

Private and confidential

Audit and Assurance Section
Compliance and Enforcement Branch
Environment Assessment and Compliance Division
Department of the Environment
GPO Box 787
Canberra ACT 2601

EPBCMonitoring@dcceew.gov.au

28 April 2023

Our reference: RTIO-0989974
Your reference: 2012/6422

To whom it may concern

**2022 Annual Compliance Report Gudai-Darri (Koodaideri) Iron Ore Mine and Infrastructure Project,
WA: 2012/6422**

Attached is the 2022 Annual Compliance Report for the Koodaideri Iron Ore Mine and Infrastructure Project, WA as required by *Environment Protection and Biodiversity Conservation Act 1999* approval 2012/6422, Condition 7. This report covers the period from 1 January to 31 December 2022.

Please contact Lucas Cary, Environment Lead, at Lucas.Cary@riotinto.com if you have any queries.

Yours sincerely



Heath Harnden
General Manager – Gudai-Darri, Iron Ore

***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 2022

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1 Description of activities

EPBC approval number:	2012/6422
Project name:	Koodaideri Iron Ore Mine and Infrastructure Project, WA
Approval holder:	Mount Bruce Mining Pty Limited
Approval holder's Australian Business Number:	78 008 714 010
Approved action:	To construct and operate the Koodaideri Iron Ore Mine and Infrastructure Project in the central Pilbara region, WA
Location of the project:	Central Pilbara region, WA
Reporting period:	1 January 2022 to 31 December 2022
Report preparation date:	21 April 2023
Implementation phase(s) during reporting period:	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 commencement of the action , the approval holder must advise the Department in writing of the actual date of the commencement of the action .	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 Pilbara Leaf-nosed Bat , Northern Quoll , Olive Python (Pilbara subspecies) and Hamersley Lepidium , the approval holder must comply with: <ul style="list-style-type: none"> a. conditions 6-1, 6-2, (<i>Terrestrial Fauna – Pilbara Leaf-nosed Bat</i>) of the Western Australian Approval; 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 Western Australian Approval; c. conditions 8-1, 8-2, 8-3, 8-4, 8-5, 8-6 (<i>Terrestrial Fauna – Northern Quoll Management Plan</i>) of the Western Australian Approval; d. condition 9-1 (<i>Flora – Hamersley Lepidium (Lepidium catapycnon)</i>) of the Western Australian Approval; and 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 Western Australian Approval. 	Compliant	<p>Pursuant to condition 7.7 of Ministerial Statement 999, Trigger Criteria (75W Adit and Spring Gorge) as outlined in the PLNB Environmental Management Plan, were exceeded during the reporting period. A notification was sent to DWER by the proponent on 22 April 2022 (our ref: RTIO-HSE-0359260) and 10 August 2022 (our ref: RTIO-0207703). Echolocation data showed calls at the 75W Adit and Spring Gorge returned to above Trigger Criteria from March 2022 and then dropped again in April at the Spring Gorge triggering the notification in August 2022.</p> <p>There are no non-compliances with any other conditions of this approval.</p> <p>Further information can be found in the 2022 Annual Compliance Assessment Report (ACAR) for the Gudai-Darri (Koodaideri) Iron Ore Mine and Infrastructure Project as required by Ministerial Statement 999 (our ref: RTIO-0990115).</p>
3	The approval holder must notify the Department 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 Western Australian Approval or part thereof.	Not Applicable	There was no change to the approval within the reporting period.

Condition Number	Condition	Compliance status	Evidence/Comments
4	<p>To offset the residual impacts of the action on the Pilbara Leaf-nosed Bat, Northern Quoll and Olive Python (Pilbara subspecies), the approval holder must provide funding to a conservation offset fund, as approved in writing by the Minister. The approval holder must obtain the approval of the Minister 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 commencement of the action. The amount of funding to be paid will be calculated and reported as follows:</p> <ol style="list-style-type: none"> AUD \$3000 (excluding GST) per hectare of native vegetation cleared within the K75W and K58W pits. AUD \$3000 (excluding GST) per hectare of suitable habitat for Northern Quoll and Olive Python (Pilbara subspecies) removed outside of the K75W and K58W pits. 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. The approval holder shall prepare and submit an impact reconciliation report for approval of the Minister. The first report will be due by 30 April in the second year following the commencement of the action. The impact reconciliation report shall be submitted every two years by 30 April. The impact reconciliation report shall: <ol style="list-style-type: none"> require the approval holder to submit spatial data identifying the areas of native vegetation cleared during the previous two years to 30 April; require the approval holder to submit spatial data identifying the areas of suitable habitat for Northern Quoll and Olive Python (Pilbara subspecies) removed during the previous two years; include the methodology for calculating the amount of funding that is required to be contributed to a conservation offset fund pursuant to the requirements of condition 4. 	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 approval holder must notify the Department 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 Department under this condition must specify:</p> <ul style="list-style-type: none"> a. the condition of this approval which the approval holder has potentially breached b. the nature of the non-compliance c. when and how the approval holder became aware of the non-compliance d. how the non-compliance will affect the action e. 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 f. the measure that the approval holder 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 g. the time by when the approval holder will rectify the non-compliance. 	Compliant	There are no known non-compliances to any conditions of this approval during the reporting period.
6	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits may be posted on the Department's website. The results of audits may also be publicised through the general media.</p>	Compliant	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.
7	<p>By 30 April of each year after commencement of the action, the approval holder 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 Department 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 2021 EPBC 2016/6422 Koodaideri Iron Ore Mine and Infrastructure Project compliance report on the below website on 29 April 2022, which addressed compliance with each of the conditions of this approval.</p> <p>https://www.riotinto.com/search/documents#main-search_e=0&main-search_sxatags=koodaideri</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 Minister , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to be the Minister and the audit report must address the criteria to the satisfaction of the Minister .	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 approval holder has not undertaken substantial commencement of the action, then the approval holder must not undertake substantial commencement of the action without the written agreement of the Minister .	Not Applicable	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 Minister , the approval holder 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 approval holder must notify the Department 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: https://www.riotinto.com/search/documents#main-search_e=0&main-search_sxatags=koodaideri</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 New environmental risks

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

4 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: Heath Harnden

Position General Manager – Gudai-Darri, Iron Ore

Organisation: Rio Tinto

Date: 28 April 2023