

BHP Nickel West Mt Keith Satellite Project

COMPLIANCE ASSESSMENT REPORT

ASSESSMENT No. 2122

MINISTERIAL STATEMENT No. 1087

28 March 2023



Endorsement

I have reviewed this Compliance Assessment Report prepared to meet the requirements of Condition 4-6 of the Statement 1087 approval for the Mt Keith Satellite Project and accept that the information provided is an accurate account of the activities undertaken during the reporting period.

Mike Moscarda

Mike Moscarda (Mar 30, 2023 07:27 GMT+8)

Mike Moscarda

General Manager, Northern Operations

BHP Nickel West Pty Ltd

30-Mar-2023

Executive Summary

BHP Nickel West Pty Ltd (BHP Nickel West) was granted environmental approval of the Mt Keith Satellite Project (the 'Project') in December 2018 by the Western Australian Minister for Environment in accordance with Section 45(5) of the *Environmental Protection Act 1986* (WA).

Works on the Project commenced in February 2019, which to date have included the clearing and establishment of the initial operating areas (Haul Road, Mine Pits, Waste Rock Landform and Mine Ore Pad) and the commencement of productive mining of ore from both the Six Mile Well Mine Pit and the Goliath Mine Pit. Implementation of the Project is currently expected to continue until approximately 2030+.

Condition 4-6 of the Statement 1087 approval requires BHP Nickel West to submit an annual Compliance Assessment Report which outlines the status of implementation of the Project and compliance with the approval conditions. This Report outlines the implementation status and compliance for the Project covering the period of 28 December 2021 to 31 December 2022. BHP Nickel West was in compliance with all conditions of the Statement 1087 approval during the reporting period.

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1. Introduction

The Mt Keith Satellite Project (the 'Project') is for a satellite mining operation as an extension to the existing Mt Keith Nickel Mine¹. The Project comprises two Mine Pits, a Waste Rock Landform, Support Infrastructure and a Haul Road, requiring the clearing of up to 1,069 hectares (ha) of native vegetation within a Development Envelope of 1,265 ha, as identified by Figure 1 Project Area.

BHP Billiton Nickel West Pty Ltd (BHP Nickel West) referred the Project to the Environmental Protection Authority (EPA) in May 2017 in accordance with Section 38 of the Environmental Protection Act 1986 (WA) (BHP Nickel West 2017). The EPA (2017) determined the Project required an environmental assessment, with the key assessment factors including 'Flora and Vegetation', 'Inland Waters', 'Social Surroundings' (Aboriginal Heritage) and 'Air Quality'. An 'Environmental Review' document (Environmental Impact Assessment) assessing the potential environmental effects of the Project was additionally prepared to assist the EPA assessment (BHP Nickel West 2018a).

The EPA (2018) assessment concluded the Project could be implemented subject to recommended conditions to ensure the potential environmental effects of the Project were appropriately managed. Following the advice of the EPA (2018), the Project was subsequently approved by the WA Minister for Environment (2018) through the Statement 1087 approval granted in accordance with Section 45(5) of the Environmental Protection Act 1986 (WA).

Implementation of the Project commenced in February 2019, which to date has included the clearing and establishment of the initial operating areas (Haul Road, Mine Pits, Waste Rock Landform and Mine Ore Pad) and the continuation of productive ore mining from both the Six Mile Well Mine Pit and the Goliath Mine Pit.

Implementation of the Project is expected to occur over a period of 10+ years, with the cessation of mining (and the commencement of mine closure) estimated to occur from approximately 2030+.

2. Purpose and Scope

Condition 4-6 of the Statement 1087 approvals requires the submission of an annual Compliance Assessment Report (CAR) document, which outlines the status of implementation of the Project and compliance with the approval conditions.

This CAR outlines the implementation and compliance status of the Project for the period of 28 December 2021 to 31 December 2022, and aligns with the requirements of the approved Compliance Assessment Plan (BHP Nickel West 2020a) under Condition 4-1 of the Statement 1087 approval.

This CAR document is the fourth CAR document to be submitted for the Project under the Statement 1087 approval, following from the CAR documents submitted in 2020 and 2021 (BHP Nickel West 2020b and BHP Nickel West 2021c).

3. Project Status

BHP Nickel West commenced implementation of the Project in February 2019. To date, implementation of the Project has included:

- Clearing and establishment of the initial operating areas (Haul Road, Mine Pits, Waste Rock Landform and Run of Mine Pad); and

¹ The Mt Keith Nickel Mine commenced operations in 1993. The existing components of the Mt Keith Nickel Mine do not form part of the approved Project, and accordingly, are not addressed within this CAR document.

- Continuation of productive mining of ore from both the Six Mile Well Mine Pit and commencement of mining from the Goliath Mine Pit.
- Ore supplied from the Project is now the primary product processed at the Mt Keith Nickel Mine.

Implementation of the Project is expected to occur over a period of 10+ years, with the cessation of mining (and the commencement of mine closure) estimated to occur from approximately 2030+.

4. Statement of Compliance

A completed Audit Table (consistent with the approved Compliance Assessment Plan (BHP Nickel West 2020a)) is provided below to outline compliance with the conditions of the Statement 1087 approval. The Audit Table verifies that BHP Nickel West was in compliance with all conditions of the Statement 1087 approval during the reporting period. Refer to Table 1 Mt Keith Satellite Operations Audit Table.

A completed and signed Statement of Compliance form (prepared using the DWER (2018) form 'PAF2 - Statement of Compliance - 2018') is provided at Appendix 1.

4.1 Audit Table

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (several phases).
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement for full detail/precise wording of individual elements.
- Code prefixes: M = Implementation condition; P = Proponent's commitment; N = Procedure.
- Compliance status: C = Compliant, CLD = Completed, NC = Non-compliant, NR = Not required at this stage. Please note terms NA = Not Audited and VR = Verification Required are only for EPA use. IP = In Process may only be used by the proponent in circumstances outlined in Section 2.8 of the *Post Assessment Guideline for Preparing an Audit Table*.

Table 1: Mt Keith Satellite Operation Audit Table.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1087:M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.	Implement the Project in accordance with criteria outlined in Schedule 1.	Compliance Assessment Reports.	Overall	For the life of the Proposal.	Compliant	<p>Table 2 of Schedule 1 of the Statement 1087 approval, as amended by Attachment 1 to the Statement 1087 approval under s45C in September 2020, authorises the clearing of up to 1,069 hectares (ha) of native vegetation within a 1,265 ha Development Envelope. As of 31 December 2022, a total of 906.12ha of native vegetation has been cleared to date within the Development Envelope; being within the total 1,069 ha authorised limit.</p> <p>Table 2 of Schedule 1 of the Statement 1087 approval authorises mine pit dewatering of up to 0.4 gigalitres (GL) per year (y) using bores and pit sump (via bores MKS1, MKS2, MKS3). A total of 0.06 GL (57,159 kilolitres (kl)) of groundwater was dewatered between 1st January 2022 and 31 December 2022; being within the 0.4 GL/y authorised limit for pit dewatering. Groundwater abstractions records to verify the mine pit dewatering volumes from each bore/sump is provided in Appendix 2.</p>
1087:M2.1	Contact Details	The proponent shall 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.	Notify the CEO of any change in proponent details.	Written notification to the CEO of any change in proponent details.	Overall	Within 28 days of such change.	Not required	No change to the Proponent name, physical address or postal address has occurred during the reporting period, and accordingly, no notification to the DWER CEO has been required.
1087:M3.1	Time Limit for Proposal Implementation	The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.	Notify the CEO advising proposal has not commenced implementation.	Written notification to the CEO.	Overall	After 28 December 2023.	Completed	Implementation of the Project commenced in February 2019 with the construction and operation of the Project. Implementation of the Project is considered to be 'substantial'. Compliance with Condition 3-1 is now completed.
1087:M3.2	Time Limit for Proposal Implementation	Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.	N/A.	Compliance Assessment Reports.	Overall	Within 5 years from the date of Statement 1087, being on or before 28 December 2023.	Completed	Implementation of the Project commenced in February 2019 with the construction and operation of the Project. Implementation of the Project is considered to be 'substantial'. Written evidence demonstrating compliance was confirmed in the DWER Compliance Audit Report in May 2020. Compliance with Condition 3-2 is now completed.
1087:M4.1	Compliance Reporting	The proponent shall prepare, and maintain 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 4-6, or prior to implementation of the proposal, whichever is sooner.	Submit Compliance Assessment Plan to the CEO.	Compliance Assessment Plan (this document).	Pre-construction	At least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.	Compliant	<p>A Compliance Assessment Plan (CAP) document (BHP Nickel West 2019a) was initially submitted to the DWER CEO in September 2019, with the DWER CEO granting initial approval of the CAP document in October 2019.</p> <p>The current version of the CAP document (Revision 2, BHP Nickel West 2020a) was approved by the DWER CEO in October 2020 (DWER 2020b).</p> <p>BHP Nickel West will continue to review and maintain the CAP document, as required from time to time, to ensure ongoing compliance with Condition 4-1.</p>
1087:M4.2	Compliance Reporting	The Compliance Assessment Plan shall indicate:	Submit Compliance Assessment Plan to the CEO.	Compliance Assessment Plan (this document).	Pre-construction	At least six (6) months prior to the	Compliant	A Compliance Assessment Plan (CAP) document

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		(1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.				first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.		<p>(BHP Nickel West 2019a) was initially submitted to the DWER CEO in September 2019, with the DWER CEO granting initial approval of the CAP document in October 2019.</p> <p>The current version of the CAP document (Revision 2, BHP Nickel West 2020a) was approved by the DWER CEO in October 2020 (DWER 2020b).</p> <p>In accordance with Condition 4-2, the approved CAP document identifies:</p> <ul style="list-style-type: none"> • frequency of compliance reporting; • approach and timing of compliance assessments; • retention of compliance assessments; • method of reporting of potential non-compliances and corrective actions taken; and • table of contents of Compliance Assessment Reports; and public availability of Compliance Assessment Reports. <p>BHP Nickel West remains in compliance with the requirements of Condition 4-2.</p>
1087:M4.3	Compliance Reporting	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.	Implementation of Compliance Assessment Plan.	Notice in writing from the CEO and Compliance Assessment Reports.	Overall	Ongoing as per requirements of CAP.	Compliant	This Compliance Assessment Report (CAR) document submitted to DWER in 2021 provides an assessment of compliance with the conditions of the Statement 1087 approval consistent with the approved CAP document. Annual submission of this CAR document ensures that BHP Nickel West remains in compliance with the requirements of Condition 4-2.
1087:M4.4	Compliance Reporting	The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.	Retain records in accordance with Compliance Assessment Plan.	Written response to request by CEO.	Overall	When requested by CEO.	Compliant	<p>Submitted CAR documents will be retained by BHP Nickel West for the duration of the Project in accordance with standard document control practices, as outlined within the approved CAP document.</p> <p>No requests were received from the DWER CEO during the reporting period to make additional copies of the submitted CAR documents available.</p>
1087:M4.5	Compliance Reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.	Notification of the CEO via an email to compliance@dwer.wa.gov.au which will include any corrective actions taken to address the potential non-compliance.	Written correspondence to CEO.	Overall	Within 7 days of the potential non-compliance being known.	Compliant	No potential non-compliance items were identified, or required reporting to DWER, during the reporting period. BHP Nickel West has not been required to provide advice to the DWER CEO of any potential non-compliance during the reporting period.
1087:M4.6.1	Compliance Reporting	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.	Submit Compliance Assessment to the CEO.	Compliance Assessment Reports.	Overall	The first report to be submitted by 28 March 2020 and from then on annual by 28 March each year.	Compliant	The first CAR document (BHP Nickel West 2020b) was submitted to the DWER CEO in March 2020 addressing compliance with the conditions for the first 12-month period following the granting of the Statement 1087 approval. This CAR document presents the third report addressing compliance with the conditions of the Statement 1087 approval.
1087:M4.6.2	Compliance Reporting	The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance	Compliance Assessment Report developed in accordance with the approved Compliance Assessment Plan.	Compliance Assessment Reports.	Overall	The first report to be submitted by 28 March 2020 and from then on annual by 28 March each year.	Compliant	<p>This CAR complies with reporting requirements, specifically:</p> <ol style="list-style-type: none"> 1. Endorsement by the General Manager of BHP Nickel West, as an authorised delegate of the CEO of BHP Nickel West. 2. BHP Nickel West has complied with all conditions of the Statement 1087 approval during the reporting period. Statements to this effect are included within this CAR document. 3. Nil potential non-compliances with the conditions of the Statement 1087 approval occurred during the reporting period. Accordingly, no corrective or

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		Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.						<p>preventative actions have been required to address potential non-compliances.</p> <p>4. Following approval of this CAR document by the DWER CEO, this CAR document will be made publicly available through the BHP Nickel West website as outlined by the approved CAP report Community and sustainability reports BHP</p>
1087:M5.1	Public Availability of Data	Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	To be determined in consultation with CEO.	Written advice from CEO confirming manner approved.	Overall	To be determined in consultation with the CEO.	Compliant	<p>Environmental data, management plans and reports relevant to the EPA assessment of the Project are publicly available through the EPA website [https://www.epa.wa.gov.au/proposals/mt-keith-satellite-project]. This public availability of the Project assessment information is considered to be appropriate, with further actions for the public availability of the assessment information by BHP Nickel West not considered to be considered necessary.</p> <p>Environmental data, management plans and reports relevant to the implementation of the Statement 1087 approval are publicly available through the BHP website Community and sustainability reports BHP</p> <p>To date, this publicly available information includes:</p> <ul style="list-style-type: none"> • Flora and Vegetation Environmental Management Plan (EMP) Rev 0.2 • Compliance Assessment Plan • Compliance Assessment Report 2019 • Compliance Assessment Report 2020 • Compliance Assessment Report 2021 <p>Following approval by the DWER CEO, this CAR document will additionally be made publicly available through the BHP website.</p> <p>To note, the DWER CEO has not provided written advice to BHP Nickel West on the approved manner or the timing for the public availability of information required under Condition 5-1 of the Statement 1087 approval. BHP Nickel West consider the above actions for public availability to meet the intent of Condition 5-1 and the objectives of the DWER CEO for the public availability of environmental data, management plans and reports.</p>
1087:M5.2	Public Availability of Data	If any data referred to in condition 5-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information; the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	Proponent request to CEO to not make certain data publicly available, including explanation and reason why.	Notice in writing to CEO notifying of any information not to be made publicly available.	Overall	As required from time to time.	Not required	<p>No requests were made by BHP Nickel West to the CEO DWER to not make environmental data publicly available during the reporting period.</p> <p>Consistent with standard practices, BHP Nickel West will seek to ensure public availability of all environmental data which relates to the implementation of, and compliance with, the Statement 1087 approval.</p>
1087:M6.1	Flora and Vegetation Management Plan	The proponent shall implement the proposal to meet the following environmental objective: (1) Avoid, where possible, and minimise indirect impacts as far as practicable to Priority flora, the Violet Range PEC and the Wanjarri Nature Reserve.	Implement the proposal in accordance with the Flora and Vegetation Environmental Management Plan (FVEMP).	MKS FVEMP. Compliance Assessment Reports.	Overall	The first report to be submitted by 28 March 2020 and from then on annual by 28 March each year.	Compliant	<p>BHP Nickel West has implemented the Project to avoid and minimise, where possible, indirect effects to DBCA-classified 'priority' flora taxa, the Violet Range 'priority' ecological community and the adjacent 'Class A' Wanjarri Nature Reserve. The avoidance / minimisation measures have been implemented through the Flora and Vegetation EMP (BHP Nickel West 2019b) (as described below under Condition 6-3).</p> <ul style="list-style-type: none"> •

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1087:M6.2	Flora and Vegetation Management Plan	In order to meet the requirements of condition 6-1, the proponent shall implement the Flora and Vegetation Environmental Management Plan (Version 0, September 2018).	Implement the proposal in accordance with the FVEMP.	MKS FVEMP Compliance Assessment Reports.	Overall	Throughout the life of the Project. Annual compliance assessment reporting commencing 28 March 2020.	Not Required	The Flora and Vegetation EMP dated December 2019 (Revision 0.2) was prepared in accordance with Condition 6-3 (below). Accordingly, implementation of the previous revision of the Flora and Vegetation EMP under Condition 6-2 is no longer required, with implementation of the revised/approved Flora and Vegetation EMP to be regulated in accordance with Condition 6-3 (as addressed below).
1087:M6.3	Flora and Vegetation Management Plan	The proponent shall implement the most recent version of the Flora and Vegetation Environmental Management Plan which the CEO has confirmed by notice in writing, addresses the requirements of condition 6-1, on advice of the Department of Biodiversity, Conservation and Attractions.	Implement the current and most recent version of the FVEMP.	Written notice from CEO confirming the FVEMP addresses condition 6-1, on advice from DBCA. Compliance Assessment Reports	Overall	Throughout the life of the Project. Annual compliance assessment reporting commencing 28 March 2020.	Potential Non-Compliance	<p>The current revision of the Flora and Vegetation EMP (BHP Nickel West 2019b, Revision 0.2) was approved by the DWER CEO in February 2021 (DWER 2021).</p> <p>Consistent with the approved Flora and Vegetation EMP, the environmental management actions implemented to minimise the direct and potential indirect effects of the Project to flora and vegetation values has included:</p> <ul style="list-style-type: none"> Implementation of the Environmental Heritage Impact Assessment process (internal process) prior to land disturbance (control of direct effects). Environmental monitoring within pre-defined quadrats for: <ul style="list-style-type: none"> DBCA-classified 'priority' native flora taxa (tagged individuals); vegetation communities; and introduced flora taxa (weeds) at defined monitoring sites located in close proximity to Project and distant from the Project (control sites). <p>The key environmental outcomes from the implementation of the management actions in the Flora and Vegetation EMP has notably included:</p> <ul style="list-style-type: none"> All clearing of native vegetation for the Project has occurred within the authorised Development Envelope (spatial area), and within the total authorised clearing limit (area in hectares); Maintenance of plant health condition of tagged DBCA-classified 'priority' flora taxa adjacent to the Project (compared to control sites); No measurable effect to vegetation condition in proximity to the Project (including for the Violet Range 'priority' ecological community and the adjacent 'Class A' Wanjarri Nature Reserve), with no measured exceedance of trigger criteria or threshold criteria; and No recorded new infestations of introduced flora taxa, and no exceedance of trigger criteria or threshold criteria for the extent of weed occurrence. <p>The results of the environmental monitoring which demonstrate the above key outcomes are described within the following report(s) provided in Appendix 3:</p> <ul style="list-style-type: none"> Stantec Australia Pty Ltd (2023) <i>Mt Keith Satellite 2022 Flora and Vegetation Monitoring Report</i>. Unpublished report for BHP Billiton Nickel West Pty Ltd. 2023. <p>The monitoring report indicates that in general, plant health across most of the Priority Flora taxa impact sites assessed at MKS in 2022 did not change considerably from the previous assessment, with little change in the combined percentage of reproductive and vegetative plants at each site between years. The impact sites with the most notable change in overall plant health were the <i>Hibbertia</i> sp. Sherwood Breakaways sites, which had a</p>

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
								<p>substantial decrease in plant health ratings and an increase in deaths since March 2021. Overall the <i>Hibbertia</i> sp. Sherwood Breakaways populations had the most deaths of the priority flora impact sites for a second consecutive year, and in 2022 the western impact site had four new deaths. In comparison, the general plant health of both <i>Hibbertia</i> sp. Sherwood Breakaways control sites only slightly decreased between 2021 and 2022, without any recent plant deaths. This indicates that the decline in plant health at the <i>Hibbertia</i> sp. Sherwood Breakaways east and west impact sites are beyond the variation in plant health observed at the control sites and may be due to more than just environmental factors such as climate. The remaining Priority Flora control sites either increased or remained similar to the previous assessment.</p> <p>The environmental monitoring completed during 2019 and 2020 for DBCA-classified 'priority' flora taxa occurred at a quarterly frequency (first 2 years of Project operations in spring, summer, autumn and winter). As outlined within the approved Flora and Vegetation EMP Revision 0.2 (BHP Nickel West 2019b), subsequent environmental monitoring DBCA-classified 'priority' flora taxa will be undertaken bi-annually (spring and autumn). The environmental monitoring for vegetation condition will remain unchanged, with monitoring to continue at an annual frequency (spring).</p> <p>Weed inspections of site areas and infrastructure have been conducted with targeted weed spraying to minimise the risk of introduction of introduced flora taxa (weeds), with targeted spray control for any identified infestations.</p> <ul style="list-style-type: none"> • Clearing activities occurred with the existing fleet based at MKS. All site vehicles utilise approved road networks to minimise the risk of introduction of introduced flora taxa (weeds). • Note that an increase of stock movements around the site has been observed and new fencing has been installed around the permitter boundary to prevent cattle ingress into the site. The control of cattle and weed movements are challenging for all landholders. • Review of the FVEMP is required to update the plan in accordance with site weed hygiene activities. A proposed change to a risk based approach shall be undertaken in relation to the requirement of hygiene decelerations. This change will be reflected with a new proposed baseline audit to be completed.
1087:M6.4	Flora and Vegetation Management Plan	The proponent shall continue to implement the Flora and Vegetation Environmental Management Plan (Version 0, September 2018), or any subsequent revisions as approved by the CEO in condition 6-3, until the CEO has confirmed by notice in writing that the plan meets the objective specified in condition 6-1.	Implement the current and most recent version of the FVEMP.	<p>Compliance Assessment Reports.</p> <p>Written notice from CEO confirming that the objective specified in condition 6-1 has been met.</p>	Overall	<p>Throughout the life of the Project until CEO confirms in writing that the objective specified in condition 6-1 has been met.</p> <p>Annual compliance assessment reporting commencing 28 March 2020.</p>	Compliant	The Flora and Vegetation EMP (BHP Nickel West 2019b, Revision 0.2) continues to be implemented for the Project as described above under Condition 6-3.
1087:M7.1	Aboriginal Heritage	Prior to the commencement of ground-disturbing activities, the proponent shall consult with the Tjiwarl Native Title Claim Group and ensure that the proponent has	Consult with the Tjiwarl Native Title Claim Group and comply with obligations under the <i>Aboriginal Heritage Act 1972</i> .	Compliance Assessment Report.	Pre-construction	Prior to commencement of ground-disturbing activities.	Completed	As described within the first CAR document (BHP Nickel West 2020b), consultation with the Tjiwarl Native Title Claim Group and BHP Nickel West occurred prior to the commencement of ground disturbing activities for the

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		complied with its obligations under the <i>Aboriginal Heritage Act 1972</i> .						<p>Project, with a summary of this consultation supplied to the DWER CEO to verify compliance with Condition 7- 1. The requirements of Condition 7-1 for consultation prior to the commencement of ground disturbing activities has been completed.</p> <p>To note, ongoing consultation with the Tjiwarl Native Title Claim Group and BHP Nickel West will continue to occur during operation of the Project in accordance with the cultural agreement between the parties. Further reporting under Condition 7-1 of the Statement 1087 for consultation with the Tjiwarl Native Title Claim Group during ongoing operations is not proposed (as Condition 7-1 relates only to pre-construction consultation).</p> <p>BHP Nickel West obtained Consent approval under Section 18 of the <i>Aboriginal Heritage Act 1972 (WA)</i> (AH Act) prior to the commencement of commencement of ground disturbing activities for the Project which may affect sites or objects of Aboriginal heritage value (WA Minister for Aboriginal Affairs 2019). The requirements of Condition 7-1 for compliance with obligations under the AH Act prior to the commencement of ground disturbing activities has been completed.</p> <p>To note, ongoing compliance with the AH Act will continue to occur during operation of the Project in accordance with the granted Section 18 Consent approval. BHP has confirmed to the Tjiwarl Native Title Claim Group that, consistent with its normal processes, BHP will only act on this existing section 18 approval following extensive consultation. Further reporting under Condition 7-1 of the Statement 1087 for compliance with the AH Act and the conditions of the Section 18 Consent is not proposed (as Condition 7-1 is only applicable for pre-construction), with ongoing compliance to be reported through the State Department of Planning, Lands and Heritage.</p>
1087:M8.1	Greenhouse Gas Reporting	The proponent shall publicly report the greenhouse gas emissions from the proposal on an annual basis, in a manner approved by the CEO.	To be determined in consultation with CEO.	Written notice form CEO approving manner of reporting.	Overall	<p>Throughout the life of the Project.</p> <p>Annual reporting in accordance with the National Greenhouse and Energy Reporting Scheme (NGERS).</p>	Compliant	<p>As identified in the first CAR document, BHP Nickel West reports greenhouse gas emissions through the NGERS, with the first report on greenhouse gas emissions from the Project submitted during 2020, and subsequent annual reporting thereafter.</p> <p>The NGERS provides a national framework for all large companies to report emissions data, with the NGERS website providing the repository for all emissions data across Australia.</p> <p>As acknowledged by the DWER (2020a) Compliance Audit, emissions data from the Project will continue to be publicly reported through the NGER framework as the manner approved by the DWER CEO (in lieu of reporting through an annual CAR document) to avoid duplication.</p>

5. Proposed changes to the Compliance Assessment Plan

Nickel West proposed a number of changes to the CAP document in the CAR for 2021 reporting year (BHP Nickel West 2022), which will be formally requested of the CEO under separate cover during 2023.

6. References

- BHP Billiton Nickel West Pty Ltd (2017) *Mt Keith Satellite Project*. Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the Environmental Protection Act 1986. May 2017.
- BHP Billiton Nickel West Pty Ltd (2018a) *Mt Keith Satellite Project Environmental Review*. Revision D. July 2018.
BHP Billiton Nickel West Pty Ltd (2018b) *Hydrological Processes Environmental Management Plan - Mt Keith Satellite Project*. Revision A. April 2018.
- BHP Billiton Nickel West Pty Ltd (2019a) *Nickel West Mt Keith Satellite Project - Compliance Assessment Plan*. Version 1. September 2019.
- BHP Billiton Nickel West Pty Ltd (2019b) *Flora and Vegetation Environmental Management Plan- Mt Keith Satellite Project*. Version 0.2. December 2019.
- BHP Billiton Nickel West Pty Ltd (2020a) *Nickel West Mt Keith Satellite Project - Compliance Assessment Plan*. Version 2. October 2020.
- BHP Billiton Nickel West Pty Ltd (2020b) *BHP Nickel West Mt Keith Satellite Project - Compliance Assessment Report*. March 2020.
- BHP Billiton Nickel West Pty Ltd (2020b) *BHP Nickel West Mt Keith Satellite Project - Compliance Assessment Report*. March 2021.
- BHP Billiton Nickel West Pty Ltd (2020b) *BHP Nickel West Mt Keith Satellite Project - Compliance Assessment Report*. March 2022.
- Department of Water and Environmental Regulation (2018) Post Assessment Form 2 - Statement of Compliance.
- Department of Water and Environmental Regulation (2020a) *Statement 1087 - Mt Keith Satellite Project*. Compliance audit of the Statement 1087 approval for the Mt Keith Satellite Project prepared by Da Silva K of the Department of Water and Environmental Regulation. May 2020.
- Department of Water and Environmental Regulation (2020b) *Ministerial Statement 1087 - Proposal - Compliance Assessment Plan Approval*. Letter of the Department of Water and Environmental Regulation to BHP Billiton Nickel West Pty Ltd approving a revised Compliance Assessment Plan (Revision 2) under Condition 4-1 of the Statement 1087 approval. October 2020.
- Department of Water and Environmental Regulation (2021) *Mt Keith Satellite Project- Ministerial Statement 1087 - Flora and Vegetation Management Plan - Approved*. Letter of the Department of Water and Environmental Regulation to BHP Billiton Nickel West Pty Ltd approving a revised Flora and Vegetation Environmental Management Plan (Revision 0.2) under Condition 6 of the Statement 1087 approval. February 2021.
- Environmental Protection Authority (2017) *Decisions Pursuant to s.39 (1) under the Environmental Protection Act 1986 - Mt Keith Satellite Project*. Assessment decision of the Environmental Protection Authority on the Mt Keith Satellite Project Referral. July 2017.
- Environmental Protection Authority (2018) *Mt Keith Satellite Project*. Report and recommendations of the Environmental Protection Authority to the Western Australian Minister for Environment under Section 44 of the Environmental Protection Act 1986 (WA). Report 1625. November 2018.

Stantec Australia Pty Ltd (2023) *Mt Keith Satellite 2021 Flora and Vegetation Monitoring Report*.
Unpublished report prepared for BHP Nickel West Pty Ltd. 2023.

Western Australian Minister for Aboriginal Affairs (2019) *Aboriginal Heritage Act 1972 Consent Pursuant to Section 18(3)*. Consent approval granted to BHP Billiton Nickel West Pty Ltd by the Western Australian Minister for Aboriginal Affairs for the Mt Keith Satellite Project. January 2019.

Western Australian Minister for Environment (2018) *Mt Keith Satellite Project*. Statement 1087 approval granted to BHP Billiton Nickel West Pty Ltd by the Western Australian Minister for Environment under s45(5) of the Environmental Protection Act 1986 (WA). December 2018.

7. Appendices

Statement of Compliance

1 Proposal and Proponent Details

Proposal Title	<i>Mt Keith Satellite Project</i>
Statement Number	<i>1087</i>
Proponent Name	<i>BHP Billiton Nickel West Pty Ltd</i>
Proponent's Australian Company Number (where relevant)	CAN 004 184 598

2 Statement of Compliance Details

Reporting Period	<i>1/01/2022 31/12/22</i>
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Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))							
Pre-construction		Construction	✓	Operation		Decommissioning	

Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment:	2
An audit table for the Statement addressed in this Statement of Compliance must be provided as Attachment 2 to this Statement of Compliance. The audit table must be prepared and maintained in accordance with the Department of Water and Environmental Regulation (DWER) <i>Post Assessment Guideline for Preparing an Audit Table</i> , as amended from time to time. The 'Status Column' of the audit table must accurately describe the compliance status of each implementation condition and/or procedure for the reporting period of this Statement of Compliance. The terms that may be used by the proponent in the 'Status Column' of the audit table are limited to the Compliance Status Terms listed and defined in Table 1 of Attachment 1.	

Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box)			
No (please proceed to Section 3)	✓	Yes (please proceed to Section 4)	

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance.

INITIALS: MM

3 Details of Non-compliance(s) and/or Potential Non-compliance(s)

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

Non-compliance/potential non-compliance 7-1

Which implementation condition or procedure was non-compliant or potentially non-compliant?	
Section 6.3 – Implementation of the Flora and Vegetation Environmental Management Plan	
Was the implementation condition or procedure non-compliant or potentially non-compliant?	
Procedure relating to the Flora and Vegetation Environmental Management Plan Mt Keith Satellite Project – Weed hygiene inspections for mobilisation of equipment to site.	
On what date(s) did the non-compliance or potential non-compliance occur (if applicable)?	
27 March 2023	
Was this non-compliance or potential non-compliance reported to the Chief Executive Officer, DWER?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER in writing Date _____	<input checked="" type="checkbox"/> No

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance.

INITIALS: MM

What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance?
Weed hygiene inspection certificates have not been received for equipment that has been mobilised to site during the 2022 calendar year. This particular machinery was from MKS sent to Perth for servicing painted/resprayed. During this process the equipment would have been cleaned down and returned to site. As such this presents a very low risk of the migration of weed species to site. Site inspections and targeted spraying activities have occurred onsite during that calendar year to control any potential outbreaks which have not been observed.
What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates)
N/A
What was the cause(s) of the non-compliance or potential non-compliance?
Administrative control for the receipt of weed hygiene declarations.
What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?
Review of the current Flora and Vegetation Environmental Management Plan Mt Keith Satellite Project. Baseline survey and update of weed management layers incorporated into the GIS system.
What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence?
Update of site procedures and awareness campaign to be conducted for site and review with procurement teams.
Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance)

For additional non-compliance or potential non-compliance, please duplicate this page as required.

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance.
INITIALS: MM

4. Proponent Declaration

I, Mike Moscarda General Manager Northern Operations, (full name and position title)

declare that I am authorised on behalf of BHP Nickel West Pty Ltd (being the person responsible for the proposal) to submit this form and that the information contained in this form is true and not misleading.

Signature: Mike Moscarda Date: 30-Mar-2023

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the Chief Executive Officer of the DWER has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

Submission of Statement of Compliance

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER does not approve Statements of Compliance.

Contact Information

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)

Department of Water and Environmental Regulation

Postal Address: Locked Bag 10
Joondalup DC
WA 6919

Phone: (08) 6364 7000

Email: compliance@dwere.wa.gov.au

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance.

INITIALS: MM

ATTACHMENT 1

Table 2 Compliance Status Terms

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending.	<p>The term 'In Process' may not be used for any purpose other than that stated in the Definition Column.</p> <p>The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan).</p>

Each page (including Attachment 2) must be initialled by the person who signs Section 4 of this Statement of Compliance.

INITIALS: MM

Appendix 2 MKS Water Meter Readings - Abstraction

Appendix 3 Flora and Vegetation Monitoring







MKS_MS1087_CAR 2023 Final

Final Audit Report

2023-03-29

Created:	2023-03-29
By:	Nathan Landon (nathan.landon@bhp.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXwy7YkNVgKyGQf_bljV0Im7k-LBbM0Ga

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-  Document created by Nathan Landon (nathan.landon@bhp.com)
2023-03-29 - 8:10:06 AM GMT- IP address: 163.116.202.18
-  Document emailed to Mike Moscarda (Michael.Moscarda@bhp.com) for signature
2023-03-29 - 8:13:21 AM GMT
-  Email viewed by Mike Moscarda (Michael.Moscarda@bhp.com)
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-  Mike Moscarda (Michael.Moscarda@bhp.com) has agreed to the terms of use and to do business electronically with BHP BILLITON GROUP OPERATIONS PTY L
2023-03-29 - 11:27:12 PM GMT- IP address: 163.116.202.28
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