

## Disclaimer

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Statement No. 1254

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

### **NORTH KIAKA PROJECT**

**Proposal:** Establishment of a new quartzite mine approximately 17 kilometres (km) north of Moora. The North Kiaka Project would transition mining from the existing Moora Mine to a new pit approximately 2 km north as well as the construction of an abandonment bund at Moora. Mined quartzite will be crushed and screened using existing facilities at the Moora Mine before being transported to the Kemerton Silicon Smelter, approximately 17 km north-east of Bunbury, for processing.

**Proponent:** SIMCOA OPERATIONS PTY. LTD.  
Australian Company Number 009064653

**Proponent address:** 973 Marriott Road  
Wellesley WA 6233

**Assessment number:** 2346

**Report of the Environmental Protection Authority:** 1786

**Previous Assessment Number:** 1783

**Previous Report of the Environmental Protection Authority:** 1317

**Previous Statement Number:** 813

**Introduction:** The proposal is a significant amendment to the existing proposal 'Silicon Project, Kemerton and Mine at Moora (Revised Proposal)' which was agreed to be implemented under Ministerial Statement 813. The EPA's Report for the existing proposal is Bulletin 1317, EPA Assessment Number 1783.

Published on: 12 September 2025

Pursuant to section 45 of the *Environmental Protection Act 1986*, it is now agreed that:

1. the significant amendment to the existing proposal described and documented in the proponent's Proposal Content Document (18 September 2023), may be implemented;
2. Ministerial Statement 813 for the existing proposal 'Silicon Project, Kemerton and Mine at Moora (Revised Proposal)' is superseded under section 40AA(6)(b) of the *Environmental Protection Act 1986*; and
3. the implementation of the significantly amended proposal (being the existing proposal as amended by the significant amendment 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**

#### **A1 Limitations and Extent of Proposal**

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

<b>Proposal element</b>	<b>Location</b>	<b>Maximum extent/capacity</b>
Physical elements – quartzite mining		
<i>Moora Mine</i>		
Development envelope	Figure 1	No more than 239.10 <b>ha</b>
Disturbance footprint	Figure 1	96 <b>ha</b> including no more than 26 <b>ha</b> of native vegetation
<i>North Kiaka Mine</i>		
Development envelope	Figure 1	No more than 216.42 <b>ha</b>
Disturbance footprint	Figure 1	44.59 <b>ha</b> including no more than 17.12 <b>ha</b> of native vegetation

Operational elements – quartzite mining		
Quartzite production	Moora Mine and North Kiaka Mine	160,000 tonnes per annum of lump quartz (combined total)
Pit depth	Moora Mine	Not more than 165 metres reduced level
	North Kiaka Mine	Above groundwater level
<b>Operational hours</b>	Moora Mine and North Kiaka Mine	7:00 am to 7:00 pm Monday to Saturday 9:00 am to 7:00 pm Sunday and public holidays
Physical elements – silicon production at Kemerton Smelter		
Development envelope	Figure 2	115.45 ha
Smelter furnaces	Within the disturbance footprint	4 x submerged electric arc furnaces
Off-gas cleaning plant (baghouse)	Within the disturbance footprint	One large baghouse with stacks One large baghouse without stacks
Operational elements – silicon production at Kemerton Smelter		
Silicon production	-	64,000 tonnes per annum (approximately)
Quartzite consumption	-	160,000 tonnes per annum (approximately)
Timing elements		
Life of mine and smelter	-	Up to 2045

## 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 **outcome**:

- (1) **disturb** no more than the extent of the following environmental values:
  - (a) 17.65 ha of the **Coomberdale chert hills threatened ecological community** within the disturbance footprint as described in Table 1; and
  - (b) known populations of significant flora species as described in Table 1.

**Table 1: Disturbance of Threatened and Priority flora species**

Species	Disturbance of known population
<i>Acacia aristulata</i> (ranked endangered)	Up to 17 individuals
<i>Daviesia dielsii</i> (ranked endangered)	Up to 15 individuals
<i>Goodenia arthrotricha</i> (ranked endangered)	0 individuals
<i>Stylidium</i> sp. <i>Moora</i> (J.A. Wege 713) (Priority 2)	Up to 5 individuals
<i>Diuris recurva</i> (Priority 4)	Up to 65 individuals
<i>Regelia megacephala</i> (Priority 4)	Up to 567 individuals

B1-2 The proponent must implement the proposal to meet the following environmental **objective**:

- (1) minimise indirect impacts to the **Coomberdale chert hills threatened ecological community**, threatened flora and priority flora occurring within fifty (50) metres of the North Kiaka Mine and Moora Mine disturbance footprints. These indirect impacts may include, but not limited to dust, **environmental weeds**, altered hydrology and **dieback**.
- B1-3 The proponent must prepare a Significant Flora and Vegetation Environmental Management Plan that demonstrates how achievement of the flora and vegetation environmental **outcomes** in condition B1-1 will be monitored and substantiated, how the flora and vegetation **objectives** in condition B1-2 will be monitored and achieved, and that satisfies the requirements of conditions C4 and C5, and submit it to the **CEO**.

## **B2 Terrestrial fauna**

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

- (1) **disturb** no more than 16.51 ha of **foraging habitat** for Carnaby's black cockatoo (*Zanda latirostris*).

## **B3 Rehabilitation**

B3-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcomes** within the Moora Mine and North Kiaka Mine Disturbance Footprints:

- (1) rehabilitated vegetation for areas **disturbed** is **self-sustaining**;
- (2) rehabilitated vegetation achieves a cover and diversity of Carnaby's black cockatoo (*Zanda latirostris*) foraging species comparable to pre-clearing vegetation;
- (3) rehabilitation areas are managed to demonstrate avoidance of degradation to adjacent areas of the **Coomberdale chert hills threatened ecological community** including through the management of **invasive species**;
- (4) waste dumps constructed after the publication of this statement support infiltration of rainfall and subsoil water storage to support persistence of perennial species including through increasing the volume of fine material present in the dumps; and
- (5) closure planning and rehabilitation are undertaken in a progressive manner during operations and within less than five (5) years upon closure, unless otherwise agreed by the CEO.

B3-2 The proponent must include the environmental **outcomes** of condition B3-1 in the Mining Development and Closure Proposal and Mine Closure Plan required under the *Mining Act 1978*, and submitted for approval to **DMPE**.

## **B4 Greenhouse Gas Emissions**

B4-1 The proponent must notify the **CEO** in writing within one month of it becoming aware that implementation of the proposal will not be or is not expected to be regulated under the **Safeguard Legislation** as a designated large facility (the notifiable event) and such notice must briefly describe the reasons for and expected duration of the notifiable event.

B4-2 The proponent must, if requested in writing by the **CEO**, provide the **CEO** with a report on the implications for the proposal of any amendment or proposed

amendment to the **Safeguard Legislation**, or a decision or proposed decision made under the **Safeguard Legislation** that is specified in the **CEO's** request.

B4-3 The report required by condition B4-2 must:

- (1) be submitted to the **CEO** within three (3) months of the date of the **CEO's** request or such longer period as the **CEO** agrees to in writing; and
- (2) explain the implications that the specified amendment or decision has had or is expected to have on:
  - (a) the obligation to reduce net Scope 1 **GHG emissions** from implementation of the proposal under the **Safeguard Legislation**; and
  - (b) the quantity of actual and net Scope 1 **GHG emissions** likely to result from the future implementation of the proposal.

**B5 Social Surroundings (Visual Amenity)**

B5-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome**:

- (1) within 12 months of **construction activities** commencing for the Moora Mine abandonment bund, establish a vegetative screen between the bund and the driveway of Lot 52 on Deposited Plan 29474, and then maintain that screen for the remaining life of the proposal, to minimise visual impacts to Lot 52.

**B6 Social Surroundings (Aboriginal Cultural Heritage)**

B6-1 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**.

B6-2 The proponent must take reasonable steps to consult with the **Yued Aboriginal Corporation** about the removal of any Moodjar (*Nuytsia floribunda*) trees and construction of the crossing over Kyaka Brook prior to initial **ground disturbing activities** to offer cultural monitors the opportunity to be present for those activities.

**B7 Dust (Amenity and Air Quality)**

B7-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome**:

- (1) ensure dust emissions from activities undertaken in implementing the proposal do not exceed the following levels at any **occupied residential premises** within seven hundred and fifty (750) metres from the Moora Mine development envelope or North Kiaka Mine development envelope:
  - (a) forty-six (46) micrograms per cubic metre of particulate matter with an equivalent aerodynamic diameter of ten (10) micro metres or less over a twenty-four (24) hour average; and
  - (b) respirable crystalline silica content of no more than nine point two (9.2) micrograms per cubic metre determined through **specified monitoring and sampling**.

B7-2 The proponent must prepare an Air Quality Environmental Management Plan that demonstrates how achievement of the environmental **outcome** in condition B7-1 will be monitored and substantiated, and satisfies the requirements of condition C4, and submit it to the **CEO**.

## **B8 Decommissioning**

B8-1 The proponent must ensure that decommissioning of the Kemerton Smelter achieves the following environmental **outcomes**:

- (1) the waste hierarchy is applied to decommissioning and closure of the site to demonstrate waste avoidance and recovery over disposal of equipment and material;
- (2) the site will be decommissioned to ensure it is physically safe to members of the public and non-human biota in the long term;
- (3) the site is geotechnically and geomorphically stable in the long term; and
- (4) the site is chemically non-polluting in the long term.

B8-2 The proponent must prepare a Decommissioning Environmental Management Plan that demonstrates how achievement of the environmental **outcomes** in condition B8-1 will be monitored and substantiated, and satisfies the requirements of condition C4, and submit it to the **CEO**.

## **B9 Environmental Offsets**

B9-1 The proponent must implement offsets to counterbalance the significant residual impacts of the proposal on the following environmental values:

- (1) **Coomberdale chert hills threatened ecological community;**
- (2) *Acacia aristulata*;
- (3) *Daviesia dielsii*; and

- (4) **foraging habitat** for Carnaby's black cockatoo (*Zanda latirostris*).

B9-2 To meet the requirements of condition B9-1, the proponent must ensure the implementation of the offsets achieves the following environmental **outcomes** and **objectives**:

- (1) counterbalance the significant residual impacts to the environmental values identified in condition B9-1;
- (2) relinquish mining rights over **Cairn Hill North** immediately following gazettal of that area as a Class A Nature Reserve vested with the Conservation and Parks Commission and managed by **DBCA**;
- (3) contribute to maintaining the **environmental values** of **Cairn Hill Nature Reserve** and **Cairn Hill North**, including the values identified in condition B9-1, for the remaining life of the proposal;
- (4) undertake works to enhance the **Coomberdale chert hills threatened ecological community** occurrences in **exclusion zones** to achieve a **tangible improvement** including an improvement in **vegetation condition** and to contribute to the recovery of the environmental values identified in condition B9-1;
- (5) contribute to improved knowledge of the **Coomberdale chert hills threatened ecological community** through ecological research, including but not limited to understanding the species and genetic diversity of the community and the impact of key threatening processes, to inform its recovery, management and conservation planning; and
- (6) contribute to improved knowledge of *Acacia aristulata* and *Daviesia dielsii* through ecological research, including but not limited to disturbance response, seed viability, and understanding population status and genetic diversity, to inform their recovery, management and conservation planning.

B9-3 The proponent must ensure:

- (1) no **adverse impacts** from the proposal to the environmental values identified in condition B9-1 within the **exclusion zones** required by condition B9-2(4); and
- (2) only **authorised activities** are undertaken within the **exclusion zones** required by condition B9-2(4).

### **Offset Environmental Management Plan**

B9-4 The proponent must review and revise the North Kiaka Offset Management Plan (Version 1, December 2024) that demonstrates how the environmental



**outcomes** and **objectives** in condition B9-2 will be achieved, and how this achievement will be substantiated, and submit it to the **CEO**.

B9-5 The North Kiaka Offset Management Plan must include the implementation of the offset measures to the extent and at the locations as set out and described in Table 2, and Figure 3.

**Table 2: Environmental values, locations and extent and type of offset measures required to meet condition B9-1**

Environmental value	Offset locations	Extent of area to receive offset measures (ha)	Type of offset measures
<ul style="list-style-type: none"> <li>• <b>Coomberdale chert hills threatened ecological community</b></li> <li>• <i>Acacia aristulata</i></li> <li>• <i>Daviesia dielsii</i></li> <li>• Foraging habitat for Carnaby's black cockatoo (<i>Zanda latirostris</i>)</li> </ul>	<b>Cairn Hill North and Cairn Hill Nature Reserve</b>	210.35 ha	<b>Land acquisition</b> – direct offset
<ul style="list-style-type: none"> <li>• <b>Coomberdale chert hills threatened ecological community</b></li> <li>• <i>Acacia aristulata</i></li> <li>• <i>Daviesia dielsii</i></li> <li>• Foraging habitat for Carnaby's black cockatoo (<i>Zanda latirostris</i>)</li> </ul>	<b>Exclusion zones</b>	93.9 ha	<b>On-ground management</b> and research – indirect offset

B9-6 The North Kiaka Offset Management Plan must:

- (1) demonstrate that the environmental **outcomes** and **objectives** in condition B9-2 will be met;
- (2) describe how the offset measures will be implemented consistent with condition B9-5;
- (3) demonstrate application of the principles of the *WA Environmental Offsets Policy*, as described in the *WA Environmental Offsets Guidelines*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, or any subsequent revisions of these documents;
- (4) be prepared in consultation with **DBCA**;

- (5) identify how the ongoing performance of the offset measures, and whether they are achieving the **outcomes** and **objectives** in condition B9-2, will periodically be made publicly available;
- (6) for the **land acquisition** offset identified in condition B9-5:
  - (a) outline the activities to be undertaken to support the ceding of **Cairn Hill North** to the Crown and establishment as a Class A Nature Reserve;
  - (b) include **baseline and targeted flora and vegetation surveys** of **Cairn Hill Nature Reserve** and **Cairn Hill North**;
  - (c) specify the quantum of works associated with maintaining **Cairn Hill Nature Reserve** and **Cairn Hill North** for the remaining life of the proposal including completion criteria and a monitoring program; and
  - (d) provide confirmation in writing that **DBCA** accepts responsibility for its management role.
- (7) for the research offset identified in conditions B9-2(5) and B9-2(6), within six (6) months of the date of this statement, or an alternative date agreed to by the **CEO**, prepare a research program in consultation with **DBCA** 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 **outcomes** or **tangible improvement**, and will improve management and protection, and address priority knowledge gaps that have been identified as a research priority needed to improve management and protection, for the **Coomberdale chert hills threatened ecological community**, *Acacia aristulata* and *Daviesia dielsii*;
  - (c) demonstrate the consistency of the **objectives** in condition B9-6(7)(a) with any relevant guidance, including but not limited to, recovery plans, conservation advice, threat abatement plans, area management plans, the principles of the *WA Environmental Offsets Policy*, the *WA Environmental Offsets Guidelines*, or any subsequent revisions of these documents;
  - (d) 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;

- (e) 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**;
  - (f) 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
  - (g) identifies the third party to carry out the work required to meet the **outcomes** of condition B9-6(7)(a), who has a demonstrated track record, experience, qualifications and competencies of the proposed third party to carry out the work and achieve the **outcomes**.
- (8) for the **on-ground management** offset identified in condition B9-5:
- (a) identify how the **exclusion zones** will be protected and managed by the proponent for conservation during the remaining life of the proposal;
  - (b) state the targets for each environmental value to be achieved by the **on-ground management**, including completion criteria, which will result in a **tangible improvement** to the environmental values being offset. This must include, but not be limited to:
    - (i) completion criteria for **revegetation buffers** bordering areas of the **Coomberdale chert hills threatened ecological community**;
    - (ii) completion criteria for the **exclusion zones**; and
    - (iii) adaptive management to ensure meeting completion criteria.
  - (c) demonstrate how the environmental values within the **exclusion zones** will be maintained and improved or managed to counterbalance the significant residual impacts to the environmental values in condition B9-1 and achieve the environmental **outcomes** and **objectives** in condition B9-2;
  - (d) demonstrate the consistency of the targets with the environmental **outcomes** and **objectives** in condition B9-2(4) and the objectives

of any relevant guidance, including but not limited to, recovery plans, conservation advice, threat abatement plans or area management plans;

- (e) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition B9-6(8)(b); and
- (f) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under condition B9-6(8)(b) and condition B9-6(8)(e).

## **B10 Environmental Performance Reporting**

B10-1 The proponent shall submit an Environmental Performance Report to the **CEO** every five (5) years.

B10-2 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 this Statement, or such other time as approved by the **CEO**.

B10-3 Each Environmental Performance Report shall report on the following:

- (1) state of the **Coomberdale chert hills threatened ecological community** impacted by the proposal;
- (2) state of the threatened flora impacted by the proposal; and
- (3) the success of progressive rehabilitation against the environmental **outcomes** required under condition B3-1.

B10-4 The Environmental Performance Report must include:

- (1) a comparison of the environmental values identified in condition B10-3 at the end of the five (5) year period; against the state of each environmental value at the beginning of the five (5) year period;
- (2) a comparison of the environmental values identified in condition B10-3 at the end of the five (5) year period; against the state of the environmental values identified in the first Environmental Performance Report submitted in accordance with condition B10-2; and
- (3) proposed adaptive management and continuous improvement strategies for recovery and management.

B10-5 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 Department of Water and Environmental Regulation within twenty (20) business days of being approved.

## **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, unless otherwise authorised by the **CEO**:

- (1) **ground disturbing activities** within the North Kiaka Mine development envelope until the **CEO** has confirmed in writing that the Significant Flora and Vegetation Environmental Management Plan required by condition B1-3 meets the requirements of that condition and conditions C4 and C5;
- (2) **ground disturbing activities** within the North Kiaka Mine development envelope until the **CEO** has confirmed in writing that the Air Quality Environmental Management Plan required by condition B7-2 meets the requirements of that condition and condition C4; and
- (3) **ground disturbing activities** within the North Kiaka Mine development envelope until the **CEO** has confirmed in writing that the North Kiaka Offset Management Plan required by condition B9-4 meets the requirements of that condition and conditions C4 and C5.

C1-2 The proponent must submit the Decommissioning Environmental Management Plan required by condition B8-2 at least five (5) years prior to the forecasted decommissioning phase of the Kemerton Smelter.

C1-3 If, within two (2) years of the submission of the Decommissioning Environmental Management Plan, the **CEO** has not confirmed that the plan meets the requirements of condition B8-2 and condition C4, all operations at the Kemerton Smelter must cease and may only restart after the **CEO** notifies the proponent that the Decommissioning Environmental Management Plan meets the requirements of condition B8-2 and condition C4, or as otherwise agreed by the **CEO**.

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

C2-1 After receiving notice in writing from the **CEO** under condition C1-1 or C1-3 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 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 **outcomes**).

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 B1-3, B7-2, B8-2 and B9-4 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 B1-3 is also required to include:

- (1) **baseline and targeted flora and vegetation surveys** of the North Kiaka and Moora Mine Disturbance footprints.

C4-3 The environmental management plan required under condition B7-2 is also required to include:

- (1) **real time monitoring** of particulate matter with an equivalent aerodynamic diameter of ten (10) micro metres or less and **ambient meteorological conditions** for a **representative period** of at least one (1) year during the **operational** phase of the proposal to confirm achievement of the environmental **outcomes** in condition B7-1(1)(a);
- (2) monthly **specified monitoring and sampling** of respirable crystalline silica for a **representative period** of at least one (1) year during the **operational** phase of the proposal to confirm achievement of the environmental **outcomes** in condition B7-1(1)(b);
- (3) proposed monitoring methods and frequency for particulate matter with an equivalent aerodynamic diameter of ten (10) micro metres or less, respirable crystalline silica and **ambient meteorological conditions** beyond the **representative period** of at least one (1) year referenced in conditions C4-3(1) and C4-3(2) as informed by the results of that representative monitoring; and

- (4) **contingency measures** including, but not limited to a reduction or cessation of activities when the **trigger criteria** included in condition C4-1(2) are exceeded.

C4-4 The environmental management plan required under condition B8-2 is also required to include:

- (1) removal or, if appropriate, retention of plant and infrastructure in consultation with relevant stakeholders;
- (2) rehabilitation of all **disturbed** areas to a standard suitable for the proposed new land use(s); and
- (3) identification of contaminated areas, including provision of evidence of notification and proposed management measures to relevant statutory authorities.

C4-5 Without limiting condition C3-1, failure to achieve an environmental **outcomes**, 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 conditions B1-3 and B9-4 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 **objectives**, 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;
- (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;
- (7) advise timeframe in which contingency, rectification and other measures have and/or will be implemented; and
- (8) 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(7) 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; 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 North Kiaka Mine 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 thirty (30) days after **substantial commencement**.
- D4-3 If the North Kiaka Mine has not been substantially commenced within the period specified in condition D4-1, implementation of the North Kiaka Mine must not be commenced 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 11 September 2025]

Hon. Matthew Swinbourn BA LLB MLC  
**MINISTER FOR THE ENVIRONMENT; COMMUNITY SERVICES; HOMELESSNESS**

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

**Table 3: Abbreviations and definitions**

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<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>Adverse impact(s)/ adversely impacted</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, includes but is not limited to, a definable change in spatial coverage or a change in the health, species diversity, structure and plant density of vegetation, vegetation and flora mortality, spread or introduction of <b>environmental weeds</b>, introduction or spread of disease and edge effects.</p> <p>In relation to terrestrial fauna, includes but is not limited to, a definable change in spatial coverage of vegetation, vegetation and flora mortality, spread or introduction of <b>environmental weeds</b> introduction or spread of disease and edge effects.</p>
<b>Ambient meteorological conditions</b>	Includes wind speed, wind direction, ambient temperature, relative humidity, atmospheric pressure and rainfall.
<b>Authorised activities</b>	Activities permitted within the <b>exclusion zones</b> required by condition B9-2(4) including, Traditional Owner access and cultural activities, surveys and research, rehabilitation of cleared or degraded areas, land management practices (weed and feral animal control, restricting unauthorised access, controlled burning etc), monitoring (e.g. for dust) and access along existing tracks (and maintenance of these existing tracks as required).
<b>Baseline and targeted flora and vegetation surveys</b>	Reconnaissance, detailed and targeted surveys undertaken in accordance with the EPA's <i>Technical guidance – Flora and vegetation surveys for environmental impact assessment</i> (EPA 2016) including any revision to this technical guidance.
<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>Cairn Hill Nature Reserve</b>	The area labelled as such in Figure 3 being Lot 4319 on Deposited Plan 40938.
<b>Cairn Hill North</b>	The area labelled as such in Figure 3 being a portion of Lot 52 on Deposited Plan 29474.



Acronym or abbreviation	Definition or term
<b>CEO</b>	The Chief Executive Officer (CEO) 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.
<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</b> 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 <b>CEO</b>, means that plan until it is revised, and then means, at the relevant time, the plan that the <b>CEO</b> confirmed, by notice in writing, meets the requirements of the relevant condition.</p>
<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, <b>threshold criteria</b> , or <b>management target</b> 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, <b>management target</b> and to ensure that the environmental outcome and/or objective can be met.
<b>Construction activities</b>	Activities that are associated with the substantial implementation of a proposal including but not limited to, earthmoving, 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.
<b>Coomberdale chert hills threatened ecological community</b>	The Vegetation alliances on ridges and slopes of the chert hills of the Coomberdale floristic region" threatened ecological community which is listed under the <i>Biodiversity Conservation Act 2016</i> .
<b>DBCA</b>	The Department of the Public Service of the State responsible for the administration of the <i>Biodiversity Conservation Act 2016</i> and the <i>Conservation and Land Management Act 1984</i> which at the time of writing is the Department of Biodiversity, Conservation and Attractions (DBCA).
<b>DMPE</b>	The Department of the Public Service of the State responsible for the administration of the <i>Mining Act 1978</i> which at the time of writing is the Department of Mines, Petroleum and Exploration (DMPE).

Acronym or abbreviation	Definition or term
<b>Dieback</b>	A plant disease of native ecosystems. The main species responsible, <i>Phytophthora cinnamomi</i> , is a microscopic and soil-borne organism that was introduced into Western Australia.
<b>Disturb/ Disturbed</b>	Means directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an <b>environmental value</b> . 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.
<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 Midwest Impact and Invasiveness Ratings list, as amended or replaced from time to time.
<b>Exclusion zone(s)</b>	The two areas shown in Figure 3, where there will be no direct disturbance from proposal activities except for <b>authorised activities</b> permitted within the exclusion zone.
<b>Foraging habitat</b>	Vegetation consistent with the 'Mixed shrublands on low hills' fauna habitat type described in SIMCOA's Environmental Review Document as "Mixed Shrublands of <i>Acacia</i> , <i>Banksia</i> , <i>Regelia</i> , <i>Kunzea</i> , <i>Allocasuarina</i> , <i>Hibbertia</i> , <i>Xanthorrhoea</i> and <i>Melaleuca</i> on rocky low hills".
<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>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(s)
<b>Invasive species</b>	Includes <b>environmental weeds</b> and native species that are known to invade and dominate an area in a manner that would substantially alter the area's inherent vegetation diversity, composition and structure.

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>Land acquisition</b>	The protection of environmental values of an area for the purpose of conservation through improved security of tenure. Includes costs of establishing the offset site and the ongoing management of costs of maintaining the offset for the long term.
<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>Objective(s)</b>	An objective is the proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions.
<b>Occupied residential premises</b>	Includes any premises occupied by a member of the public during the period of implementation of the proposal. For clarity this does not include premises occupied by the proponent or the proponent's employees or contractors unless that occupation is for residential use.
<b>On-ground management</b>	This includes revegetation (re-establishment of native vegetation in degraded areas) and enhancement (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a <b>tangible improvement</b> to the environmental values in the offset area.
<b>Operational</b>	Operation of the mine and plant infrastructure for the proposal.
<b>Operational hours</b>	Refers to when earth moving, drilling or blasting occurs for the proposal.
<b>Outcome(s)</b>	A proposal-specific result to be achieved when implementing the proposal.
<b>Proposal</b>	The proposal described in Table A1-1.
<b>Real time monitoring</b>	Continuous monitoring applying a 5-minute averaging period measuring particulates in micrograms per cubic metre. Particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less to be measured in accordance with AS/NZS 3580.9.8.
<b>Representative period</b>	A period of time that encompasses typical operations at both the North Kiaka and Moora mines, in terms of both nature and magnitude, that occurs immediately following construction of the North Kiaka Mine.
<b>Revegetation buffer</b>	Revegetation of 25 metre buffer belts around existing TEC occurrences including the use of Carnaby's black cockatoo foraging species complementary to the TEC for the purpose to enhance adjoining areas of the TEC by mitigating edge effects rather than to expand the TEC noting the geology of the buffers will likely be different.

Acronym or abbreviation	Definition or term
<b>Safeguard Legislation</b>	The <i>National Greenhouse and Energy Reporting Act 2007</i> and subsidiary National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015.
<b>Self-sustaining</b>	Refers to vegetation that can survive (continue indefinitely) without ongoing management actions such as watering, weed control or infill planting.
<b>Specified monitoring and sampling</b>	Monitoring of respirable crystalline silica once every six days for 24 hours with a PM <sub>10</sub> high-volume sampler and analysed using the X-Ray Diffraction (XRD) alpha-quartz (NIOSH7500) method.
<b>Substantially commenced/ substantial commencement</b>	Substantial commencement is more than the preparatory works for a proposal and generally includes ground disturbance activities which are solely attributed to proposal elements described in the proposal content document, and a substantial portion of the total disturbance and infrastructure works physically commenced.
<b>Tangible improvement</b>	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
<b>Threshold criteria</b>	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.
<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 <b>threshold criteria</b> and trigger response actions.
<b>Vegetation condition</b>	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.
<b>Yued Aboriginal Corporation</b>	The Regional Corporation established under the Yued Indigenous Land Use Agreement registered on 17 October 2018 in regard to the Yued Agreement Area (WI2015/009).

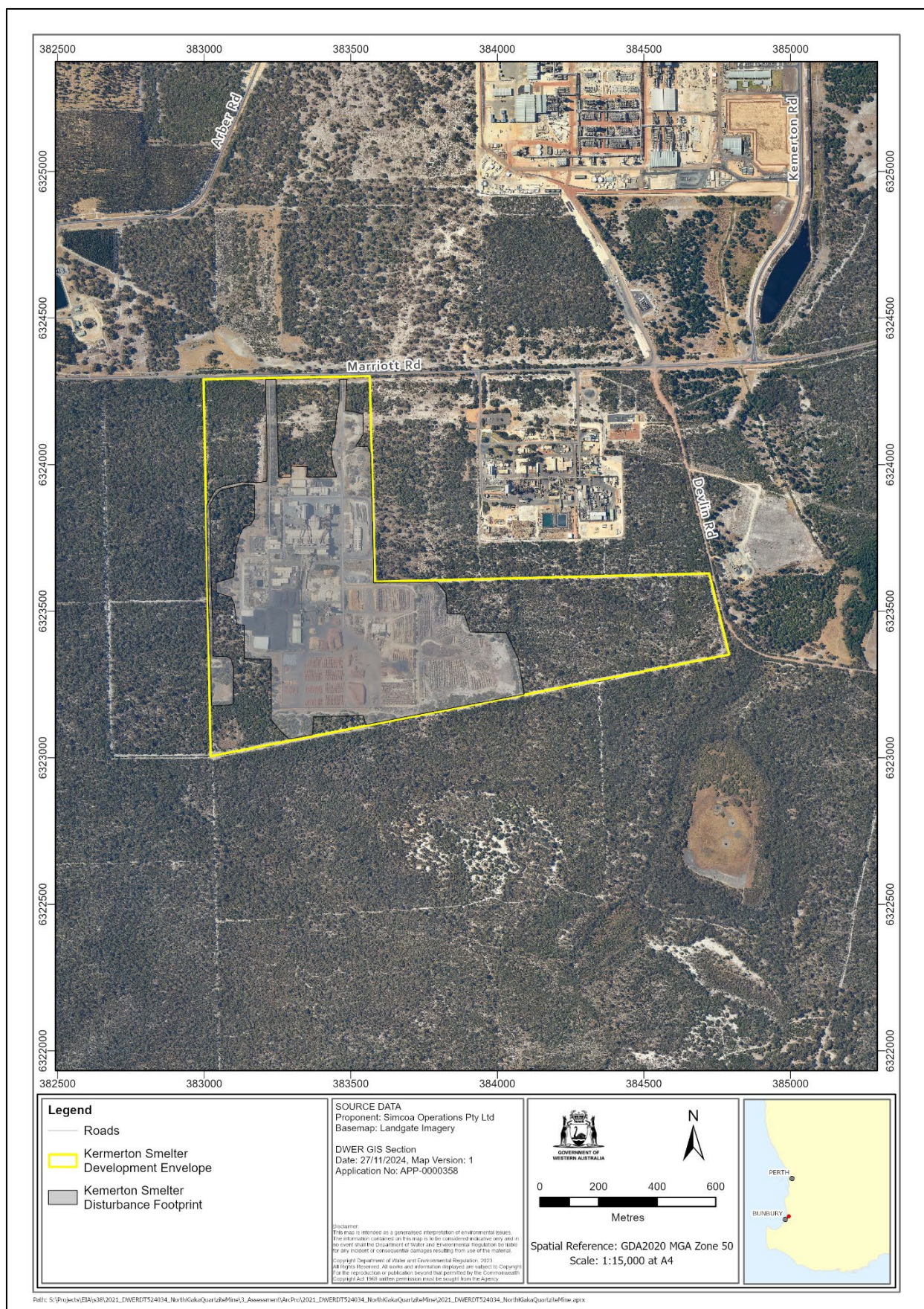
### Figures (attached)

- Figure 1 North Kiaka Mine and Moora Mine development envelopes and disturbance footprints (This figure is a representation of the co-ordinates referenced in Schedule 1)
- Figure 2 Kemerton Smelter development envelope (This figure is a representation of the co-ordinates referenced in Schedule 1)
- Figure 3 Offset locations



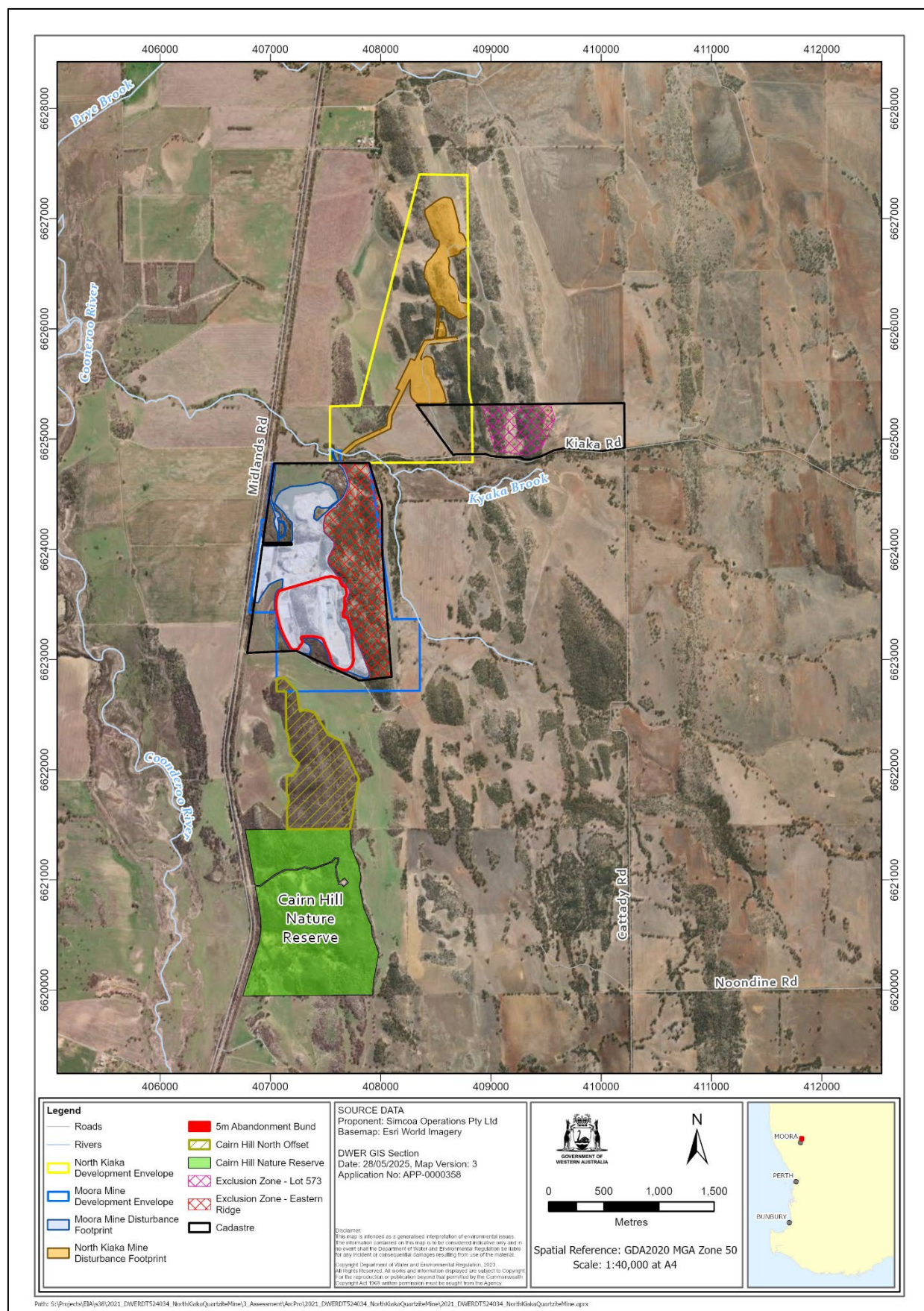
**Figure 1 North Kiaka Mine and Moora Mine development envelopes and disturbance footprints**





**Figure 2 Kemerton Smelter development envelope**





**Figure 3 Offset locations**

## **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. APP-0000354.