

Rio Tinto Iron Ore

Cape Lambert Port B Development 2010 Compliance Assessment EPBC 2008/4032

RTIO-HSE-0125435

Copyright Statement

© 2011 Rio Tinto

0	Final	M Buck	L Turner	P Collie	D Joyce	October 2011
A	Internal Draft	M Buck				October 2011
Rev	Description	Author	Checked	Approved	Authorised	Date

Table of Contents

Definitions.....	i
1 Project Overview	1
2 Purpose of this Document.....	1
3 Compliance Assessment Results	2
4 Public Availability of Compliance Assessment.....	2

Tables

Table 1: EPBC 2008/4032 2010 Compliance Assessment	3
---	----------

Definitions

Term	Meaning
2010 Reporting Period	October 26 th , 2010, to December 31 st , 2010
CLB	Cape Lambert Port B
CMP	Cetacean Management Plan
Compliance Assessment	A systematic assessment undertaken by a qualified person(s) to determine the compliance of a company in relation to a particular audit protocol.
Compliant	The Proponent has adhered to the requirements of the particular condition issued in EPBC 2008/4032
DSDMP	Dredging and Spoil and Disposal Management Plan
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities
MTMP	Marine Turtle Management Plan
PER	Public Environmental Review and draft Public Environment Report
N/A	Not Applicable
	At the time of the compliance assessment a condition issued in EPBC 2008/4032 was not yet applicable or had not yet been triggered.
Non-compliant	The Proponent considers during their audit process that they have not met an applicable condition and/or has received clarification from the OEPA that a potential non-compliance has not met a particular condition issued in EPBC 2008/4032
In Process	The Proponent has partially met the requirements of a condition; however there are ongoing requirements that are still pending approval or clarification.
Potentially Non-compliant	The Proponent is potentially non-compliant, however further clarification needs to be sought from the Proponent before the level of compliance is definitively determined.

1 Project Overview

Pilbara Iron Pty Limited (Pilbara Iron), a wholly owned subsidiary of Rio Tinto Iron Ore (RTIO), is constructing a second port facility (Port B) at Cape Lambert, located approximately 5 km west of Point Samson on the Pilbara coast, Western Australia. The Cape Lambert Port B (CLB) development broadly includes the construction of a rail track network, ore stockyards, ore delivery systems, an access jetty and wharf adjoined to the land by an abutment of quarried material, and two ship loaders. Dredging of benthic sediment around the CLB jetty and wharf is also required to establish a departure channel, turning basins and berth pockets to facilitate access for bulk ore carriers. The purpose of the CLB development is to provide the necessary infrastructure and ancillaries to process and export up to 130 million tonnes of iron ore per annum.

The CLB development was referred to the Federal government in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on February 12th, 2008. On March 25th, 2008, the Federal government determined that the proposal was a 'controlled action' based on potential impacts to matters of National Environmental Significance (NES) protected by the EPBC Act, including:

- listed threatened species and communities (Section 18);
- listed migratory species (Section 20, 20A and 18A); and
- Commonwealth marine areas (Section 23 and 24A).

The CLB development was assessed by the Federal government as a Public Environmental Review and draft Public Environment Report (PER) in March 2009 and was subsequently approved by the Minister for Sustainability, Environment, Water, Population and Communities (SEWPaC) on October 26th, 2010 (EPBC 2008/4032).

In accordance with the requirements of Section 19 of the *Environment Protection (Sea Dumping) Act 1981*, an application for a Sea Dumping Permit was lodged with the Minister on March 19th, 2008. This application was approved on October 26th, 2010 (SD2008/822).

2 Purpose of this Document

Condition 18 of EPBC 2008/4032 requires Rio Tinto to provide compliance assessments to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) on an annual basis. Condition 18 specifically states:

18. *Each year the person taking the action must provide a report to the Minister addressing compliance with each of the conditions of this approval. The date of the first compliance report must be within twelve months from the date of this approval with each subsequent report 12 months from the date of the previous report. The Compliance report must:*
- a) *Be endorsed by Pilbara Iron Pty Ltd or a person approved in writing by the Department, who is delegated to sign on behalf of Pilbara Iron Pty Ltd;*
 - b) *Include a statement as to whether the person taking the action has complied with the conditions;*
 - c) *Identify any non-compliances and describe corrective and preventative actions taken; and*
 - d) *Make the compliance report publicly available on the Internet within 30 days of it being submitted to the Minister.*

This document assesses compliance against all conditions of EPBC 2008/4032 for the period October 26th, 2010, to December 31st, 2010 (referred to as the '2010 reporting period' within this document).

3 Compliance Assessment Results

There were no non-compliances recorded during the 2010 reporting period, as evidenced in Table 1 below. Supporting documentation has been lodged in Pilbara Iron's Document Management System, and includes:

- RTIO-HSE-0102815: Cape Lambert Port B Development - PDF of Dredging and Spoil Disposal Management Plan (DSDMP) Rev 7 prepared by Sinclair Knight Merz;
- RTIO-HSE-0102815: approval letter from the Minister for the DSDMP, Cetacean Management Plan and Marine Turtle Management Plan;
- RTIO-HSE-0102816: Cape Lambert Port B Development Cetacean Management Plan;
- RTIO-HSE-0102817: Cape Lambert Port B Development Marine Turtle Management Plan;
- RTIO-HSE-0104099: Letter to DSEWPaC advising that the approved CLB CMP, DSDMP and MTMP are now on Rio Tinto website;
- RTIO-HSE-0123380: Cape Lambert Port B Development Independent Audit of Dredging and Spoil Disposal Management Plan and Sea Dumping Permit (Oceanica 2011);
- RTIO-HSE-0105146: Annual International Maritime Organisation Report for Cape Lambert Port B Development;
- RTIO-HSE-0125800: Cape Lambert Port B Development: MTMP Compliance Assessment – 2010; and
- RTIO-HSE-0125801: Cape Lambert Port B Development: CMP Compliance Assessment – 2010.

This supporting documentation is available to the DSEWPaC upon request.

4 Public Availability of Compliance Assessment

This compliance assessment will be made publicly available on the Rio Tinto Iron Ore website (<http://www.riotintoironore.com>), in accordance with Condition 18 (d) of EPCB 2008/4032.

5 Future Compliance Assessments

Future compliance assessments will be submitted on an annual basis and will report on the previous calendar year. The next compliance assessment will assess the period 1 January 2011 to 31 December 2011 and will be submitted prior to October 26 2012.

Table 1: EPBC 2008/4032 2010 Compliance Assessment



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
2008/4032: M1	Sea Dumping Permit	The person taking the action must comply with the requirements of any permit obtained under the Commonwealth <i>Environmental Protection (Sea Dumping) Act 1981</i> , including any conditions attached	Obtain Sea Dumping Permit for CLB dredging activities and comply with all the conditions within	Sea Dumping Permit No.SD2008/822 RTIO-HSE-0123380: Cape Lambert Port B Development Independent Audit of Dredging and Spoil Disposal Management Plan and Sea Dumping Permit RTIO-HSE-0105146: Annual International Maritime Organisation Report for Cape Lambert Port B Development	Minister for Sustainability, Environment, Water, Populations and Communities (SEWPaC)	Pre-construction, Construction	Prior to the commencement of, and during, dredging activities	Compliant
2008/4032: M2	Dredging and Spoil Disposal Management Plan	To mitigate the impacts from the dredging activities on EPCB Act listed threatened and migratory species and the Commonwealth marine area, the person taking the action must prepare and submit to the Minister for approval a Dredging and	Prepare and submit DSDMP to the Minister for approval	RTIO-HSE-0102815: Cape Lambert Port B Development Dredging and Spoil Disposal Management Plan (DSDMP) Rev 7	Minister for SEWPaC	Pre-construction	Prior to the commencement of dredging activities	Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>Spoil Disposal Management Plan (DSDMP). The plan must include the following:</p> <p>a) Measures (for example mitigation measures, performance indicators/trigger levels and corrective actions/management actions) that will ensure there are no unacceptable impacts on EPBC Act listed threatened species, migratory species and/or the Commonwealth marine area. These must include:</p> <ul style="list-style-type: none">• Operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened or migratory species from dredging activities;• Reporting mechanisms that ensure reporting to the Minister within one business day of injury to, or mortality of, and EPBC Act listed						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>threatened or migratory species caused by dredging activities;</p> <ul style="list-style-type: none">• Management triggers and contingency measures when dredging must be varied or suspended, including requirements to report to the Minister;• Measures that minimise the risk of introduced marine pest species, including ballast-water management and vessel inspections for any non-domestic vessels;• Measures to prevent and respond to accidental fuel, oil or chemical spills;• Measures that ensure dredging activities do not impact corals during coral spawning periods, including suspension of dredging activities;• Measures to monitor water quality, turbidity						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>plume and coral health, including dredging exclusion periods and management triggers;</p> <ul style="list-style-type: none">• Responsive actions that must be undertaken in the event contingency measures are employed, including requirement to report to the Minister; and• Reactive and post dredge monitoring, including reporting timeframes. <p>b) Details of responsible parties for each activity described in the DSDMP, noting that the person to whom this approval is granted is responsible for the proposed action; and</p> <p>c) Measures that ensure periodic reviews of the DSDMP and that ensure continual improvement measures are applied accordingly. This condition</p>						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		does not remove the requirement under Condition 20.						
2008/4032: M3.1	Dredging and Spoil Disposal Management Plan	Dredging activities must not commence until the DSDMP has been approved by the Minister in writing	Prepare and submit DSDMP to the Minister for approval	RTIO-HSE-0102815: Approval letter from the Minister for the DSDMP, Cetacean Management Plan and Marine Turtle Management Plan	Minister for SEWPaC	Pre-construction	Prior to the commencement of dredging activities	Compliant
2008/4032: M3.2	Dredging and Spoil Disposal Management Plan	The approved DSDMP must be implemented	Implement the approved DSDMP	RTIO-HSE-0123380	Minister for SEWPaC	Construction	During dredging activities	Compliant
2008/4032: M4	Cetacean Management Plan	To mitigate the impacts on cetaceans from the dredging activities, construction activities and the ongoing operation of the Cape Lambert Port, the person taking the action must prepare and submit to the Minister for approval a Cetacean Management Plan (CMP). The Plan must include the following:	Prepare and submit CMP to the Minister for approval	RTIO-HSE-0102816: Cape Lambert Port B Development Cetacean Management Plan	Minister for SEWPaC	Pre-construction	Prior to the commencement of marine construction activities	Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		a) measures to prevent vessel strike during dredging activities, construction activities and ongoing operation of the Cape Lambert Port;						
		b) measures to prevent any potential impact from underwater noise during construction;						
		c) monitoring and exclusion zones during dredging and noise emitting construction activities, including pile driving;						
		d) details of the responsible parties for each activity described in the CMP, noting that the person to whom this approval is granted is responsible for the proposed action and the reporting requirements of the responsible parties; and						
		e) measures that ensure						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		periodic reviews of the CMP and that ensure continual improvement measures applied accordingly. This condition does not remove the requirement under Condition 20.						
2008/4032: M5.1	Cetacean Management Plan	Dredging activities must not commence until the CMP has been approved by the Minister in writing	Prepare and submit CMP to the Minister for approval	RTIO-HSE-0102815 RTIO-HSE-0123380	Minister for SEWPaC	Pre-construction	Prior to the commencement of dredging activities	Compliant
2008/4032: M5.2	Cetacean Management Plan	The approved CMP must be implemented	Implement the approved CMP	RTIO-HSE-0123380 RTIO-HSE-0125801: Cape Lambert Port B Development: CMP Compliance Assessment – 2010 ACAR / AER includes evidence demonstrating compliance with approved CMP	Minister for SEWPaC	Construction	During marine construction activities	Compliant
2008/4032: M6	Marine Turtle Management Plan	To mitigate the impacts from dredging activities on marine turtles, during	Prepare and submit TMP to the Minister for approval	RTIO-HSE-0102817: Cape Lambert Port B Development	Minister for SEWPaC	Pre-construction	Prior to the commenc	Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>construction and ongoing operation of the Cape Lambert Port facilities, the person taking the action must prepare and submit to the minister for approval a Marine Turtle Management Plan (MTMP). The plan must include the following:</p> <p>a) measures for the protection of marine turtles during pile driving activities, including soft start up procedures, monitoring for the presence of marine turtles and exclusion zones;</p> <p>b) mitigation measures for light spill management and reduction, including, but not limited to, the lighting sources, lighting intensity, directionality and shrouding;</p> <p>c) turtle behaviour monitoring programs including adult nesting activity at Bells Beach and Cooling Water Beach,</p>		Marine Turtle Management Plan			ement of marine construction activities	



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		relative to other sites in the region, including hatchling dispersal (onshore and offshore);						
		d) long term population monitoring programs at Bells Beach and Cooling Water Beach;						
		e) a monitoring program to measure the magnitude of pile driving impacts effects on nest sites at Cooling Water Beach;						
		f) a nest relocation programme for Cooling Water Beach in the event that monitoring indicates a significant decline in nest success relative to other beaches;						
		g) monitoring programs for the stability and vegetation cover of the Bells Beach primary dune, including responsive actions in the event that monitoring data						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>indicates that landform stability is being reduced as a result of erosion, vegetation cover reduction or other processes;</p> <p>h) measures for reporting incidents involving marine turtles to the Department throughout the life of port operations;</p> <p>i) details of responsible parties for each activity described in the MTMP, noting that the person whom this approval is granted is responsible for the proposed action, and the reporting requirements of the responsible parties; and</p> <p>j) measures that ensure periodic review of the MTMP and that ensure continual improvement measures applied accordingly. This condition does not remove the</p>						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		requirement under Condition 20.						
2008/4032: M7.1	Marine Turtle Management Plan	Dredging activities must not commence until the MTMP has been approved by the Minister in writing.	Prepare and submit MTMP to the Minister for approval	RTIO-HSE-0102815	Minister for SEWPaC	Pre-construction	Prior to the commencement of dredging activities	Compliant
2008/4032: M7.2	Marine Turtle Management Plan	The approved MTMP must be implemented	Implement the approved MTMP	RTIO-HSE-0123380 RTIO-HSE-0125800: Cape Lambert Port B Development: MTMP Compliance Assessment – 2010 ACAR / AER includes evidence demonstrating compliance with approved MTM	Minister for SEWPaC	Construction	During marine construction activities	Compliant
2008/4032: M8	Blasting Management Plan	To minimise impacts to listed threatened and migratory species, if underwater blasting is required, the person taking the action must prepare and submit to the Minister for	Prepare a BMP in accordance with M8	Final BMP	Minister for SEWPaC	Construction	Submittal of draft plan 2 months prior to underwater blasting	Not applicable No marine drilling and blasting



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>approval a Blasting and Management Plan (BMP), at least 2 months prior to commencement of blasting activities. The Plan must include the following:</p> <p>a) a description of the blast methodology;</p> <p>b) the amount of blasting required and over what area;</p> <p>c) nomination of target blast pressures and potential environmental impacts of these pressures;</p> <p>d) monitoring for the presence of listed threatened and migratory species, including exclusion zones, prior to and during blasting;</p> <p>e) commitments that any blasting activities will not be undertaken at night or</p>					Finalisation of plan prior to underwater blasting	occurred during this reporting period



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		during nesting or hatchling seasons; f) post blast inspection for injured fauna including management and reporting to the Department of injured fauna; g) details of responsible parties for each action described in the BMP, including reporting requirements.						
2008/4032: M9	Blasting Management Plan	Blasting activities must not commence until the BMP has been approved in writing by the Minister	Submit BMP to Minister for approval	Minister's written approval of BMP	Minister for SEWPaC	Construction	In the event that marine blasting is required	Not applicable No marine blasting occurred during this reporting period
2008/4032: M9	Blasting Management Plan	The approved BMP must be implemented	Implement the approved BMP		Minister for SEWPaC	Construction	In the event that marine blasting is required	Not applicable No marine blasting occurred



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
								during this reporting period
2008/4032: M10	Ecosystem Research and Monitoring Program	<p>The person taking the action must develop and implement an Ecosystem Research and Monitoring Program (ERMP) to acquire a detailed ecological understanding of the marine environment of the Cape Lambert region, that can be used to monitor, manage and/or improve the regional marine environment. The Plan must include monitoring programs for the following:</p> <p>a) Coastal processes including beach degradation;</p> <p>b) Condition of listed and threatened migratory species populations, associated habitat and the Commonwealth marine areas;</p>	Prepare and implement ERMP in accordance with M10	Final ERMP	Minister for SEWPaC	Overall	26 April 2011	<p>Not applicable</p> <p>Due outside of this reporting period</p>



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		c) Behaviour of listed threatened and migratory species, including but not limited to, cetaceans and marine turtles. This should include monitoring of potential important habitats, including resting areas; d) Water quality; e) Benthic habitat, including but not limited to, coral, seagrass, mangrove; and f) Implementation and reporting timeframes for each of the actions described above.						
2008/4032: M11	Ecosystem Research and Monitoring Program	The ERMP must be submitted to the Minister for approval no later than six months from the date of this approval	Submit ERMP to the Minister for approval	Final ERMP	Minister for SEWPaC	Construction	26 April 2011	Not applicable Due outside of this reporting period
2008/4032:	Ecosystem Research and	After 12 months from the date of this approval,	Submit ERMP to Minister for	Minister's written	Minister for	Construction	26 October	Not



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
M12	Monitoring Program	dredging activities must not thereafter be undertaken unless the Minister has approved the ERMP in writing. The approved ERMP must be implemented	approval	approval	SEWPaC		2011	applicable Due outside of this reporting period
2008/4032: M13	Ecosystem Research and Monitoring Program	The results of the ERMP must be used to inform an adaptive management response to observed impacts and/or any potential impacts identified, and to inform the continuous improvement of the management measures within the MTMP, CMP and BMP (if required)	Create adaptive management response informed by ERMP results, if required	Adaptive management response report	Minister for SEWPaC	Construction	As required	Not applicable Due outside of this reporting period
2008/4032: M14	Conditions – Other (Staff/contract or Training)	The person taking the action must ensure that all relevant staff and contractors and any other persons working on the action receive comprehensive training in relation to the requirements of this decision and comply with all requirements of this decision relevant to their duties prior to commencing	Provide comprehensive training/inductions as per M14	RTIO-HSE-0123380	Minister for SEWPaC	Overall		Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		action on the project						
2008/4032: M15	Conditions – Other (Audits)	Upon the direction of the Department, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Department. The independent auditor must be approved by the Department prior to the commencement of the audit. Audit criteria must be agreed by the Department and the audit report must address the criteria to the satisfaction of the Department.	Undertake an independent compliance audit in accordance M15	Final audit report	Minister for SEWPaC	Overall	Upon direction of the Department	Not applicable Department did not request an audit during this reporting period
2008/4032: M16	Conditions – Other (Commencement of Works)	If, at any time after two years from the date of this approval, the Minister notifies the person taking the action that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without written agreement	Minister notifies Rio Tinto	Minister's notification	Minister for SEWPaC	At any time after two years from the approval date of EPBC 2008/4032	If the Minister is not satisfied	Compliant Minister has not notified Rio Tinto Action has commenced



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		of the Minister						ed
2008/4032: M17	Conditions – Other (Commencement of Works)	Within 10 days of commencement of the actions, the person taking the action must advise the Minister in writing of the actual date of commencement	Provide, in writing, the commencement date to the Minister	RTIO-HSE-0104803	Minister for SEWPaC	Construction	Within 10 days of the commencement of construction	Compliant
2008/4032: M18	Conditions – Other (Compliance Reporting)	Each year the person taking the action must provide a report to the Minister addressing compliance with each of the conditions of this approval. The date of the first compliance report must be within twelve months from the date of the previous report. The Compliance report must: a) be endorsed by Pilbara Iron Pty Ltd or a person approved in writing by the Department, who is delegated to sign on behalf of Pilbara Iron Pty Ltd; b) include a statement as to whether the person taking the action has complied	Submission of a compliance assessment report in accordance with the requirements of M18	Compliance assessment reports This document	Minister for SEWPaC	Overall	Annually	Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		with the conditions; c) identify any non-compliances and describe corrective and preventative actions taken; and d) make the compliance report publically available on the Internet within 30 days of it being submitted to the Minister.						
2008/4032: M19	Conditions – Other (Compliance Reporting)	The Reports described at Condition 18 must be provided until the expiry of this approval	Submission of a compliance assessment report in accordance with the requirements of M18	Compliance assessment reports This document	Minister for SEWPaC	Overall	Annually	Compliant
2008/4032: M20	Conditions – Other (Revising Management Plans)	If the person taking the action wishes to carry out any activity otherwise than in accordance with the DSDMP, CMP, MTMP, BMP and ERMP, referred to in conditions 2, 4, 6, 8, and 10, respectively, the person taking the action must submit for the Minister's approval a revised version of the relevant plan or	Submission of a revised version of the relevant plan or program	Approved revised version of relevant plan or program	Minister for SEWPaC	Overall	When required	Not applicable No revisions of management plans during this reporting period



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		program (however described). The varied activity shall not commence until the Minister has approved the varied plan or program in writing. If the Minister approves such a revised plan or program, the plan or program must be implemented in a place of the plan or program originally approved.						
2008/4032: M21	Conditions – Other (Revising Management Plans)	Management plans, reports, systems and programs (however described) referred to in these conditions of approval must be made publicly available within 30 days of approval by the Minister	Upload approved management plans onto Rio Tinto website	RTIO-HSE-0104099: Letter to DSEWPaC advising that the approved CMP, DSDMP and MTMP are on Rio Tinto website	DSEWPaC	Overall	Within 30 days of approval by Minister	Compliant
2008/4032: M22	Conditions – Other (Management Plan Requirements)	All plans, reports or programs (however described) required under this approval must include the following elements: a) a description of the EPBC Act listed species and habitat likely to be impacted by the components of the action	Include the requirements of M22 in all relevant plans, reports or programs	RTIO-HSE-0102815 RTIO-HSE-0102815 RTIO-HSE-0102817 RTIO-HSE-0102816	Minister for SEWPaC	Overall		Compliant



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		<p>which are the subject of that plan, report or program (however described);</p> <p>b) an assessment of the risk to these values, species or habitats, from the components of the action that are the subject of or relevant to that plan, report or program (however described);</p> <p>c) details of the management measures proposed in relation to these values, species or habitats, if it is a requirement of the condition requiring that plan, report or program (however described);</p> <p>d) details of monitoring proposed for that species if it is a requirement of the condition requiring that plan, report or program</p>						



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
		(however described); e) performance standards in relation to that species if it is a requirement of the condition requirement that plan, report or program (however described); f) management triggers in relation to that species if it is a requirement of the condition requiring that plan, report or program (however described).						
2008/4032: M23	Conditions – Other (Management Plan Adherence)	The person taking the action must maintain accurate records of activities associated with or relevant to the above conditions of approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and used to verify compliance with the conditions of approval.	Maintain accurate records of activities	Records, as requested	DSEWPaC	Overall	Upon request from the DSEWPaC	Not applicable Records were not requested during this reporting period



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

COMPLIANCE ASSESSMENT

PROJECT: CAPE LAMBERT PORT B DEVELOPMENT, PILBARA
REGION, WA (EPBC 2008/4032)

Audit Code	Subject	Action	How	Evidence	Satisfy	Phase	When	Status
2008/4032: M24	Conditions – Other (Specified Revisions to Management Plans)	If the Minister believes that it is necessary or desirable for the better protection of any relevant control provision to do so, the Minister may request that the person taking the action make specified revisions to any plans, reports or programs (however described) approved pursuant to these conditions. The person taking the action must comply with any such request. The revised plans, reports or programs (however described) must be implemented.	Make specified revisions to plans, reports or programs as requested	Revised plans, reports and programs.	Minister for SEWPaC	Overall	Upon request from the DSEWPaC.	Not applicable Records were not requested during this reporting period