

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

EPBC Approval: EPBC 2016/6422

Project: Koodaideri Iron Ore Mine and Infrastructure Project

Report period: 1 January – 31 December 2019

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1 Description of activities

EPBC approval number:	2016/6422
Project name:	Koodaideri Iron Ore Mine and Infrastructure Project
Approval holder:	Mt 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 [See EPBC Act referral 2012/6422].
Location of the project:	Pilbara region of Western Australia
Reporting period of the report:	1 January to 31 December 2019
Report preparation date:	30 April 2020
Implementation phase(s) during reporting period:	Construction/Implementation

2 Audit table

Details of compliance with each condition under EPBC approval 2016/6422 is presented in Table 1.

Table 1 EPBC Approval Conditions Compliance Table: EPBC 2016/6422 Koodaideri Iron Ore Mine and Infrastructure Project

Condition Number/reference	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	Email advice on 28 March 2019 from Peter Royce, Principal Advisor – State Agreements and Approvals, to EPBCmonitoring@environment.gov.au advising commencement of Action on 19 March 2019. Our Ref: RTIO-HSE-0332183 - Koodaideri Iron Ore Mine and Infrastructure Project - pdf of letter from the Commonwealth Department of the Environment and Energy (DotEE) confirming official commencement of the action (as reported to DotEE by MBM on 28 March 2019) and outlining future reporting requirements under EPBC 20166422 - letter dated 1 April 2019
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: 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 ProcessesKoodaideri Spring Adaptive Management Plan</i>) of the Western Australian Approval .	Not Compliant	The approval holder is non-compliant with; c. condition 8.4 (<i>Terrestrial Fauna - Northern Quoll Management Plan</i>) of the Western Australian Approval ; The Northern Quoll Management Plan has been implemented however Northern Quoll presence and abundance monitoring through surveys (using methods including Elliot traps and motion cameras) did not completely align with the plan's requirements due to camera functionality, incomplete data and scope and weather station data collection failures, and: A review and site audit of the camera network was undertaken within 30 days instead of the prescribed 21 days. This was due to safety and mobilisation requirements. Continuous passive camera monitoring was not completed due to camera errors. Covariate data was not analysed due to lack of camera records.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
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.	Compliant	Variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the Western Australian Approval or part thereof has not occurred within the reporting period.
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 30 June 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> <p>a. AUD \$3000 (excluding GST) per hectare of native vegetation cleared within the K75W and KSBW pits.</p> <p>b. 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.</p> <p>c. 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.</p> <p>d. The approval holder shall prepare and submit an impact reconciliation report for approval of the Minister. The first report</p>	Not Applicable	The first offset payment is due in 2021 and first Impact Reconciliation Report is due April 2021.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
	<p>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.</p> <p>e. The impact reconciliation report shall:</p> <p>i. require the approval holder to submit spatial data identifying the areas of native vegetation cleared during the previous two years to 30 April;</p> <p>ii. 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;</p> <p>iii. 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.</p>		

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> <p>a. the condition of this approval which the approval holder has potentially breached</p> <p>b. the nature of the non-compliance</p> <p>c. when and how the approval holder became aware of the non-compliance</p> <p>d. how the non-compliance will affect the action</p> <p>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</p> <p>f. the measures 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</p> <p>g. the time by when the approval holder will rectify the non-compliance.</p>	Non-Compliant	<p>The approval holder did not notify the department in writing within 7 days.</p> <p>a. Condition 2 (Terrestrial Fauna – Northern Quoll Management Plan) of the Western Australian Approval.</p> <p>b. See above for Condition 2 re condition 8.4 of the Western Australian Approval: Northern Quoll monitoring did not completely align with the plan's requirements.</p> <p>c. The approval holder was formally made aware of the non-compliance by email from the consultant on 16 December 2019. This email provided notification that there had been nil Northern Quoll records for a four (4) month period.</p> <p>d. On review of the monitoring information it was identified that there was a data collection concern due to equipment failure. Specialist consultants attended the sites approximately every three (3) months to download data and undertake maintenance of the monitoring equipment, however there were failures of this equipment in the periods between visits. These failures were due to temperature variations and breakdown of components resulting in inability to collect data and impact to the equipment through significant weather events. A new system was ordered in Q1 2020 to enable automated data transfer capability and replace the older cameras that had been impacted due to time in field and weather. Further review of the scope of work issued to consultants identified that the required monitoring activities did not include the trapping component. This scope will be closed during 2020 and a new scope issued to ensure all requirements of the management plan are implemented appropriately.</p> <p>Internal subject matter experts identified that the decline in numbers was likely due to natural climate variations and likely not attributable to the construction activities. Analysis of the disturbance data identified minimal impact to quoll foraging and denning habitat, nil direct impact to the Koodaideri Springs and similar reduction in regional quoll numbers indicating the reduction in records was not limited to the MPA area. In addition, an increase of feral cat and dog numbers were identified through camera monitoring in these quoll habitats due to drought conditions and potentially due to the baits used to attract quolls to the camera locations. The attraction of feral predators to quoll foraging and denning habitat may have also caused quolls to emigrate to other refugia.</p> <p>Despite the regional quoll numbers indicating the reduction in records was not limited to the MPA area, it was determined that additional controls could be implemented to improve the data collection process. These improvements include the amendment of the scope of works to improve monitoring, replacement of the manual camera system with an automated version and investigation into the deployment of Felixer devices to reduce feral cat numbers. Unfortunately due to Cyclone Damien, the eastern states bushfires (vendor delays) and the COVID-19 travel restrictions, these management measures have not yet been implemented as per the original timeline and have been delayed.</p>
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Condition Number/reference	Condition	Compliance status	Evidence/Comments
			<p>e. Implementation of the remedial controls will improve the capture of data, however the quoll population may take time to recover from the recent drought and an increase in individuals/population may not be immediately evident.</p> <p>f. the existing Scope of Works issued to the contractor will be closed during 2020 and new scope issued to include all monitoring requirements, new monitoring equipment has been ordered to enable real-time data collection, the weather station has been relocated to enable increased signal strength, felixers are being investigated to reduce numbers of feral cats and alternatives to baiting are being considered.</p> <p>g. new monitoring equipment was scheduled to be installed in Q1 2020, however there were delays due to procurement from the eastern states and impacts to the supplier from bushfires and further delays due to Covid-19 travel restrictions . The monitoring equipment will be installed when the travel restrictions allow.</p>
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	<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 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>This is the first reporting year for the 2019 EPBC 2016/6422 – Koodaideri Iron Ore Mine and Infrastructure Project.</p> <p>Email advice on 28 March 2019 from Peter Royce, Principal Advisor – State Agreements and Approvals, to EPBCmonitoring@environment.gov.au advising commencement of Action on 19 March 2019.</p> <p>The approval holder intends to publish this report on their website addressing compliance with each of the conditions of this approval by the 30 April 2021.</p> <p>Our Ref: RTIO-HSE-0332183 - Koodaideri Iron Ore Mine and Infrastructure Project - pdf of letter from the Commonwealth Department of the Environment and Energy (DotEE) confirming official commencement of the action (as reported to DotEE by MBM on 28 March 2019) and outlining future reporting requirements under EPBC 20166422 - letter dated 1 April 2019</p>

Condition Number/reference	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 by the Minister and the audit report must address the criteria to the satisfaction of the Minister .	Not Applicable	An independent audit of compliance with the conditions of approval and a report submitted to the Minister has not been directed by the Minister to be conducted.
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 .	Compliant	Letter and evidence 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.</p> <p>Our Ref: http://www.riotinto.com/ironore/documents-9622.aspx</p> <p><i>Note: if the link does not take you directly to the Koodaideri documents page, please use the search function, enter the search term 'Koodaideri' and select 'documents' to locate the listings.</i></p>

3 Non-Compliances

3.1 Details of non-compliance(s) and/or potential non-compliance(s)

Which implementation condition or procedure was non-compliant or potentially non-compliant?	
<p>Condition 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:</p> <p>a. conditions 6-1, 6-2, (<i>Terrestrial Fauna - Pilbara Leaf-nosed Bat</i>) of the Western Australian Approval;</p> <p>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;</p> <p>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;</p> <p>d. condition 9-1 (<i>Flora - Hamersley Lepidium (Lepidium catapycnon)</i>) of the Western Australian Approval; and</p> <p>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.</p>	
Who detected the non-compliance?	
Biota Environmental Sciences (http://www.biota.net.au/)	
On what date(s) did the non-compliance occur (if applicable)?	
The approval holder was formally made aware of the non-compliance by email from the consultant on 16 December 2019.	
Was this non-compliance or potential non-compliance reported to the Department?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DoE verbally Date: _____ <input type="checkbox"/> Reported to DoE in writing Date: _____	<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?	
The existing Scope of Works will be closed during 2020 and new scope issued to include all monitoring requirements, new monitoring equipment has been ordered to enable real-time data collection, the weather station has been relocated to enable increased signal strength, felixers are being investigated to reduce numbers of feral cats and alternatives to baiting are being considered.	
Who was/is responsible for correcting the non-compliance?	
Rio Tinto Growth & Innovation – Koodaideri Project	
What date did/will the correction measures commence and/or completed or the time frame for correction?	
New monitoring equipment was ordered and scheduled to be installed in Q1 2020, however there were delays due to procurement from the eastern states with impacts to the supplier from bushfires and further delays due to Covid-19 travel restrictions. The monitoring equipment will be installed when the travel restrictions are removed.	
What measures, if any, are in place to prevent re-occurrence of the non-compliance?	
<ul style="list-style-type: none"> The new automated and relocated monitoring equipment will replace the older and deteriorated system in the field. The new scope will ensure all requirements listed in the management plan are met and correct activities carried out in the field. The review of felixers has identified that this option may be beneficial for the Koodaideri Project, however the licensing process has not yet been commenced. The drought is believed to be a factor in the reduction of quoll numbers, causing Northern Quolls to move to areas offering refuge (valleys/gullies) with food and water sources, however feral predators also complete/predate Northern Quolls in these areas. The recent rains in the region should enable fauna to leave areas of refuge and return to a wider range, however this may take some time to be represented in the data. The review of baiting has identified that this may not be beneficial as it has the potential to attract feral predators to the camera monitoring sites, which may further impact quoll numbers due to increased predation within the refuges. 	

4 New environmental risks

No new environmental risks 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:

