



Environmental  
Protection  
Authority

**Balla Balla Magnetite Mining Project – inquiry under section 46  
of the *Environmental Protection Act 1986* to amend Ministerial  
Statement 794 (as amended by MS 985 and 1135)**

Forge Resources Swan Pty Ltd

Report 1807  
April 2026

## Inquiry under section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of reviewing the implementation conditions as set out in Ministerial Statement (MS) 794 (as amended by MS 985 and MS 1135), including amending implementation conditions 3-1 and 3-2 (Time Limit for Proposal Implementation) in Ministerial Statement 1135, relating to the Balla Balla Magnetite Mining Project.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be amended
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



**Darren Walsh**  
Chair

15 April 2026

---

# Contents

<b>1</b>	<b>Proposal</b> .....	<b>1</b>
<b>2</b>	<b>Requested amendments to the conditions</b> .....	<b>4</b>
<b>3</b>	<b>Inquiry into amending conditions</b> .....	<b>5</b>
<b>4</b>	<b>Inquiry findings</b> .....	<b>6</b>
4.1	Flora and Vegetation .....	6
4.2	Terrestrial Fauna .....	11
4.3	Inland Waters .....	13
4.4	Social Surroundings .....	15
4.5	Offsets .....	17
4.6	Other environmental factors .....	20
<b>5</b>	<b>Conclusions and recommendations</b> .....	<b>22</b>
	<b>Appendix A: Recommended conditions</b> .....	<b>24</b>
	<b>Appendix B: Assessment of proposed changes to implementation conditions of Ministerial Statement 794</b> .....	<b>46</b>
	<b>Appendix C: Decision-making authorities</b> .....	<b>52</b>
	<b>References</b> .....	<b>53</b>

# 1 Proposal

The Balla Balla Magnetite Mining Project (the proposal) is to undertake mining and processing of up to 129 million tonnes of magnetite iron ore in the Central and Western deposits at the Balla Balla mine site and to construct and operate a pipeline to convey the magnetite slurry to Utah Point, Port Hedland (Figure 1). The current proponent for the proposal is Forge Resources Swan Pty Ltd.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Environmental Protection Statement and published its report in January 2009 (Report 1309). In this report, the EPA considered the following key environmental factors were relevant to the proposal:

- flora and vegetation
- fauna
- surface water and groundwater
- Aboriginal heritage
- mine closure and rehabilitation.

In applying the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2023) these factors are now represented by:

- flora and vegetation
- terrestrial fauna
- subterranean fauna
- inland waters
- social surroundings.

The EPA no longer considers mine closure and rehabilitation as a key environmental factor, as the objectives for this factor are typically addressed by the Department of Mines, Petroleum and Exploration (DMPE) in accordance with the requirements of the *Mining Act 1978*. The EPA considers mine closure and rehabilitation in the context of other environmental factors, such as flora and vegetation, terrestrial fauna and inland waters.

The EPA concluded in Report 1309 that it was likely the EPA's environmental factor objectives would be achieved, provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement (MS) 794 on 28 April 2009. There have been no changes to the proposal approved under the *Environmental Protection Act 1986* (EP Act).

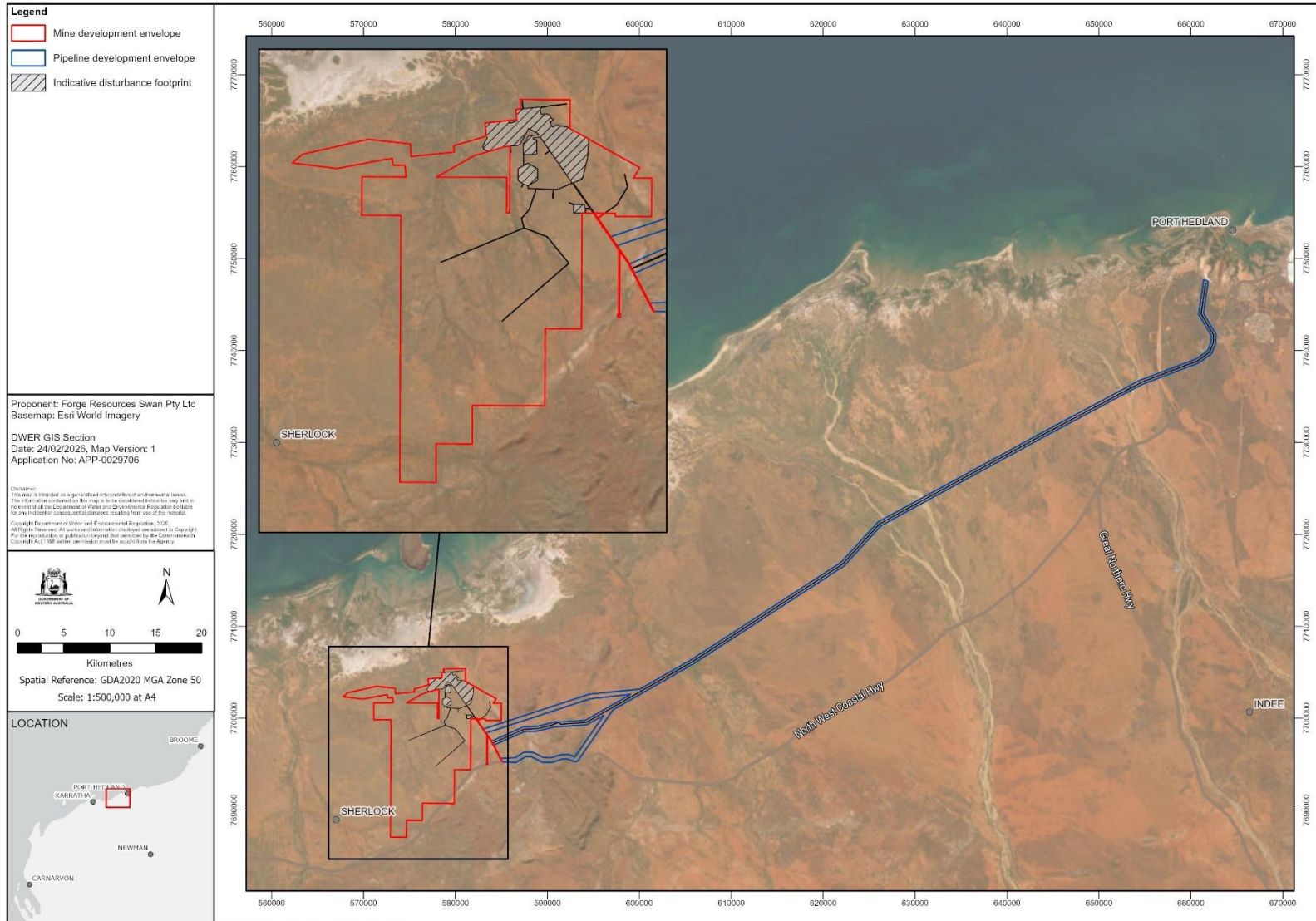


Figure 1: Project location, development envelope and indicative disturbance footprint

## Previously approved amendments to the conditions

In February 2014, the proponent requested an amendment to the proposal conditions to extend the authorised time limit for substantial commencement of the proposal by 5 years. The EPA undertook an inquiry under s. 46 of the EP Act and recommended that it was appropriate to extend the authorised time limit for substantial commencement. Ministerial Statement 985 was published in October 2014 granting a further 5 years for implementation, to 28 April 2019.

In February 2019, the proponent requested a further amendment to the proposal conditions to extend the authorised time limit for substantial commencement of the proposal by 5 years. The EPA undertook an inquiry under s. 46 of the EP Act and recommended that it was appropriate to extend the authorised time limit for substantial commencement. Ministerial Statement 1135 was published in May 2020 granting a further 5 years for implementation, to 28 April 2024.

## 2 Requested amendments to the conditions

Condition 3-1 of amending statement MS 1135 states that the proponent shall not commence implementation of the proposal after 28 April 2024, and any commencement, prior to this date, must be substantial.

The proponent has not yet substantially commenced implementation of the proposal, as confirmed by the 2025 Compliance Assessment Report submitted by the proponent (Todd Corporation 2025). In May 2025 the proponent requested an amendment to conditions 3-1 and 3-2 of MS 1135 to extend the authorised time limit for substantial commencement of the proposal by a further 5 years. The proponent did not request any amendments to the proposal or to any of the existing implementation conditions of MS 794 (as amended by MS 985 and 1135).

In response to the proponent's request, in November 2025 the Minister for Environment requested that the EPA inquire into and report on the matter of amending the implementation conditions of MS 794 (as amended by MS 985 and 1135) for the proposal. This report satisfies the requirements of the EPA's inquiry.

### 3 Inquiry into amending conditions

The EPA typically recommends the Minister for Environment sets conditions on significant proposals that require them to be substantially commenced within a specified timeframe. Extending this timeframe requires the Minister to amend the relevant conditions under s46 of the EP Act and provides for the EPA to review and consider the appropriateness of the implementation conditions relating to the proposal.

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- the currency of its original assessment of the proposal (Report 1309; EPA 2009)
- previous s. 46 inquiries (Reports 1525 and 1670; EPA 2014a and EPA 2020)
- Ministerial Statements 794, 985 and 1135
- information provided by the proponent (Preston Consulting 2025a).

#### EPA procedures

In conducting this inquiry, the EPA reviewed the information provided by the proponent and considered the original assessment of the proposal detailed in Report 1309. In considering whether it was appropriate to recommend an extension of the authorised timeframe for substantial commencement of the proposal, the EPA considered whether (since Report 1309) there was any change to, or new information relating to, the key environmental factors relevant to the proposal. The EPA also considered whether any new key environmental factors had arisen since its original assessment of the proposal.

Since the EPA's original assessment of the proposal in 2009 and subsequent inquiries into amending the conditions in 2015 and 2020, the EPA has released a range of new environmental impact assessment policy and guidance documents, including those relating to amendments of the EP Act in October 2021. These include the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023a) and the suite of associated Environmental Factor Guidance statements. These have replaced EPA policy and guidance, such as guidance statements, that were current at the time of the EPA's previous consideration of this proposal.

In conducting this inquiry, the EPA followed the procedures in the *Environmental Impact Assessment Practice Guide Assessment of Proposals in Western Australia under Part IV of the Environmental Protection Act 1986* (EPA, 2025a). In addition, the EPA also had the opportunity to consider any changes in environmental, scientific or technological knowledge that may have arisen since the initial assessment and subsequent s46 inquiries.

## 4 Inquiry findings

The EPA considers that the following are the key environmental factors relevant to the amendments to the conditions:

- flora and vegetation
- terrestrial fauna
- inland waters
- social surroundings.

Impacts of the proposal on subterranean fauna were considered during the original assessment as part of the EPA's broader assessment of 'fauna'. With regards to the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023a), subterranean fauna is now assessed as a separate key environmental factor, in line with the *Environmental factor guideline – Subterranean fauna* (EPA, 2016a). The EPA does not consider subterranean fauna to be a key environmental factor relevant to this amendment. The original assessment concluded that impacts were not expected to be significant, as the stygofauna taxa identified were widely distributed outside the disturbance footprint and the geomorphology was not considered suitable for troglifauna. The EPA is satisfied that the biological diversity and ecological integrity of subterranean fauna are likely to be maintained, in line with the EPA's objective.

In view of the substantial time that has elapsed since the issuing of Ministerial Statement 794, the EPA considers it appropriate to recommend that MS 794, and amending statements MS 985 and 1135, be superseded by a new contemporary Ministerial Statement incorporating contemporised existing conditions from MS 794 as well as new conditions resulting from this inquiry. The inquiry findings and recommendations have therefore been discussed in this context. Appendix B provides a summary of the EPA's inquiry findings for each of the existing conditions in Ministerial Statements 794, 985 and 1135 and provides a recommendation as to whether the condition should be deleted or replaced with a contemporary condition that aligns with the EPA's current approach to condition drafting.

### 4.1 Flora and Vegetation

The EPA environmental objective for Flora and Vegetation is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained*.

#### Conclusions from EPA Report 1309

The proposal is located on the Abydos Plain within the Fortescue Botanical District (Pilbara Region) of the Eremaean Province. The majority of vegetation within the project area consists of hummock grasslands dominated by *Triodia* species, with occasional shrublands and woodlands. The Horseflat land system on which the project area lies is well represented across approximately 270 km of coastline, from 24 km south-east of Onslow to Balla Balla, with additional occurrences east and south of Port Hedland.

The proposal involves direct impact to up to 1,515 hectares (ha) of vegetation through clearing for mining activities and associated infrastructure, including a slurry and return water pipeline alongside the existing Pilbara Energy Pipeline. The proposal could also indirectly impact flora and vegetation through the potential introduction and spread of weed species, and lowering of the water table through mine dewatering and groundwater abstraction for water supply.

Two locally significant vegetation communities were identified within the proposed mine site area: the major channel community MC1, considered locally significant due to the presence of a small population of *Themeda* sp. Hamersley Station (Priority 3), and the woodland community DZw8, due to the floristic distinctiveness and isolated population found in the study area. The EPA concluded in Report 1309 that impacts to these two local communities from the proposal were minimal.

The Clay Plains communities located in the development envelope were identified to possibly support species in common with the Roebourne Plains Grassland Priority Ecological Communities (PECs). However, these PECs were assessed to be relatively widely represented in the area from Forty Mile Beach to Sherlock Station. The EPA therefore considered that the relatively small area of clearing of the local Clay Plains communities was unlikely to change or impact the conservation status of the Roebourne Plains Coastal Grassland PECs.

No Threatened Ecological Communities (TEC) or declared rare flora were identified in any of the surveys. Three Priority species were identified in the project area (one *Gomphrena cucullata* (Priority 2), *Acacia glaucocaesia* (Priority 3) and *Themeda* sp. Hamersley Station (Priority 3)).

The EPA noted that the proposal layout was designed to minimise disturbance to locally significant communities, potential PECs and Priority flora species.

To manage potential impacts to flora and vegetation, the EPA recommended the following conditions:

- Condition 6, which addresses the impacts of groundwater drawdown to vegetation
- Condition 9, which addresses mine closure and rehabilitation.

### Assessment of the requested amendment to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023a)
- *Environmental factor guideline – Flora and Vegetation* (EPA 2016b)
- *WA Environmental Offsets Policy* (Government of Western Australia, 2011)
- *WA Environmental Offsets Guidelines* (Government of Western Australia, 2014).

The proponent has not proposed any modifications to the proposal. However, since the original assessment, changes have occurred in conservation status with respect to Priority species and in occurrence records with respect to PECs.

#### *Updates to Priority Flora*

*Gomphrena cucullata* was listed as Priority 2 at the time of the original assessment and is now Priority 3. *Acacia glaucocaesia* was listed as Priority 3 and is now delisted. *Themeda* sp. Hamersley Station remains a Priority 3.

No new priority flora species within the proposal area were identified during desktop studies in January 2025 (Preston Consulting 2025a).

#### *Updates to Significant Ecological Communities*

As noted above, surveys completed to support the original EPA assessment noted that several of the Clay Plains communities within the proposal area had commonality with the then listed 'Roebourne Plains Coastal Grasslands with Gilgai Microrelief on Cracking Clays' PEC. Desktop studies undertaken in January 2025 identified two newly mapped PECs within the development envelope, being the Priority 3 'Horseflat Land System of the Roebourne Plains' (Horseflat PEC) and the Priority 3 'Gregory Land System' (Preston 2025). It is noted that all of the Clay Plains communities mapped within the proposal area as part of the original assessment are now within the mapped Horseflat PEC extent, rather than the previously considered 'Roebourne Plains Coastal Grasslands with Gilgai Microrelief on Cracking Clays' PEC.

Based on currently available mapping, the indicative disturbance footprint intersects approximately 978.7 ha of the Horseflat PEC, representing 11.3% of the mapped extent within the development envelope (Figure 2). The EPA notes that the Horseflat PEC occurs from approximately 25 km southwest of Gnoorea to Balla Balla, in association with the Horseflat land system in this area. The indicative disturbance footprint intersects approximately 0.46% of the currently mapped extent in the region. The primary threats to this ecological community include fragmentation, clearing for mining and weed invasion (DBCA 2023). The EPA acknowledges the potential for cumulative impacts on the Horseflat PEC arising from the increasing number of proposals along the Pilbara coastline. Since the original approval of the Balla Balla mine proposal in April 2009, and the subsequent listing of this PEC, the EPA has considered cumulative impacts on this value during the assessment of successive proposals in the region. These assessments have accounted for the direct impact associated with the approved Balla Balla mine proposal.

A portion of the indicative disturbance footprint associated with the slurry pipeline intersects 5.3 ha of the Gregory Land System PEC, representing 16.7% of the mapped extent within the development envelope (Figure 2). The Gregory Land System PEC occurs within a restricted distribution, predominantly between the Sherlock and Indee pastoral stations, with one occurrence south of Pardoo. The indicative disturbance footprint intersects approximately 0.05% of the currently mapped extent in the region. The primary threat to this ecological community is listed as over grazing (DBCA 2023).

The EPA considers that the implementation of the proposal is unlikely to result in a significant impact to the conservation status or persistence within the landscape of either PEC. As such, it is the EPA's opinion that the proposal can be managed to meet the EPA's environmental objectives for this factor. To ensure this, the EPA recommends:

- the inclusion of a prescribed limit for clearing within PEC's in contemporary condition A1;
- The replacement of conditions 6 (flora and vegetation) and 9 (mine closure and rehabilitation) of MS 794 with contemporised conditions B2 and B5; and
- an offset condition (condition B4) requiring monetary contributions to deliver on-ground projects coordinated through the Pilbara Environmental Offsets Fund to offset the impacts to vegetation and ecological community values (see section 4.5).

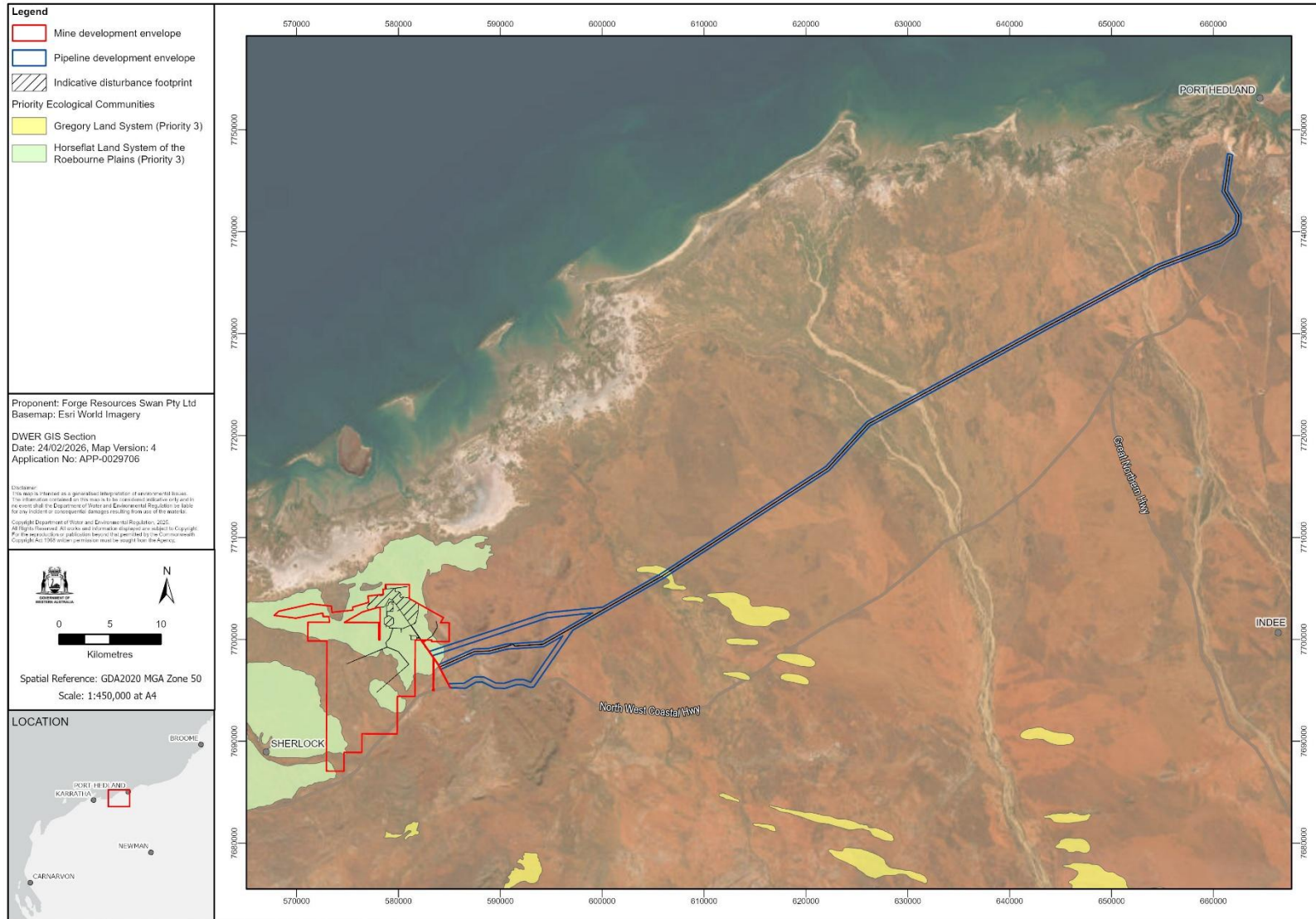


Figure 2: Priority Ecological Communities within the development envelope

## 4.2 Terrestrial Fauna

The EPA environmental objective for Terrestrial Fauna is *to protect terrestrial fauna so that biological diversity and ecological integrity are maintained.*

### Conclusions from EPA Report 1309

The rainbow bee-eater (*Merops ornatus*) was recorded in the mine site area during surveys to support the EPA's original assessment. At the time of assessment, this species was listed under Schedule 3 of the *Wildlife Conservation Act 1950* and migratory under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPA noted that the species is common in the Pilbara bioregion, being widespread in grassland and open woodland. Subject to commitments made by the proponent and the EPA's recommended conditions 6 (flora and vegetation) and 8 (surface water and groundwater quality) to manage impacts and protect riparian vegetation and water quality, potential impacts to rainbow bee-eater habitat areas were considered unlikely to be significant.

The EPA acknowledged the proponent's management measures to reduce adverse impacts on native fauna from open trenches associated with the pipeline construction. The EPA recommended condition 7, to mitigate the potential impacts to terrestrial fauna during pipeline construction.

Surveys completed to support the EPA's original assessment did not identify any species considered to have the potential to be short-range endemic species. Four species of land snails were recorded within and outside the project area and were considered to be widely distributed throughout the region and therefore not consistent with short range endemics.

### Assessment of the requested amendment to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023)
- *Environmental factor guideline – Terrestrial Fauna* (EPA 2016c)
- *WA Environmental Offsets Policy* (Government of Western Australia, 2011)
- *WA Environmental Offsets Guidelines* (Government of Western Australia, 2014).

The proponent has not proposed any modifications to the proposal, thus the previously assessed nature and extent of the impacts to terrestrial fauna remains unchanged. However, since the original assessment, changes have occurred in conservation status and in the assessment of impacts to fauna habitat.

### *Updates to listed fauna*

The rainbow bee-eater (*Merops ornatus*) was removed from the list of migratory species under the EPBC Act in 2016 and subsequently delisted under the *Biodiversity Conservation Act 2016* (BC Act).

The ghost bat (*Macroderma gigas*) was listed as a Priority 4 species at the time of the EPA's original assessment. The ghost bat was listed as Vulnerable under the BC Act in 2018, and as Vulnerable under the EPBC Act in 2016. The EPA considered the change in conservation status of the ghost bat in Report 1670 and concluded that, given the absence of suitable roosting sites within or proximal to the development envelope, the impact of the proposal on ghost bat is unlikely to be significant.

At the time of the original assessment, impacts to threatened fauna were assessed with respect to species identified within the area during fauna surveys. It was not standard practice at this time to quantify impacts to habitat necessary for the survival of these species. To support the requested amendment to the conditions of MS 794, a desktop study was undertaken in January 2025 to provide a contemporary assessment of potential conservation significant fauna within the development envelope (Preston Consulting, 2025). This included an assessment of impacts on habitat for threatened fauna species. The following five threatened species were identified as having the potential to occur within the area and therefore expected to be impacted through direct loss of critical and/or supporting habitat:

- Critical and supporting habitat for the grey falcon (*Falco hypoleucos*; VU)
- Supporting habitat for the northern quoll (*Dasyurus hallucatus*; EN)
- Critical habitat for the greater bilby (*Macrotis lagotis*, VU)
- Supporting habitat for the ghost bat (*Macroderma gigas*; VU)
- Supporting habitat for the Pilbara olive python (*Liasis olivaceus barroni*; VU).

Additionally, the desktop study (Preston Consulting 2025a) identified four species which were not identified as having the potential to occur within the development area at the time of the original assessment. These were the grey wagtail (*Motacilla cinerea*), yellow wagtail (*Motacilla flava*) and barn swallow (*Hirunda rustica*), which are all listed as migratory under the BC Act, and the northern coastal free-tailed bat (*Ozimops cobourgianus*) which is listed as Priority 1. None of these species were recorded within 50 km of the development envelope and the EPA considers that they are unlikely to be impacted by the proposal.

To ensure consistency with its environmental objective for terrestrial fauna, the EPA recommends:

- the inclusion of prescribed limits for clearing of fauna habitat types within contemporary condition A1;
- the replacement of condition 7 (fauna) of MS 794 with contemporary condition B3; and

- an offset condition (condition B4) requiring monetary contributions to deliver on-ground projects coordinated through the Pilbara Environmental Offsets Fund to offset the impacts to fauna habitat values (see section 4.5).

### 4.3 Inland Waters

The EPA environmental objective for Inland Waters is *to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.*

#### Conclusions from EPA Report 1309

The project requires 8.36 gegalitres per annum (GL/a) of fresh to brackish water for the processing plant operations, dust suppression and other mining uses. This water supply would be sourced from a combination of mine dewatering and groundwater abstracted from a network of water supply bores.

Hydrogeological studies as part of the original assessment indicated that groundwater drawdown along most of the length of the Balla Balla River was predicted to be four metres or less at the completion of mining and generally less than two metres within five years after mining ceases. Studies also indicated that while the impact to Coorinjinna Pool is expected to be minimal, a number of stock watering bores close to the project area may be affected.

The EPA noted that there would be no discharge of excess mine dewater or wastewater to the environment and that all project infrastructure would be located away from major drainage lines. Indirect impacts through changes to the catchment were estimated to be minimal and were not considered significant.

Following the cessation of mining, pit void lakes were expected to form as a result of groundwater seepage. Modelling undertaken in 2008 predicted salinity would increase by two to three times from pre-mining levels within pit voids. The EPA noted that the modelling indicated that the pit lakes would act as groundwater sinks and would be unlikely to adversely impact surrounding groundwater quality. However, the EPA recommended condition 9-3 (mine closure and rehabilitation) requiring the proponent to ensure that the final pit voids do not impact groundwater quality.

The EPA concluded that surface water and groundwater within the mine site could be impacted by potentially acid-forming materials. The proposal will result in the formation of six waste landforms, with the proponent committing to design these features to be safe, stable, non-erodible and integrated into the surrounding environment. The EPA noted that there would be sufficient waste rock available for the construction and encapsulation of waste landforms.

The EPA noted that seepage from the tailings storage facility (TSF) has the potential to affect both water quality and groundwater levels. However, modelling studies indicated no impacts would occur to groundwater levels. The EPA concluded that with implementation of the proponent's management measures, impacts associated

with seepage from the TSF, such as adverse impacts to groundwater quality, would be negligible.

To manage potential impacts, the EPA recommended the following conditions:

- condition 8 to protect surface and groundwater quality
- condition 9 which sets outcomes for rehabilitation and addresses mine pit lakes to ensure that final pit voids do not impact groundwater quality.

### Assessment of the requested amendment to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2023)
- *Environmental factor guideline – Inland Waters* (EPA 2018).

#### *Updates to Inland Waters*

In considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA considers that there is no new significant or additional information that justifies the reassessment of inland waters for this proposal.

Since the EPA's original assessment, the EP Act has been amended to expressly provide for the EPA to take into account other statutory decision-making processes that can mitigate the potential impacts of a proposal on the environment. The EPA notes that the proposal is located in a proclaimed groundwater area under the *Rights in Water and Irrigation Act 1914* (RiWI Act). The proponent holds a 5C Licence under the RiWI Act for groundwater abstraction and mine dewatering up to 4.76 GL per annum. The EPA notes that the licence requires implementation of the proponent's groundwater operating strategy. In addition, the licence requires a revised groundwater operating strategy to be submitted to the Department of Water and Environmental Regulation (DWER) to include salinity trigger values and a commitment to establish groundwater level triggers at nominated pastoral bores. The EPA considers that the regulatory processes under the RiWI Act, including implementation of an approved groundwater operating strategy, will contribute to the mitigation of impacts to the environment associated with the abstraction of groundwater and mine dewatering.

The EPA acknowledges that since the original assessment, the impacts of groundwater abstraction within the Pilbara region, particularly relating to mining operations, have become an evolving environmental issue (EPA 2014b). More recently, in October 2025, the Minister requested that the EPA provide advice on the potential impacts of current and future water demand in the West Pilbara, particularly in relation to environmental and cultural values associated with the Millstream aquifer. This advice is intended to inform future decision making, including the regulation and mitigation of potential impacts, in the context of increasing pressure on groundwater resources and the environment (GoWA 2025). The EPA notes that the proposal is located more than 100 kilometres from the Millstream borefield, in an

area of the Roebourne sub-region that is not subject to the same intensity of mine dewatering and water supply pressures as the Chichester sub-region.

The EPA is satisfied that the proposal is unlikely to result in significant cumulative impacts from groundwater abstraction, subject to the operation of the RiWI Act. It is noted that a 5C licence to abstract water under the RiWI Act was first granted for the proposal in approximately 2009. As the groundwater source is a fractured rock aquifer, no resource allocation limit has been set by DWER. Since the approval of the Balla Balla groundwater licence, only one further licence has been granted in the area, permitting a small abstraction quantity for the purpose of road maintenance. Any future 5C licence applications within the area will consider cumulative impacts in the context of the approved Balla Balla project.

Based on the information above, there is no new information or potential change to the impacts of the proposal in relation to inland waters. The EPA considers that existing condition 8, along with complementary regulation under the RIWI Act, will likely ensure that the outcome of the proposal would be consistent with the EPA objective for inland waters. However, the EPA recommends that condition 8 be contemporised to align with the EPA's current approach to condition drafting (recommended condition B1).

## 4.4 Social Surroundings

The EPA environmental objective for Social Surroundings is *to protect social surroundings from significant harm*.

### Conclusions from EPA Report 1309

At the time of the EPA's original assessment the proposal area was situated within the native title claim areas of the Ngarluma People and the Yinjibarndi People. On-ground surveys in 2006 identified a number of heritage sites, and the mine plan and pipeline corridor was designed to ensure the sites would not be directly impacted. Due to confidentiality concerns, the survey report was not made available to the EPA at the time of the assessment. However, the EPA noted that the 2006 survey was basic and that further detailed surveys should be undertaken for any future works beyond exploration activities. The proponent committed to further surveys for potential cultural heritage sites prior to project construction as well as the development and implementation of a cultural heritage management plan.

Having regard to the proponent's commitment to develop a cultural heritage management plan and to complete further detailed heritage surveys prior to implementation, the EPA concluded that the proposal can be managed to meet the EPA's environmental objectives for this factor and it did not recommend any conditions.

### Assessment of the requested amendment to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023)
- *Environmental factor guideline – Social Surroundings* (EPA 2023b)
- *Technical Guidance Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage* (EPA 2023c).

#### *Updates to Social Surroundings*

At the time of the EPA's original assessment, the proposal area was situated only within the determination area of the Ngarluma/Yindjibarndi People. This encompassed the mine site area and a small section of the pipeline corridor. Since the original assessment, native title was determined for the Kariyarra People in 2018. The Kariyarra determination area lies to the east of the mine site area and encompasses a section of the pipeline corridor from the Peawah River to Port Hedland. The mine site area remains within the Ngarluma/Yindjibarndi native title determination area, however is entirely within Ngarluma land (Federal Court of Australia 2020).

Since the original assessment, the EPA has released new technical guidance regarding the assessment of Aboriginal cultural heritage (EPA 2023c). The revised technical guidance includes strengthened direction for consultation with relevant native title parties. The EPA notes that preliminary engagement has taken place with the Ngarluma People, drawing on a number of heritage surveys undertaken between 1991 and 2018 in association with the proposed mining and infrastructure projects in Balla Balla. The Ngarluma Infrastructure and Productive Mining Agreement (IPMA), last amended in November 2015, was established between the proponent and the Ngarluma People with the aim of preventing harm or disturbance to Aboriginal heritage sites. The IPMA contains requirements for consultation, disturbance monitoring and the collaborative development of a Cultural Heritage Management Plan (CHMP).

The EPA notes that no consultation has been undertaken with the Kariyarra People in respect of this proposal. The proposal elements within the Kariyarra People's land are limited to the pipeline corridor for the slurry transport of ore to Port Hedland. The proponent has advised that the proposed pipeline is the subject of future feasibility studies, and that consultation with the Kariyarra People and the Kariyarra Aboriginal Corporation will be undertaken if the pipeline is pursued as the final ore transport solution for the project (Preston 2025).

The EPA considers that, in addition to consultation with the Kariyarra People, existing consultation and agreements with the Ngarluma People will likely require renewal. The EPA notes that the implementation of the proposal is not imminent and final project design is likely subject to change. As such, continued consultation is appropriate once greater certainty around project design has been achieved. The EPA notes that this is consistent with the proponent's commitments made during the EPA's original assessment of the proposal.

The EPA considers that risks to Aboriginal cultural heritage arising from direct impacts to registered Aboriginal heritage sites within the development envelope are addressed through the operation of the Aboriginal Heritage Act 1972 (AH Act). Any disturbance to such sites would require approval under section 18 of the AH Act. Although the Aboriginal Cultural Heritage Act 2021 and its associated 2023 amendments were repealed prior to commencement, updated Aboriginal Heritage Act 1972 Guidelines (DPLH, 2024) and the Consultation Policy for section 18 applications (DPLH, 2023) apply. These instruments set out the State Government's and Minister's expectations for consultation with Aboriginal people, including Native Title parties, prior to the submission of applications under sections 16 or 18 of the AH Act. The EPA notes, however, that the AH Act does not address impacts to Aboriginal cultural values that are not registered sites, including indirect impacts within the development envelope or impacts to sites located outside the development envelope.

To ensure the objective for this factor will be met, the EPA recommends the inclusion of a contemporary Aboriginal cultural heritage condition, condition B6, which complements the AH Act requirements. The EPA's recommended condition requires:

- no interruption of ongoing access to land utilised for traditional use or custom by the native title party/ies
- avoid, and where unavoidable, minimise adverse impacts to Aboriginal cultural heritage values within and surrounding the development envelope
- surveys to be completed in consultation with relevant Traditional Owners prior to disturbance
- ongoing consultation and engagement with relevant native title party/ies for the life of the proposal.

## 4.5 Offsets

Environmental offsets are actions that provide environmental benefits which counterbalance the significant residual impacts of a proposal. Consistent with the WA Environmental Offsets Guidelines (Government of Western Australia 2014), the EPA may consider the application of environmental offsets to a proposal where it determines that the residual impacts of a proposal are significant, after options for avoidance, minimisation and rehabilitation have been pursued.

The EPA did not recommend conditions relating to offsets as part of the original assessment of the proposal. However, the proposal as currently approved, involves the clearing of up to 1,515 ha of 'Good' to 'Excellent' condition native vegetation within the Roebourne and Chichester IBRA subregions, including impacts to PECs and the loss of habitat for conservation significant fauna species. As stated in its advice to the Minister under s. 16(e) of the EP Act (EPA 2014b), the EPA acknowledges that, without intervention, the increasing cumulative impacts of development and land use within the region will significantly impact on biodiversity and environmental values.

Since the EPA's original assessment of the proposal and publication of MS 794, the Pilbara Environmental Offsets Fund (PEOF) has been established to provide a

strategic landscape-scale approach that builds on regional programs to deliver environmental offset outcomes greater than can be achieved by individual proposals. To achieve this, the PEOF accept funds from proponents, and standardised wording has been developed for conditions requiring offsets for clearing of 'Good' to 'Excellent' condition vegetation and some types of specialised environmental values, such as PECs, riparian vegetation and threatened fauna habitat, within the Pilbara IBRA region.

The proposal is located within the Roebourne and Chichester IBRA subregions. The special purpose account statement for the PEOF states that monetary contributions can be accepted in the fund for proposals located wholly or partly within the Pilbara IBRA region. In the case of this proposal, there are likely (and potential) significant impacts to:

- flora and vegetation values
- significant fauna habitat values.

Environmental offsets are not appropriate in all cases. In this case the EPA considers offsets are appropriate because the proposal would result in significant residual impacts to:

- 'Good' to 'Excellent' condition native vegetation
- riparian vegetation
- Horseflat Land System of the Roebourne Plains PEC
- Gregory Land System PEC
- critical habitat for grey falcon (*Falco hypoleucos*) and greater bilby (*Macrotis lagotis*)
- supporting habitat for northern quoll (*Dasyurus hallucatus*), ghost bat (*Macroderma gigas*), grey falcon (*Falco hypoleucos*) and Pilbara olive python (*Liasis olivaceus barroni*).

The EPA has concluded that the proposed clearing, of both flora and vegetation and significant fauna habitat, is a significant residual impact on its own, in the context of the proposal, and in the context of the biological diversity and ecological integrity in the local area, as it provides habitat for threatened fauna species (see section 4.2).

Due to the remaining quantity and quality of these values in the local area and region, the EPA considers that the significant residual impact could be counterbalanced in accordance with the WA Environmental Offsets Guidelines by a contribution to the PEOF. The EPA considers PEOF future projects are expected to be able to counterbalance the significant impacts, from the clearing of native vegetation (including conservation significant ecological communities) and supporting fauna habitat, of the proposal.

Consistent with recent assessments of proposals in the Pilbara region, including the Hemi Gold Project (EPA 2025b) and the Jimblebar Hub Significant Amendment (EPA 2025c), the EPA recommends condition B4 (Pilbara Environmental Offsets Fund) be imposed to require an offset via a contribution to the PEOF, to counterbalance significant residual impacts. The EPA recognises the challenges in delivering offset

projects that contribute to the protection and restoration of some values, particularly critical fauna habitat for conservation significant fauna species, such as those impacted through this proposal. PEOF has confirmed capacity to appropriately offset the vegetation and fauna habitat at a landscape level in the Roebourne and Chichester IBRA subregions, including all aforementioned significant residual impacts. The EPA recommends that the following offset rates (calculated on the 2024-2025 financial year, subject to annual indexation) should apply in the form of a contribution to the PEOF for landscape scale actions to protect biodiversity in the Pilbara:

- \$1,016 AUD (excluding GST) per hectare of ‘Good’ to ‘Excellent’ condition native vegetation, including supporting habitat for fauna species cleared as a result of the proposal within the Roebourne IBRA subregion.
- \$960 AUD (excluding GST) per hectare of ‘Good’ to ‘Excellent’ condition native vegetation, including supporting habitat for fauna species cleared as a result of the proposal within the Chichester IBRA subregion.
- \$2,031 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal within the Roebourne IBRA subregion:
  - Riparian vegetation
  - Horseflat Land System of the Roebourne Plains
  - Gregory Land System PEC
  - Dense Acacia sandy plain habitat which provides critical habitat for greater bilby (*Macrotis lagotis*)
  - Major drainage line habitat which represents:
    - Northern quoll (*Dasyurus hallucatus*) dispersal habitat
    - Grey falcon (*Falco hypoleucos*) critical nesting habitat
    - Ghost bat (*Macroderma gigas*) foraging habitat
    - Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat.
- \$1,920 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal within the Chichester IBRA subregion:
  - Riparian vegetation
  - Horseflat Land System of the Roebourne Plains PEC
  - Dense Acacia sandy plain habitat which provides critical habitat for greater bilby (*Macrotis lagotis*)
  - Major drainage line habitat which represents:
    - Northern quoll (*Dasyurus hallucatus*) dispersal habitat
    - Grey falcon (*Falco hypoleucos*) critical nesting habitat
    - Ghost bat (*Macroderma gigas*) foraging habitat
    - Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat.

## 4.6 Other environmental factors

Given the time since the original assessment and the previous s46 inquiry, the proponent is required to consider the relevancy of any new or additional environmental factors in its request for a change to conditions. The assessment of other factors is outlined below.

### Greenhouse gas emissions

In April 2020, greenhouse gas emissions (GHG) was added as an environmental factor to be considered by the EPA in the environmental impact assessment process. The EPA's environmental objective for GHG is to *minimise the risk of environmental harm associated with climate change by reducing greenhouse gas emissions as far as practicable*.

The EPA's *Environmental Factor Guideline – Greenhouse Gas Emissions* (EPA 2024) sets out that generally, emissions from a proposal will be assessed where they exceed 100,000 tonnes of scope 1 GHG emissions each year, measured in carbon dioxide equivalent (CO<sub>2</sub>-e). This is the same as the (scope 1) threshold criteria for designation of a large facility under the Australian Government's Commonwealth Safeguard Mechanism.

#### *Assessment of the requested amendment to conditions*

At the time of the original assessment, the proponent estimated scope 1 GHG emissions of approximately 71,400 tonnes CO<sub>2</sub>-e per annum and scope 2 GHG emissions of approximately 215,100 tonnes CO<sub>2</sub>-e per annum. The magnitude of estimated scope 2 GHG emissions exceeds the EPA's threshold for significance of 100,000 tonnes of CO<sub>2</sub>-e per annum. Schedule 1 of MS 794 specifies total combined GHG emissions for the proposal, including scope 3, as approximately 5.06 million tonnes over the 15-year operational life of the proposal.

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Statement of environmental principles, factors, objectives and aims of EIA* (EPA, 2023)
- *Environmental factor guideline – Greenhouse Gas Emissions* (EPA, 2024).

The proponent has provided contemporary estimates for GHG emissions reflecting current guidance and available emissions factors (Preston 2025). Annual average scope 1 GHG emissions are estimated to be approximately 91,900 tonnes of CO<sub>2</sub>-e per year, based on a maximum production rate of 6 Mtpa. The emissions estimates are based on electrical power for the proposal being sourced from the North West Interconnected System (NWIS) grid, with resultant scope 2 emissions estimated to be 259,552 t CO<sub>2</sub>-e per year.

The estimated scope 1 emissions for this proposal do not exceed the threshold stipulated in the EPA's GHG guidance (EPA 2024) and therefore scope 1 emissions

are not considered further in this report. Scope 1 emissions for the proposal will be required to be reported under the *National Greenhouse and Energy Reporting Act 2007* (NGER Act). Should the proposal exceed the 100,000 t CO<sub>2</sub>-e threshold for scope 1 emissions, it will be subject to the Safeguard Mechanism and associated emissions reductions obligations.

The EPA acknowledges that avoidance measures instated to reduce scope 1 emissions, namely the utilisation of the NWIS for power supply, have resulted in an increase in scope 2 emissions. The estimated scope 2 emissions for this proposal exceed the 100,000 t CO<sub>2</sub>-e per annum threshold. The proponent has advised that scope 2 emissions are expected to reduce over the life of the proposal as a result of the projected incorporation of renewable energy production into the NWIS as set out in the Sectoral Emissions Reduction Strategy (SERS) (Government of Western Australia 2023). The EPA notes the proponent's upfront minimisation measures to reduce GHG emissions from the commencement of operations and considers that the proponent is taking reasonably practicable measures to reduce scope 2 emissions over the life of the proposal. The EPA acknowledges the decarbonisation of the NWIS through the State government's commitment to net zero GHG emissions by 2050 and SERS for Western Australia (Government of Western Australia 2023) which provides pathways for this transition to net zero emissions and decarbonisation. The EPA is satisfied that scope 2 emissions associated with the proposal are reasonably expected to reduce over the life of the proposal and therefore the proposal is likely to be consistent with the EPA's objective to reduce greenhouse gas emissions as far as practicable. The EPA has therefore not recommended conditions relating to scope 2 emissions for the proposal.

## 5 Conclusions and recommendations

### *Extension of time for proposal implementation*

The proponent has requested an amendment to conditions 3-1 and 3-2 of Ministerial Statement 794 (as amended by MS 985 and 1135) to extend the authorised Time Limit for Proposal Implementation. The EPA considers it is appropriate to extend the Time Limit for Proposal Implementation by 5 years from the date of the Ministerial Statement authorising the extension of the time limit for proposal implementation.

### *Contemporisation of existing implementation conditions*

Given the age of Ministerial Statement 794, the EPA recommends that it (and Ministerial Statements 985 and 1135) are superseded by a new contemporary Ministerial Statement and conditions. The EPA considers it appropriate to delete all existing conditions of MS 794 for replacement with contemporary conditions, as summarised in Appendix B.

### *Addition of new conditions*

The EPA also considers it appropriate for the addition of conditions B4 and B6, to reflect updates to flora and vegetation, terrestrial fauna and social surroundings.

## Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- there are no amendments to the proposal associated with the request to amend the conditions
- there is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Reports 1309 (January 2009), 1525 (September 2014) and 1670 (March 2020)
- no new significant environmental factors have arisen since the EPA's original assessment of the proposal
- impacts to the key environmental factors are considered manageable, based on the imposition of the attached recommended conditions
- the authorised timeframe for substantial commencement of the proposal may be extended by 5 years as requested.

## Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the *Environmental Protection Act 1986*:

1. It is appropriate to replace Ministerial Statement 794 (as amended by MS 985 and 1135) with a new Ministerial statement, which will extend the authorised timeframe for substantial commencements of the proposal by 5 years, and contemporise all conditions in the manner provided for in the attached recommended Statement.
2. It is appropriate to add a new condition (condition B4) requiring the proponent to contribute funds to the Pilbara Environmental Offsets Fund to achieve the objective of counterbalancing the significant residual impacts.
3. It is appropriate to add a new condition (condition B6) requiring the proponent to avoid impacts to Aboriginal Heritage and undertake reasonable consultation with the relevant Traditional Owners.
4. After complying with s. 46(8) of the *Environmental Protection Act 1986*, the Minister may issue a statement of decision to replace Ministerial Statement 794 (as amended by MS 985 and 1135) in the manner provided for in the attached recommended statement (Appendix A).

# Appendix A: Recommended conditions

## Recommended Environmental Conditions

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

#### BALLA BALLA MAGNETITE PROJECT

**Proposal:** To undertake mining and processing of up to 129 million tonnes of magnetite iron ore in the Central and Western deposits at the Balla Balla mine site and to construct and operate a pipeline to convey the magnetite slurry to Utah Point, Port Hedland

**Proponent:** Forge Resources Swan Pty Ltd  
Australian Company Number 149 783 068

**Proponent address:** 45 Outram Street West Perth 6005

**Assessment number:** 2548

**Report of the Environmental Protection Authority:** 1807

**Introduction:** Pursuant to section 45 (8) as applied by section 46 (8) of the *Environmental Protection Act 1986*, an amendment to the implementation conditions has been agreed, and the proposal must now be implemented in accordance with the following implementation conditions and procedures.

Ministerial Statements 794, 985 and 1135 for the existing Balla Balla Magnetite Project proposal are now superseded.

#### **Conditions and procedures**

##### **Part A: Proposal extent**

##### **Part B: Environmental outcomes, prescriptions and objectives**

##### **Part C: Environmental management plans and monitoring**

##### **Part D: Compliance and other conditions**

## PART A: PROPOSAL EXTENT

### Limitations and Extent of Proposal

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

Proposal element	Location	Maximum extent
Physical elements		
<b>Development envelope</b>	Figure 1	Mining development envelope no more than 13,250.6 ha Pipeline <b>development envelope</b> no more than 6467.8 ha
Disturbance footprint	Figure 1	Clearing of no more than 1,010 ha of native vegetation within the mining <b>development envelope</b> Clearing of no more than 505 ha of native vegetation within the pipeline corridor <b>development envelope</b>
<b>Horseflat Land System of the Roebourne Plains PEC</b>	Figure 2	Clearing of no more than 978.7 ha
<b>Gregory Land System PEC</b>	Figure 2	Clearing of no more than 5.3 ha
<b>Major drainage line</b> habitat	Within <b>development envelope</b> shown in Figure 1	Clearing of no more than 17 ha
<b>Dense Acacia sandy plain</b> habitat	Within <b>development envelope</b> shown in Figure 1	Clearing of no more than 45 ha
Operational elements		
<b>Groundwater abstraction</b>	N/A	No more than 8.54 GL per annum
Waste rock and overburden	N/A	No more than 283,684 kilotonnes.
Tailings production	N/A	No more than 59 megatonnes.

Ore to be dewatered at port	N/A	No more than <b>6 Mtpa</b>
Stockpiled ore at port	N/A	No more than 500,000 t maximum at any given time
Timing elements		
Mine life	N/A	Up to 15 years from the date of substantial commencement (not including the decommissioning phase of 3 years)

## PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

### B1 Inland waters

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

- (1) no detectable decrease, compared to **baseline**, to the quality of surface water or groundwater within the development envelope or immediately downstream of the proposal as a result of run-off and/or seepage from the tailings storage facility and/or waste rock landforms and/or other operations associated with construction and implementation of the proposal.

B1-2 Prior to the commencement of **ground disturbing activities** the proponent must collect surface water and groundwater quality **baseline** data capable of substantiating achievement of the environmental **outcome** in condition B1-1(1).

### B2 Flora and Vegetation

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

- (1) no **adverse impacts** to riparian or groundwater dependent vegetation due to groundwater level changes resulting from groundwater abstraction from the mine and/or borefield.

### B3 Terrestrial Fauna

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

- (1) avoid, and where unavoidable, minimise the risk of physical injury or mortality from construction on native fauna; and

B3-2 The proponent must undertake the following actions during **construction activities**:

- (1) clear trapped vertebrate fauna from within open **trenches**, using a suitably trained and licensed **fauna handler**:
  - (a) at least twice daily, with the first daily clearing to be completed no later than three hours after sunrise and the second clearing to be completed between the hours of 3:00 pm and 6:00 pm of that same day, unless otherwise agreed to by the **CEO**; and
  - (b) within one (1) hour prior to backfilling of **trenches**;

- (2) ensure open **trench** lengths must not exceed a length capable of being inspected and cleared by the requirements set out in condition B3-1(1);
- (3) ensure ramps providing egress points and/or fauna refuges providing suitable shelter from the sun and predators for trapped vertebrate fauna are to be placed in the **trench** at intervals not exceeding 50 metres;
- (4) in the event of substantial rainfall, and following the clearing of vertebrate fauna from the **trench**, pump out any pooled water in the open **trench** and discharge it to adjacent vegetated areas in a manner that does not cause erosion;
- (5) produce and provide a report on fauna management no later than sixty (60) days after the completion of **construction activities** to the **CEO**. The report must include the following:
  - (a) management actions undertaken to avoid and minimise physical injury or mortality on native fauna;
  - (b) details of fauna inspections;
  - (c) the number and type of fauna cleared from **trenches** and actions taken; and
  - (d) vertebrate fauna injuries and/or mortalities.

#### **B4 Pilbara Environmental Offsets Fund**

B4-1 The proponent must contribute funds to the **Pilbara Environmental Offsets Fund** calculated pursuant to condition B4-2, to achieve the objective of counterbalancing the significant residual impacts to:

- (1) **'Good' to 'Excellent' condition native vegetation;**
- (2) **Riparian vegetation;**
- (3) **Priority 3 PEC Horseflat Land System of the Roebourne Plains;**
- (4) **Priority 3 PEC Gregory Land System;**
- (5) **Critical habitat for grey falcon (*Falco hypoleucos*) Major drainage line habitat subject to any reduction approved by the CEO under condition B4-9;**
- (6) **Critical habitat for greater bilby (*Macrotis lagotis*) Dense Acacia sandy plain habitat subject to any reduction approved by the CEO under condition B4-9; and**

- (7) Supporting habitat for Pilbara olive python (*Liasis olivaceus barroni*), northern quoll (*Dasyurus hallucatus*), grey falcon (*Falco hypoleucos*) and ghost bat (*Macroderma gigas*) subject to any reduction approved by the CEO under condition B4-9.

B4-2 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 B4-3. The first biennial reporting period must commence from **ground disturbing activities** of the environmental value(s) identified in condition B4-3.

B4-3 Calculated on the 2024-2025 financial year, the contribution rates are:

- (1) \$1,016 AUD (excluding GST) per hectare of **'Good' to 'Excellent' condition native vegetation** cleared as a result of the proposal within the Roebourne **IBRA** subregion.
- (2) \$960 AUD (excluding GST) per hectare of **'Good' to 'Excellent' condition native vegetation** cleared as a result of the proposal within the Chichester **IBRA** subregion.
- (3) \$2,031 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal within the Roebourne **IBRA** subregion:
  - (a) **Riparian vegetation;**
  - (b) **Horseflat Land System of the Roebourne Plains;**
  - (c) **Gregory Land System PEC;**
  - (d) **Dense Acacia sandy plain** habitat which provides critical habitat for greater bilby (*Macrotis lagotis*);
  - (e) **Major drainage line** habitat which represents:
    - (i) Northern quoll (*Dasyurus hallucatus*) dispersal habitat;
    - (ii) Grey falcon (*Falco hypoleucos*) critical nesting habitat;
    - (iii) Ghost bat (*Macroderma gigas*) foraging habitat; and
    - (iv) Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat.
- (4) \$1,920 AUD (excluding GST) per hectare of the following values cleared as a result of the proposal within the Chichester **IBRA** subregion:

- (a) **Riparian vegetation;**
- (b) **Horseflat Land System of the Roebourne Plains PEC;**
- (c) **Dense Acacia sandy plain** habitat which provides critical habitat for greater bilby (*Macrotis lagotis*);
- (d) **Major drainage line** habitat which represents:
  - (i) Northern quoll (*Dasyurus hallucatus*) dispersal habitat;
  - (ii) Grey falcon (*Falco hypoleucos*) critical nesting habitat;
  - (iii) Ghost bat (*Macroderma gigas*) foraging habitat; and
  - (iv) Pilbara olive python (*Liasis olivaceus barroni*) supporting habitat.

B4-4 The rates in condition B4-3 change annually each subsequent financial year in accordance with the percentage change in the **CPI** applicable to that financial year.

B4-5 To achieve the **objective** in condition B4-1, the proponent must prepare an Impact Reconciliation Procedure and submit to the **CEO** for approval. This procedure must:

- (1) spatially define the **environmental values** identified in condition B4-1;
- (2) spatially define the areas where offsets required by condition B4-1 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 B4-3;
- (4) state that clearing calculation for the first biennial reporting period will commence from **ground disturbing activities** in accordance with condition B4-2 and end on the second 30 June following commencement of **ground disturbing activities**;
- (5) state that clearing calculations for each subsequent biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the **CEO**;
- (6) be prepared in accordance with *Instructions on how to prepare Environmental Protection Act 1986 Part IV Impact Reconciliation Procedures and Impact Reconciliation Reports* (or any subsequent revisions).

- B4-6 The proponent must submit an Impact Reconciliation Report in accordance with the **confirmed** Impact Reconciliation Procedure in condition B4-5.
- B4-7 The Impact Reconciliation Report required pursuant to condition B4-6 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.
- B4-8 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 B4-1 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.
- B4-9 The **CEO** may grant approval to discount the amount payable under condition B4-1(5), B4-1(6) and/or B4-1(7) if the **CEO** is satisfied that the payment will offset the significant residual impacts of the proposal.
- B4-10 Condition C2 applies to the **confirmed** Impact Reconciliation Procedure required by condition B4-5 as if it were an environmental management plan.
- B4-11 Failure to implement a **confirmed** Impact Reconciliation Procedure or submit an Impact Reconciliation Report as required by condition B4-6 represents a non-compliance with these conditions.

## **B5 Rehabilitation and closure**

- B5-1 The proponent must implement the proposal in a manner that ensures the achievement of the following environmental **outcomes**:
- (1) rehabilitated areas are consistent with the species structure, diversity and abundance of native vegetation within suitable analogue or reference sites and not **adversely impacted** by environmental weeds;
  - (2) rehabilitated areas are capable of sustaining achievement of the other environmental outcomes in this Part B during the life of the proposal;
  - (3) rehabilitated vegetation is **self-sustaining**; and

- (4) mining activities are rehabilitated and closed in a manner to make them physically safe to humans and animals, geotechnically stable, do not cause **pollution** or **environmental harm**, and are capable of sustaining an agreed post-mining land use, with consideration for cultural values.
- (5) rehabilitated drainage lines are stable, not prone to erosion, and support ecological processes.

B5-2 The proponent must ensure:

- (1) rehabilitation includes the preferential use of seeds and propagated material collected from native vegetation within the proposal **disturbance footprint**;
- (2) closure planning and rehabilitation are undertaken in a **progressive manner** consistent with achievement of the **outcomes** in condition B5-1 and prescriptive requirements in condition B5-2(1) during operations; and
- (3) rehabilitation of areas **cleared** commences within eighteen (18) months of that area longer being required.

B5-3 The proponent must include the environmental **outcomes** of condition B5-1 in the Mine Development and Closure Proposal and subsequent Mine Closure Plan revisions as required under the *Mining Act 1978* and submitted for approval to the Department of Mines, Petroleum and Exploration.

## **B6 Aboriginal Cultural Heritage**

B6-1 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/ies**.

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

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

- B6-3 The proponent must conduct an ethnographic and archaeological site identification with **native title party/ies** prior to commencement of **ground disturbing activities** as part of the measures required to achieve **outcomes** and **objectives** in conditions B6-1 and B6-2.
- B6-4 The proponent must take ongoing **reasonable steps to consult** with the **native title party/ies** about the achievement of the **outcomes** and **objectives** in conditions B6-1 and B6-2 for the life of the proposal.

## PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING

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

C1-1 The proponent must not undertake:

- (1) **ground disturbing activities** until the **CEO** has confirmed in writing that the Balla Balla Magnetite Project Impact Reconciliation Procedure required by condition B4-5 meets the requirements of that condition.

### C2 Conditions Related to Monitoring

C2-1 The proponent must undertake monitoring capable of:

- (1) substantiating whether the proposal limitations and extents in Part A have not been 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**).

C2-2 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 how the monitoring was capable of substantiating whether the proposal limitation and extents in Part A have not been exceeded;
- (3) for any environmental **outcomes** to which condition C2-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** and substantiating 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 C2-1 (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.

---

## 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 being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

### **D3 Contact Details**

D3-1 The proponent must notify the **CEO** of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

### **D4 Time Limit for Proposal Implementation**

D4-1 The proposal must be substantially commenced within five (5) years from the date of this Statement.

D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than thirty (30) days after substantial commencement.

D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

### **D5 Public Availability of Data**

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

D5-2 If:

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

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

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

## **D6 Independent Audit**

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

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

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

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

Table 1: Abbreviations and definitions

Acronym or abbreviation	Definition or term
<b>Aboriginal cultural heritage</b>	Means the tangible and intangible elements that are important to the Aboriginal people of the state, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition to the extent they directly affect or are affected by physical or biological surroundings.
<b>Aboriginal site</b>	As defined in section 4 and 5 under the <i>Aboriginal Heritage Act 1972</i> .
<b>Adverse impact / adversely impacted</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. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.
<b>Baseline</b>	Initial conditions measured, inclusive of seasonal variation, before <b>disturbance</b> associated with the proposal, which is used for comparison with data collected during and after <b>disturbance</b> to identify and measure changes in conditions.
<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/cleared</b>	Has the same meaning as in section 51A of the <i>Environmental Protection Act 1986</i> .
<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>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>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>CPI</b>	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
<b>Dense Acacia sandy plain</b>	The habitat type as described in the <i>Fauna Assessment Balla Balla Project Linear Infrastructure Corridor Ferro Metals Australia Pty Ltd, Bamford Consulting Ecologists, May 2008</i> . Provides habitat potentially used by greater bilby (critical habitat).
<b>Detecting/ Detectable</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>Development envelope</b>	The maximum area within which the proposal will be located, and consistent with the Proposal Content Document for the proposal as referred to in the Introduction to this Statement. The spatial area as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
<b>Disturb / disturbance</b>	<p>Means directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an <b>environmental value</b>.</p> <p>In relation to inland waters, includes to have the effect of altering hydrological regimes or water quality to the detriment of the <b>environmental values</b> supported by or dependent on surface water and/or groundwater.</p> <p>In relation to flora, vegetation or fauna habitat, includes to result in the death, destruction, removal, severing or doing substantial damage.</p> <p>In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment.</p> <p>In relation to subterranean fauna means the loss of habitat through groundwater drawdown and the direct removal of habitat as a result of mining activity.</p> <p>In relation to <b>Aboriginal cultural heritage</b>, includes direct physical or biological effects on the tangible and intangible elements that are important to Aboriginal people, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition.</p>
<b>Disturbance footprint</b>	The location within which the physical proposal elements will occur.
<b>Environmental harm</b>	Has the meaning provided by section 3A(2) of the <i>Environmental Protection Act 1986</i> .

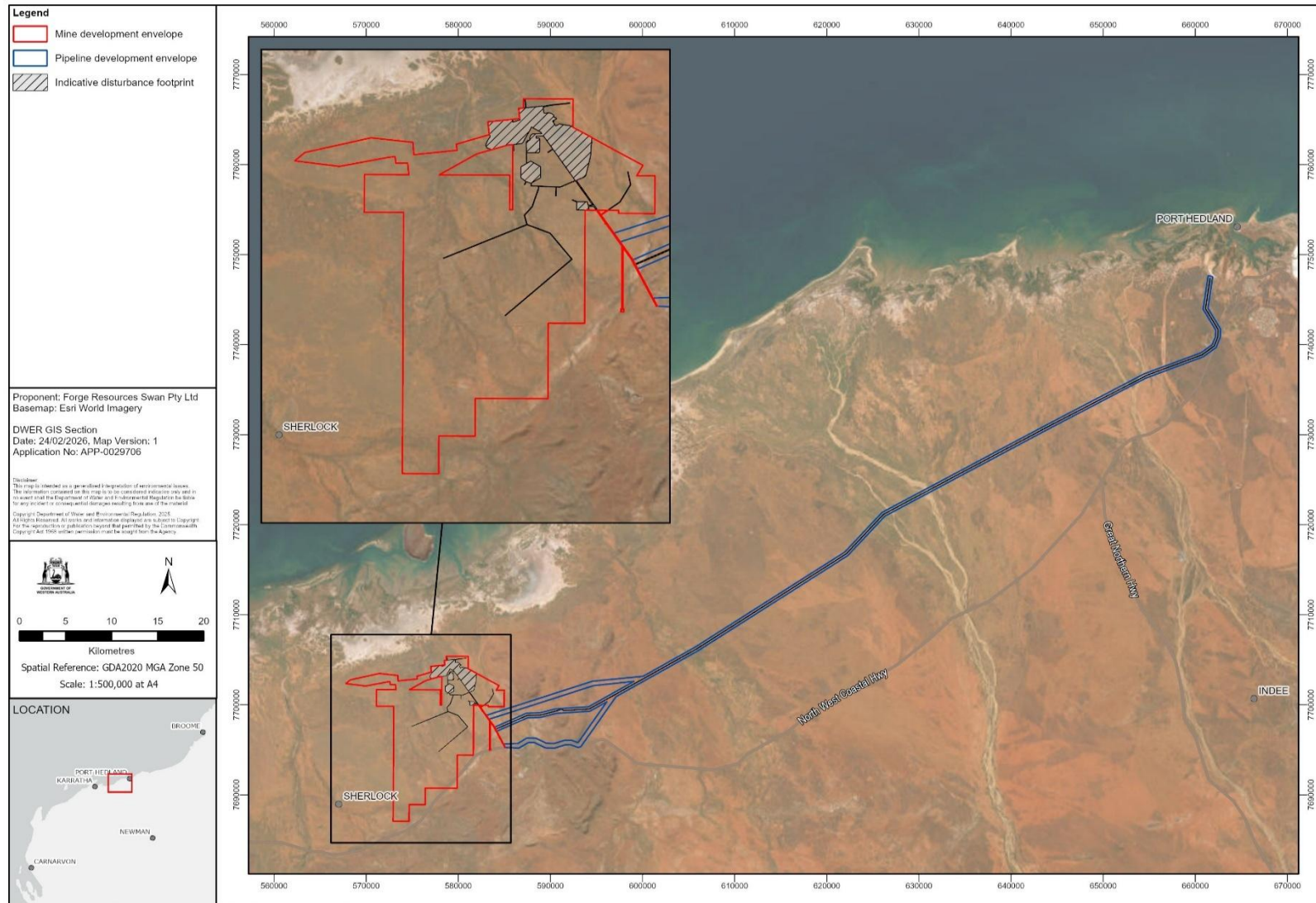
<b>Environmental value</b>	A beneficial use, or ecosystem health condition.
<b>Fauna handler</b>	A person who is qualified and licenced under section 40 of the <i>Biodiversity Conservation Act 2016</i> .
<b>GL</b>	Gigalitre(s).
<b>‘Good’ to ‘Excellent’ condition native vegetation</b>	Means the condition of native vegetation rated in accordance with the <i>Technical guidance – Flora and vegetation surveys for environmental impact assessment (EPA 2016)</i> including any revision to this technical guidance.
<b>Gregory Land System PEC</b>	The priority ecological community for flora and vegetation, referred to as ‘Gregory Land System’ in the <i>Priority ecological communities for Western Australia version 35, Department of Biodiversity, Conservation and Attractions, 19 June 2023</i> .
<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 abstraction</b>	The process of taking water from a ground source.
<b>ha</b>	Hectare(s).
<b>Horseflat Land System of the Roebourne Plains PEC</b>	The priority ecological community for flora and vegetation, referred to as ‘Horseflat Land System of the Roebourne Plains’ in the <i>Priority ecological communities for Western Australia version 35, Department of Biodiversity, Conservation and Attractions, 19 June 2023</i> .
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Major drainage line</b>	The habitat type identified as ‘low woodland over shrubland along major drainage lines’ as described in the <i>Fauna Assessment of the Balla Balla Vanadium Project, Bamford Consulting Ecologists, August 2006</i> . Provides habitat potentially used by conservation significant fauna, including: northern quoll (dispersal habitat), grey falcon (critical nesting habitat), ghost bat (foraging habitat), Pilbara olive python (supporting habitat when water present)
<b>Mtpa</b>	Million tonne(s) per annum.
<b>Native title party/ies</b>	As defined in section 18(1AA) under the <i>Aboriginal Heritage Act 1972</i> .
<b>Objective(s)</b>	The proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions
<b>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>Outcome(s)</b>	A proposal-specific result to be achieved when implementing the proposal.

<b>Pilbara Environmental Offsets Fund</b>	A special purpose account created pursuant to section 16(1)(d) of the <i>Financial Management Act 2006</i> by the Department of Water and Environmental Regulation.
<b>Pollution</b>	Has the meaning provided by section 3A(1) of the Environmental Protection Act 1986.
<b>Progressive manner</b>	In relation to rehabilitation, the stage treatment of <b>disturbed</b> areas during exploration, <b>construction activities</b> , development, and <b>operations</b> as soon as these areas become available.
<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>Relevant Traditional Owners</b>	In relation to the land subject to the proposal, means one or more of the following: <ul style="list-style-type: none"> <li>• a registered native title body corporate for the land; or</li> <li>• a registered native title claimant for the land; or</li> <li>• a group of persons with Aboriginal traditional and cultural associations with the land.</li> </ul>
<b>Riparian vegetation</b>	Vegetation growing along or adjacent to natural water courses, including rivers, streams and creeks, whose composition, structure, and/or ecological function is directly or indirectly influenced by the environmental conditions associated with the waterway.
<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>t</b>	Tonne(s).
<b>Trench /Trenches</b>	Any excavation that is of sufficient depth that would cause vertebrate fauna to be become trapped and unable to escape and would include, but not be limited to, trenches or pits for utilities, pipelines, dewatering pits or bell holes.

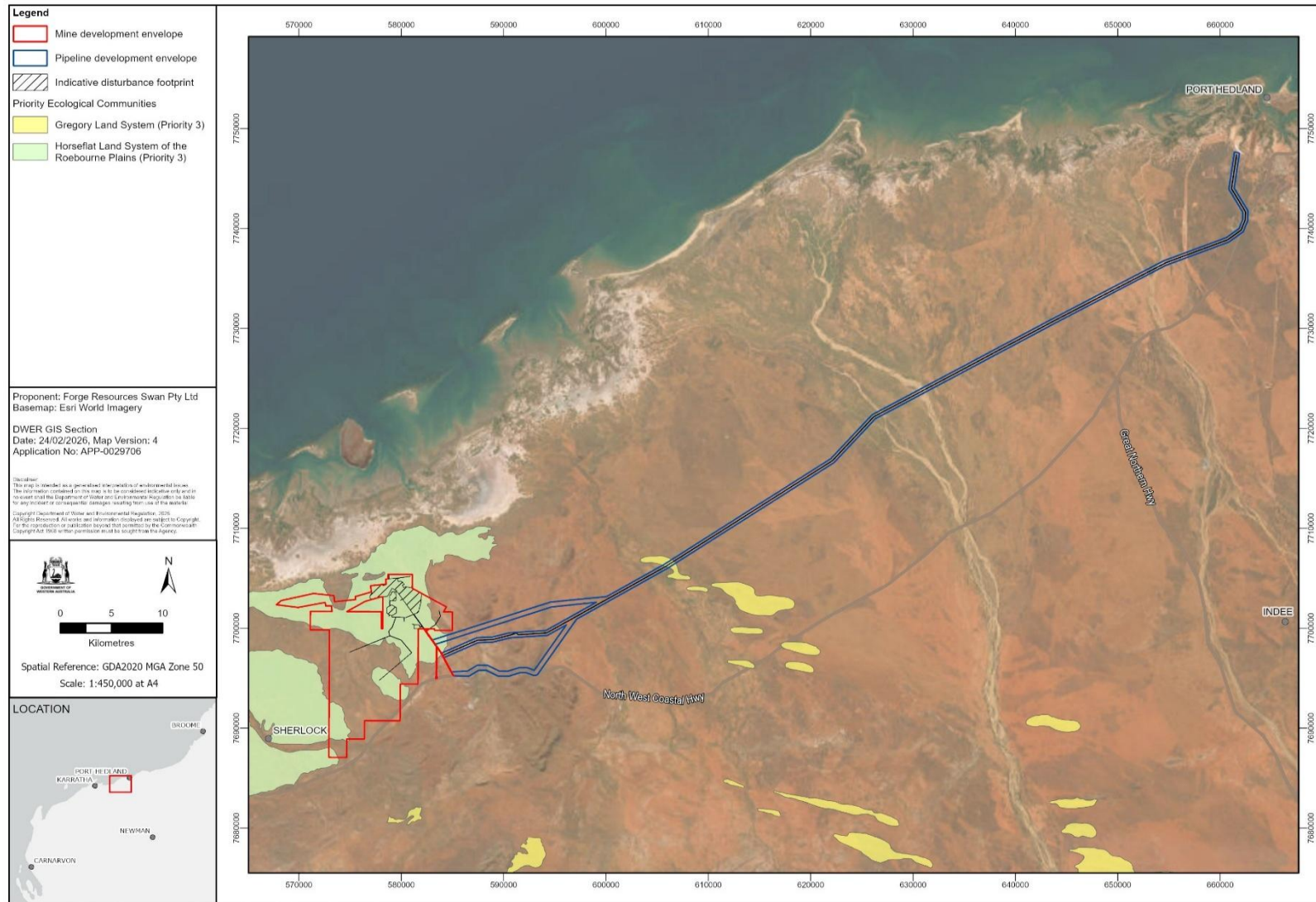
### Figures (attached)

Figure 1 Balla Balla Magnetite Mining Project location, development envelope and indicative disturbance footprint (This map is a representation of the co-ordinates referenced in Schedule 1)

Figure 2 Balla Balla Magnetite Mining Project Priority Ecological Communities within the development envelope (This map is a representation of the co-ordinates referenced in Schedule 1)



**Figure 1:** Balla Balla Magnetite Mining Project location, development envelope and indicative disturbance footprint



**Figure 2:** Balla Balla Magnetite Mining Project Priority Ecological Communities within the development envelope

**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. DWER-801164602-493865.

## Appendix B: Assessment of proposed changes to implementation conditions of Ministerial Statement 794

**Table 1: Contemporisation of implementation conditions of Ministerial Statement 794**

Ministerial condition	Environmental Factor	Proposed change	Assessment and evaluation of proposed changes
<b>Ministerial Statement 794</b>			
Condition 1 Proposal Implementation and proponent definition	N/A	Delete condition and replace with contemporary style condition.	Recommended condition A1 and Proposal Content Document.  The EPA recommends Condition 1 is replaced with a new condition (Condition A1) setting a defined maximum extent/limit of proposal elements consistent with those set out in schedule 1 of MS 794. Refer to Table 2 below illustrating how the elements of table 1 of schedule 1 of MS 794 have been consolidated through the EPA's inquiry.
Condition 2 Proponent Nomination and Contact Details	N/A	Delete condition and replace with contemporary style condition.	Recommended Condition D3.  The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA.

<b>Ministerial condition</b>	<b>Environmental Factor</b>	<b>Proposed change</b>	<b>Assessment and evaluation of proposed changes</b>
Condition 3 Time Limit of Authorisation	N/A	Delete condition and replace with contemporary style condition.	Recommended condition D4.  The EPA's assessment found that there has been no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Reports 1309 (January 2009), 1525 (September 2014) and 1670 (March 2020). Therefore, it is appropriate to extend the time limit for proposal implementation for a further five years.
Condition 4 Compliance Reporting	N/A	Delete condition and replace with contemporary style conditions.	Recommended conditions D1 and D2.  The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA.
Condition 5 Performance Review and Reporting	N/A	Delete condition.	This condition was part of the standard EPA conditioning approach at the time of the original assessment in 2009 and was not recommended by the EPA due to a specific environmental value or impact associated with the proposal. The EPA's current model conditions do not include an environmental performance review requirement, and in this instance the EPA does not consider this condition to be necessary for this proposal. The EPA notes that the principles of the environmental performance review and reporting are now addressed by contemporary monitoring and compliance conditions in Part C and Part D. Additionally, provisions within Part D allow for the Chief Executive Officer of DWER to require the proponent to provide for an independent audit when requested.

<b>Ministerial condition</b>	<b>Environmental Factor</b>	<b>Proposed change</b>	<b>Assessment and evaluation of proposed changes</b>
Condition 6 Flora and Vegetation	Flora and Vegetation	Delete condition and replace with contemporary style condition.	<p>Recommended condition B2.</p> <p>The requirements of condition 6-1 are still relevant and will be retained consistent with the contemporary outcome-based contemporary condition setting approach recommended by the EPA.</p> <p>The requirements of conditions 6-2 to 6-5 are appropriately addressed by contemporary monitoring and compliance conditions in Part C and Part D.</p>
Condition 7 Fauna	Terrestrial Fauna	Delete condition and replace with contemporary style condition.	<p>Recommended condition B3.</p> <p>The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA and the EPA's model condition for mitigating impacts to fauna from trenching.</p>
Condition 8 Surface Water and Groundwater Quality	Inland Waters	Delete condition and replace with contemporary style condition.	<p>Recommended condition B1.</p> <p>The requirements of condition 8-1 are still relevant and will be retained consistent with the contemporary outcome-based contemporary condition setting approach recommended by the EPA.</p> <p>The requirements of conditions 8-2 to 8-4 are appropriately addressed by the contemporary monitoring and compliance conditions in Part C and Part D.</p>

Ministerial condition	Environmental Factor	Proposed change	Assessment and evaluation of proposed changes
Condition 9 Mine Closure and Rehabilitation	N/A	Delete condition and replace with contemporary style condition.	<p>Recommended condition B5.</p> <p>This condition was part of the standard EPA conditioning approach at the time of the original assessment in 2009. Mine closure and rehabilitation requirements are now typically addressed in a Mine Development and Closure Proposal (MDCP) and subsequent Mine Closure Plans (MCP) administered by DMPE under the requirements of the <i>Mining Act 1978</i>, as per the requirements of the Guideline for preparing mine closure plans (DEMIRS 2025). The EPA's inquiry found that it is appropriate to replace this condition with a contemporary condition that specifies the rehabilitation outcomes and prescriptive requirements that are to be included in and achieved via the MDCP and MCPs.</p>
N/A	Flora and Vegetation, Terrestrial Fauna	Add a new contemporary style condition.	<p>Recommended condition B4.</p> <p>The EPA's inquiry found that it is appropriate to add a new condition requiring offsets to counterbalance the significant residual impacts on flora and vegetation and terrestrial fauna.</p>
N/A	Social Surroundings	Add a new contemporary style condition.	<p>Recommended condition B6.</p> <p>The EPA's inquiry found that it is appropriate to add a new condition, requiring the proponent to avoid impacts to Aboriginal Heritage and undertake reasonable consultation with the relevant Traditional Owners.</p>

**Table 2: Consolidation of Schedule 1 of Ministerial Statement 794 into recommended conditions**

Item listed in Table 1, Schedule 1 of MS 794	Assessment of proposed changes
<b>Mining operations</b>	
Life of mine (mine production)	This limit is captured in recommended condition A1 and remains unchanged, at 15 years.
Ore type	This proposal characteristic is captured in the proposal description in the draft ministerial statement and the PCD (Preston Consulting 2025b). It remains unchanged, as magnetite iron ore. This characteristic is not relevant to significant environmental effects and is therefore not warranted to be reflected in recommended condition A1.
Ore mining rate	The EPA considers that the inclusion of this proposal characteristic is no longer considered necessary, as the relevant environmental impacts are adequately regulated through the limits and extents provided in recommended condition A1 and the PCD (Preston Consulting 2025b), relating to disturbance extent and all operational elements.
Mining method	
Mine pit dimensions	The inclusion of this proposal characteristic is no longer considered necessary, as disturbance is adequately regulated by the limits and extents provided in recommended condition A1 and the PCD (Preston Consulting 2025b), as well as in the spatial data for the proposal.
Depth of water table	This proposal characteristic reflects a baseline environmental state, i.e. the depth of groundwater at the proposal area, and is not a limit or extent of the proposal that would be appropriate for inclusion in the PCD or recommended condition A1.
<b>Processing requirements</b>	
Tailings	This limit/extent on the quantity of tailings is reflected in recommended condition A1 and the PCD (Preston Consulting 2025b). It remains unchanged, at 59 megatonnes.
*Option 1 - Size of 2 hexagonal tailings storage facilities	The inclusion of specific quantitative dimensions of tailings storage facilities (TSF) and numerical limits on the number of waste rock dumps is not considered necessary for recommended condition A1 or the PCD. Disturbance is adequately regulated through other limits and extents provided in recommended condition A1 and the PCD (Preston Consulting 2025b). In addition, it is recognised that the impacts relating to TSFs, and waste rock dumps, can be appropriately dealt with through the Mining Act and Part V
*Option 2 - Size of tailings storage facility and Integrated Waste Landform	
Number of waste rock dumps	

Item listed in Table 1, Schedule 1 of MS 794	Assessment of proposed changes
Water requirement	This limit on groundwater abstraction is reflected in recommended condition A1. It remains unchanged, at 8.54 GL per annum. The additional detail regarding the percentage of water used for slurry transport of ore is not considered relevant.
<b>Mine site infrastructure</b>	
Disturbance area	This limit is reflected in recommended condition A1 and the PCD (Preston Consulting 2025b). It remains unchanged, at no more than 1,010 ha within the mining development envelope and no more than 505 ha within the pipeline corridor development envelope.
Power source and requirements	This proposal characteristic can be appropriately regulated through Part V of the EP Act (industry regulation) and is not warranted for inclusion in recommended condition A1 or the PCD.
Greenhouse gas emissions	Predicted greenhouse gas (GHG) emissions are reflected in the PCD (Preston Consulting 2025b). As predicted greenhouse emissions under Scope 1 or 2 do not exceed 100,000 tCO <sub>2</sub> -e per annum no specific GHG-related conditions are considered warranted, refer to section 4.6 for the EPA's inquiry findings relating to GHG emissions.
Access roads	This proposal characteristic is adequately captured through the broader limits and extents provided in recommended condition A1 and the PCD (Preston Consulting 2025b).
<b>Transport</b>	
Slurry pipeline to port	This proposal characteristic is no longer considered necessary to specify as disturbance associated with the slurry pipeline is reflected in the limits and extents provided in recommended condition A1 and the PCD (Preston Consulting 2025b), as well as in the spatial data for the proposal depicting the slurry pipeline development envelope alignment.
Additional vehicle movements on North West Coast Highway per week	This proposal characteristic was not identified as a potential source of significant environmental impacts in the EPA's original assessment. GHG emissions arising from the vehicle movements is reflected in the predicted GHG emissions as specified in the PCD (Preston Consulting 2025b).

## Appendix C: Decision-making authorities

The decision-making authorities (DMA's) in the table below have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*.

Decision-making authority	Legislation (and approval)
1. Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i> (Section 18 consent)
2. Minister for Environment	<i>Biodiversity Conservation Act 2016</i> (Take or disturb threatened flora or fauna)
3. Minister for Mines and Petroleum	<i>Mining Act 1978</i>
4. Minister for Water	<i>Rights in Water and Irrigation Act 1914</i> (Groundwater abstraction licence, licence to construct or alter a well)
5. Chief Executive Officer, Department of Biodiversity, Conservation and Attractions	<i>Biodiversity Conservation Act 2016</i> (Take flora or fauna other than threatened species)
6. Chief Dangerous Goods Officer, Department of Local Government, Industry Regulation and Safety	<i>Dangerous Goods Safety Act 2004</i> (Storage and handling of dangerous goods)
7. Executive Director, Resource and Environmental Compliance Division, Department of Mines, Petroleum and Exploration	<i>Mining Act 1978</i> (Mining proposal and mine closure plan)
8. Mining Registrar, Department of Mines, Petroleum and Exploration	<i>Mining Act 1978</i> (Miscellaneous licence and prospecting licence)
9. State Mining Engineer, Department of Local Government, Industry Regulation and Safety	<i>Mines Safety and Inspection Act 1994</i> (Mine safety)
10. Chief Executive Officer, Department of Water and Environmental Regulation	<i>Environmental Protection Act 1986</i> (Works approval and licence)
11. Chief Executive Officer, City of Karratha	<i>Health Act 1911</i> and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 (Treatment of sewage) <i>Building Act 2011</i> (Building permit)
12. Chief Executive Officer, Town of Port Hedland	<i>Building Act 2011</i> (Building permit)

Note: In this instance, agreement is only required with DMA's 1 to 4, since these DMA's are Ministers.

---

## References

DBCA 2023, *Priority Ecological Communities for Western Australia Version 35*, Species and Communities Program, Department of Biodiversity, Conservation and Attractions, Perth WA.

DEMIRS 2025, *Guideline for preparing Mine Closure Plans*, Department of Energy, Mines, Industry Regulation and Safety, East Perth, WA.

DPLH 2023a, *Aboriginal Heritage Act 1972 Guidelines*, Department of Planning, Lands and Heritage, Perth WA.

DPLH 2023b, *Consultation policy for section 18 applications*, Department of Planning, Lands and Heritage, Perth WA.

EPA 2009, *Report and recommendations of the Environmental Protection Authority, Balla Balla Magnetite Project, Ferro Metals Australia Pty Ltd, Report 1309*, January 2009, Environmental Protection Authority, Perth, WA.

EPA 2014a, *Report and recommendations of the Environmental Protection Authority, Balla Balla Magnetite Mining Project, Inquiry under s. 46 of the Environmental Protection Act 1986 to amend Ministerial Statement 794, Forge Resources Swan Pty Ltd, Report 1525*, September 2014, Environmental Protection Authority, Perth, WA.

EPA 2014b, *Cumulative environmental impacts of development in the Pilbara region, Advice of the Environmental Protection Authority to the Minister for Environment under Section 16(e) of the Environmental Protection Act 1986*, August 2014, Environmental Protection Authority, Perth, WA.

EPA 2016a, *Environmental factor guideline – Subterranean fauna*, Environmental Protection Authority, Perth, WA.

EPA 2016b, *Environmental factor guideline – Flora and vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2016c, *Environmental factor guideline – Terrestrial fauna*, Environmental Protection Authority, Perth, WA.

EPA 2018, *Environmental factor guideline – Inland waters*, Environmental Protection Authority, Perth, WA.

EPA 2020, *Report and recommendations of the Environmental Protection Authority, Balla Balla Magnetite Mining Project, Inquiry under s. 46 of the Environmental Protection Act 1986 to amend Ministerial Statement 985, Forge Resources Swan Pty Ltd, Report 1670*, March 2020, Environmental Protection Authority, Perth, WA.

EPA 2023a, *Statement of environmental principles, factors, objectives and aims of EIA*, Environmental Protection Authority, Perth, WA.

EPA 2023b, *Environmental factor guideline – Social surroundings*, Environmental Protection Authority, Perth, WA.

EPA 2023c, *Technical Guidance Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage*, Environmental Protection Authority, Perth, WA.

EPA 2024, *Environmental factor guideline – Greenhouse gas emissions*, Environmental Protection Authority, Perth, WA.

EPA 2025a, *Environmental Impact Assessment Practice Guide Assessment of Proposals in Western Australia under Part IV of the Environmental Protection Act 1986*, Environmental Protection Authority, Perth, WA.

EPA 2025b, *Hemi Gold Project, De Grey Mining Ltd, Report 1785*, June 2025, Environmental Protection Authority, Perth, WA.

EPA 2025c, *Jimblebar Hub Significant Amendment, BHP Iron Ore Pty Ltd, Report 1793*, October 2025, Environmental Protection Authority, Perth, WA.

Federal Court of Australia 2020, *Yindjibarndi Aboriginal Corporation RNTBC v State of Western Australia*. FCA 1416. Retrieved from <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2020/2020fca1416>.

Government of Western Australia 2011, *WA Environmental Offsets Policy*, Government of Western Australia, Perth, WA.

Government of Western Australia 2014, *WA Environmental Offsets Guidelines*, Government of Western Australia, Perth, WA.

Government of Western Australia 2023, *Sectoral emissions reduction strategy for Western Australia – Pathways and priority actions for the state’s transition to net zero emissions*, Department of Water and Environmental Regulation, Perth, WA.

Preston Consulting 2025a, *Section 46 Application – Supporting Document Balla Balla Magnetite Project*, prepared for Forge Resources Swan Pty Ltd, Preston Consulting Pty Ltd, June 2025.

Preston Consulting 2025b, *Proposal Content Document*, prepared for Forge Resources Swan Pty Ltd, Preston Consulting Pty Ltd, 2025.

Todd Corporation 2025, *2025 Compliance Assessment Report – Ministerial Statement 794 - Balla Balla Magnetite Project*, Todd Corporation Limited, Authorised representative of Forge Resources Swan, Brisbane, QLD.