

***Environment Protection and Biodiversity  
Conservation Act 1999***  
**Annual Compliance Report**

**EPBC Approval:** 2012/6422

**Project:** Koodaideri Iron Ore Mine and Infrastructure Project,  
WA

**Report period:** 1 January – 31 December 2021

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## 1 Description of activities

<b>EPBC approval number:</b>	2012/6422
<b>Project name:</b>	Koodaideri Iron Ore Mine and Infrastructure Project, WA
<b>Approval holder:</b>	Mount Bruce Mining Pty Limited
<b>Approval holder's Australian Business Number:</b>	78 008 714 010
<b>Approved action:</b>	To construct and operate the Koodaideri Iron Ore Mine and Infrastructure Project in the central Pilbara region, WA
<b>Location of the project:</b>	Central Pilbara region, WA
<b>Reporting period:</b>	1 January 2021 to 31 December 2021
<b>Report preparation date:</b>	29 April 2022
<b>Implementation phase(s) during reporting period:</b>	Construction/Operational

## 2 Audit table

Details of compliance with each condition under EPBC approval 2012/6422 are presented in Table 1.

**Table 1: EPBC Approval Conditions Compliance Table – EPBC 2012/6422 - Koodaideri Iron Ore Mine and Infrastructure Project, WA**

Condition Number	Condition	Compliance status	Evidence/Comments
1	Within 10 days after the <b>commencement of the action</b> , the <b>approval holder</b> must advise the <b>Department</b> in writing of the actual date of the <b>commencement of the action</b> .	Compliant	A notification of commencement of the action was sent to DotEE on the 28 March 2019, as confirmed in DotEE correspondence on 1 April 2019 (DotEE ref: 2012/6422, our ref: RTIO-HSE-0332183).
2	For the better protection of the <b>Pilbara Leaf-nosed Bat</b> , <b>Northern Quoll</b> , <b>Olive Python (Pilbara subspecies)</b> and <b>Hamersley Lepidium</b> , the <b>approval holder</b> must comply with: <ul style="list-style-type: none"> <li>a. conditions 6-1, 6-2, (<i>Terrestrial Fauna – Pilbara Leaf-nosed Bat</i>) of the <b>Western Australian Approval</b>;</li> <li>b. conditions 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, (<i>Terrestrial Fauna – Pilbara Leaf-nosed Bat</i>) of the <b>Western Australian Approval</b>;</li> <li>c. conditions 8-1, 8-2, 8-3, 8-4, 8-5, 8-6 (<i>Terrestrial Fauna – Northern Quoll Management Plan</i>) of the <b>Western Australian Approval</b>;</li> <li>d. condition 9-1 (<i>Flora – Hamersley Lepidium (Lepidium catapycnon)</i>) of the <b>Western Australian Approval</b>; and</li> <li>e. conditions 11-1, 11-2, 11-3, 11-4, 11-5, (<i>Flora and Hydrological Processes – Koodaideri Spring Adaptive Management Plan</i>) of the <b>Western Australian Approval</b>.</li> </ul>	Compliant	Pursuant to condition 7.8 of the Ministerial Statement 999, as per correspondence sent to DWER on 14 April 2021 (our ref: RTIO-HSE-0351140), the Pilbara Leaf-nosed bat Echolocation Unit was not working for a period between 5 Dec 2020 to 23 Feb 2021 days at the Spring Gorge. Additionally, pursuant to condition 7.7 of Ministerial Statement 999, threshold criteria for bat calls at the Spring Gorge was exceeded. Correspondence was sent to DWER (our ref: RTIO-HSE-0354740) identifying potential non-compliance with this condition.  The compliance status of the above conditions are still under assessment by DWER.
3	The <b>approval holder</b> must notify the <b>Department</b> in writing as soon as practicable and within no more than seven business days of any variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the <b>Western Australian Approval</b> or part thereof.	Non-Compliant	Pursuant to section 46C(1)(b)(i) of the Environmental Protection Act 1986, Condition 14-2 of Ministerial Statement 999 was amended on 4 January 2021. The Approval holder did not notify the Department within 7 days of this approval being known. A letter from the department confirming the change was received on 25 February 2021 (our ref: RTIO-HSE-0350378).

Condition Number	Condition	Compliance status	Evidence/Comments
4	<p>To offset the residual impacts of the action on the <b>Pilbara Leaf-nosed Bat, Northern Quoll and Olive Python (Pilbara subspecies)</b>, the <b>approval holder</b> must provide funding to a <b>conservation offset fund</b>, as approved in writing by the <b>Minister</b>. The <b>approval holder</b> must obtain the approval of the <b>Minister</b> prior to commencement of payments. The funding shall be paid every two years. The first payment will be due by 31 December in the second year following the <b>commencement of the action</b>. The amount of funding to be paid will be calculated and reported as follows:</p> <ol style="list-style-type: none"> <li>AUD \$3000 (excluding GST) per hectare of <b>native vegetation cleared</b> within the <b>K75W and K58W pits</b>.</li> <li>AUD \$3000 (excluding GST) per hectare of <b>suitable habitat for Northern Quoll and Olive Python (Pilbara subspecies)</b> removed outside of the <b>K75W and K58W pits</b>.</li> <li>The real value of contributions described in this condition will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.</li> <li>The approval holder shall prepare and submit an impact reconciliation report for approval of the <b>Minister</b>. The first report will be due by 30 April in the second year following the <b>commencement of the action</b>. The impact reconciliation report shall be submitted every two years by 30 April.</li> <li>The impact reconciliation report shall: <ol style="list-style-type: none"> <li>require the approval holder to submit spatial data identifying the areas of <b>native vegetation cleared</b> during the previous two years to 30 April;</li> <li>require the approval holder to submit spatial data identifying the areas of <b>suitable habitat for Northern Quoll and Olive Python (Pilbara subspecies)</b> removed during the previous two years;</li> <li>include the methodology for calculating the amount of funding that is required to be contributed to a <b>conservation offset fund</b> pursuant to the requirements of condition 4.</li> </ol> </li> </ol>	Compliant	An internal offset account has been established by the Proponent. All annual payments in relation to the clearing of native vegetation are held in this account in lieu of approval of the government Pilbara Environmental Offsets Fund

Condition Number	Condition	Compliance status	Evidence/Comments
5	<p>The <b>approval holder</b> must notify the <b>Department</b> in writing of any non-compliance with any condition of this approval as soon as practicable and within no later than seven business days of the detection of the non-compliance. The notice provided to the <b>Department</b> under this condition must specify:</p> <ol style="list-style-type: none"> <li>the condition of this approval which the <b>approval holder</b> has potentially breached</li> <li>the nature of the non-compliance</li> <li>when and how the <b>approval holder</b> became aware of the non-compliance</li> <li>how the non-compliance will affect the action</li> <li>how the non-compliance will affect the anticipated impacts of the action, in particular how the non-compliance will affect the impacts on listed threatened species and ecological communities</li> <li>the measure that the <b>approval holder</b> has taken and will take to address the impacts of the non-compliance on listed threatened species and ecological communities and rectify the non-compliance</li> <li>the time by when the <b>approval holder</b> will rectify the non-compliance.</li> </ol>	Compliant	<p>The approval holder did not notify the department of the amendment to the Ministerial Statement 999 resulting in Non-Compliance (NC) of Condition 3 of this approval. However a letter was written to the Department to notify of the NC within 7 days of the approval holder becoming aware.</p> <p>There are no other NCs to any other condition of this approval.</p>
6	<p>The <b>approval holder</b> must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the <b>Department</b>. Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b>, or used to verify compliance with the conditions of approval. Summaries of audits may be posted on the <b>Department's</b> website. The results of audits may also be publicised through the general media.</p>	Compliant	<p>The approval holder maintains accurate records substantiating all activities associated with or relevant to the conditions of approval and will make them available upon request to the Department.</p>
7	<p>By 30 April of each year after <b>commencement of the action</b>, the <b>approval holder</b> must publish a report on their website addressing compliance with each of the conditions of this approval. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the <b>Department</b> at the same time as the compliance report is published. The compliance reports must remain on the approval holder's website for a minimum of 12 months (beginning on the date of publication).</p>	Compliant	<p>The approval holder published the 2020 EPBC 2016/6422 Koodaideri Iron Ore Mine and Infrastructure Project compliance report on the below website on 30 April 2021, which addressed compliance with each of the conditions of this approval.</p> <p><a href="https://www.riotinto.com/search/documents#main-search_e=0&amp;main-search_sxatags=koodaideri">https://www.riotinto.com/search/documents#main-search_e=0&amp;main-search_sxatags=koodaideri</a></p> <p><i>Note: link will not go to document and a search for Gudai-Darri (Koodaideri) in the 'Operation*' section will be required.</i></p>

Condition Number	Condition	Compliance status	Evidence/Comments
8	Upon the direction of the <b>Minister</b> , the <b>approval holder</b> must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> . The independent auditor must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to be the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .	Not Applicable	The Minister did not request an independent audit during the reporting period.
9	If, at any time after five years from the date of this approval, the <b>approval holder</b> has not undertaken <b>substantial commencement</b> of the action, then the <b>approval holder</b> must not undertake <b>substantial commencement</b> of the action without the written agreement of the <b>Minister</b> .	Compliant	A letter and evidence was submitted by the approval holder on 28 February 2020 demonstrating substantial implementation of the proposal (our ref: RTIO-HSE-0342118).
10	Unless otherwise agreed to in writing by the <b>Minister</b> , the <b>approval holder</b> must publish all management plans and/or reports referred to in these conditions of approval on their website. Each management plan and/or report must be published on their website for a minimum of 12 months (beginning on the date of publication) within 1 month after being approved. The <b>approval holder</b> must notify the <b>Department</b> within 5 business days of publishing the management plan and/or report on their website, and the management plan and/or report must remain on their website for the period this approval has effect.	Compliant	<p>All management plans and/or reports referred to in these conditions of approval have been published on the Rio Tinto website:</p> <p><a href="https://www.riotinto.com/search/documents#main-search_e=0&amp;main-search_sxatags=koodaideri">https://www.riotinto.com/search/documents#main-search_e=0&amp;main-search_sxatags=koodaideri</a></p> <p><i>Note: link will not go to document and a search for Gudai-Darri (Koodaideri) in the 'Operation*' section will be required.</i></p>

### 3 Non-Compliances

#### 3.1 Details of non-compliance(s)

Which implementation condition or procedure was non-compliant or potentially non-compliant?	
Condition 3: The <b>approval holder</b> must notify the <b>Department</b> in writing as soon as practicable and within no more than seven business days of any variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the <b>Western Australian Approval</b> or part thereof.	
Who detected the non-compliance?	
The approval holder.	
On what date(s) did the non-compliance occur (if applicable)?	
The non-compliance occurred in January 2021.	
Was this non-compliance or potential non-compliance reported to the Department?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Reported to DoE verbally    Date: <input checked="" type="checkbox"/> Reported to DoE in writing    Date: 22 February 2021 DoE ref: Our ref: RTIO-HSE-0350277	<input checked="" type="checkbox"/> No
What correction measure(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?	
Given the nature of the non-compliance there are no corrective actions. The approval holder is committed to informing the DoE as soon as practicable and within no more than seven business days of any variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the Western Australian Approval or part thereof.	
Who was/is responsible for correcting the non-compliance?	
The approval holder.	
What date did/will the correction measures commence and/or be completed or the time frame for correction?	
Given the nature of the non-compliance there are no corrective actions. The approval holder is committed to informing the DoE as soon as practicable and within no more than seven business days of any variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the Western Australian Approval or part thereof.	
What measures, if any, are in place to prevent re-occurrence of the non-compliance?	
No extra measures have been put in place to prevent the reoccurrence.	



## **4 New environmental risks**

There are no new environmental risks that have become apparent during the reporting period.

## 5 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:

Full name:

Position

Organisation:

Date:

