmental management plans required under conditions B2-4 and B3-3 and condition B5-2 must contain provisions which enable the substantiation of whether the relevant outcomes of those conditions are met, and must include:

- (1) **threshold criteria** that provide a limit beyond which the environmental outcomes are not achieved;
- (2) **trigger criteria** that will provide an early warning that the environmental outcomes are not likely to be met;
- (3) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to measure **threshold criteria** and **trigger criteria**. Include methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future;
- (4) baseline data;

- (5) data collection and analysis methodologies;
- (6) adaptive management methodology;
- (7) **contingency measures** which will be implemented if **threshold criteria** or **trigger criteria** are not met; and
- (8) reporting requirements.

C4-2 The environmental management plan required under condition B5-2 is required to include:

- (1) removal or, if appropriate, retention of infrastructure and panels in consultation with stakeholders; and
- (2) rehabilitation of all disturbed areas to meet environmental outcomes in condition B5-1, in consultation with **Ngarluma People**.

C4-3 Without limiting condition C3-1, failure to achieve an environmental outcome, or the exceedance of a **threshold criteria**, regardless of whether threshold **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.

C5 Environmental Management Plans: Conditions Related to Management Actions and Targets for Objective Based Conditions

C5-1 The environmental management plans required under condition B2-3, condition B2-4 and condition B3-3 must contain provisions which enable the achievement of the relevant objectives of those conditions and substantiation of whether the objectives are reasonably likely to be met, and must include:

- (1) **management actions**;
- (2) **management targets**;
- (3) **contingency measures** if **management targets** are not met; and
- (4) reporting requirements.

C5-2 Without limiting condition C2-1, the failure to achieve an environmental objective, or implement a **management action**, regardless of whether **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.

PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS

D1 Non-compliance Reporting

D1-1 If the proponent becomes aware of a potential non-compliance, the proponent must:

- (1) report this to the **CEO** within seven (7) days of being aware of the potential non-compliance;
- (2) implement **contingency measures**;
- (3) investigate the cause;
- (4) investigate environmental impacts;
- (5) advise rectification measures to be implemented;
- (6) advise any other measures to be implemented to ensure no further impact; and
- (7) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(6) above.

D1-2 Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

D2 Compliance Reporting

D2-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

D2-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.

D2-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

D2-4 Each annual Compliance Assessment Report must:

- (1) state whether each condition of this Statement has been complied with, including:
 - (a) exceedance of any proposal limits and extents;
 - (b) achievement of environmental outcomes;
 - (c) achievement of environmental objectives;
 - (d) requirements to implement the content of environmental management plans;
 - (e) monitoring requirements;
 - (f) implement **contingency measures**;
 - (g) requirements to implement adaptive management; and
 - (h) reporting requirements;
- (2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any outcomes or any objectives are being met;
- (3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
- (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
- (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation;
- (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has **confirmed** by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare 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 D2-2, or prior to implementation of the proposal, whichever is sooner.

D2-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;

- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;
- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

D3 Contact Details

- D3-1 The proponent must 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.

D4 Time Limit for Proposal Implementation

- D4-1 The proposal must be substantially commenced within five (5) years from the date of this Statement.
- D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than fourteen (14) days after the expiration of period specified in condition D4-1.
- D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

D5 Public Availability of Data

- D5-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.
- D5-2 If:
 - (1) any data referred to in condition D5-1 contains trade secrets; or

- (2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

D5-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

D6 Independent Audit

D6-1 The proponent must arrange for an independent audit of compliance with the conditions of this statement, including achievement of the environmental outcomes and/or the environmental objectives and/ or environmental performance with the conditions of this statement, as and when directed by the **CEO**.

D6-2 The independent audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D6-1.

D6-3 The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

D6-4 The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

[Signed on 3 November 2023]

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):
Minister for Aboriginal Affairs
Minister for Energy
Minister for Lands
Minister for Water

Table 1: Abbreviations and definitions

Acronym or abbreviation	Definition or term
Aboriginal cultural heritage	Means the tangible and intangible elements that are important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition to the extent they directly affect or are affected by physical or biological surroundings.
<i>Acacia coriacea</i> and <i>A. xiphophylla</i> on larger drainage lines (Vegetation Type 34)	Vegetation type <i>Acacia coriacea</i> and <i>A. xiphophylla</i> on larger drainage lines (Vegetation Type 34) as shown in Figure 2.
Adverse impact	<p>Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.</p> <p>In relation to flora and vegetation, includes but is not limited to hydrological change, spread or introduction of environmental weeds, altered fire regimes, introduction or spread of disease, changes in erosion/deposition/accretion and edge effects.</p> <p>In relation to terrestrial fauna, includes but is not limited to vehicle strike, collision with fencing, habitat fragmentation, artificial light and vibration, noise emissions, dust, cane toads (<i>Bufo marinus</i>) and increased predation (by feral cats (<i>Felis catus</i>) and the European red fox (<i>Vulpes vulpes</i>).</p> <p>In relation to Aboriginal cultural heritage, includes but is not limited to disturbance to heritage sites, interference with traditional uses of land outside of the development envelope, or impacts to the heritage values of Aboriginal cultural heritage beyond a level agreed with the prescribed body corporate.</p>
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 the CEO's delegate.
Confirmed	<p>In relation to a plan required to be made and submitted to the CEO, means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition.</p> <p>In relation to a plan required to be implemented without the need to be first submitted to the CEO, means that plan until it is revised, and then means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition.</p>

Acronym or abbreviation	Definition or term
Construction activities	Activities that are associated with the substantial implementation of a proposal, including but not limited to, earthmoving, blasting, vegetation clearing, grading or construction of right of way. Construction activities do not include geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
Contingency measures	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria or management target are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, management target and to ensure that the environmental outcome and/or objective can be met.
CPI	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
Detecting/ Detectable	The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value of at least 0.8 or an alternative value as determined by the CEO .
Disturb / disturbance	Means directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an environmental value. In relation to flora, vegetation or fauna habitat, includes to result in the death, destruction, removal, severing or doing substantial damage to In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment. In relation to Aboriginal cultural heritage includes to result in the destruction, removal, or doing substantial damage to sites ID 16590,16591, 21673 and 21674 and four new sites .
DWER	The Western Australian Department of Water and Environmental Regulation, or any of its successors responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> .
Environmental weeds	Any plant declared under section 22(2) of the <i>Biosecurity and Agriculture Management Act 2007</i> , any plant listed on the Weeds of National Significance List and any weeds listed on the Department of Biodiversity, Conservation and Attractions' Pilbara Impact and Invasiveness Ratings list, as amended or replaced from time to time.

Acronym or abbreviation	Definition or term
Fauna spotter	A person who is qualified and has attained the appropriate licence/s and authorisation/s under the <i>Biodiversity Conservation Act 2016</i> and the Biodiversity Conservation Regulation 2018.
Four new sites	Four new sites identified in the heritage report titled Black Wattle Archaeology Pty Ltd (BWA) 2019, <i>Archaeological Site Avoidance Survey for Woodside Power Project, Stages 1, 2 & 3 the Pilbara, Western Australia, November</i> , prepared for the Ngarluma Aboriginal Corporation & Woodside Energy Limited.
Ghost bat (<i>Macroderma gigas</i>) supporting habitat	All hummock grassland on rocky plain (<i>Triodia</i> on stony soils) and tussock grassland on cracking clays habitat types.
‘Good’	The condition of native vegetation rated in accordance with the <i>Technical guidance – Flora and vegetation surveys for environmental impact assessment (EPA 2016)</i> including any revision to this technical guidance.
‘Good’ to ‘Excellent’ condition native vegetation	Means the condition of native vegetation rated in accordance with the <i>Technical guidance – Flora and vegetation surveys for environmental impact assessment (EPA 2016)</i> including any revision to this technical guidance.
Granite	The area defined as the habitat type “exposed granite outcrops” in the report and supporting spatial data in the <i>Proposed Woodside Solar Farm Targeted Fauna Survey (Rev B)</i> , by Biota 2023.
Grey falcon (<i>Falco hypoleucos</i>) supporting habitat	All minor drainage lines and tussock grassland on cracking clays habitat types.
Ground disturbing activities	Any activity or activities undertaken in the implementation of the proposal, including any clearing, civil works or construction.
Ha	Hectare
Horseflat land system of the Roebourne Plains’ priority ecological community	Priority ecological community as described by the Department of Biodiversity, Conservation and Attractions in the <i>Priority Ecological Communities for Western Australia Version 35</i> (2023).
Heritage sites	Sites protected under, or eligible to be protected under, Aboriginal cultural heritage legislation from time to time due to its value as part of Aboriginal tradition
Heritage sites ID 16590,16591, 21673 and 21674	Department of Planning Lands and Heritage identification 16590,16591, 21673 and 21674 sites as shown in Figure 8-4 (Woodside 2023a).

Acronym or abbreviation	Definition or term
Hummock grassland on rocky plain (<i>Triodia</i> on stony soils)	The area defined as the habitat type “Hummock grassland on rocky plain (<i>Triodia</i> on stony soils)” in the report and supporting spatial data in the <i>Proposed Woodside Solar Farm Targeted Fauna Survey (Rev B)</i> , by Biota 2023.
IBRA	Interim Biogeographic Regionalisation for Australia
Management action	The identified actions implemented with the intent of achieving the environmental objective.
Management target	A type of indicator to evaluate whether an environmental objective is being achieved.
M	Metres
MW	Megawatt
Minor drainage lines habitat	The area defined as the habitat type “minor drainage lines” in the report and supporting spatial data in the <i>Proposed Woodside Solar Farm Targeted Fauna Survey (Rev B)</i> , by Biota 2023.
Ngarluma People	The appropriate prescribed body corporate in relation to the Native Title Claim WCD2005/001
Northern quoll (<i>Dasyurus hallucatus</i>) critical habitat	Tree-lined creeks with hollows, with trees of sufficient size and age to form hollows that could potentially be used as den sites identified in the Biota (2023) targeted fauna survey as shown in Figure 3.
Northern quoll (<i>Dasyurus hallucatus</i>) supporting habitat	All hummock grassland on rocky plain (<i>Triodia</i> on stony soils) , minor drainage lines and tussock grassland on cracking clays habitat types outside of northern quoll (<i>Dasyurus hallucatus</i>) critical habitat .
Operations	Operation of the plant infrastructure for the proposal and includes pre-commissioning, commissioning, start-up and operation of the plant infrastructure for the proposal.
PV	Photovoltaic
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.
Pilbara leaf-nosed bat (<i>Rhinonicteris aurantia</i>) supporting habitat	All hummock grassland on rocky plain (<i>Triodia</i> on stony soils) habitat types.
Pilbara olive python (<i>Liasis olivaceus barroni</i>) supporting habitat	All hummock grassland on rocky plain (<i>Triodia</i> on stony soils) , minor drainage lines and tussock grassland on cracking clays habitat types.

Acronym or abbreviation	Definition or term
Pre-clearance surveys	Surveys designed to identify the presence or evidence of threatened fauna listed under the <i>Biodiversity Conservation Act 2016</i> prior to ground disturbing activities .
Roebourne Plains coastal grasslands with gilgai microrelief on deep cracking clays' priority ecological community	Priority ecological community as described by the Department of Biodiversity, Conservation and Attractions in the <i>Priority Ecological Communities for Western Australia Version 35</i> (2023).
SPSI	Solar plant supporting infrastructure.
Suitable habitat	Any habitat known to support northern quoll (<i>Dasyurus hallucatus</i>).
Targeted fauna survey	The targeted fauna survey results and supporting spatial data described in the report Biota 2023, <i>Draft proposed Woodside Solar Farm Targeted Fauna Survey</i> , unpublished report for Woodside Energy Ltd.
Threshold criteria	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.
Trench /Trenches	Any excavation that is of sufficient depth that would cause vertebrate fauna to be become trapped and unable to escape and would include, but not be limited to, trenches or pits for utilities, pipelines, dewatering pits or bell holes.
Trigger criteria	Indicators that have been selected for monitoring to provide a warning that, if exceeded, the environmental outcome may not be achieved. They are intended to forewarn of the approach of the threshold criteria and trigger response actions.
Tussock grassland on cracking clays	The area defined as the habitat type "tussock grassland on cracking clays" in the report and supporting spatial data in the <i>Proposed Woodside Solar Farm Targeted Fauna Survey (Rev B)</i> , by Biota 2023.

Figures (attached)

Figure 1 Woodside Solar Facility Development envelopes (This figure/map is a representation of the co-ordinates referenced in Schedule 1)

Figure 2 Location of Vegetation Type 34, containing locally significant *Acacia* trees

Figure 3 Location of northern quoll (*Dasyurus hallucatus*) critical habitat

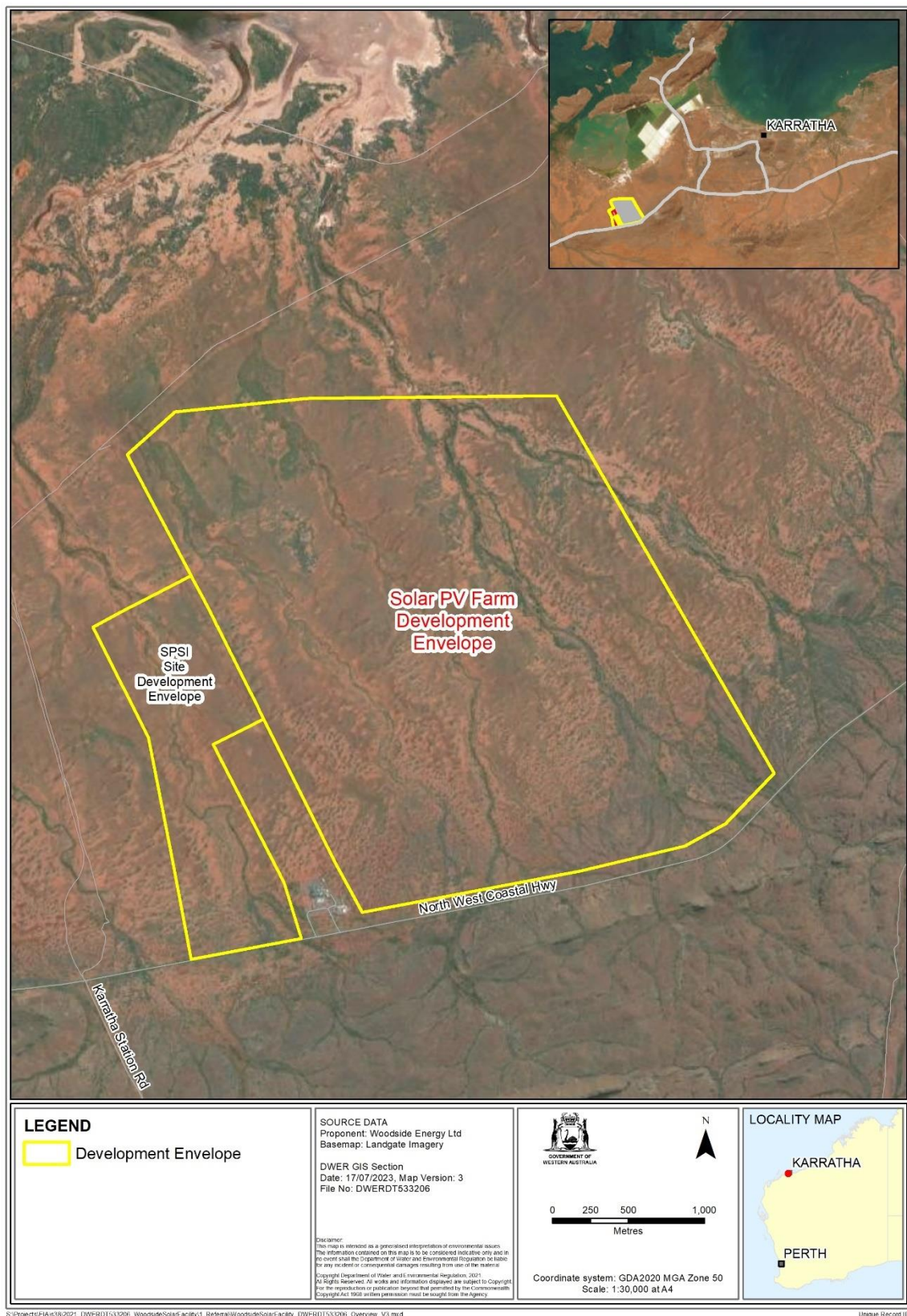


Figure 1 Woodside Solar Facility development envelope

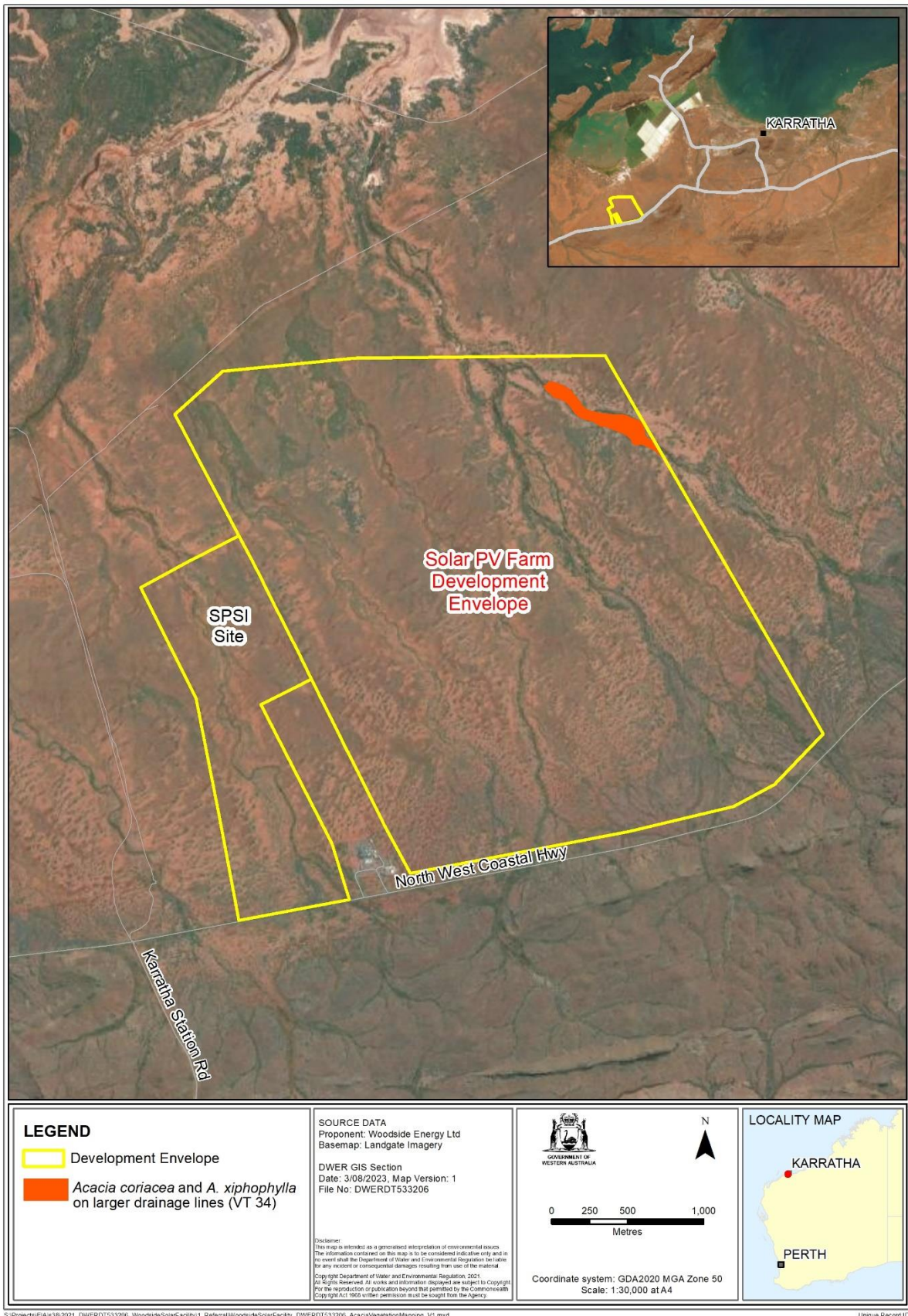


Figure 2 Location of VT34, containing locally significant *Acacia* trees

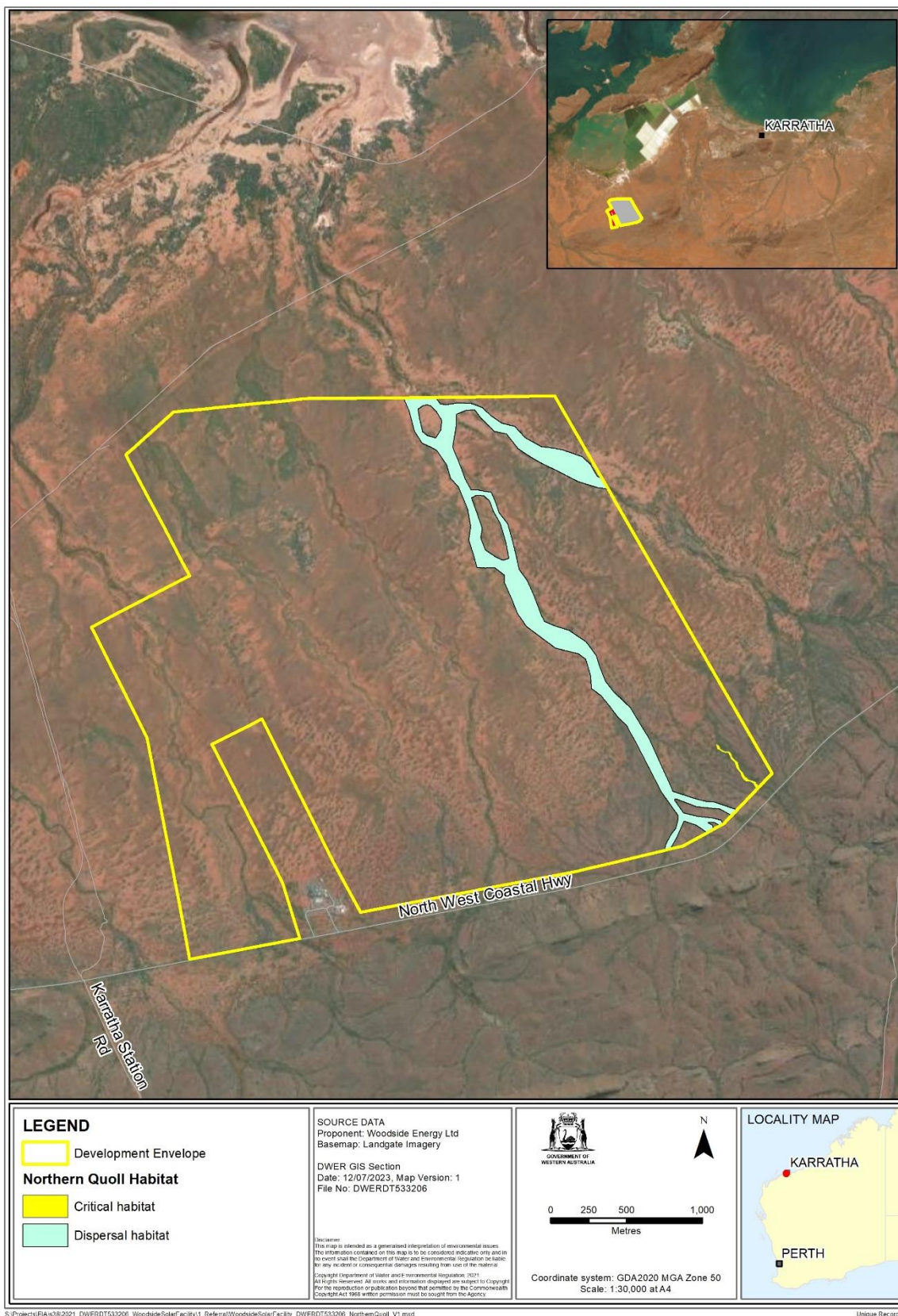


Figure 3 Location of northern quoll (*Dasyurus hallucatus*) critical habitat

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 2020 (GDA20).

Spatial data depicting the figures are held by the Department of Water and Environmental Regulation. Record no. A2189709.