

Compliance Report Mardie Project (EPBC 2018/8236)

Reporting period: 22 February 2022 to 21 February 2023

DOCUMENT CONTROL

Revision	Date	Description	Approver
0	30-May-2023	Approved	A. Minchin

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1. DECLARATION OF ACCURACY

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed: *Arron Minchin*
Name: Arron Minchin
Position: Head of External Relations
Organisation: Mardie Minerals Pty Ltd
ABN 50 152 574 457
Date: 30 May 2023

2. MARDIE MINERALS PTY LTD AND BCI MINERALS LIMITED

The Mardie Project is 100% owned by the Approval Holder, Mardie Minerals Pty Ltd, ABN 50 152 574 457 (**Mardie**).

Mardie is a wholly owned subsidiary of BCI Minerals Limited, ACN 120 646 924 (BCI).

3. DESCRIPTION OF ACTION AND ACTIVITIES

3.1 Action and Compliance Report details

Table 1: Summary of Action and Compliance Report Details

EPBC Number	2018/8236
Project Name	Mardie Project
Approval holder and ABN	Mardie Minerals Pty Ltd ABN 50 152 574 457
Approved Action	Construct and operate a solar salt and sulphate of potash production plant and export facility located 80 kilometres south-west of Karratha, in the Pilbara region of Western Australia. The Action includes seawater intakes, evaporation and crystalliser ponds, processing plant, trestle jetty and supporting infrastructure.
Location of Project	80 kilometres south-west of Karratha, in the Pilbara region of Western Australia.
Person accepting responsibility for this Compliance Report	Arron Minchin, Head of External Relations, BCI Minerals Ltd
Reporting period	22 February 2022 to 21 February 2023
Date of Compliance Report	30 May 2023

3.2 Description of activities undertaken in reporting period

Major milestones completed in the Mardie Project during the reporting period are as follows:

1. Mardie Village complete – occupancy certificates received for 400-bed accommodation.
2. Primary seawater intake station completed – commissioning commenced January 2023.
3. Pond construction well progressed – completion rate of ~97% for Ponds 0, 1 & 2 and ~43% for Ponds 3-5.
4. Pond 5 Embankment Trial complete.
5. Several infrastructure upgrades including to access roads and communications.

4. PURPOSE AND SCOPE

This Annual Compliance Report (**ACR**) has been prepared to satisfy condition 37 of EPBC 2018/8236 which states:

“The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:

- a. publish each compliance report on the website within 60 business days following the relevant 12 month period.*
- b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication.*
- c. keep all compliance reports publicly available on the website until this approval expires.*
- d. exclude or redact sensitive ecological data from compliance reports published on the website.*
- e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.”*

5. COMPLIANCE WITH APPROVAL CONDITIONS

Mardie has considered and assessed its compliance with each of the 49 conditions in the Approval.

Mardie is reporting minor non-compliance with five conditions, two of which are administrative, during the Reporting Period.

Mardie considers that none of the non-compliances have resulted in a material impact to the environment.

An overview of compliance with the Approval is contained in **Table 2**.

5.1 Overview of Management Plans

Several management plans are required to be developed, approved and implemented at varying stages of the Action. In accordance with the *Annual Compliance Reporting Guidelines 2014*, a summary of the Management Plans conditionally required under EPBC 2018/8236 and Western Australian Government Approval (Ministerial Statement 1175), their approval status and implementation are outlined in **Table 3**.

Table 2: Compliance with Approval Conditions

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
1.	Compliant	To minimise impacts to protected matters, the approval holder must not clear or impact within the development envelope more than: <ul style="list-style-type: none"> a. 2,562 hectares of Triodia grassland habitat. b. 6 hectares of open riparian woodlands vegetation. c. 64.5 hectares of low rocky hill habitat. d. 0.12 hectares of marine turtle nesting beach. e. 17 hectares of mangrove. f. 79 hectares of subtidal Benthic Communities and Habitat. g. 72 hectares of tidal channel and ocean habitat. a. 296 hectares of coastal samphire. b. 880 hectares of algal mat. 	
2.	Non-compliant	To minimise impacts to protected matters, the approval holder must not clear outside the development envelope.	<p><u>Description of event:</u> Two minor instances of clearing outside the approved development envelope occurred between 1 December 2022 and 21 February 2023 with no material environmental impact.</p> <p><u>Corrective actions taken:</u> Given the limited extent of the impact, habitat rehabilitation was not required.</p> <p><u>Date actions were/will be taken commenced/date of completion:</u></p> <ol style="list-style-type: none"> 1. Given the limited extent of the impact, habitat rehabilitation was not required. 2. A number of internal measures in relation to clearing processes were implemented immediately following the detection of this event. These are listed below. <p><u>Measures taken/to be taken to avoid recurrence:</u></p> <ol style="list-style-type: none"> 1. Revisions were made to the Ground Disturbance Procedure to prevent recurrence of this type of event. 2. Clearing activities are managed through BCI's Ground Disturbance Procedure (GDP). The GDP went through a major revision in March 2022, clearing is now undertaken by BCI staff instead of contractors and involves multiple layers of sign off by senior staff to check spatial information. 3. Mardie has introduced a site-specific clearing permit procedure since this event that validates development boundaries in the field. 4. GDP process now utilises web viewer as opposed to hard copies so boundary checks are thorough and all constraint boundaries can be checked, regardless of what is on the prepared map. 5. Reinforcement of internal clearing permit requirements and process undertaken with Mardie staff in the field to establish the necessary operational discipline. <p><u>Notification details:</u> Notified to the relevant Departments (DWER, DMIRS, DCCEEW) within the relevant time periods.</p>
3.	Compliant	To minimise impacts to protected matters from changes to groundwater (the Groundwater Objective), the approval holder must comply with conditions 3-1 to 3-9 of the WA Approval.	
4.	Compliant	The approval holder must submit a Groundwater Monitoring and Management Plan (GMMP) to the Minister for approval. The approval holder must not commence operations until the GMMP has been approved by the Minister in writing. The approval holder must implement the approved GMMP. The GMMP must: <ul style="list-style-type: none"> a. be consistent with the Environmental Management Plan Guidelines. b. include the outcomes of the Mardie Project Groundwater Memo that is to be implemented, which specifies the locations for the monitoring bores and specifies the modelling to be undertaken to inform the GMMP in order to prevent impacts to the Mardie Pool, terrestrial, intertidal and subtidal protected matters and habitats (the Groundwater Objective). The outcomes of the modelling proposed in the Mardie Project Groundwater Memo must be included as an appendix to the GMMP. c. include the information required under condition 3-4 of the WA Approval and how the Groundwater Objective will be met. d. present additional measures based on the outcomes of the modelling undertaken as part of the Mardie Project Groundwater Memo that identify further impacts that may result on protected matters within and/or outside the development envelope. e. include the details of a review of the draft GMMP by an independent suitably qualified hydrologist and how the recommendations of the independent suitably qualified hydrologist's review have been addressed and resulted in changes to the GMMP. 	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
5.	Not applicable	<p>In the event that any threshold criterion specified in the GMMP, in accordance with condition 3-4(5) and 3-4(6) of the WA Approval is exceeded, the approval holder must:</p> <ol style="list-style-type: none"> undertake the actions required under condition 3-7 of the WA Approval and provide the same information and the report required under condition 3-7(5) of the WA Approval, to the Department, within the same timeframes as specified under condition 3-7 of the WA Approval. within 6 months of any such exceedance, have the GMMP reviewed by an independent suitably qualified hydrologist to advise if the GMMP needs to be revised to prevent any possibility of the exceedance reoccurring and submit the report of the independent suitably qualified hydrologist to the Department. If the review of the GMMP by an independent suitably qualified hydrologist recommends that the GMMP be revised, the approval holder must submit the revised GMMP to the Department for the approval of the Minister within 8 months of any such exceedance. within 6 months of any such exceedance develop a Remediation Plan to be submitted to the Department for the Minister's approval for the any impact(s) to protected matters arising from the exceedance as detailed in the report required under condition 3-7(5) of the WA Approval and condition 5(b). If a Remediation Plan is submitted in accordance with condition 5(c) and that Remediation Plan has not been approved by the Minister in writing within 9 months of the exceedance event, and the Minister notifies the approval holder that the Remediation Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Remediation Plan revised by the Department. The approval holder must implement the approved Remediation Plan. If the Minister determines that it is not possible to remediate the impact of the exceedance, then the approval holder must, within 10 months of the exceedance of the threshold criterion, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 11 months of the exceedance event, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	
6.	Not applicable	<p>The approval holder must have the GMMP reviewed by an independent suitably qualified hydrologist at least once before every 10-year anniversary of the first approval of the GMMP and subsequently every 10 years for the life of the project or unless specified by the Minister in writing. If the independent suitably qualified hydrologist recommends revision of the GMMP, the approval holder must, within 6 months of receiving the recommendation of the independent suitably qualified hydrologist, submit a revised GMMP addressing the recommendations of the independent suitably qualified hydrologist accompanied by the recommendations of the independent suitably qualified hydrologist to the Department within 3 months of the most recent 10-year anniversary of the first approval of the GMMP, for approval by the Minister.</p>	
7.	Not applicable	<p>If a revised GMMP is submitted in accordance with condition 5(b) or condition 6 and that GMMP has not been approved by the Minister in writing within 10 months of the exceedance event, and the Minister notifies the approval holder that the GMMP is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the GMMP revised by the Department.</p>	
8.	Not applicable	<p>To minimise impacts to protected matters and their habitats that include the Mardie Pool, open riparian woodlands vegetation and Benthic Communities and Habitat, the approval holder must, at least once per week, monitor the evaporation pond walls for surface expressions of seepage, brine spill and structural integrity. In the event that seepage and/or brine spill does occur then the approval holder must do the following:</p> <ol style="list-style-type: none"> notify the Minister within 7 days of the event. investigate the potential harm and impact to the environment due to the seepage and/or brine spill event. provide an investigation report to the Minister for review within 7 days of the seepage and/or brine spill event being reported. The Report must provide the outcomes of the investigation. If the investigation report prepared in condition 8(c) above recommends the implementation of a remediation plan, within 6 months of any seepage and/or brine spill event, the approval holder must develop a Remediation Plan and submit to the Department for the Minister's approval for the impact(s) to protected matters arising from the seepage and/or brine spill event. If a Remediation Plan is submitted in accordance with condition 8(d) and that Remediation Plan has not been approved by the Minister in writing within 9 months of the seepage and/or brine spill event, and the Minister notifies the approval holder that the Remediation Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Remediation Plan revised by the Department. The approval holder must implement the approved Remediation Plan. If the Minister determines that it is not possible to remediate the impact of the seepage and/or brine spill event, then the approval holder must, within 10 months of the seepage and/or brine spill event, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset 5 Strategy has not been approved by the Minister in writing within 11 months of the exceedance event, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	
9.	Not applicable	<p>To minimise impacts to the protected matters and their habitats that includes the Mardie Pool, open riparian woodlands vegetation and Benthic Communities and Habitat, the construction, operation and presence of the intertidal rock causeway must not impede water flows to and from the Benthic Communities and Habitat and the Mardie Pool or otherwise impact the coastal tidal inundation regime (the Intertidal Flow Objective) and as detailed in Attachment 5. To ensure these objectives are achieved, the approval holder must:</p> <ol style="list-style-type: none"> Comply with condition 3-2 of the WA Approval to ensure that the Intertidal Flow Objective can be achieved. If they cannot be achieved the causeway cannot be built until further engineering solutions are found to achieve the Intertidal Flow Objective. Install flood ways and culverts at the locations which the latest inundation modelling demonstrates will ensure that the Intertidal Flow Objective is met. Within 1 month of the construction of the intertidal rock causeway undertake daily visual monitoring once every peak high tide and once mid tide for a minimum of 2 tidal cycles to determine whether the Intertidal Flow Objective has been achieved. If the Intertidal Flow Objective has not been achieved and do not align with the outcomes predicted by the latest inundation modelling, then the approval holder must undertake the following actions within 3 months of the construction of the intertidal rock causeway: <ol style="list-style-type: none"> sufficient additional field monitoring to determine the quantitative extent of the flow restriction. re-run the inundation model using site-specific data from the monitoring undertaken since the completion of the construction of the intertidal rock causeway to determine if the flow restriction(s) can be achieved by further engineering solutions to meet the Intertidal Flow Objective. 	<p>During the reporting period, Mardie commenced construction of a temporary access track to allow safe movement of light vehicles and access to the jetty to enable mobilisation of the jetty contractor.</p> <p>The temporary access track will in part, eventually become the foundation for the intertidal rock causeway which will be developed in accordance with the latest inundation modelling and approved design.</p>

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
		<ul style="list-style-type: none"> ii. If the monitoring, inundation modelling and further engineering solutions undertaken and implemented after the construction of the intertidal rock causeway shows that the Intertidal Flow Objective are unlikely to be achieved, then the intertidal rock causeway must be removed to ensure the Intertidal Flow Objective are achieved within 6 months of the completion of the construction of the causeway. Unless the approval holder provides suitable evidence that impacts from not meeting the Intertidal Flow Objective due to the intertidal rock causeway are likely to not result in a significant impact. This evidence will need to be submitted to the Department within 6 months of completion of the construction of the causeway. The Minister will provide approval in writing on whether the intertidal rock causeway will need to be removed or can be retained. iii. Further modelling and engineering evidence, that will meet the Intertidal Flow Objective, will need to be submitted to the Department for Minister approval prior to the construction of a new causeway. e. undertake monitoring at least once each month and after each large storm event, for the life of the project to determine whether the Intertidal Flow Objective continues to be met. Monitoring must continue unless the Minister has provided written agreement that ongoing monthly monitoring is no longer required. f. If the intertidal flow objectives are not being met, then the requirements of condition 9(d) must be undertaken. 	
10.	Compliant (10(b) not applicable)	<p>To minimise impacts to protected matters, the surface water diversions must ensure that the intertidal flows and surface water flows have been maintained to the Mardie Pool, open riparian woodlands vegetation and Benthic Communities and Habitat, and that the water flows align with the modelled predictions in the Mardie Project Environmental Review (the Surface Water Objective) and as outlined in Attachment 6. To ensure these outcomes, commencing one month after the construction of any surface water diversion, the approval holder must:</p> <ul style="list-style-type: none"> a. Comply with conditions 3-1(1) and 3-1(2) of the WA Approval. b. monitor surface water flows at least once each month for at least 12 months to determine whether the surface water flows to the Mardie Pool are maintained and equivalent to the modelled predictions in the Mardie Project Environmental Review. The monitoring must include collection from at least three points within each of the drainage channels, the intertidal zone and the Mardie Pool. 	
11.	Not applicable	If the monthly monitoring under condition 10 identifies that the Surface Water Objective has not been met for the Mardie Pool, the approval holder must undertake the actions outlined in condition 5.	
12.	Not applicable	If the monthly monitoring under condition 10 identifies that the Surface Water Objective has not been met for the Benthic Communities and Habitat, the approval holder must undertake the actions outlined in condition 23(f).	
13.	Compliant	<p>To minimise impacts to protected matters from the impacts of weed infestation, the approval holder must undertake weed management actions, including the following:</p> <ul style="list-style-type: none"> a. ensure that any vehicle moving from an area of weed infestation is cleaned of any soil and organic matter before it enters any area free of weed infestation. b. not move any soil from any area of weed infestation to any area free of weed infestation. c. prior to the commencement of the operation have a Mesquite Management Plan approved by the Pilbara Mesquite Management Committee. 7 d. implement the approved Mesquite Management Plan for the life of the project. e. prior to each five-year anniversary of the commencement of the action, survey the development envelope for weeds and submit to the Department a map of current weed distribution in the development envelope and a report on the progress in controlling weeds in the development envelope and the outcomes from implementing the Mesquite Management Plan. 	
14.	Partially compliant	<p>The approval holder must implement the following measures during any construction or clearing and until all terrestrial construction has been completed:</p> <ul style="list-style-type: none"> a. Any construction and/or clearing within 1 kilometre from the nearest part of Mardie Pool must only occur in daylight hours to minimise noise, vibration and artificial lighting impacts on terrestrial fauna. b. Undertake any clearing so that it progresses gradually in a direction that enables any fauna to safely leave the vicinity of clearing. c. During any clearing have a fauna spotter catcher present and authorised to halt or order the manner in which any clearing or other works are undertaken within Northern Quoll Low rocky hill habitat, Pilbara Leaf-nosed Bat Triodia grassland habitat and Pilbara Olive Python open riparian woodlands so as to prevent harm to terrestrial fauna. d. This fauna spotter catcher will also check all open trenches less than two hours after sunrise and before commencing any continued construction to detect and safely remove any trapped terrestrial fauna. e. Minimise airborne dust by using water and/or dust suppressants on disturbed soils, during product transfers and within storage areas. f. Induct and educate all personnel associated with the action and/or entering the development envelope prior to them entering the development envelope, to ensure that they can correctly identify the Pilbara Olive Python by sight both on the ground and from inside vehicles and know that the Pilbara Olive Python must not be killed or injured. g. Ensure that no vehicle travels faster than 40 kilometres per hour (kph) within the low-speed zone and erect clearly legible and comprehensible signage alerting drivers to the likelihood of encountering wildlife and the speed limit on both sides of all roads where any vehicles enter the low speed zone as outlined in Attachment 7. 	<p>Description of event: Condition 14(d) Due to the scale of site (including large distances required to travel to various trench locations), and the difficulties associated with recruiting additional fauna spotter catches, not all trenches across the site have been checked at the times specified in accordance with the condition. Mardie considers that this event is unlikely to have resulted in a material impact to the environment.</p>

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
			<p><u>Corrective actions taken:</u></p> <ol style="list-style-type: none"> At all times during the reporting period Mardie has had at least one accredited fauna spotter catcher on site. Mardie has also established an internal process whereby contractors and staff, prior to commencing activities each day, will undertake an inspection of the work site for the purposes of ascertaining whether there are in any trenches any trapped fauna. In the event trapped fauna is identified, the process required the accredited fauna spotter catcher to be notified and to attend the site immediately. <p><u>Date actions were/will be taken commenced/date of completion:</u></p> <p>As above.</p> <p><u>Measures taken/to be taken to avoid recurrence:</u></p> <ol style="list-style-type: none"> From the first quarter of 2023, all Mardie's scopes of work require contractors to provide their own fauna spotter catcher to undertake inspections in line with Condition 14 (d) and the Fauna Management Procedures. At all times during the reporting period Mardie has had at least one accredited fauna spotter catcher on site. Mardie maintains efforts to recruit additional fauna spotter catchers. Mardie regularly engages a third party to provide accredited fauna handling and spotter training to Mardie personnel. BCI's Fauna Management Procedure requires open trenches to be inspected daily for trapped fauna, at dusk and dawn. <p><u>Notification Details:</u></p> <p>Notified to DCCEEW within the required time period.</p>
15.	Partially compliant (Condition 15(i) not applicable)	<p>The approval holder must implement the following measures for the life of the project:</p> <ol style="list-style-type: none"> Implement the Construction Environmental Management Plan. The approval holder may submit a revised Construction Environmental Management Plan at any time to the Minister for approval. The Minister approved plan and any other subsequently approved plan must be implemented. Ensure that the number of cats, foxes, rabbits, pigs, and cane toads within the development envelope is lower than the number for each species prior to the commencement of the action that starts with the baselines as outlined in the Mardie Project Environmental Review. A reference site at Mardie Station will be used to provide evidence of these numbers against yearly natural fluctuations of cats, foxes, rabbits, pigs, and cane toads. Each year undertake monitoring according to best survey practices to determine the number of cats, foxes, rabbits, pigs, and cane toads within the development envelope and provide the findings of the surveys for each year in the compliance report that immediately follows that year. Ensure that the approval holder will not bring domestic animals into the development envelope. Ensure that no fishing occurs from the trestle jetty or the Mardie Pool, as defined in Attachment 4, or within the development envelope. Adequately induct all personnel associated with the action and/or entering the development envelope prior to them entering the development envelope, so that no person or low-flying craft (including drones) enters any area of habitat of migratory shorebirds as outlined in the green polygon in Attachment 3 within the development envelope for any purpose other than scientific survey or study approved by the Minister or Western Australian Government. Securely contain all waste that is present in the development envelope and ensure that all waste is removed from the development envelope at least once each month and disposed of at the appropriate waste disposal facilities approved by the Western Australian Government. Ensure that no waste from the development envelope reaches migratory shorebirds habitat as outlined in the green polygon at Attachment 3 or marine fauna habitat as outlined in the dark blue polygon at Attachment 3. Install fauna egress mechanisms at all evaporative ponds to ensure that they are fully effective to enable any wildlife escape for the life of the project. 	<p><u>Description of event:</u> Condition 15(b) and (c) Due to a slow down in site activities during the period, baseline surveys to determine the number cats, foxes, rabbits, pigs, and cane toads within the development envelope have also been delayed and were not undertaken during the reporting period. Mardie considers that this event is unlikely to have resulted in a material impact to the environment.</p> <p>Condition 15(f) This Condition appears to be a technical error. The Condition prohibits access to the Migratory Shorebird Habitat. However, small sections of the habitat overlap with the approved development envelope, meaning the Action cannot be undertaken without accessing these small sections of the habitat. Mardie considers that this event is unlikely to have resulted in a material impact to the environment.</p> <p><u>Corrective actions taken:</u></p> <p>Condition 15(b) and (c) Mardie has engaged with a specialist third party to undertake feral animal monitoring. Monitoring will be conducted via a network of strategically positioned motion sensitive cameras around the Project. Data will be interpreted on a quarterly basis and provided in a detailed annual report. The camera network is expected to be installed in the second half of 2023.</p> <p>Condition 15(f)</p> <ol style="list-style-type: none"> All Mardie personnel and contractors are inducted prior to attending site to ensure access is strictly restricted to within the development envelope, and to areas required to undertake approved activities. Small sections of Migratory Shorebird Habitat overlap with the approved design footprint. Mardie has engaged with DCCEEW's Post Approvals branch for the purposes of negotiating an amendment to Condition 15(f) to allow entry to the Migratory Shorebird Habitat which falls within the development envelope for approved activities. <p><u>Date actions were/will be taken commenced/date of completion:</u></p> <p>Condition 15(b) and (c) As above</p> <p>Condition 15(f) As above.</p> <p><u>Measures taken/to be taken to avoid recurrence:</u></p>

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
			<p>Condition 15(b) and (c) As above.</p> <p>Condition 15(f) As above.</p> <p><u>Notification Details:</u> Notified to DCCEEW within the required time period</p>
16.	Compliant (16(a) and (c) not applicable)	<p>The approval holder must implement measures to minimise vessel strikes of marine fauna including:</p> <ol style="list-style-type: none"> Ensure that any vessels operated or contracted by the approval holder that is over 20 metres in length does not exceed 8 knots within the port operational waters and 12 knots outside the port operational waters during dredging, piling and transhipment for the life of the project. Ensure that all vessels operated or contracted by the approval holder do not exceed 8 knots within 500 metres of any identified cetacean, dugong or marine turtle. Ensure that all vessels remain within port operational waters during normal operations to reduce the spatial extent of vessel strike risk. Ensure that all vessel operators have been trained to avoid vessel strikes of marine fauna and to report any sightings of marine fauna to other vessel operators in the area to enable them to be tracked and avoided. Ensure that all marine fauna sightings are recorded (including the location, date and time of the sighting and the name, qualifications and experience of the vessel operator that made the sighting) and reported in the next compliance reporting and published on the website when each compliance report is submitted to the Department. Ensure that any vessel strike or incident involving marine turtles, Green Sawfish, Short-nosed Sea snake, manta ray, Humpback Whale, Australian Humpback Dolphin, or Dugong is reported to DBCA within 2 hours of the occurrence of the vessel strike and/or incident and that any consequent request made by DBCA is implemented. 	
17.	Not applicable	<p>The approval holder must implement the following measures during any construction or clearing and until all marine construction has been completed:</p> <ol style="list-style-type: none"> Undertake construction so as to not cause impacts to marine fauna during key environmental windows as specified in the Mardie Dredge Management Plan. Comply with condition 10-7 of the WA Approval to minimise impacts of marine noise by implementing the Underwater Noise Management Procedure. The approval holder may submit a revised Underwater Noise Management Procedure at any time to the Minister for approval. Any revision of the plan must be aligned with the EPBC Act Policy Statement 2.1 - Interaction between offshore seismic exploration and whales: Industry guidelines. The Minister approved plan and any other subsequently approved plan must be implemented. 	
18.	Compliant (18(b) – (i) not applicable)	<p>To minimise impacts to marine fauna and their habitats from dredging operations, the approval holder must:</p> <ol style="list-style-type: none"> implement condition 7-1 of the WA Approval. only undertake dredging operations within the dredge channel of the development envelope as defined in Attachment 4. not dredge more than 800,000 m3 (cubic metres) and not dredge deeper than -6.7 m below the lowest astronomical tide (mLAT) within the berth pocket and -3.9 mLAT within the dredge channel as defined in Attachment 4. Ensure that impacts to subtidal habitats are confined to the Zone of High Influence as defined in Attachment 4. Ensure that all dredged material is deposited onshore within the ponds and terrestrial infrastructure within the development envelope. Implement the Mardie Dredge Management Plan. Undertake post-dredging surveys according to the schedule outlined in the Mardie Dredge Management Plan and continue until a report has been provided to the Department that has demonstrated with suitable evidence, including the outcomes from the Marine Environmental Quality Monitoring and Management Plan and Benthic Communities and Habitat Monitoring and Management Plan, that the environmental objectives in condition 7-1 of the WA Approval have been met. prior to undertaking any maintenance dredging, revise the Mardie Dredge Management Plan and submit the revised plan to the Minister for approval and not commence any maintenance dredging until the revised plan has been approved by the Minister in writing. Notify the Department if any threshold criterion specified in the Mardie Dredge Management Plan is exceeded, within the same timeframes specified in condition 7-5 of the WA Approval for notifying the CEO, notify the Department of the same information as specified in condition 7-5 of the WA Approval. If any threshold criterion specified in the Mardie Dredge Management Plan is exceeded, the dredging operations must cease until the following has been undertaken: <ol style="list-style-type: none"> within 6 months of any such exceedance, have the Mardie Dredge Management Plan reviewed by an independent suitably qualified intertidal and subtidal benthic ecologist to advise if the Mardie Dredge Management Plan needs to be revised to prevent recurrence of the exceedance of the threshold criterion. If the review of the Mardie Dredge Management Plan by an independent suitably qualified intertidal and subtidal benthic ecologist recommends that the Mardie Dredge Management Plan be revised, the approval holder must submit the revised Mardie Dredge Management Plan to the Department for Minister approval within 8 months of any such exceedance. if the Minister determines, based on the review undertaken by the independent suitably qualified intertidal and subtidal benthic ecologist as required under condition 18(i) that remediation of the impacts resulting from the exceedance of the threshold criterion is not possible, then the approval holder must, within 8 months of the exceedance event, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 9 months of the exceedance event, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	
19.	Compliant (19(d) and (e) not applicable)	<p>To minimise impacts to marine turtles, the approval holder must:</p> <ol style="list-style-type: none"> comply with condition 10 of the WA Approval. not commence any marine construction within the marine turtle nesting beach unless the Minister has also been consulted the mitigation measures required under condition 10-3 of the WA Approval and have approved these measures in writing. not commence any marine construction within the marine turtle nesting beach unless the Minister has approved in writing the Marine Turtle Monitoring Program required under condition 10-4 of the WA Approval. The approval holder must implement the approved Marine Turtle Monitoring Program for the life of the project or until the Minister has confirmed in writing that the Marine Turtle Monitoring Program is no longer required. Evidence that condition 10-4(2) of the WA Approval is met must be developed with, and reviewed by, a suitably qualified expert in marine turtle ecology and be provided to the Minister for review. Contact the Department if the outcomes of the monitoring data from Marine Turtle Monitoring Program, identifies further impacts to marine turtles arising from the action, exceed, or are predicted to exceed, from the baseline data within the Pendoley Environmental 2019, Mardie Salt Project Marine Turtle Monitoring Program 2018/2019. Rev 0, Report No. RP-59001, then the approval holder must, within 3 months of identifying any such exceedance, or predicted exceedance, submit either a: <ol style="list-style-type: none"> revised and additional avoidance and mitigation measures to reduce impacts to marine turtles; or an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. 	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
		e. If the revised and additional avoidance and mitigation measures or Offset Strategy has not been approved by the Minister in writing within 5 months of the exceedance event, and the Minister notifies the approval holder that the avoidance and mitigation measures or Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the avoidance and mitigation measures or Offset Strategy revised by the Department. The approval holder must implement the approved avoidance and mitigation measures or Offset Strategy for the remainder of the life of the project.	
20.	Compliant (20(f) – (n) not applicable)	<p>To minimise impacts to marine fauna and their habitats from the extraction of sea water for the evaporative ponds, for desalination purposes and the disposal of brine impacting water quality during operation of the action, the approval holder must:</p> <ul style="list-style-type: none"> a. Comply with condition 4 of the WA Approval. b. Not extract more than 150 Gigalitres by the primary seawater intake, 12.4 Gigalitres by the secondary seawater intake, and 17.6 Gigalitres by the bittern diffuser intake on the Trestle Jetty of sea water per annum. The primary, secondary and bittern diffuser (at the Trestle Jetty) intake locations must not change from areas identified in Attachment 1. c. Only abstract sea water when the sea level is at or above mean sea level at the primary intakes. d. Fit all sea water intake pipes, including the primary, desalination, and bittern diffuser intakes, with enclosed screens with no larger than 5-millimetre mesh width. e. Limit sea water intake of the primary, desalination, and bittern diffuser velocity to 0.15 metres per second or less at the screen. f. Dispose of all waste brine either into the concentrator ponds or by discharge through the bitterns outfall diffuser. g. Install the bitterns outfall diffuser along the jetty and locate the outlet within the dredge channel within the development envelope using the multi-port diffuser design 12 as detailed in the Mardie Project Bitterns Outfall modelling Report (12979.101.R5.Rev0, 14 April 2020). Unless suitable evidence was provided to the Department to review another diffuser design, which will need to be approved by the Minister in writing before implementing any other diffuser design. h. Release no more than 3.6 Gigalitre of bitterns per year. i. Release no bitterns with specific gravity of more than 1.25. j. Diffuse all released bitterns into the marine environment, such that it remains within Zone of High Impact. k. Implement the Marine Environmental Quality Monitoring and Management Plan and any subsequent revised version of the Marine Environmental Quality Monitoring and Management Plan that the Minister has approved. l. Review the Marine Environmental Quality Monitoring and Management Plan each 5 (five) year anniversary of the commencement of the action and submit a revised version to the Minister for approval that has been revised to address the findings of: <ul style="list-style-type: none"> i. the review of monitoring required by the approved Marine Environmental Quality Monitoring and Management Plan. ii. a review of the findings of the monitoring required by the Benthic Communities and Habitat Monitoring and Management Plan (BCHMMP). iii. The review process and subsequent plans must be implemented for the life of the project or until the Minister has confirmed in writing that the Marine Environmental Quality Monitoring and Management Plan is no longer required. m. Implement the version of the Marine Environmental Quality Monitoring and Management Plan recently approved by the Minister in writing. n. Notify the Department in the event that there has been exceedance of a threshold criterion specified in the approved Marine Environmental Quality Monitoring and Management Plan, and in addition to implementing the requirements of condition 4-6 of the WA Approval, within the same timeframes specified in condition 4-6 of the WA Approval for notifying the CEO with of the same information and include the following: <ul style="list-style-type: none"> i. Submit a version of the Marine Environmental Quality Monitoring and Management Plan revised to prevent recurrence of the exceedance of the threshold criterion, reviewed by an independent suitably qualified marine environmental water quality expert and submit the revised Marine Environmental Quality Monitoring and Management Plan, accompanied by the signed report of the review undertaken by the independent suitably qualified marine environmental water quality expert to the Department within 4 months of the exceedance event for the approval of the Minister. ii. If the Minister determines, based on the review undertaken by the independent suitably qualified marine environmental water quality expert as 13 required under condition 20(n)(i), that remediation of the impact of the exceedance event is not possible, then the approval holder must, within 8 months of the exceedance event, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 6 months of the exceedance event, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	
21.	Partially compliant	<p>The approval holder must comply with conditions 7-8, 7-9, 7-10 and 7-11 of the WA Approval to minimise impacts to marine fauna from marine pests. The approval holder must:</p> <ul style="list-style-type: none"> a. develop a Marine Pest Prevention Plan consistent with Commonwealth of Australia 2018 National Strategic Plan for Marine Pest Biosecurity 2018–2023 and use the best available scientific information to design procedures to prevent the introduction of marine pests through any part of the action. b. Provide the approved plan or any subsequently approved plans to the Minister within 2 months of the date of approval. 	<p><u>Description of event:</u> Condition 21(b) Administrative non-compliance only, with no environmental impact. DWER approved the Plan on 13 September 2022, and the Plan was provided to DCCEEW on 28 February 2023 which was outside of the 2 month time period.</p> <p><u>Corrective actions taken:</u> No corrective action required. Administrative matter only, as plans were provided to the Minister, and no environmental impact.</p> <p><u>Date actions were/will be taken commenced/date of completion:</u> As above.</p> <p><u>Measures taken/to be taken to avoid recurrence:</u></p> <ol style="list-style-type: none"> 1. Mardie has implemented a Licence to Operate (LTO) process which incorporates required environmental and social obligations into a package of information to which staff and contractors are required to comply. 2. Mardie is undergoing a comprehensive review of processes, roles and accountabilities for ensuring compliance with environmental conditions. <p><u>Notification Details:</u> Notified to DCCEEW within the required time period</p>

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
22.	Compliant (22(b)(ii) and (iii), and (d) not applicable)	<p>To minimise impacts on migratory shorebirds, the approval holder must implement the Long-term migratory shorebird monitoring program.</p> <ol style="list-style-type: none"> a. Comply with 8-2 of the WA Approval. b. The Long-term migratory shorebird monitoring program must be implemented each year for a minimum of 5 years after the commencement of the action and must only cease once the approval holder provides suitable evidence to the Minister. The evidence provided to the Minister must include: <ol style="list-style-type: none"> i. A report that has been reviewed by a suitably qualified expert in migratory shorebirds, using the data from the monitoring program and baseline data collected in the Phoenix 2020 Level 2 Targets terrestrial fauna surveys assessment for the Mardie Project report. ii. This report must be able to demonstrate the impacts from the action has not caused any changes to the migratory shorebird populations as a result of the action. iii. Take into consideration evidence from other data collected as part of the monitoring and management plans for the action, including but not limited to: <ol style="list-style-type: none"> 1. Groundwater Monitoring and Management Plan (GMMP) 2. Benthic Communities and Habitat Monitoring and Management Plan (BCHMMP) 3. Illumination Design and Management Plan 14 4. Marine Environmental Quality Monitoring and Management Plan c. The Long-term migratory shorebird monitoring program may be reviewed at any time. The revised plan must meet the objectives of the Long-term migratory shorebird monitoring program, take into consideration data collected from the monitoring data and include a review of efficacy, adaptive management strategies, and the best available scientific and management strategies for migratory shorebirds. The approved plan must be implemented. d. If the Long-term migratory shorebird monitoring program demonstrates that there has been impact or changes to migratory shorebird populations as a result of the action, the approval holder must: <ol style="list-style-type: none"> i. Within 7 days of becoming aware of the impact, implement management actions that will remove the most likely cause of the impact and implement management actions that will mitigate the impact. ii. Within 2 months of becoming aware of the impact, complete investigation of the likely cause/s of the impact/s such as clearing of migratory shorebird habitat and/or changes to hydrology of migratory shorebird habitat, changes in water quality, increase presence of feral predators, human influences or loss of preferred foraging/prey items. This investigation needs to include a review of the most appropriate management changes to prevent the impacts and improve migratory shorebird habitat. iii. Within 4 months of becoming aware of the impact/s, submit to the Department a report, reviewed by an independent suitability qualified migratory shorebird expert of the investigation and its findings, accompanied by the review by the independent suitability qualified migratory shorebird expert, which includes: <ol style="list-style-type: none"> 1. The outcomes of the investigation and the likely threatening processes that cause the impact/s. 2. Proposed measures to remove the threatening processes and/or mitigate the impact/s. 3. Assessment of whether any thresholds and management actions in relevant management plans in condition 22(a)(iii) need to be revised. 4. Assessment of whether a remediation plan is required to address the impact/s. iv. If a report prepared in condition 22(c)(iii) above recommends the implementation of a remediation plan, submit a Remediation Plan to the Department within 6 months of becoming aware of the impact. This Remediation Plan must be reviewed and endorsed by suitably qualified expert in migratory shorebirds within the Pilbara region. The Remediation Plan must be approved by the Minister and implemented once the plan is approved. v. If a report prepared under 22(c)(iii) above advises that remediation is not possible, the approval holder must submit to the Department, within 6 months of becoming aware of the impact, an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing, within 8 months of the approval holder becoming aware of the impact, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	
23.	Compliant (23(c) and (f) not applicable)	<p>To minimise impacts to migratory shorebirds and marine fauna due to the loss of Benthic Communities and Habitat as a result of dredging operations, poor water quality, changes in groundwater, and surface water from to the installation of surface water diversions, the approval holder must:</p> <ol style="list-style-type: none"> a. Comply with condition 6 of the WA Approval. b. Submit a Benthic Communities and Habitat Monitoring and Management Plan (BCHMMP) to meet the outcomes of condition 6-1 and the objectives in 6-2 of the WA Approval to the Minister for approval. c. Not commence operations until the BCHMMP has been approved by the Minister in writing. d. The BCHMMP must be consistent with the Department's Environmental Management Plan Guidelines. e. The BCHMMP must be consistent with the Environmental Management Plan Guidelines and include: <ol style="list-style-type: none"> i. The details specified in condition 6-4 of the WA Approval. ii. Trigger criteria and threshold criteria for each intertidal and subtidal habitat type. iii. Management actions that will be implemented, if any trigger criterion is reached and/or any threshold criterion exceeded. iv. A monitoring program that specifies how monitoring will be undertaken routinely, during and following events such as a toxicant spill, instances of death, disease and/or lesions being detected in protected species, and following disturbance events such as cyclones, heatwaves, and as directed by an exceedance of Environmental Quality Guidelines outlined in the Marine Environmental Quality Monitoring and Management Plan. v. Details of how the predicted coastal inundation or sea level rise will be monitored (as outlined in Mardie Mardie Salt Project Coastal Inundation Studies Rev3 29 November 2019). vi. Details for how coastal inundation and/or sea level rise will be addressed. vii. Details of how the implementation of the plan will inform the implementation of monitoring of surface water flows and the intertidal rock causeway required by these conditions and the other plans: <ol style="list-style-type: none"> 1. Mardie Dredge Management Plan 2. Marine Environmental Quality Monitoring and Management Plan 3. Long-term migratory shorebird monitoring program 4. Groundwater Monitoring and Management Plan (GMMP) viii. describe how the combination of on-ground, underwater and remote monitoring will be undertaken every 5 years or after a trigger event. described in condition 23(e)(ii). f. Notify the Department in the event that any threshold criterion specified in the approved BCHMMP is at any time exceeded, within the same information and timeframes as specified in condition 6-8 of the WA Approval, undertake the actions specified in condition 6-8 of the WA Approval and include the following: <ol style="list-style-type: none"> i. within 6 months of any such exceedance have the BCHMMP reviewed by a suitably qualified intertidal and subtidal benthic ecologist to advise if the BCHMMP needs to be revised to prevent any possibility of the exceedance reoccurring and submit the report of the suitably qualified intertidal and subtidal benthic ecologist to the Department. If the review of the BCHMMP by a suitably qualified intertidal and subtidal benthic ecologist recommends that the BCHMMP be revised, the approval holder must submit the revised BCHMMP to the Department for the approval of the Minister within 8 months of any such exceedance. ii. within 6 months of any such exceedance develop a Remediation Plan that will need to be reviewed by suitably qualified intertidal and subtidal benthic ecologist to be submitted to the Department for the Minister's approval for any impact(s) to protected matters arising from the exceedance as detailed in the report required under condition 23(f). iii. If a Remediation Plan is submitted in accordance with condition 23(f) and that Remediation Plan has not been approved by the Minister in writing within 9 months of the exceedance event, and the Minister notifies the approval holder that the Remediation Plan is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Remediation Plan revised by the Department. The approval holder must implement the approved Remediation Plan. iv. If the Minister determines that it is not possible to remediate the impact of the exceedance, then the approval holder must, within 10 months of the exceedance of the threshold criterion, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 11 months of the exceedance event, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. 	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
		<p>g. The BCHMMP must be reviewed and adapted according to best practices and data gathered from the plan to be submitted to the Minister for approval every five (5) years in alignment with condition 6-9 (3) of the WA Approval. The data outcomes of the monitoring program will need to be provided with this amended plan every five (5) years. The approval holder may update the plan at any time and the updated plan must be approved by the Minister.</p> <p>h. Implement the approved BCHMMP for the life of the project.</p>	
24.	Compliant (24(b) – (d) not applicable)	<p>The approval holder must comply with condition 9 of the WA Approval to minimise impacts due to artificial illumination and light spill on migratory shorebirds and marine fauna.</p> <p>a. The approval holder must develop the Illumination Plan according to condition 9-1 of the WA Approval. The Illumination Plan must also include methods of monitoring the light impacts from the action on marine turtles and migratory shorebirds.</p> <p>b. The plan must be submitted and approved by the Minister prior to the commencement of the operation. The Illumination Plan must be implemented once the Illumination Plan is approved.</p> <p>c. The approval holder may review and submit a revised Illumination Plan to the Department for the Minister's approval at any time, but the Illumination Plan must be reviewed every 5 years starting after the commencement of the action. The review must consider the monitoring data collected through the Marine Turtle Monitoring Program (condition 19(c)), the Migratory Shorebird Monitoring and Management Plan (condition 22) to adapt the operational lighting to further minimise impacts.</p> <p>d. The approval holder shall continue to implement the Illumination Plan, or any subsequent revisions, as approved by the Minister for the life of the project.</p>	
25.	Partially compliant (25(d) and (e) not applicable)	<p>To minimise impacts on EPBC Act listed <i>Minuria tridens</i>, the proponent must:</p> <p>a. Comply with conditions 5-1(2) to 5-3 of WA Approval. Reporting in condition 5-3(2) of the WA Approval must also be provided to the Department for review and the Minister's approval.</p> <p>b. If any <i>Minuria tridens</i> individuals</p> <p>c. or populations are found within the development envelope during the pre-clearance surveys required in condition 5-2 of the WA Approval, the proponent must do the following:</p> <ol style="list-style-type: none"> avoid the individual or population, if practicable. If avoidance is not practicable then liaise with the Department to seek the possibility of translocating the individual(s) or populations(s). If avoidance and translocation is not possible, then the approval holder must, prior to impact on the <i>Minuria tridens</i> individual or population, submit an Offset Strategy specifying how the impact will be offset in accordance with the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 9 months of the impact, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. <p>d. Comply with condition 12-1 of the WA Approval to monitor and manage weed infestation, feral rabbits, and indirect impacts of changes to groundwater and surface hydrology to the <i>Minuria tridens</i> individuals and populations identified in Phoenix – Detailed Flora and vegetation survey for the Mardie project (June 2020) and any <i>Minuria tridens</i> found during the pre-clearance surveys. This monitoring must be undertaken yearly for the life of the project or until suitable evidence is presented to the Minister who confirms in writing that ongoing monitoring is no longer required.</p> <p>e. If any changes are recorded to <i>Minuria tridens</i> individuals and/or populations during this monitoring, the approval holder must contact the Minister within 6 months of known changes with a report that details further mitigation measures and management actions that will be implemented to mitigate the possible impacts to the <i>Minuria tridens</i> individuals and populations.</p> <p>f. If the report identifies that mitigation and management actions are not possible, then condition 25(b)(iii) must be followed.</p>	<p>Description of event: Condition 25(a) Administrative non-compliance only, with no environmental impact. Condition 5-3 of MS1175 required that no clearing take place prior to receipt of written confirmation from DWER that the pre-clearance survey had been accepted as being in accordance with the EPA technical guidance. Clearing activity commenced shortly prior to this confirmation being received.</p> <p>Corrective actions taken: Condition 25(a) No corrective action required. Administrative event only and no environmental impact.</p> <p>Date actions were/will be taken commenced/date of completion: As above.</p> <p>Measures taken/to be taken to avoid recurrence:</p> <ol style="list-style-type: none"> Mardie has undertaken an update to its Ground Disturbance Procedure to better aid understanding of the requirements. Mardie implements a Licence to Operate (LTO) process which incorporates required environmental and social obligations into a package of information to which staff and contractors are required to comply. Mardie is undergoing a comprehensive review of processes, roles and accountabilities for ensuring compliance with environmental conditions. <p>Notification Details: Notified to DCCEE within the required time period</p>
26.	Compliant	To compensate for the residual significant impacts of clearing Pilbara Leaf-nosed Bat supporting habitat, Pilbara Olive Python critical habitat and Northern Quoll supporting habitat, the approval holder must contribute funds to the Pilbara Environmental Offsets Fund (PEOF).	
27.	Compliant (27(b), (e)-(i) not applicable)	<p>In making the contribution to the Pilbara Environmental Offsets Fund, the approval holder must</p> <p>a. Comply with condition 13-6 of the WA Approval.</p> <p>b. contribute funds towards an offset or offset activity that:</p> <ol style="list-style-type: none"> reduces the rate of decline of the Pilbara Leaf-nosed Bat, Pilbara Olive Python, and Northern Quoll; ensures that viable populations of Pilbara Leaf-nosed Bat, Pilbara Olive Python, and Northern Quoll remain in the Pilbara bioregion; has specified outcomes and performance indicators; timeframes and milestones for their achievement; includes sufficient monitoring to detect achievement of performance indicators, milestones and the outcomes; and requires regular reporting to the approval holder of the outcomes of the monitoring. <p>c. not commence the action until the Mardie Project Impact Reconciliation Procedure has been submitted to the Minister for approval. If the Impact Reconciliation Procedure has not been approved by the Minister and in writing, within 6 months of submitting the Impact Reconciliation Procedure to the Minister, the Minister may, at least two months after so notifying the approval holder, approve a version of the Impact Reconciliation Procedure revised by the Department. The approval holder must implement the approved Impact Reconciliation Procedure for the remainder of the life of the project.</p> <p>d. the approval holder must provide an upfront payment of 10 per cent of the total contribution to the Pilbara Environmental Offsets Fund as detailed by the approved Impact Reconciliation Procedure, within one month of the Minister approving the IRP, which will contribute towards achieving the outcomes set out in condition 27(b).</p> <p>e. Make a payment once every two years, based on evidence of the actual clearing footprint starting from the date of commencement of the action and then for each subsequent 24-month period, to the Pilbara Environmental Offsets Fund that is equivalent to or greater than the value of the following amounts on the date of this approval, by adjustment in accordance with the CPI from the date of this approval decision until the date on which any payment is made, of:</p> <ol style="list-style-type: none"> A minimum of \$3,306 AUD (excluding GST) per hectare of cleared Pilbara Olive Python critical habitat, up to an allowable clearing limit of 6 hectares, and A minimum of \$1,653 AUD (excluding GST) per hectare of cleared Northern Quoll supporting habitat, up to an allowable clearing limit of 64.5 hectares and of good to excellent quality Pilbara Leaf-nosed Bat supporting habitat, up to an allowable clearing limit of 1,224 hectares. <p>f. Submit to the Department evidence of each payment made under conditions 27(c) and 27(d) within 10 business days of the date of the payment.</p>	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
		<ul style="list-style-type: none"> g. Include in each annual compliance report to the Department details of progress towards, or achievement of, the outcomes specified under condition 27(b) for the Pilbara Leaf-nosed Bat, Pilbara Olive Python, and Northern Quoll. h. Write to the Minister, within 10 business days of being aware or having concerns, that the offset outcomes specified for the Pilbara Environmental Offsets Fund project(s) may not be achieved. i. On completion of clearing, submit to the Department a final Impact Reconciliation Report. The Minister may agree to adjust the final year's payment and notify the approval holder in writing of the adjusted final payment amount based on evidence of the actual clearing footprint provided in the Impact Reconciliation Report. 	
28.	Not applicable	<p>Should the Minister determine that the Pilbara Environmental Offsets Fund is likely to fail, the Minister may write to the approval holder asking it to provide evidence that failure has not occurred or is unlikely to occur and nominating a deadline by which this must be provided.</p> <ul style="list-style-type: none"> a. If, after considering any information provided by the approval holder by the deadline nominated by the Minister under condition 27(g), the Minister determines that the Pilbara Environmental Offsets Fund has failed for one or all species in condition 26, the approval holder must submit for the Minister's approval, within 4 months of being notified by the Minister, an Offset Strategy consistent with the principles of the Environmental Offsets Policy. If the Offset Strategy has not been approved by the Minister in writing within 6 months of the notification by the Minister, and the Minister notifies the approval holder that the Offset Strategy is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Offset Strategy revised by the Department. The approval holder must commence implementation of the approved Offset Strategy within 2 months of the approval of the Offset Strategy by the Minister in writing, or another time as agreed in writing by the Minister. The approval holder must implement the approved Offset Strategy for the remainder of the life of the project. b. The Offset Strategy to be provided for the Minister's approval, if required by condition 28(a), must provide a framework for how the residual significant impacts to the Pilbara Leaf-nosed Bat, Pilbara Olive Python and Northern Quoll specified in condition 26 will be offset and must detail: <ul style="list-style-type: none"> i. how the strategy will achieve the outcomes required under condition 27(b); ii. how it accounts for relevant approved conservation advices, recovery plans and threat abatement plans; iii. the party to be responsible for implementing the proposed offset(s); iv. the location and nature of the proposed offset(s); v. detailed objectives, outcomes, and timeframes for their achievement; vi. budget; vii. performance and completion criteria for evaluating conservation or research outcomes; viii. project monitoring (with indicators and measures) capable of detecting progress towards and achievement of the required outcomes, ix. reporting of specified outputs/offset activities, progress towards and achievement of the required outcomes, and evaluation of appropriateness of measures implemented; x. a description of the potential risks to the successful implementation of each proposed offset (including but not limited to environmental, administrative, financial, and governance risks); xi. a description of the measures that will be implemented to mitigate risk associated with each proposed offset and a description of the contingency actions that will be implemented if performance or completion criteria are not met; xii. processes to adaptively manage the proposed offset; xiii. how the proposed offset is consistent with the Environmental Offsets Policy; and xiv. how the approval holder will ensure that the measures to be implemented as part of the Offsets Strategy have no detrimental impact on any threatened species listed under the EPBC Act. 	
29.	Compliant (29(d) – (f) not applicable)	<p>To compensate for the residual significant impacts of clearing and directly impacting of up to 880 hectares of algal mat, 296 hectares of coastal samphire that supports migratory shorebirds habitats, 17 hectares of mangrove that supports migratory shorebirds and Green Sawfish and 79 hectares of subtidal Short-nosed Sea Snake habitat, the approval holder must commission research projects to inform the strategic protection, better management and long term ecological functionality of migratory shorebirds, Green Sawfish and Short-nosed Sea Snake habitat (the Marine Research Objectives). The approval holder must:</p> <ul style="list-style-type: none"> a. Comply with the research objectives in condition 14-1 of the WA Approval for the contribution funding of, and responsibility for, achieving the outcomes for three separate research projects for the intertidal algal mat, coastal samphire, and mangrove habitats as outlined in Schedule 2 of the WA Approval. b. Contribute, in addition to condition 29(a), the equivalent (by yearly adjustment by CPI) of \$300,000, to research and/or management program that guides conservation efforts to maintain ecological functionality of nearshore subtidal habitats of the Pilbara region that support Short-nosed Sea Snake, which are increasingly at threat from development and climate change impacts. c. within six (6) months of the commencement of the action, submit a detailed Research Project Proposal for the intertidal (condition 29(a)) and subtidal (condition 29(b)) research requirements that will meet the Marine Research Objectives, to the Department for approval by the Minister. The Research Project Proposal must include: <ul style="list-style-type: none"> i. The information required under condition 14-1 of the WA Approval; ii. Details of how the proposed research projects will achieve the Marine Research Objectives; iii. Details (including relevant capacity and expertise) of the party/ies proposed to undertake the research projects, and the proposed project governance, and roles and responsibilities of the approval holder and any other party, iv. A risk assessment of the third party/ies not being able to achieve the Marine Research Objectives; v. Details of the research methodologies, proposed project timelines, progress and completion criteria, schedule of progress monitoring and reporting to the Department, for each proposed research project; vi. Details of the funding arrangements and schedule of payments including an initial 10% contribution of the overall funding to be made within two (2) months of the Research Project Proposal being approved by the Minister; vii. Details of how the Research Project Proposal takes into consideration relevant conservation advices, recovery plans and threat abatement plans for the relevant species; viii. Details of how the Research Project Proposal is consistent with the criteria for research programs specified in Appendix A of the Environmental Offsets Policy; viii. Details of how the research projects will take into consideration and utilise the following monitoring and management plans: <ol style="list-style-type: none"> 1. Mardie Dredge Management Plan 2. Marine Environmental Quality Monitoring and Management Plan 3. Long-term migratory shorebird monitoring program 4. Groundwater Monitoring and Management Plan (GMMP). 5. Benthic Community Habitat Monitoring and Management Plan (BCHMMP). 6. Marine Turtle Monitoring Program. 7. Illumination Plan. ix. Details of permissions and permits that will need to be obtained (or have already been obtained) to conduct the research projects; x. Assurances that the research will be conducted to a standard that would allow the findings to be published in a peer-reviewed scientific journal or report and provide sound recommendations and information for management and conservation for migratory shorebirds, Green Sawfish and Short-nosed Sea Snake and their habitats; xi. Commitments that, within 6 months of completion of any research project, all reports, publications and supporting data will be provided to the Department, Birdlife Australia Shorebird Program, DBCA, and Department of Water and Environmental Regulation (DWER) and published, or the existence and locations of the reports and publications detailed, on the website for the remainder of the life of the project; and xii. Details of a communication and engagement program to promote the achievement of the research outcomes. 	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
		<p>d. The approval holder must provide the Department a report within 6 months of the finalisation of the research outcomes as per the schedule provided in condition 29(c)(v), which includes the published outcomes and reports as outlined in condition 29(c)(xi) as attachments. This report must demonstrate that the research undertaken through the Research Project Proposal has met the Marine Research Objectives and provide recommendations, based on the outcomes, that include, but not limited to, better management practices that meet the Marine Research Objectives and environmental impact assessments.</p> <p>e. The approval holder must provide the Department a report within 6 months of the finalisation of the research outcomes, how the outcomes from the research undertaken through the Research Project Proposal will be used to adapt and revise any of the above listed monitoring and/or management plans listed in condition 29(c)(ix).</p> <p>f. The approval holder must notify the Minister in writing within 2 months of determining that any of the research projects is likely to fail or has failed, providing evidence that failure has occurred or is likely to occur and committing to propose an alternative research project to be included in a revised Research Project Proposal, which must be submitted to the Department within twelve (12) months of making the notification for the approval of the Minister. If the revised Research Project Proposal has not been approved by the Minister within 15 months of making the notification, and the Minister notifies the approval holder that the revised Research Project Proposal is not suitable for approval, the Minister may, at least two months after so notifying the approval holder, approve a version of the Research Project Proposal revised by the Department.</p>	
30.	Not applicable	The approval holder must not commence operations unless the Research Project Proposal has been approved in writing by the Minister. The approval holder must implement the approved Research Project Proposal.	
31.	Compliant	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	
32.	Not applicable	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	
33.	Compliant	The approval holder must maintain accurate and complete compliance records.	
34.	Not applicable	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	
35.	Compliant (35(c) and (d) not applicable)	<p>The approval holder must:</p> <p>a. submit plans electronically to the Department.</p> <p>b. unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date:</p> <ol style="list-style-type: none"> of this approval, if the version of the plan to be implemented is specified in these conditions; Of the date the plan was approved by the responsible party specified in these conditions, or in the WA approval, if the approver is not the Minister; that the plan was approved by the Minister in writing, if the plan requires the approval of the Minister; or or of the date a revised action management plan is submitted to the Minister or the Department; <p>c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public.</p> <p>d. keep plans published on the website until the end date of this approval.</p>	
36.	Compliant	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the in accordance with the requirements of the relevant plan.	
37.	Compliant	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the relevant 12 month period.</p> <p>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication.</p> <p>c. keep all compliance reports publicly available on the website until this approval expires.</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on the website.</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p>	
38.	Compliant	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. any condition which is or may be in breach.</p> <p>b. a short description of the incident and/or non-compliance.</p> <p>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>	
39.	Compliant	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future.</p> <p>b. the potential impacts of the incident or non-compliance.</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>	
40.	Compliant	The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12-month period from commencement of the action and for every subsequent 12-month period, or as otherwise requested in writing by the Minister.	
41.	Not applicable	<p>For each independent audit, the approval holder must:</p> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department.</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department.</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	
42.	Not applicable	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	
43.	Not applicable	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	

Condition number	Compliance Status	Condition	Evidence/Comments (where relevant)
44.	Not applicable	The approval holder may choose to revise an action management plan approved by the Minister under the conditions above, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.	
45.	Not applicable	If the approval holder makes the choice under condition 44 to revise an action management plan without submitting it for approval, the approval holder must: <ul style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b. subject to condition 47, implement the RAMP from the RAMP implementation date. 	
46.	Not applicable	The approval holder may revoke their choice to implement a RAMP under condition 44 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 44, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 44.	
47.	Not applicable	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then: <ul style="list-style-type: none"> a. condition 44 does not apply, or ceases to apply, in relation to the RAMP. b. the approval holder must implement the action management plan specified by the Minister in the notice. 	
48.	Not applicable	At the time of giving the notice under condition 46, the Minister may also notify that for a specified period of time, condition 44 does not apply for one or more specified action management plans.	
49.	Not applicable	Within 20 business days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	

Table 3: Status of Management Plans and Compliance

Management Plan/Procedures/Monitoring Programs	Approvals Status		Revised since Ministers approval	Related Conditions EBPC	Implementation Status	Compliance	Notes/Comments
	EPA	DCCEEW					
Groundwater Management Plan (GMMP)	Submitted, Not approved	Submitted, Not approved	NA	4, 10, 22 (b)(iii)(1), 23 (e)(vii), 29 (c)(ix)	Not implemented	NA	Required to be implemented once approved (not approved).
Mesquite Management Plan (MMP)	Not required	In preparation	NA	13	Not implemented	NA	Required prior to the commencement of operations (not commenced). MMP scheduled to be submitted to the Pilbara Mesquite Management Committee for approval in June 2023.
Construction Environmental Management Plan (CEMP)	Not required	Approved	Yes	15 (a)	Implemented	Yes	BCI has implemented the CEMP.
Underwater Noise Management Procedure (UNMP)	Approved	Approved	Yes	17 (b)	Not implemented	NA	UNMP to be implemented once marine construction activities commence (not commenced).
Dredge Management Plan (DMP)	Approved	Approved	NA	17 (a), 18 (f) – (i), 23 (e), 29 (c) (ix),	Not implemented	NA	Implementation of the DMP only required during dredging operations (dredging operations have not commenced).
Marine Turtle Monitoring program (MTMP)	Not required	Not required	NA	19 (c) – 19 (e)	Not implemented	NA	Only required prior to the commencement of marine construction (not commenced).
Marine Environmental Quality monitoring and Management (MEQMMP)	Approved	Approved	NA	18 (g), 20 (k) – (n), 22 (b)(iii), 23 (e) (vii), 29 (c) (ix), (20d)	Not implemented	NA	Implementation of the MEQMMP is only required to minimise impacts during operations (not commenced).
Marine Pest Prevention Plan (MPPP)	Approved September 2022	Submitted February 2023	No	21 (a) – 21 (b)	Implemented	Yes	Implementation required under Condition 7-11 of Ministerial Statement 1175 prior to construction.
Long Term Migratory Shorebird Monitoring Program (LTMSMP)	Approved Feb 2022	Not required	Yes	22 (a) – 22 (d)(v)	Implemented	Yes	A revised version of the Long-term Migratory Shorebird Monitoring and Management Plan was submitted on 2 December 2022 as part of the OMP assessment and is awaiting approval.
Benthic Communities and Habitat Monitoring and Management Plan (BCHMMP)	Submitted, Not approved	Submitted, Not approved	NA	22 (b)(iii), 23	Not implemented	NA	Submitted but not yet approved. Required to be implemented prior to the commencement of operations (not yet commenced).
Illumination Design and Management Plan	Approved	NA	NA	24 (a) – 24 (d) Also referred to in 22 (b)(iii)	Not implemented	NA	Plan must be submitted prior to the commencement of operations (not yet commenced).