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Statement No. 1266

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

**OREBODY 29/30/35 SIGNIFICANT AMENDMENT**

**Proposal:** For the expansion of existing BHP Iron Ore Pty Ltd iron ore mining operations at Orebody 29/30/35 (Ministerial Statement 963)

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

**Proponent address:** 125 St Georges Terrace  
PERTH WA 6000

**Assessment number:** 2491

**Report of the Environmental Protection Authority: 1798**

**Introduction:** The proposal is a significant amendment to the following existing proposal:

- Orebody 29/30/35 Mining Below Watertable under Ministerial Statement (MS) 963 (Report 1501, EPA Assessment Number 1982).

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

1. the significant amendment proposal described and documented in the proponent's Proposal Content Document (November 2024), may be implemented;
2. Ministerial Statement 963 for the above existing proposal is superseded under section 40AA (6) (b) of the *Environmental Protection Act 1986*; and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 approved proposal as amended by the significant amendment proposal as shown in Figure 1) 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 limitations or maximum extents / capacities / ranges are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
<b>Development envelope</b>	Figure 1	<b>Development envelope</b> of 1,346 ha.
Disturbance of native vegetation	Figure 1	<p><b>Clearing</b> of no more than 116 ha of native vegetation within the <b>development envelope</b> of 1,346 ha.</p> <p><b>Clearing</b> of no more than 104 ha of native vegetation in a '<b>Good</b>' or '<b>Excellent</b>' condition for the <b>significant amendment</b>.</p> <p>Direct disturbance to <b>riparian vegetation</b> limited to 1.23 ha for the <b>significant amendment</b>.</p>
Operational elements		
Groundwater abstraction - mine pit dewatering and water supply	-	Groundwater abstraction of up to 24.5 <b>GL/a</b> .
Surplus water management – discharge to Ophthalmia Dam managed aquifer recharge (MAR) system	Figure 1	Discharge of up to 20.8 <b>GL/a</b> surplus water to the Ophthalmia Dam system.
Timing elements		
Project life	-	Approximately 50 years (construction, operation, decommissioning and closure (to rehabilitation execution)) from the date of issue of this statement.

## **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** for the **significant amendment**:

- (1) **disturb** no more than 104 ha of 'Good' to 'Excellent' condition native **vegetation**; and
- (2) **disturb** no more than 1.23 ha of **riparian vegetation**; and
- (3) no indirect **disturbance** to **groundwater dependent vegetation** compared to baseline in groundwater drawdown extent areas as shown in Figure 4.

### **B2 Terrestrial Fauna**

B2-1 The proponent must prepare an *Indolpium* sp. indet. Taxonomy and Distribution Report within twelve (12) months of the date of this statement and submit it to the **CEO**. The Report must:

- (1) identify the objectives and intended outcomes to resolve the taxonomy of the *Indolpium* sp. indet. recorded within the proponents tenure to species level through molecular analysis and determine the distribution and associated habitat of species within the genus;
- (2) specify the deliverables and completion criteria relevant to the outcomes and objectives in condition B2-1(1);
- (3) provide an implementation and reporting schedule, including an outline of key activities, all deliverables, stages of implementation, reporting of research results (including any interim results), reporting on implementation status, and milestones towards completion criteria;
- (4) identify how a Taxonomy and Distribution Report summary, and the results (including interim results) of the report will be communicated and/or published in an open access format; and
- (5) identify the third party to carry out the work required to meet the outcomes of condition B2-1(1) 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:
  - (a) demonstration of the track record, experience, qualifications and competencies of the proposed third party to carry out the work and achieve the outcomes.

### **B3 Inland Waters and Subterranean Fauna**

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

- (1) maintain habitat, groundwater levels and water quality in the Ethel Gorge aquifer to support the stygofauna habitat of the Ethel Gorge TEC and the Newman Water Reserve Priority 1 Public Drinking Water Source Area.

B3-2 The proponent must update the Eastern Pilbara Water Resource Management Plan that satisfies the requirements of condition C4 and demonstrates how achievement of the environmental outcomes in condition B3-1(1) are achieved, monitored and substantiated, and submit to the **CEO**.

B3-3 The proponent must update the Orebody 29/30/35 Water (PFAS) Management Plan that satisfies the requirements of condition C4 and demonstrates how achievement of the environmental outcomes in condition B3-1(1) will be monitored and substantiated and submit to the **CEO**.

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

## **B5 Social Surroundings**

B5-1 The proponent must implement the proposal to meet the following environmental outcomes:

- (1) no disturbance of the **Aboriginal sites** or to **Aboriginal cultural heritage** in the proposal disturbance footprint other than where consent is granted for the use of the land under the *Aboriginal Heritage Act 1972*; and
- (2) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by the **native title party/parties**.

B5-2 The proponent must implement the proposal to meet the following environmental **objective**:

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

B5-3 The proponent must undertake ongoing consultation and engagement with the **native title party/parties** about the achievement of the **outcomes** and **objective** in condition B5-1 and condition B5-2 for the life of the proposal.

B5-4 The proponent must take **reasonable steps to consult** with the **native title party/parties** about:

- (1) the design of **overburden storage areas, integrated waste landforms, pit voids and land bridges** as part of the Mine Closure Plan required under condition B7-2.

## **B6 Rehabilitation**

B6-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcomes**:

- (1) flora and vegetation within **rehabilitated** areas are comparable with ecosystem structure and composition within suitable analogue or reference sites;
- (2) **rehabilitated** ecosystems are self-sustaining;
- (3) **rehabilitated** landforms are stable, do not cause pollution or **environmental harm**; and
- (4) **rehabilitated** drainage lines are stable and support ecological processes with no erosion features present that compromise rehabilitated landform stability.

- B6-2 The proponent must ensure that the **rehabilitation** of ecosystems to achieve the outcomes in condition B6-1 is undertaken in a **progressive manner** during the rehabilitation planning phase, during operations, and as soon as practicable upon closure.
- B6-3 The proponent must commence **rehabilitation** for areas cleared for infrastructure, roads or access within eighteen (18) months of that infrastructure, road or access no longer being required.
- B6-4 The proponent must ensure that the process for **rehabilitating** ecosystems to achieve the outcomes in condition B6-1:
- (1) uses seed of **local provenance**;
  - (2) incorporates relevant and contemporary scientific outcomes;
  - (3) incorporates regeneration or revegetation strategies which may be required for components of communities, including further investigations to determine appropriate regeneration methodologies, if the completion criteria for the community are not being achieved;
  - (4) develops and implements management and/or mitigation actions to address any failure in achieving the completion criteria;
  - (5) includes relevant research, investigations, trials and monitoring programs, targeting key issues in **rehabilitation**, to improve **rehabilitation** techniques, practices and outcomes; and
  - (6) ensures outcomes from previous research, investigations, trials and monitoring programs have been incorporated into **rehabilitation** techniques and practices.
- B6-5 The proponent must prepare a Rehabilitation Strategy and submit to the **CEO**. The Rehabilitation Strategy must:
- (1) detail the types of ecosystems and total area of **rehabilitation** that the proponent will be required to **rehabilitate** across the **development envelope** consistent with the outcomes in condition B6-1; and
  - (2) outline the rehabilitation strategy for the **proposal** that satisfies the requirements of conditions B6-2, B6-3 and B6-4 and demonstrates how achievement of the outcomes in condition B6-1 will be monitored and substantiated;
  - (3) provide the expected timing and hectares of **rehabilitation** over the life of the proposal to demonstrate the achievement of condition B6-2.

B6-6 The proponent must prepare a Rehabilitation Performance Report and submit to the **CEO**. The Rehabilitation Report must:

- (1) provide an analysis of the **rehabilitation** processes and outcomes that the proponent has undertaken for the proposal since the commencement of mining, and those required by condition B6-4, and how these processes have been incorporated into past rehabilitation;
- (2) provide historical rates of **rehabilitation** for the proposal, an explanation of these rates and an analysis of the demonstrated success of that **rehabilitation** over time against the completion criteria;
- (3) provide evidence-based and effective completion criteria that demonstrate the achievement of the outcomes in condition B6-1;
- (4) provide annual reporting, commencing no later than the date of this Statement, on:
  - (a) hectares **rehabilitated**; and
  - (b) **rehabilitation** outcomes against the completion criteria.
- (5) detail the locations and hectares to be **rehabilitated** over the next five (5) years;
- (6) discuss the likely success of future **rehabilitation** activities in establishing self-sustaining ecosystems in consideration of:
  - (a) relevant contemporary scientific evidence and outcomes;
  - (b) outcomes of research, investigations, trials and monitoring programs; and
  - (c) the types of ecosystems to be **rehabilitated**,
- (7) discuss future **rehabilitation** processes to be implemented to ensure the likely success of future **rehabilitation** activities in establishing self-sustaining ecosystems.

## **B7 Mine Closure**

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

- (1) Mining activities are rehabilitated and closed in a manner to make them physically safe to humans and animals, geotechnically stable, geochemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use, with consideration for cultural values;

- (2) the post-mining profile, for ex pit rehabilitated landforms, will be designed in consideration of visually integrating into the surrounding undisturbed landscape, continuing the surrounding contours of the low hills and slopes;
- (3) maintain habitat, groundwater levels and water quality in the Ethel Gorge aquifer to support the stygofauna habitat of the Ethel Gorge TEC and the Newman Water Reserve Priority 1 Public Drinking Water Source Area; and
- (4) no **disturbance** to sensitive environmental or cultural heritage receptors from pits and waste rock with acid and/or metalliferous drainage and salinity potential.

B7-2 The proponent must review and update the Mine Closure Plan in accordance with the *Department of Mines, Petroleum and Exploration's Guideline for preparing mine closure plans* March 2025 (or any subsequent revisions of the guidelines) that demonstrates how achievement of the environmental outcomes in condition B7-1 will be monitored and substantiated, and submit to the **CEO**.

## **B8 Pilbara Environmental Offsets Fund**

B8-1 The proponent must contribute funds to the **Pilbara Environmental Offsets Fund** calculated pursuant to condition B8-8(2), to achieve the objective of counterbalancing the significant residual impacts to the following environmental values:

- (1) **'Good' to 'Excellent' condition native vegetation;**
- (2) **Riparian vegetation;**
- (3) **Critical habitat** for northern quoll (*Dasyurus hallucatus*) and Pilbara olive python (*Liasis olivaceus barroni*) subject to any reduction approved by the **CEO** under condition B8-9; and
- (4) **Supporting habitat** for northern quoll (*Dasyurus hallucatus*) and ghost bat (*Macroderma gigas*) subject to any reduction approved by the **CEO** under condition B8-9.

B8-2 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 B8-3. The first biennial reporting period must commence from **ground disturbing activities** of the **environmental value(s)** identified in condition B8-3.

B8-3 Calculated on the 2024-2025 financial year, the contribution rates are:

- (1) \$1,016 (excluding GST) per hectare of '**Good**' to '**Excellent**' condition **native vegetation** cleared as a result of the proposal within the Hamersley **IBRA** subregion;
- (2) \$2,031 AUD (excluding GST) per hectare of **riparian vegetation** cleared as a result of the **proposal** within the Hamersley **IBRA** subregion;
- (3) \$1,016 AUD (excluding GST) per hectare of **supporting habitat** for the following values cleared in the Hamersley **IBRA** subregion as a result of the proposal:
  - (a) ghost bat (*Macroderma gigas*) **supporting habitat**; and
  - (b) northern quoll (*Dasyurus hallucatus*) **supporting habitat**.
- (4) \$2,031 AUD (excluding GST) per hectare of **critical habitat** for the following values cleared in the Hamersley **IBRA** subregion as a result of the **proposal**:
  - (c) Pilbara olive phyton (*Liasis olivaceus barroni*) **critical habitat**; and
  - (d) northern quoll (*Dasyurus hallucatus*) **critical habitat**.

B8-4 The rates in condition B8-3 change annually each subsequent financial year in accordance with the percentage change in the **CPI** applicable to that financial year.

B8-5 To achieve the objective in condition B8-1, the proponent must review and revise the Impact Reconciliation Procedure - Orebody 29/30/35 Impact Reconciliation Procedure (BHP 2024I) and submit to the **CEO** for approval. This procedure must:

- (1) spatially define the **environmental values** identified in condition 8-1;
- (2) spatially define the areas where offsets required by condition 8-1 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 B8-3;
- (4) state that clearing calculation for the first biennial reporting period will commence from **ground disturbing activities** in accordance with condition B8-2 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).
- B8-6 The proponent must review, revise and submit an Impact Reconciliation Report in accordance with the **confirmed** Impact Reconciliation Procedure in condition B8-5.
- B8-7 The Impact Reconciliation Report required pursuant to condition B8-6 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.
- B8-8 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 B8-2 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.
- B8-9 The **CEO** may grant approval to discount the amount payable under condition B8-1(3) and B8-1(4) if the **CEO** is satisfied that the payment will offset the significant residual impacts of the proposal.
- B8-10 Condition C2 applies to the **confirmed** Impact Reconciliation Procedure required by condition B8-5 as if it were an environmental management plan.
- B8-11 Failure to implement a **confirmed** Impact Reconciliation Procedure or submit an Impact Reconciliation Report as required by condition B8-6 represents a non-compliance with these conditions.

## **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:

- (1) within twelve (12) months of the date of this Statement, or otherwise agreed to by the **CEO**, revise and submit the Eastern Pilbara Water Resource Management Plan and the Orebody 29/30/35 Water (PFAS) Management Plan required by conditions B3-2 and B3-3 to meet the requirements of those conditions;
- (2) within twelve (12) months of the date of this Statement, or otherwise agreed to by the **CEO**, submit the Rehabilitation Strategy required by condition B6-5, that meets the requirements of that condition;
- (3) within twelve (12) months of the date of this Statement, or otherwise agreed to by the **CEO**, and five-yearly thereafter, submit the Rehabilitation Performance Report required by condition B6-6, that meets the requirement of that condition;
- (4) within twelve (12) months of the date of this Statement and every five years thereafter, or otherwise agreed to by the **CEO**, revise and submit the Mine Closure Plan(s) required by condition B7-2 that meets the requirements of that condition;
- (5) within (12) twelve months of the date of this Statement revise, submit the Impact Reconciliation Procedure (Offsets) required by condition B8-6 that meets the requirements of that condition; and
- (6) within (12) twelve months of the date of this Statement, submit the research plan required by condition B2-2 that meets the requirement of that condition, confirmed by the **CEO**.

### **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(1) in consultation with **DBCA** and receiving notice in writing from the **CEO** under conditions C1-1(2), C1-1(3), C1-1(4), C1-1(5) and C1-1(6) 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 plan, 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 B3-2 and condition B3-3 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 conditions B3-2 and B3-3 must contain provisions which enable the achievement of the relevant objectives of those conditions and substantiation of whether the objectives are reasonably likely to be met, and must include:

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

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

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

### **D1 Non-compliance Reporting**

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

- (1) report this to the **CEO** within seven (7) days;
- (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 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 compliance with condition D4-1 no later than thirty (30) days after substantial commencement.

D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, 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 4 February 2026]

Hon. Matthew Swinbourn BA LLB MLC

**MINISTER FOR THE ENVIRONMENT; COMMUNITY SERVICES; HOMELESSNESS**

### **Key decision-making authorities consulted under section 45(2):**

Minister for Aboriginal Affairs Minister for Mines and Petroleum Minister for Planning and Lands Minister for State Development Minister for Water
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**Table 1: Abbreviations and definitions**

Acronym or abbreviation	Definition or term
<b>Adverse impact(s)</b>	Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. <b>Adverse impacts</b> can arise from direct or indirect impacts, or other impacts from the proposal.
<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 site</b>	As defined in section 4 and 5 under the <i>Aboriginal Heritage Act 1972</i> .
<b>Approved proposal</b>	Orebody 29/30/35 proposal approved under Ministerial Statement 963.
<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>Clearing/ clearing activities</b>	Has the same meaning as in section 51A of the Environmental Protection Act 1986.
<b>CPI</b>	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
<b>Confirmed</b>	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. 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.
<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria, or management target are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance or <b>adverse impacts</b> to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, management target and to ensure that the environmental outcome and/or objective can be met.
<b>Construction</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

Acronym or abbreviation	Definition or term
	preconstruction activities where no clearing of vegetation is required.
<b>Critical habitat</b>	Fauna habitat types mapped as breakaway/cliff, major drainage, wetland and hillcrest/hillslope habitats for the Pilbara olive python and breakaway/cliff and hillcrest/hillslope habitats for northern quoll in the report and supporting spatial data in the Orebody 29/30/35 Environmental Review Document (BHP 2025a) (Figure 9-2).
<b>DBCA</b>	The government agency responsible for the administration of the <i>Biodiversity Conservation Act 2016</i> , which at the time of publication of this Ministerial Statement is the Department of Biodiversity, Conservation and Attractions.
<b>Development envelope</b>	Area in which the new mine and existing areas and associated facilities of the proposal are located. All direct impacts associated with the proposal will be contained within the development envelope.
<b>Detect/ detecting</b>	The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value or measure of at least 0.8 or an alternative value as determined by the <b>CEO</b> .
<b>Disturb/ disturbing/ 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 the 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>
<b>Environmental value</b>	A beneficial use, or ecosystem health condition.
<b>Environmental harm</b>	Has the meaning provided by section 3A(2) of the <i>Environmental Protection Act 1986</i> .
<b>GL/a</b>	Gigalitres per annum
<b>'Good' to 'Excellent' condition native vegetation</b>	Means vegetation that has been rated 'good', 'excellent' or any value between these ratings, in accordance with the Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment (EPA 2016) including any revision to this technical guidance.
<b>Greenhouse gas emissions</b>	Greenhouse gas emissions expressed as 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 National Greenhouse and Energy Reporting Act 2007 (Cth) or, if that definition is amended or repealed, the meaning set out in an Act,

Acronym or abbreviation	Definition or term
	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>Groundwater dependent vegetation</b>	Terrestrial vegetation that mainly depend on the subsurface presence of groundwater, often accessed via capillary fringe. Not all groundwater dependent vegetation draw on groundwater directly and in many cases the groundwater provides baseflow in rivers that ecosystems depend on.
<b>Ha</b>	Hectare
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia.
<b>Indicative footprint</b>	Refers to the current indicative layout of the direct <b>disturbance</b> footprint of the proposal, which includes key elements such as mine pits and waste rock landforms, as well as infrastructure.
<b>Integrated waste landforms</b>	The integrated waste landform is the incorporation of disposal of tailings material within the waste landform resulting in a single landform.
<b>km</b>	kilometre
<b>km/hr</b>	Kilometre(s) per hour.
<b>Local provenance</b>	Refers to the Hamersley and Gascoyne IBRA subregions as delineated by the PIL03 of Interim Biogeographic Regionalisation for Australia, Version 7 (DCCEEW).
<b>m</b>	Metres
<b>Management action</b>	The identified actions implemented with the intent of to achieving the environmental objective.
<b>Management target</b>	A type of indicator to evaluate whether an environmental objective is being achieved.
<b>Native title party/parties</b>	As defined in section 18(1AA) under the <i>Aboriginal Heritage Act 1972</i> .
<b>Overburden Storage Areas (OSA)</b>	Landform that consists of rocks removed in the mining process to provide access to the ore.
<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>Outcomes</b>	A proposal-specific result to be achieved when implementing the proposal.

Acronym or abbreviation	Definition or term
<b>Pilbara Environmental Offsets</b>	A special purpose account created pursuant to section 16(1)(d) of the Financial Management Act 2006 by the Department of Water and Environmental Regulation.
<b>Pollution</b>	Has the meaning provided by section 3A(1) of the <i>Environmental Protection Act 1986</i> .
<b>Reasonable steps to consult</b>	As outlined in the EPA's <i>Technical Guidance Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage</i> , as amended from time to time.
<b>Rehabilitation/ Rehabilitate/ Rehabilitated/ Rehabilitating</b>	A process which aims to maximise the return of biodiversity to disturbed land by reinstating self-sustaining and functional ecosystems based on local species.
<b>Riparian vegetation</b>	Vegetation type identified as MA EvEcAci CcErbTp AsyPIAa, in Table 8-3 of the Orebody 29/30/35 Significant Amendment ERD (BHP 2025a).
<b>Safeguard Legislation</b>	The Commonwealth <i>National Greenhouse and Energy Reporting Act 2007 and associated National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015</i> .
<b>Self-sustaining</b>	Vegetation that can survive without intervention such as water or maintenance. A <b>self-sustaining</b> ecosystem has the potential to persist indefinitely under existing environmental conditions, but its composition, structure and function may fluctuate in response to periodic stress or <b>disturbance</b> , or may evolve as environmental conditions change (adapted from SER 2004).
<b>Significant amendment</b>	Is the expansion of the <b>approved proposal</b> as described and documented in Table 2 of the proponents Proposal Content Document dated 24 November 2024.
<b>Supporting habitat</b>	Fauna habitat types mapped as breakaway/cliff, major drainage, wetland, hillcrest/hillslope, drainage area/floodplain, medium drainage line, minor drainage line, sandy/stony plain and stony plain habitats for ghost bat; and major drainage line, medium drainage line, minor drainage line, and wetland habitats for northern quoll in the report and supporting spatial data in the Orebody 29/30/35 Environmental Review Document (BHP 2025a) (Figure 9-2).
<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 Orebody 29/30/35 Hub Significant Amendment
- Figure 2 Orebody 29/30/35 - approved proposals
- Figure 3 Orebody 29/30/35 Proposal Assessment Area
- Figure 4 Potential groundwater dependent vegetation impact areas

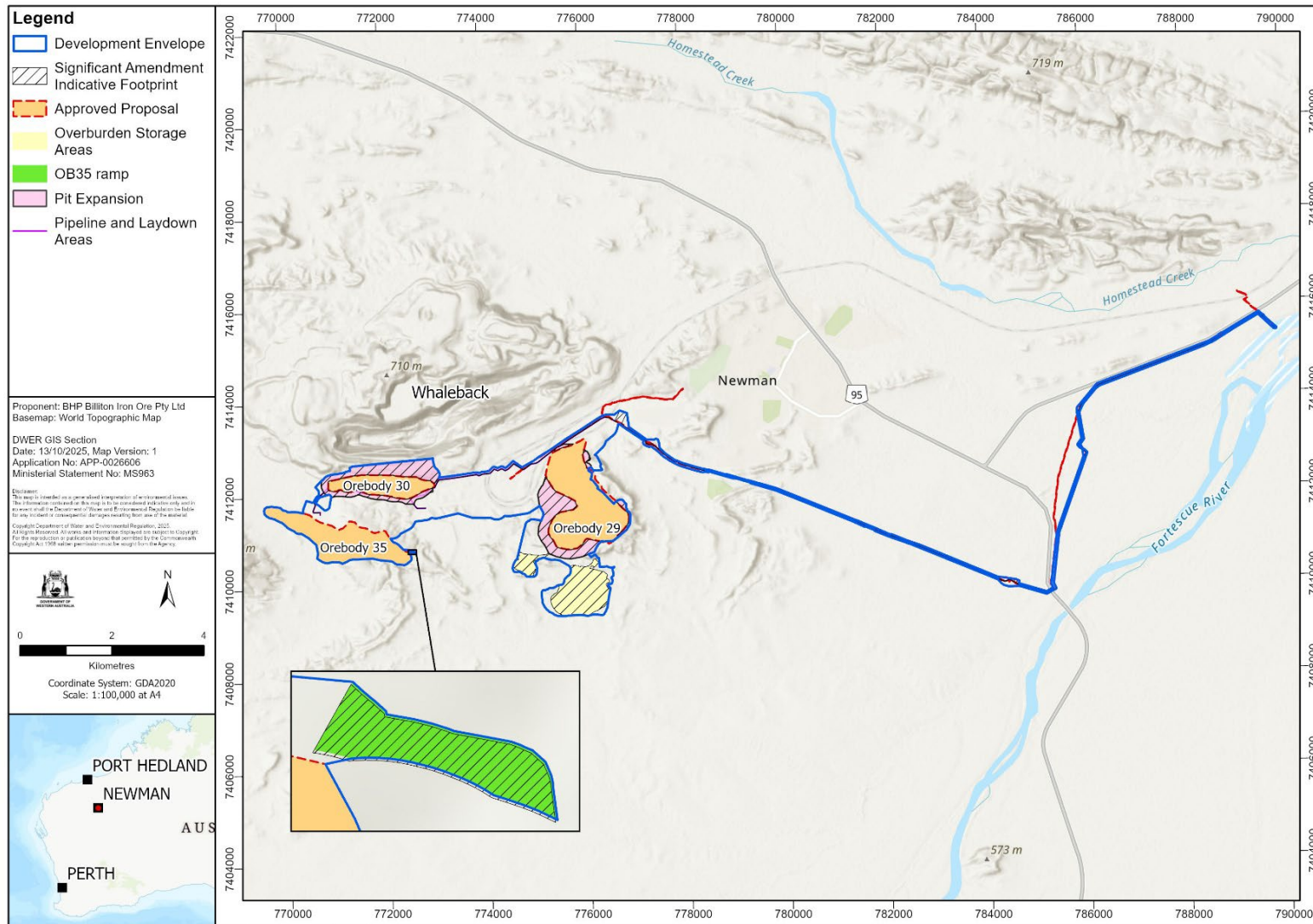


Figure 1 – Orebody 29/30/35 Significant Amendment

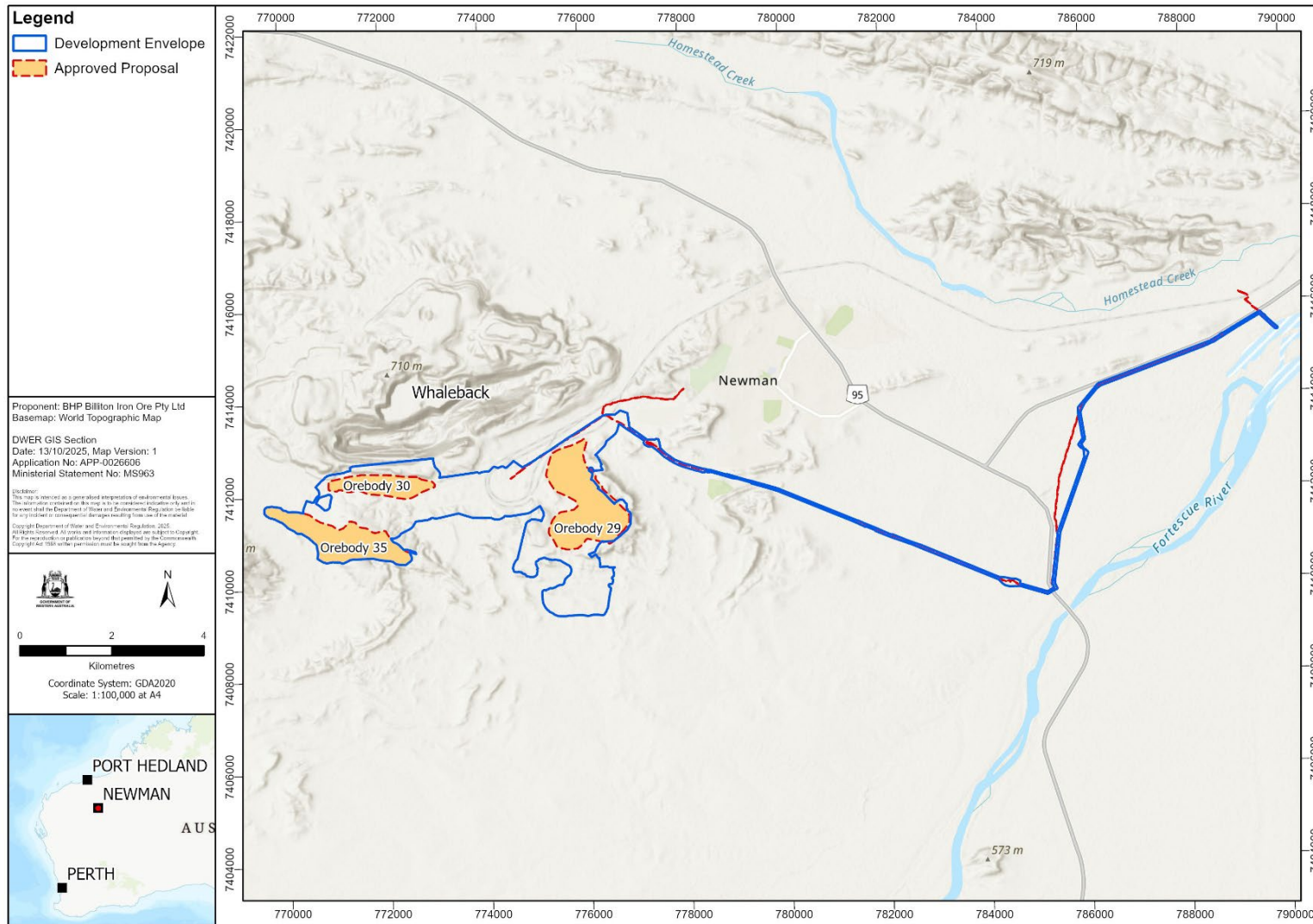


Figure 2 – Orebody 29/30/35 - approved proposal

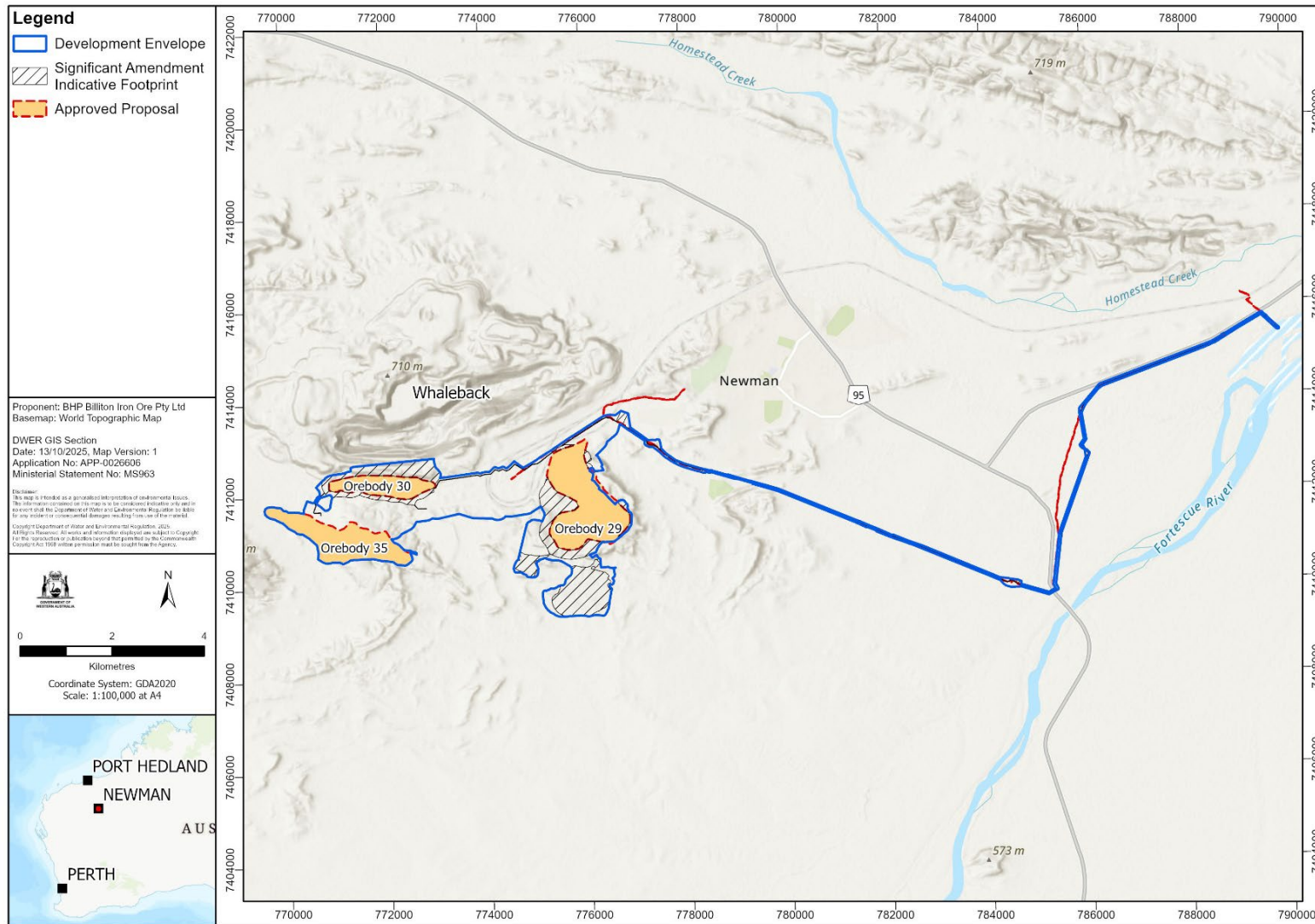
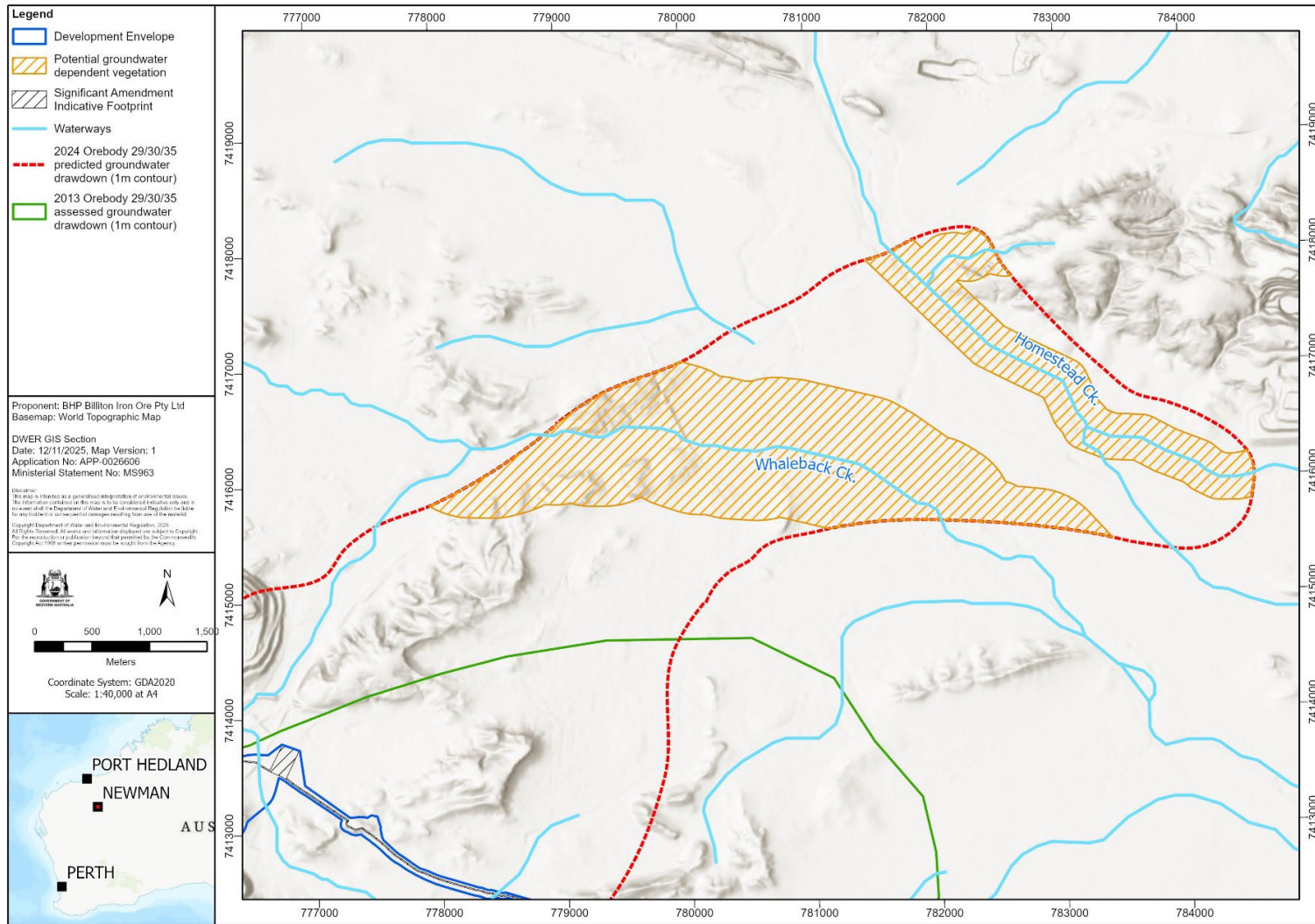


Figure 3 – Orebody 29/30/35 Proposal Assessment Area



**Figure 4 – Potential groundwater dependent vegetation impact areas**

## **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. DWERVT20464