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Published on: 17 June 2024

Statement No. 1224

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

**MCPHEE CREEK IRON ORE PROJECT**

**Proposal:** The Proposal is for the above and below water table mining of iron ore from five open cut pits, located approximately thirty (30) km north of Nullagine. The Proposal includes the development of mine pits and associated infrastructure including crushing and screening facilities, waste landforms, run of mine pad, access roads, solar field, administration, accommodation camp, stockpile and laydown areas, borrow pits, groundwater bores and transfer infrastructure, explosives magazine, fuel storage and landfill.

**Proponent:** Atlas Iron Pty Ltd  
Australian Company Number 110 396 168

**Proponent address:** Level 17, 300 Murray Street  
PERTH WA 6000

**Assessment number:** 2285

**Report of the Environmental Protection Authority:** 1750

**Introduction:** Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal entitled 'McPhee Creek Iron Ore Project' described in the 'Proposal Content Document' attachment of the referral of 18 February 2021, as amended by the change to proposal approved under s. 43A on 22 March 2023, 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 and other conditions

### PART A: PROPOSAL EXTENT

#### 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	No more than 4,465 <b>ha</b>
Indicative Disturbance footprint	Within the development envelope shown in Figure 1	No more than 1,913 <b>ha</b> within a 4,465 <b>ha</b> development envelope.
Direct <b>disturbance</b> of native vegetation	Within the development envelope shown in Figure 1	Clearing of no more than 1,912 <b>ha</b> of native vegetation in a 'Good' or better condition within a 4,465 <b>ha</b> development envelope.
<b>Fauna Corridor Exclusion Zone</b>	Figure 1	No direct <b>disturbance</b> , including mining activities, pits, excavation, waste dumps and permanent structures. <b>Low impact activities</b> to support monitoring and management are permitted.
<b>Significant Fauna Exclusion Zone</b>	Figure 1	No direct <b>disturbance</b> , including mining activities, pits, excavation, waste dumps and permanent structures. <b>Low impact activities</b> to support monitoring and management are permitted.
<b>High Value Troglodfauna Habitat Exclusion Zone</b>	Figure 1	No direct <b>disturbance</b> , including mining activities, pits, excavation, waste dumps and

		permanent structures. <b>Low impact activities</b> to support monitoring and management are permitted.
Bat Cave Buffer Zones	Figure 2	<p>The spatial areas as defined by geographic coordinates in Schedule 1. The spatial areas represent the following radial cave buffers:</p> <p>CMPC-03 – 50 metres  CMPC-08 – 50 metres  CMPC-10 – 253 metres  CMPC-25 – 282 metres  CMPC-05 – 50 metres  CMPC-09 – 50 metres  CMPC-13 – 50 metres  CMPC-16 – 50 metres  CMPC-20 – 50 metres  CMPC-21 – 50 metres</p>
Operational elements		
Groundwater abstraction		Groundwater abstraction for <b>mine dewatering</b> of up to 7.5 <b>GL/a</b>
Surplus water discharge	Figure 3	Controlled discharge of up to 6 <b>GL/a</b> surplus water into McPhee Creek, Branch of McPhee Creek, and Lionel Creek, with resultant wetting fronts under natural no-flow conditions to extend no more than 6.9 <b>km</b> in McPhee Creek, 6.8 <b>km</b> in Branch of McPhee Creek, 4.4 <b>km</b> in Lionel Creek.
Timing elements		
Mine life	N/A	Up to 15 years from the date of substantial commencement

## **PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES**

### **B1 Flora and Vegetation**

B1-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcomes:

- (1) directly **disturb** no more than 24 **ha** of groundwater dependent vegetation as described and recorded in the **baseline flora and vegetation survey** as EvApyCci and EcAPyCci;
- (2) **disturb** no more than 815 individuals of *Eragrostis crateriformis* as described and recorded in the **baseline flora and vegetation survey**;
- (3) **disturb** no more than 842 individuals of *Ptilotus mollis* as described and recorded in the **baseline flora and vegetation survey**;
- (4) avoid **disturbance** of and **adverse impacts** to *Acacia aphanoclada*, including the individual as described and recorded in the **baseline flora and vegetation survey**;
- (5) avoid **disturbance** of and **adverse impacts** to *Rostellularia adscendens* var. *latifolia* including the three individuals as described and recorded in the **baseline flora and vegetation survey**; and
- (6) ensure there are no **adverse impacts** to flora and vegetation resulting from the introduction or spread of **environmental weeds** within the development envelope and **Significant Fauna Exclusion Zone** compared with pre-construction condition as described and recorded in the **baseline flora and vegetation survey**.

B1-2 The proponent shall undertake the following actions during construction and operational activities:

- (1) implement weed hygiene measures during construction and operations to prevent the introduction or spread of **environmental weeds**.

## **B2 Terrestrial Fauna**

B2-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcomes:

- (1) **disturb** no more than:
  - (a) 93.6 **ha** of the fauna habitat type identified as **gorge/gully habitat**;
  - (b) 17.0 **ha** of the fauna habitat type identified as **breakaway/cliff habitat**;
  - (c) 55.0 **ha** of the fauna habitat type identified as **drainage line habitat**;
  - (d) 504.6 **ha** of the fauna habitat type identified as **hillcrest/hillslope habitat**; and
  - (e) 12.1 **ha** of the fauna habitat type identified as **spinifex sandplain habitat**;
- (2) avoid **disturbance** of and ensure no **adverse impact** to the structural integrity, microclimate or capacity to support ghost bats (*Macroderma gigas*) of the bat caves listed in condition A1-1 and as shown in Figure 2;
- (3) no **adverse impact** to fauna habitat within the **Significant Fauna Exclusion Zone** and **Fauna Corridor Exclusion Zone**;
- (4) no **adverse impact** to potential short-range endemic *Olpiidae* sp.; and
- (5) no **ground disturbing activities** within the Bat Cave Buffer Zones shown in Figure 2.

B2-2 The proponent must implement the proposal to achieve the following environmental objectives:

- (1) avoid where practicable and otherwise minimise **adverse impacts** and **disturbance** to native fauna including physical injury or mortality, behavioural changes, and health impacts;
- (2) avoid where practicable and otherwise minimise the risk of **adverse impacts** and **disturbance** to the local population of ghost bat (*Macroderma gigas*) utilising the bat caves shown in Figure 2; and
- (3) minimise the adverse impact of **feral fauna** species within the development envelope and the **Significant Fauna Exclusion Zone**.

### *Clearing for construction*

B2-3 Prior to **ground disturbing activities** the proponent shall undertake the following actions:

- (1) for any clearing proposed during the **grey falcon (*Falco hypoleucos*) nesting period**, within seven (7) days prior to clearing, survey all potential **breeding trees** within the eucalyptus fringed **drainage line habitat** type; and
- (2) where nesting grey falcon (*Falco hypoleucos*) are identified under condition B2-3(1), avoid clearing the **breeding tree** until such time that the tree is no longer occupied for breeding by grey falcon (*Falco hypoleucos*).

B2-4 Prior to ground disturbing activities within the **spinifex sandplain habitat** type the proponent shall undertake the following actions:

- (1) within seven (7) days prior to clearing, using a **fauna spotter** undertake pre-clearance surveys to detect the presence of **greater bilby (*Macrotis lagotis*) burrows**, including the inspection of burrows; and
- (2) where **greater bilby (*Macrotis lagotis*) burrows** are identified under condition B2-4(1), engage a **fauna spotter** to flag the location of the burrow and avoid clearing within 5 metres of the flagged the **greater bilby (*Macrotis lagotis*) burrow/s**.
- (3) engage a **fauna spotter** to monitor with cameras, the flagged burrow/s for a maximum of five days, or until such time that greater bilby (*Macrotis lagotis*) have been observed to independently move on from the burrow/s.
- (4) prior to clearing, engage a **fauna spotter** to re-inspect any flagged burrow/s for the presence of greater bilby (*Macrotis lagotis*).
- (5) (5) where greater bilby (*Macrotis lagotis*) are identified utilising any flagged burrows under condition B2-4(1) and cannot be avoided in accordance with condition B2-4(2), a **fauna spotter** should remove and relocate the identified greater bilby (*Macrotis lagotis*) to an area of **suitable habitat**, in accordance with a section 40 authorisation under the *Biodiversity Conservation Act 2016*.

### *Lighting*

B2-5 The proponent shall ensure that all required artificial lighting use **directional and/or shielded lighting** and use the minimum number and intensity of lights required, to avoid where practicable and otherwise minimise **adverse impacts** to nocturnal fauna due to artificial lighting.

### *Feral fauna predation*

B2-6 The proponent shall implement management controls to minimise the **adverse impacts** to terrestrial fauna from predation from **feral fauna** species in the development envelope and the **Significant Fauna Exclusion Zone**.

*Ghost bat cave CMPC-03*

B2-7 The proponent shall not undertake blasting within 250 metres of the lateral extent of cave CMPC-03 unless monitoring data from at least three (3) blasting events at a distance more than 250 metres from cave CMPC-03 demonstrates through revised blast vibration modelling that vibrations at cave CMPC-03 will not exceed the trigger criteria as specified in the approved Significant Species Management Plan, as required by condition B2-8.

*Significant Species Management Plan*

B2-8 The proponent must review and revise the Significant Species Management Plan – McPhee Creek Iron Ore Project (13 June 2023, 124-EN-PLN-0008 v5) that demonstrates how achievement of the terrestrial fauna environmental outcomes in condition B2-1 will be monitored and substantiated consistent with the requirements of condition C4, and demonstrates how achievement of the terrestrial fauna environmental objectives in condition B2-2 will be monitored and substantiated consistent with the requirements of condition C5, and submit it to the **CEO**.

**B3 Inland Waters**

B3-1 The proponent must implement the proposal to achieve the following environmental outcomes:

- (1) avoid **disturbance** and have no **adverse impacts** to surface water pools WMPC-01, WMPC-03, WMPC-22, WMPC-29 and WMPC-36 within the development envelope, shown in Figure 3;
- (2) no **adverse impacts** to surface water pools WMPC-18, WMPC-19, WMPC-20, WMPC-21, and WMPC-32 within the **Significant Fauna Exclusion Zone** shown in Figure 3;
- (3) no **adverse impacts** to permanent and semi-permanent surface water pools within McPhee Creek, Branch of McPhee Creek and Lionel Creek outside of the development envelope;
- (4) no **adverse impacts** to surface water quality within McPhee Creek, Branch of McPhee Creek and Lionel Creek; and
- (5) indirect **adverse impacts** to no more than 50 **ha** of groundwater dependent vegetation, as described and recorded in the **baseline flora and vegetation survey** as EvApyCci and EcAPyCci.

B3-2 The proponent must review and revise the Water Management Plan – McPhee Creek Iron Ore Project (26 June 2023, 124-EN-PLN-0007 v3) that satisfies the requirements of condition C4 and demonstrates how achievement of the inland waters environmental outcomes in condition B3-1 will be monitored and substantiated, and submit it to the **CEO**.

#### **B4 Subterranean Fauna**

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

- (1) directly **disturb** no more than 30.2% of the volume of medium and high suitability troglofauna habitat on the main range as described and recorded in the **Subterranean Fauna Assessment** and avoid high suitability habitat where practicable.

B4-2 The proponent must implement the proposal to achieve the following environmental objectives:

- (1) avoid where practicable and otherwise minimise the risk of **adverse impacts** and **disturbance** to stygofauna resulting from surface activities within areas of potential stygofauna habitat as described and recorded in the **Subterranean Fauna Assessment**; and
- (2) avoid where practicable and otherwise minimise the risk of **adverse impacts** and **disturbance** to troglofauna and troglofauna habitat resulting from surface activities within areas of potential troglofauna habitat as described and recorded in the **Subterranean Fauna Assessment**.

#### *Troglofauna habitat assessment*

B4-3 The proponent must implement the proposal to achieve the following environmental outcome:

- (1) no **adverse impact** to the biological diversity or ecological integrity associated with the troglofauna community identified within the Crescent Moon pit area, as described in the **Subterranean Fauna Assessment**.

B4-4 Subject to condition B4-5 the proponent must not undertake any **mining operations** within the **Crescent Moon Provisional Mining Exclusion Zone**, as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.

B4-5 Where:

- (1) a Troglofauna Habitat Connectivity Assessment Plan has been prepared and approved by the **CEO** in accordance with condition B4-6;



- (2) the proponent has implemented the approved Troglifauna Habitat Connectivity Assessment Plan referred to in condition B4-5(1) and reported the outcomes to the **CEO**;
- (3) the **CEO** is satisfied that the outcomes of the troglifauna habitat connectivity assessment confirm the connectivity of troglifauna habitat between the indicative disturbance footprint with suitable habitat outside the indicative disturbance footprint;
- (4) the **CEO** is satisfied that the outcomes of the troglifauna habitat connectivity assessment demonstrates that the environmental outcome in condition B4-3 can be achieved if **mining operations** were to occur within the **Crescent Moon Provisional Mining Exclusion Zone**;
- (5) the proponent has obtained additional information regarding the taxonomy and distribution of the potential short-range endemic singleton *Olpiidae* sp. and reported this information to the **CEO**;
- (6) the **CEO** is satisfied that the information referred to in condition B4-5(5) demonstrates that the environmental outcome in condition B2-1(4) can be achieved if **mining operations** were to occur within the **Crescent Moon Provisional Mining Exclusion Zone**; and
- (7) the proponent has received the prior written advice of the **CEO** that **mining operations** can be undertaken within the **Crescent Moon Provisional Mining Exclusion Zone** or a specified portion thereof; and

then **mining operations** may occur in the **Crescent Moon Provisional Mining Exclusion Zone** or any portion thereof as specified by the **CEO** within condition B4-5(7).

B4-6 The Troglifauna Habitat Connectivity Assessment Plan required by condition B4-5(1) must provide for:

- (1) the characterisation of troglifauna habitats within and connected to the impact areas using geological and hydrogeological information including information from drill logs and cores from the impact areas and connected potential habitat areas;
- (2) the characterisation of troglifauna habitats within and connected to the impact areas using troglifauna records from the impact area and connected potential habitat areas;
- (3) troglifauna sampling in potential troglifauna habitats connected to the impact area in accordance with *Technical Guidance – Sampling methods for subterranean fauna* (EPA 2016) or its revisions;

- (4) an assessment of troglotauna habitat connectivity and the likely extent of connected habitats outside the impact areas on the information obtained from conditions B4-6(1) to B4-6(3); and
- (5) an assessment of the likelihood of the environmental outcome in condition B4-1 being achieved if **mining operations** were undertaken within the **Crescent Moon Provisional Mining Exclusion Zone**.

## **B5 Greenhouse Gas Emissions**

B5-1 Subject to condition B5-1(5), the proponent shall take measures to ensure that **net GHG emissions** do not exceed:

- (1) 654,705 tonnes of CO<sub>2</sub>-e for the period until 30 June 2028;
- (2) 451,705 tonnes of CO<sub>2</sub>-e for the period between 1 July 2028 and 30 June 2033;
- (3) 320,780 tonnes of CO<sub>2</sub>-e for the period between 1 July 2033 and 30 June 2038;
- (4) 189,855 tonnes of CO<sub>2</sub>-e for the period between 1 July 2038 and 30 June 2043; and
- (5) Where the time between the **commencement of operations** and the end of a period specified in condition B5-1(1) is less than five (5) years, the **net GHG emissions** limit for that period is to be determined in accordance with the following formula:

Reduced **net GHG emissions** limit =  $(A \div 1825) \times B$

Where:

A is the **net GHG emissions** limit for the period as specified in condition B5-1.

B is the number of days between the **commencement of operations** and the end of the relevant period specified in condition B5-1.

B5-2 The proponent shall revise, and submit to the **CEO**, the Greenhouse Gas Emissions Environmental Management Plan (22 April 2022) to:

- (1) be consistent with the achievement of the **net GHG emissions** limits in condition B5-1 subject to the adjustment provided for in condition B5-1(5) (or achievement of emission reductions beyond those required by those emission limits);
- (2) specify the estimated **proposal GHG emissions** and **emissions intensity** for the life of the proposal;

- (3) include a comparison of the estimated **proposal GHG emissions** and **emissions intensity** for the life of the proposal against other relevant emissions reduction practices, pathways and comparable facilities;
- (4) identify and describe any measures that the proponent will implement to avoid, reduce and/or offset **proposal GHG emissions** and/or reduce the **emissions intensity** of the proposal as far as practicable; and
- (5) provide a program for the future review of the plan to:
  - (a) assess the effectiveness of measures referred to in condition B5-2(4);
  - (b) identify and describe options for future measures that the proponent may or could implement to avoid, reduce, and/or offset **proposal GHG emission** as far as practicable and/or reduce the **emissions intensity** of the proposal; and
  - (c) consider reasonably practicable options for reductions in **scope 3 emissions**.

B5-3 Within one (1) month of receiving confirmation in writing from the **CEO** that:

- (1) the Greenhouse Gas Environmental Management Plan referred to in condition B5-2 has been revised and satisfies condition B5-2; or
- (2) any subsequent version of the **confirmed** Greenhouse Gas Environmental Management Plan submitted under condition C2-2 or B5-8 which satisfies the requirements of condition B5-2,

the proponent must submit a separate summary of the relevant plan to the **CEO**, which must:

- (3) include a summary of the matters specified in conditions B5-2(1) to condition B5-2(4); and
- (4) be published as required by condition B5-7.

B5-4 The proponent shall submit an annual report to the **CEO** each year by 31 March, commencing on the first 31 March after the **commencement of operations**, or such other date within that financial year as is agreed by the **CEO** to align with other reporting requirements for **GHG**, specifying for the previous financial year:

- (1) the quantity of **proposal GHG emissions**; and
- (2) the **emissions intensity** for the proposal.

B5-5 The proponent shall submit to the **CEO** by 31 March 2030 or such other date within that financial year as is agreed by the **CEO** to align with other reporting requirements for **GHG emissions**, and every five (5) years thereafter:

- (1) a consolidated report specifying:
  - (a) for each of the preceding five financial years, the matters referred to in conditions B5-4(1) and conditions B1-4(2);
  - (b) for the period specified in condition B5-1 that ended on 30 June of the year before the report is due:
    - (i) the quantity of **proposal GHG emissions**;
    - (ii) the **net GHG emissions**;
    - (iii) any measures that have been implemented to avoid or reduce **proposal GHG emissions**; and
    - (iv) the type, quantity, identification or serial number, and date of retirement or cancellation of any **authorised offsets** which have been retired or cancelled and which have been used to calculate the **net GHG emissions** referred to in condition B5-5(1)(b)(ii), including written evidence of such retirement or cancellation.
- (2) an audit and peer review report of the consolidated report required by condition B5-5(1), carried out by an independent person or independent persons with suitable technical experience dealing with the suitability of the methodology used to determine the matters set out in the consolidated report, whether the consolidated report is accurate and whether the consolidated report is supported by credible evidence.

B5-6 A consolidated report referred to in condition B5-5(1) must be accompanied by:

- (1) the latest revision of the **confirmed** Greenhouse Gas Environmental Management Plan required under condition B5-2 or condition B5-8; and
- (2) a separate summary report, for the period specified in condition B5-1 that ended on 30 June of the year before the report is due and any previous periods specified in condition B5-1, and which includes:
  - (a) a graphical comparison of **net GHG emissions** with the **net GHG emissions** limits detailed in condition B5-1 (subject to the adjustment provided for in condition B5-1(5));
  - (b) proposal **emissions intensity** compared to comparable facilities;
  - (c) a summary of measures to reduce the **proposal GHG emissions** undertaken by the proponent for compliance periods detailed in condition B5-1; and

- (d) a clear statement as to whether limits for **net GHG emissions** set out in condition B5-1 have been met, and whether future **net GHG emissions** limits are likely to be met, including a description of any reasons why those limits have not been, and/or are unlikely to be met.

B5-7 In addition to the requirements of condition C2-6 about publication of the **confirmed** Greenhouse Gas Environmental Management Plan, the proponent shall make the summary of the **confirmed** Greenhouse Gas Environmental Management Plan, and all reports required by this condition B5 publicly available on the proponent's website within the timeframes specified below, or in any other manner or time specified by the **CEO**:

- (1) the summary of the **confirmed** Greenhouse Gas Environmental Management Plan within twenty (20) business days of submitting the document to the **CEO** in accordance with condition B5-2; and
- (2) the reports referred to in condition B5-4, condition B5-5, and condition B5-6 within twenty (20) business days of submitting the document to the **CEO**, and they shall remain published for the life of the proposal.

B5-8 In addition to the requirements of condition C2-2, the proponent must revise and submit to the **CEO** the **confirmed** Greenhouse Gas Environmental Management Plan by the date that the first five (5) yearly consolidated report is required to be submitted under condition B5-5 and every five (5) years after that date.

## **B6 Aboriginal Cultural Heritage**

B6-1 The proponent must implement the proposal to meet the following environmental outcomes:

- (1) no disturbance to **Aboriginal cultural heritage sites** in the development envelope, unless consent is granted to disturb that site under WA legislation which specifically relates to Aboriginal heritage and has required informed consultation with **relevant Traditional Owners**; and
- (2) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by relevant traditional owners.

B6-2 The proponent must implement the proposal to meet the following environmental objective:

- (1) avoid, where practicable, and otherwise minimise **adverse impacts** to **Aboriginal cultural heritage** within and surrounding the development envelope.

B6-3 The proponent must undertake ongoing consultation and engagement with **relevant Traditional Owners** about the achievement of the outcomes and objectives in condition B6-1 and condition B6-2 and condition B3-1 for the life of the proposal. The proponent must take reasonable steps to consult with **relevant Traditional Owners** when revising the following environmental management plans under condition C2-2:

- (1) the Significant Species Management Plan – McPhee Creek Iron Ore Project required under condition B2-8; and
- (2) the Water Management Plan – McPhee Creek Iron Ore Project required under condition B3-2.

## **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 to:

- (1) **‘Good’ to ‘Excellent’ condition native vegetation;**
- (2) Riparian vegetation (including groundwater dependent vegetation);
- (3) Critical habitat for northern quoll (*Dasyurus hallucatus*), Pilbara olive python (*Liasis olivaceus barroni*), greater bilby (*Macrotis lagotis*), ghost bat (*Macroderma gigas*) and Pilbara leaf-nosed bat (*Rhinonictoris aurantia*) and subject to any reduction approved by the **CEO** under condition B7-9; and
- (4) supporting habitat for northern quoll (*Dasyurus hallucatus*), Pilbara olive python (*Liasis olivaceus barroni*), ghost bat (*Macroderma gigas*) and Pilbara leaf-nosed bat (*Rhinonictoris aurantia*) subject to any reduction approved by the CEO under condition B7-9.

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 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 2022-2023 financial year, the contribution rates are:

- (1) \$893 AUD (excluding GST) per hectare of **‘Good’ to ‘Excellent’ condition native vegetation** cleared as a result of the proposal within the Chichester **IBRA** subregion;

- (2) \$1,787 AUD (excluding GST) per hectare of riparian vegetation (including groundwater dependent vegetation) cleared as a result of the proposal within the Chichester **IBRA** subregion;
- (3) \$1,787 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal:
  - (a) northern quoll (*Dasyurus hallucatus*) critical habitat;
  - (b) Pilbara olive python (*Liasis olivaceus barroni*) critical habitat;
  - (c) greater bilby (*Macrotis lagotis*) critical habitat;
  - (d) ghost bat (*Macroderma gigas*) critical habitat; and
  - (e) Pilbara leaf-nosed bat (*Rhinonictis aurantia*) critical habitat.
- (4) \$893 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal:
  - (a) northern quoll (*Dasyurus hallucatus*) supporting habitat;
  - (b) Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat;
  - (c) ghost bat (*Macroderma gigas*) supporting habitat; and
  - (d) Pilbara leaf-nosed bat (*Rhinonictis aurantia*).

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**; and
  - (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:
- (1) provide the location and spatial extent of the clearing undertaken as a result of the proposal during each year of each biennial reporting period; and
  - (2) include evidence that clearing undertaken in any area was necessary for the commencement of proposal-related activities or operations in that cleared area within six (6) months of the clearing having occurred.
- 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(3) and 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.
- B7-11 Failure to implement a **confirmed** Impact Reconciliation Procedure or submit an Impact Reconciliation Report as required by condition B7-6 represents a non-compliance with these conditions.
- B7-12 If the proponent becomes aware on reasonable grounds that the **Pilbara Environmental Offsets Fund** is not likely to contribute to the improvement of critical habitat for the species in condition B7-1 (3), the proponent must submit to the **CEO**, within twelve (12) months of becoming aware, a McPhee Creek Offset Strategy (Environmental Management Plan) which demonstrates how the



residual significant impacts to critical habitat will be offset to meet the following environmental objectives:

- (1) counterbalance the significant residual impacts to critical habitat yet to be cleared for the species in condition B7-1(3);
- (2) contribute to reducing the rate of decline in species in condition B7-1(3); and
- (3) contribute to the improvement of critical habitat for the species in condition B7-1(3).

B7-13 The McPhee Creek Offset Strategy (Environmental Management Plan) must:

- (1) demonstrate that the environmental objectives in condition B7-12 will be met;
- (2) have regard to the **conservation advice, recovery plans and threat abatement plans** relevant to the species in condition B7-1(3);
- (3) identify an area, or areas, (the **Proposed Offset Conservation Area**) to be **acquired**, to be **acquired** with **on-ground management**, and/or for **on-ground management**, and contains the environmental value/s identified in B7-1(3);
- (4) demonstrate how the **environmental values** within the **Proposed Offset Conservation Areas** will be maintained and improved or managed in order to counterbalance the significant residual impact to the **environmental values** in condition B7-1(3) and achieve the environmental outcomes and objectives in condition B7-12;
- (5) demonstrate application of the principles of the WA Environmental Offsets Policy, the *WA Environmental Offsets Metric* and the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines*, and the *Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide*, or any subsequent revisions of these documents;
- (6) identify the proportion of resources allocated for each specific offset addressed by the McPhee Creek Offset Strategy (Environmental Management Plan);
- (7) identify how the ongoing performance of the offset measures, and whether they are achieving the outcomes and objectives in condition B7-12, will periodically be made publicly available;
- (8) identify how the **Proposed Offset Conservation Areas** will be protected, being either the sites are ceded to the Crown for the purpose of

management for conservation, or the sites are managed under other suitable mechanism for the purpose of conservation as agreed by the **CEO** by notice in writing;

(9) for offsets **acquired** specify:

- (a) a timeframe and works associated with establishing the **Proposed Offset Conservation Areas**, including a contribution for maintaining the offset for at least twenty (20) years after completion of purchase; and
- (b) identify the **relevant management body** for the on-going management of the **Proposed Offset Conservation Areas**, including its role, and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role.

(10) where **on-ground management** is proposed:

- (a) state the targets for each environmental value to be achieved, including completion criteria, which will result in a **tangible improvement** to the **environmental values** being offset. For revegetation offsets this must include, but not be limited to:
  - (i) fauna target densities;
  - (ii) breeding/foraging fauna habitat achieved;
  - (iii) completion criteria to measure (at a minimum) abundance/distribution, habitat structure and vegetation condition; and
  - (iv) adaptive management to inform successful habitat revegetation for the species listed in condition B7-1(3).
- (b) demonstrate the consistency of the targets with environmental outcomes and objectives in condition B7-12 and the objectives of any relevant guidance, including but not limited to, **recovery plans** or area management plans;
- (c) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition B7-13(10)(a); and
- (d) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under condition B7-13(10)(a) and condition B7-13(10)(c).

(11) where a **research offset** is proposed, prepare a research program that:

- (a) identifies the objectives and intended outcomes, and specifies the deliverables and completion criteria;
- (b) identifies how the research will result in a positive conservation outcome, and will either improve management and protection or address priority knowledge gaps that have been identified as a research priority needed to improve management and protection, for the **environmental values** identified in condition B7-1;
- (c) demonstrate the consistency of the objectives in condition B7-13(11)(a) with any relevant guidance, including but not limited to, recovery plans or area management plans, the principles of the *WA Environmental Offsets Policy*, the *WA Environmental Offsets Guidelines*, or any subsequent revisions of these documents;
- (d) identifies and justifies the how the research will support land **acquired** and/or **on-ground management** in achieving a positive conservation outcome;
- (e) provides an implementation and reporting schedule, including an outline of key activities, all deliverables, stages of implementation, reporting of research results (including interim results), reporting on implementation status, and milestones towards completion criteria;
- (f) identifies the governance arrangements including responsibilities for implementing, and oversight of, the research program, agreements with government agencies, agreements with any third parties, and contingency measures;
- (g) identify how a research program summary, and the results (including interim results) of the research program will be communicated and/or published in an open access format; and
- (h) identifies the third party to carry out the work required to meet the outcomes of condition B7-13(11)(a), who is satisfactory for the role to the **CEO**. In applying to the **CEO** for endorsement of the selected third parties, the proponent shall provide:
  - (i) demonstration of the track record, experience, qualifications and competencies of the proposed third party to carry out the work and achieve the outcomes.

B7-14 If, within twelve (12) months of the proponent becoming aware on reasonable grounds that the **Pilbara Environmental Offsets Fund** is not likely to contribute to the improvement of critical habitat for the species in condition B7-1(3), and the **CEO** has not **confirmed** the McPhee Creek Offset Strategy (Environmental Management Plan) meets the requirements of condition B7-13, any further

clearing of the **environmental values** in condition B7-1(3) is to cease. Clearing may only restart after the **CEO** notifies the proponent that the McPhee Creek Offset Strategy (Environmental Management Plan) meets the requirements of condition B7-13.

B7-15 The requirement for contributions referred to in condition B7-3(3) and condition B7-3(4) shall cease for critical habitat cleared, after the CEO has **confirmed** under condition B7-13 that the McPhee Creek Offset Strategy (Environmental Management Plan) meets the requirements of condition B7-13.

## **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**, on advice of the Department of Biodiversity, Conservation and Attractions, has **confirmed** in writing that either the environmental management plan required by condition B2-8 meets the requirements of that condition and conditions C4 and C5, or that ground disturbing activities can commence;
- (2) **mine dewatering** activities until the **CEO** has **confirmed** in writing that the environmental management plan required by condition B3-2 meets the requirements of that condition and condition C4;
- (3) **ground disturbing activities** until the **CEO** has **confirmed** in writing that either the Impact Reconciliation Procedure required by condition B7-5 meets the requirements of that condition, or ground disturbing activities can commence; and
- (4) the commencement of **operations** until the **CEO** has **confirmed** in writing that the environmental management plan required by condition B5-2 meets the requirements of that condition.

### **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** a **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 Department of Water and Environmental Regulation 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 condition B2-8 and condition B3-2 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 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 plan required under condition B2-7 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.
- C5-3 The proponent to revise the Significant Species Management Plan, to include the requirements for:



- (1) Directional clearing in spinifex sandplain habitat in a slow, progressive manner towards spinifex sandplain habitat and away from the development envelope;
- (2) Removal and relocation of individuals at risk of being indirectly impacted by proposal activities, in accordance with relevant authorisations under the *Biodiversity Conservation Act 2016 (WA)*; and
- (3) Reporting of greater bilby monitoring and relocation activities.

## **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;
- (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 plans 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; and
- (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 the 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 14 June 2024]

Hon Reece Whitby MLA

**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

<b>Key decision-making authorities consulted under section 45(2):</b>
Minister for Water Minister for Aboriginal Affairs Minister for Mines and Petroleum

**Table 1: Abbreviations and definitions**

Acronym or abbreviation	Definition or term
<b>Aboriginal cultural heritage</b>	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.
<b>Aboriginal cultural heritage site(s)</b>	A place which has Aboriginal cultural heritage which is subject to a WA law relating specifically to Aboriginal heritage from time to time.
<b>Acquired</b>	The protection of <b>environmental values</b> on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual conservation covenants). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term (20 years).
<b>Adverse impact</b>	<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 <b>environmental value</b>. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.</p> <p>In relation to flora and vegetation this includes, but is not limited to, hydrological change, spread or introduction of environmental weeds, introduction or spread of disease, changes in erosion and edge effects.</p> <p>In relation to terrestrial fauna this includes but is not limited to, vehicle strike, collision with fencing, habitat fragmentation, artificial light and vibration, noise emissions and predation.</p> <p>In relation to inland waters this includes but is not limited to, changes to water quality and hydrological changes resulting from <b>mine dewatering</b>, surplus water discharge, reduction in surface water catchments and altered water flow regimes.</p> <p>In relation to <b>Aboriginal cultural heritage</b> this includes but is not limited to, hydrological change, structural damage, introduction or spread of non-indigenous flora and/or fauna, alteration of fauna behaviour, artificial light, dust, vibration and noise emissions.</p>

<b>Authorised offsets</b>	<p>Units representing <b>GHG emissions</b> issued under one of the following schemes and cancelled or retired in accordance with any rules applicable at the relevant time governing the cancellation or retiring of units of that kind:</p> <p>(a) Australian Carbon Credit Units issued under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth);</p> <p>(b) Verified Emission Reductions issued under the Gold Standard program;</p> <p>(c) Verified Carbon Units issued under the Verified Carbon Standard program; or</p> <p>(d) other offset units that the Minister has notified the proponent in writing meet integrity principles and are based on clear, enforceable and accountable methods.</p>
<b>Baseline flora and vegetation survey</b>	The flora and vegetation survey results, and supporting spatial data described in the report McPhee Creek Flora and Vegetation Survey, by Ecoscape 2020.
<b>Breakaway/cliff habitat</b>	The area defined as the habitat type “breakaway/cliff” in the report and supporting spatial data in the McPhee Creek Consolidated Terrestrial Fauna Report, by Biologic 2021.
<b>Breeding tree/s</b>	Trees that are suitable for use as breeding habitat by grey falcon ( <i>Falco hypoleucos</i> ).
<b>CEO</b>	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 <b>CEO’s</b> delegate.
<b>CO<sub>2</sub>-e</b>	Carbon dioxide equivalent
<b>Confirmed</b>	<p>In relation to a plan required to be made and submitted to the <b>CEO</b>, means, at the relevant time, the plan that the <b>CEO confirmed</b>, 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 <b>CEO</b>, means that plan until it is revised, and then means, at the relevant time, the plan that the <b>CEO confirmed</b>, by notice in writing, meets the requirements of the relevant condition.</p>
<b>Conservation advice</b>	Conservation advice made or adopted by the Australian Government Minister for Environment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>

<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria, trigger criteria, or management target are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance or <b>adverse impacts</b> to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, trigger, management target and to ensure that the environmental outcome and/or objective can be met.
<b>CPI</b>	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
<b>Crescent Moon Provisional Mining Exclusion Zone</b>	The spatial area as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
<b>Detecting</b>	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 <b>CEO</b> .
<b>Directional and/or shielded lighting</b>	Means light fittings that are located, directed, or shielded to avoid lighting anything but the target object or area as described in the National Light Pollution Guidelines for Wildlife (May 2023).
<b>Disturb / disturbance</b>	<p>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.</p> <p>In relation to flora, vegetation or fauna habitat, includes to result in death, destruction, removal, severing or doing substantial damage to.</p> <p>In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment.</p> <p>In relation to inland waters, includes to have the effect of altering hydrological regimes or water quality to the detriment of the <b>environmental values</b> supported by or dependent on surface water and/or groundwater.</p> <p>In relation to <b>Aboriginal cultural heritage</b>, includes direct physical or biological effects on the tangible and intangible elements that are important to Aboriginal people, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition.</p>



<b>Drainage line habitat</b>	The area defined as the habitat type “drainage line” in the report and supporting spatial data in the McPhee Creek Consolidated Terrestrial Fauna Report, by Biologic 2021.
<b>Emissions intensity</b>	<b>Proposal GHG emissions</b> per tonnes per annum of ore produced.
<b>Environmental value</b>	A beneficial use, or ecosystem health condition.
<b>Environmental Weeds</b>	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.
<b>Fauna spotter</b>	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 <i>Biodiversity Conservation Regulations 2018</i> .
<b>Fauna Corridor Exclusion Zone</b>	The spatial area as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
<b>Feral fauna</b>	Non-native (introduced) fauna species that are, or have the potential to, become established in the wild. Examples relevant to the proposal include but are not limited to: cat ( <i>Felis catus</i> ), red fox ( <i>Vulpes vulpes</i> ), cane toad ( <i>Rhinella marina</i> ) and goat ( <i>Capra hircus</i> ).
<b>GHG emissions</b>	Greenhouse gas emissions expressed in tonnes of carbon dioxide equivalent (CO <sub>2</sub> -e) as calculated in accordance with the definition of 'carbon dioxide equivalence' in Section 7 of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth), or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the Minister.
<b>GL/a</b>	Gigalitres per annum
<b>‘Good’ to ‘Excellent’ condition native vegetation</b>	Means native vegetation that has been rated ‘good’, ‘excellent’ or any value between these ratings, 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.
<b>Gorge/gully habitat</b>	The area defined as the habitat type “gorge/gully” in the report and supporting spatial data in the McPhee Creek Consolidated Terrestrial Fauna Report, by Biologic 2021.

<b>Greater bilby (<i>Macrotis lagotis</i>) burrow</b>	A burrow identified within <b>Spinifex sandplain habitat</b> that upon assessment by a licensed <b>fauna spotter</b> is reasonably suspected of being recently utilised by greater bilby ( <i>Macrotis lagotis</i> ) or is considered viable for potential future use by greater bilby ( <i>Macrotis lagotis</i> ).
<b>Greenhouse gas or GHG</b>	Has the meaning given by Section 7A of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth) or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the Minister.
<b>Grey falcon (<i>Falco hypoleucos</i>) nesting period</b>	The period between 1 June and 30 November in any calendar year.
<b>Ground disturbing activities</b>	Any activity or activities undertaken in the implementation of the proposal, including any clearing, civil works or construction.
<b>ha</b>	Hectare
<b>High Value Troglifauna Habitat Exclusion Zone,</b>	The spatial area as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
<b>Hillcrest/hillslope habitat</b>	The area defined as the habitat type “Hillcrest/hillslope” in the report and supporting spatial data in the McPhee Creek Consolidated Terrestrial Fauna Report, by Biologic 2021.
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>km</b>	Kilometre
<b>Low impact activities</b>	Means activities involving minimal disturbance of ground or vegetation. Activities may include monitoring of fauna, vegetation or water, or management activities associated with <b>feral fauna</b> control or weed control.
<b>Management action</b>	The identified actions implemented with the intent of achieving the environmental objective.
<b>Management target</b>	A type of indicator to evaluate whether an environmental objective is being achieved.
<b>Mine dewatering</b>	The extraction of groundwater from below the water table to access an ore body.

<b>Mining operations</b>	Means any mode or method of working whereby the earth or any rock, structure, stone, fluid or mineral bearing substance may be disturbed, removed, washed, sifted, crushed, leached, roasted, distilled, evaporated, smelted, combusted or refined or dealt with for the purpose of obtaining any mineral or processed mineral resource therefrom whether it has been previously disturbed or not ( <i>Mining Act 1978</i> ).
<b>Net GHG emissions</b>	<b>Proposal GHG emissions</b> for a period less any reduction in GHG Emissions represented by the cancellation or retirement of authorised offsets which: (a) were cancelled or retired between the first day of the period until 1 March in the year after the period has ended; (b) have been identified in the report for that period as required by condition B5-5(1)(b)(iv); (c) have not been identified as cancelled or retired in the report for that period as required by condition B5-5(1)(b)(iv); (d) have not been used to offset <b>GHG emissions</b> other than <b>proposal GHG emissions</b> ; and (e) were not generated by avoiding <b>proposal GHG emissions</b> .
<b>On-ground management</b>	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a <b>tangible improvement</b> to the <b>environmental values</b> in the offset area.
<b>Operations / Commencement of operations</b>	Operation of the plant infrastructure for the proposal and includes pre-commissioning, commissioning, start-up and operation of the plant infrastructure for the proposal.
<b>Pilbara Environmental Offsets Fund</b>	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.
<b>Proposal GHG emissions</b>	GHG emissions released to the atmosphere as a direct result of an activity or series of activities that comprise/s or form/s part of the proposal, including GHG emissions resulting from the haulage of ore from the proposal to any third-party processing facility.
<b>Proposed Offset Conservation Area</b>	The area of land identified in condition B7-13(2).
<b>Recovery plans</b>	Recovery plans made or adopted by the Australian Government Minister for Environment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>

<b>Relevant management body</b>	A party or parties that has a role in the establishment and/or on-going management of the <b>Proposed Offset Conservation Area</b> . Note: This includes the role of the proponent.
<b>Relevant Traditional Owner</b>	In relation to the land subject to the proposal, means one or more of the following: <ul style="list-style-type: none"> <li>- a registered native title body corporate for the land; or</li> <li>- a registered native title claimant for the land; or</li> <li>- a group of persons with Aboriginal traditional and cultural associations with the land.</li> </ul>
<b>Research offset</b>	A program or study that must be reasonably related to the impact and is designed to result in a positive conservation outcome. It may include improving the management and protection of existing conservation estate, adding to existing State Government initiatives, policies or strategies, or addressing priority knowledge gaps.
<b>Scope 3 emissions</b>	Indirect <b>GHG emissions</b> other than scope 2 emissions that are generated in the wider community. Scope 3 emissions (both upstream and downstream) occur as a consequence of the activities of a proposal, but from sources not owned or controlled by the proponent as part of the proposal.
<b>Significant Fauna Exclusion Zone</b>	The spatial area outside of, but encapsulated by, the development envelope, as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
<b>Spinifex sandplain habitat</b>	The area defined as the habitat type “spinifex sandplain” in the report and supporting spatial data in the McPhee Creek Consolidated Terrestrial Fauna Report, by Biologic 2021.
<b>Subterranean Fauna Assessment</b>	The subterranean fauna assessment results, and 3D habitat modelling results described in the report McPhee Creek Subterranean Fauna Assessment, by Biologic 2021.
<b>Suitable habitat</b>	Habitat known to support the greater bilby ( <i>Macrotis lagotis</i> ) within the known current distribution of the species.
<b>Tangible improvement</b>	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
<b>Threat abatement plans</b>	Threat abatement plans made or adopted by the Australian Government Minister for Environment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>Trigger criteria</b>	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.
<b>Threshold criteria</b>	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.

### **Figures (attached)**

Figure 1 Development envelope, indicative disturbance footprint, Significant Fauna Exclusion Zone, Fauna Corridor Exclusion Zone, High Value Troglofauna Habitat Exclusion Zone, and Crescent Moon Provisional Mining Exclusion Zone of the McPhee Creek Iron Ore Project

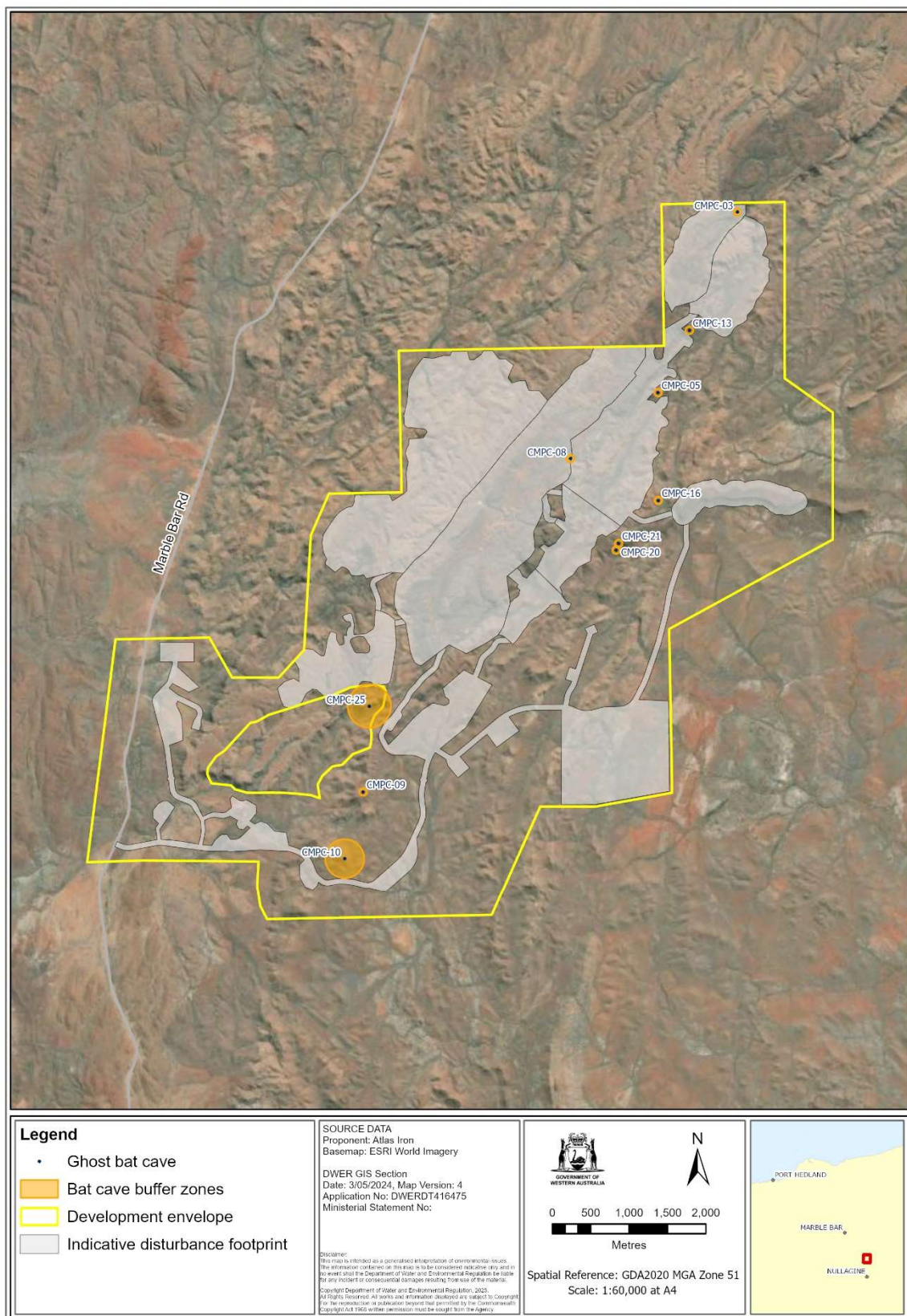
Figure 2 Significant caves to be avoided within the McPhee Creek Iron Ore Project development envelope, and Bat Cave Buffer Zones

Figure 3 Maximum extent of creek line dewatering discharge wetting fronts, and significant surface water pools and rock-holes to be avoided



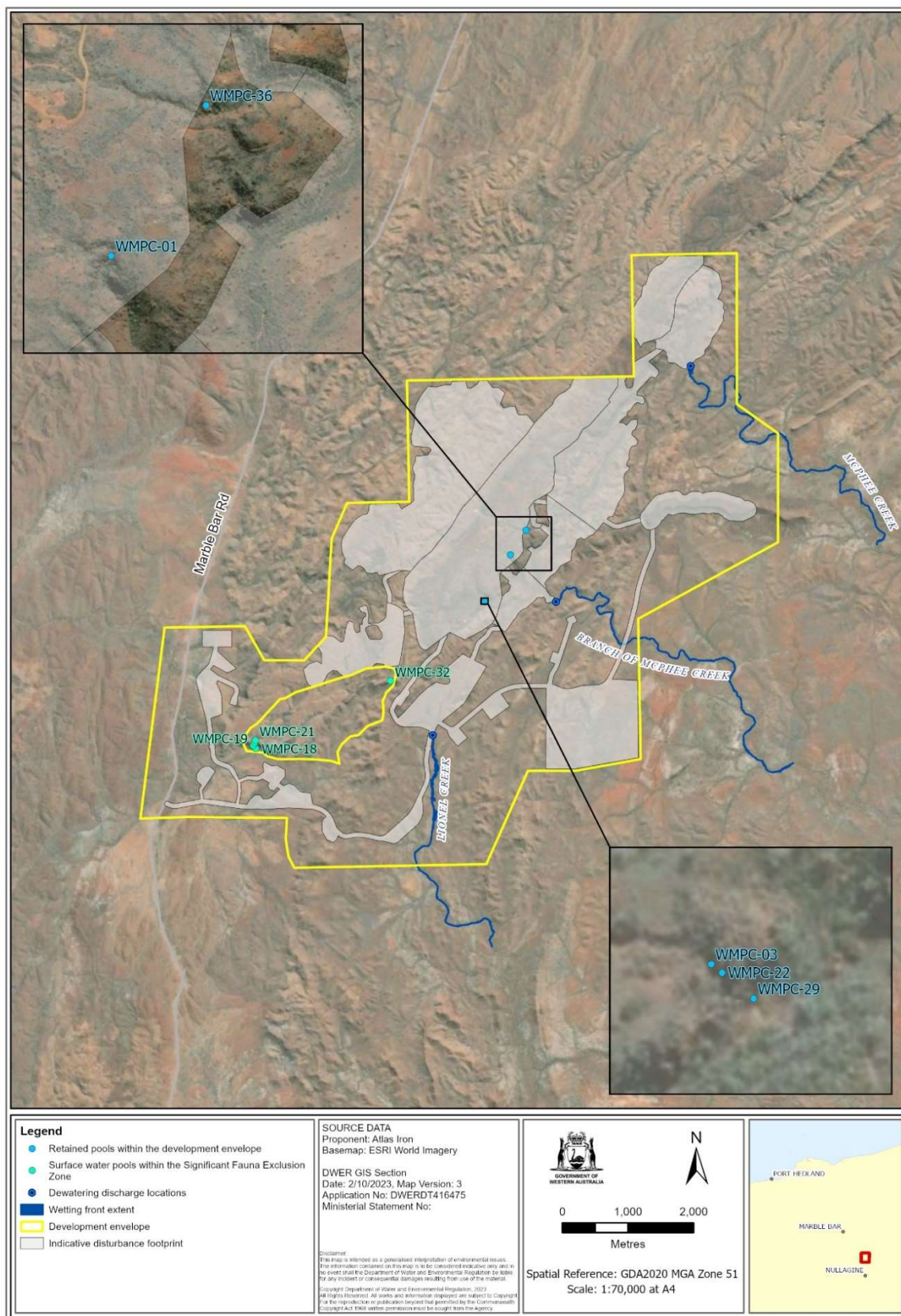
**Figure 1 McPhee Creek Iron Project development envelope, indicative footprint and exclusion zones**





**Figure 2 Significant bat caves and buffer zones**





**Figure 3 Creek line dewatering discharge wetting fronts, and significant surface water pools**



## **Schedule 1**

All co-ordinates are in metres, listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geocentric Datum of Australia 2020 (GDA2020).

Spatial data depicting the figures are held by the Department of Water and Environmental regulation. Record no. DWER-1443688470-180.