

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

EPBC Approval: EPBC 2016/7843

Project: Extension of Mesa A Warrambo Iron Ore Project

Report period: 1 January – 31 December 2019

Contents

1	Description of activities	1
2	Audit table	1
3	New environmental risks	11
4	Declaration of accuracy	12

Tables

Table 1 EPBC Approval Conditions Compliance Table: EPBC 2016/7843 Extension of Mesa A Warramboo Iron Ore Project.....	2
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1 Description of activities

EPBC approval number:	2016/7843
Project name:	Extension of Mesa A Warrambo Iron Ore Project
Approval holder:	Robe River Mining Co. Pty Ltd
Approval holder's Australian Business Number:	71 008 694 246
Approved action:	To extend the existing Mesa A/Warrambo Iron Ore Project through the development of additional mine pits, mineral waste dumps, water treatment facilities, processing facilities and associated infrastructure, approximately 43 kilometres west of Pannawonica, WA [See EPBC Act referral 2016/7843] subject to the variation of the action accepted by the Minister under section 156B on 15 April 2019.
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:	Operational

2 Audit table

Details of compliance with each condition under EPBC approval 2016/7843 is presented in Table 1.

Table 1 EPBC Approval Conditions Compliance Table: EPBC 2016/7843 Extension of Mesa A Warrambo Iron Ore Project

Condition Number/reference	Condition	Compliance status	Evidence/Comments
1	To minimise impacts to EPBC Act listed threatened species, the approval holder must not exceed the authorised extent of the proposal as defined in Attachment A.	Compliant	Aerial photography was collected during the reporting period to reconcile ground disturbance and the prescribed clearing limits were not exceeded. Above water table mining occurred at Mesa A and Warrambo during the reporting period. Below water table mining did not commence in 2019 at any deposits. 1.72 GL of water was abstracted from the Warrambo water supply bore field. Dewatering at Warrambo and Mesa C did not commence during the reporting period. Surface water discharge did not commence during the reporting period. Deposition of in pit waste fines did not commence during the reporting period.
2	To minimise impacts to EPBC Act listed threatened species, the approval holder must comply with Condition 5 (Condition Environmental Management Plan(s)), Condition 9 (Terrestrial Fauna Habitat - Conservation Significant Fauna Species; Ghost Bat (<i>Macroderma gigas</i>) and Northern Quoll (<i>Dasyurus hallucatus</i>)) and Condition 11 (Inland Waters) of the Western Australia approval where relevant to EPBC Act listed threatened species.	Not Applicable	Condition 5: The Mesa A Hub Condition Environment Management Plan (our ref: RTIO-HSE-0325456) has been prepared and was submitted 19/2/20 and receipt confirmed 20/2/20 (RTIO-HSE-0341496). Condition 9: No irreversible impact occurred to 'breakaways and gullies' habitat of the Mesa escarpments of the Mesa A, B or C MEZ's during the reporting period, other than existing and authorised disturbance. Condition 11: No impact occurred to either Robe River or Warrambo riparian vegetation during the reporting period. Abstraction for the purpose of dewatering did not commence at either Mesa C or Warrambo in 2019. Abstraction did occur at Warrambo for the purpose of mine water supply however there was no irreversible impact to riparian vegetation.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
3	The Condition Environmental Management Plan(s), specified in Condition 2 above, must include environmental outcomes and objectives related to the mitigation and management of the following threatening processes: (a) fire (b) vehicle and machinery movements (c) weed management (d) feral animal control (e) noise and vibration (f) dust and light Where relevant to EPBC Act listed threatened species. For 3.(e) noise and vibration, the Condition Environmental Management Plan(s) must include monitoring of the EPBC Act listed Ghost Bat (<i>Macroderma gigas</i>) and include a management target to ensure no significant long term decline in the Ghost Bat population attributable to the action for the purposes of Condition 4.	Not Applicable	The Mesa A Hub Condition Environment Management Plan (RTIO-HSE-0325456) has been prepared and was submitted 19/2/20) and receipt confirmed 20/2/20 (RTIO-HSE-0341496). Rio Tinto is yet to receive approval of the CEMP. The CEMP contains environmental outcomes and objectives as required by Condition 3.
4	To minimise impacts to EPBC Act listed Ghost Bat (<i>Macroderma gigas</i>), the approval holder must: (a) if the action results in permanent structural damage to a Ghost Bat roost (other than nocturnal roost MBS-OS at Mesa B), or a failure to meet the management target established in Condition 3, Conditions 17 and 18 will apply in respect of that result. If the structural damage cannot be remedied the proponent must provide an offset proposal to the Department for approval within two months. (b) implement a Mining Exclusion Zone and Blast Management Plan to minimise potential impacts to roosting Ghost Bats from noise and vibration associated with mining activities (with the exception of nocturnal roost MBS-OS at Mesa B)	Compliant	(a) Blasting activities did not occur within 300m of ghost bat roosts during the reporting period. The management target to be established in the CEMP is yet to be approved and therefore was not implemented during the reporting period. (b) Mining exclusion Zones at Mesa A, B and C and a Blast Management plan (RTIO-HSE-0339070) were implemented as appropriate throughout the reporting period.

5	To compensate for the residual significant impacts to EPBC Act listed threatened species, the approval holder must within six months of the date of this approval, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must be consistent with the principles of the EPBC Act Environmental Offsets Policy and must: (a) specify the approach for providing offsets for the clearing of habitat for EPBC Act listed threatened species; (b) identify threats for the EPBC Act listed threatened species; 2 (c) nominate detailed offset projects that will realise a conservation benefit for EPBC Act listed threatened species in accordance with relevant approved conservation advice, recovery plans and threat abatement plans and regional conservation plans; (d) if the proposed Offset Strategy includes offset(s) that are not land acquisition, specify a financial commitment to offset projects of at least \$3,000 AUD (exclusive of GST) per hectare cleared in Area B as illustrated in Attachment D, and in addition, at least \$821.00 AUD (exclusive of GST) per hectare cleared in Area A as illustrated in Attachment D. Payments need not be made under this approval for clearing which was previously referred under EPBC 2006/2698. Payments in respect of this commitment must be adjusted in accordance with the CPI released in each calendar year from the date of this approval decision until the date on which any particular payment is made; (e) specify the location and nature of each proposed offset, along with detailed objectives, budget, timeframes, performance and completion criteria for evaluating conservation	Not Applicable	The Mesa A Hub Offset Strategy (RTIO-HSE-0342573) was submitted on 23 March 2020 and complies with the requirements as outlined in Condition 5. Approval is yet to be granted.
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Condition Number/reference	Condition	Compliance status	Evidence/Comments
	outcomes, monitoring and reporting requirements; (f) include a description of the potential risks to the successful implementation of each proposed offset (including but not limited to environmental, administrative, financial, and governance risks); (g) include a description of the measures that will be implemented to mitigate risks associated with each proposed offset and a description of the contingency measures that will be implemented if triggers arise or completion criteria are not met; (h) include processes to adaptively manage proposed offsets; and (i) include a justification for how the proposed offsets meet the EPBC Act Environmental Offsets Policy. The approval holder must implement the approved Offset Strategy. The approval holder must implement the proposed offsets under the Offset Strategy within two months of the approval of the Offset Strategy, or another time as agreed in writing by the Department.		
6	Subject to condition 8, within eight months of approval of the Offset Strategy by the Minister, the approval holder must submit a report to the Department detailing the extent of EPBC Act listed threatened species habitat cleared, and the total amount of offset funds that have been allocated to the offset projects committed under the Offset Strategy and detail the implementation of offset projects. Subsequent reports will be provided biennially, with each report due by 30 April in the year following the two year reporting period. The second report will be provided by 30 April for a period not exceeding two years from the provision of the first report.	Not Applicable	The Mesa A Hub Offset Strategy (RTIO-HSE-0342573) was submitted on 23 March 2020. Approval is yet to be granted.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
7	The approval holder may apply to the Department for a variation to the approved Offset Strategy under Condition 5 by submitting an application in writing to the Department. The application must include: (a) the approval holders contact details, including referral number and ABN/ACN (b) a draft of the proposed variation (c) a written statement that sets out the reasons why the approval holder considers that the proposed variation is required. A variation to the approved Offset Strategy must be approved by the Department in writing. If the varied Offset Strategy is approved by the Department, the varied Offset Strategy must be implemented from the date of approval of the varied Offset Strategy.	Not Applicable	The Mesa A Hub Offset Strategy (RTIO-HSE-0342573) was submitted on 23 March 2020. Approval is yet to be granted.
8	If a Conservation Offset Fund has been established by the Western Australian Government, and approved by the Minister, then Conditions 5, 6, and 7 may not apply (or may cease to be applied) with the agreement by the Department in writing. In such a case, the approval holder must provide funds biennially to the Conservation Offset Fund. The amount of funds must be based on the area of habitat of EPBC Act listed threatened species cleared in the biennial reporting period as set out below. Biennial reporting periods will be based on calendar years with the first biennial reporting period being inclusive of the calendar year in which commencement of the action begins and the following calendar year. Biennial reports will be submitted to the Department by 30 April following the end of each biennial reporting period. The funds to be paid must be equivalent to the 2018 value of the following amounts by the application of the CPI in each calendar year from the date of	Not Applicable	The conservation offset fund is yet to be approved by the Minister.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
	this approval decision until the date on which any particular payment is made: (a) at least \$3,000 AUD (exclusive of GST) per hectare cleared in Area B as illustrated in Attachment D, in addition; (b) at least \$821.00 AUD (exclusive of GST) per hectare cleared in Area A as illustrated in Attachment D. Payments need not be made under this approval for clearing which was referred under EPBC 2006/2698. Each payment required by this condition must comprise the total required in respect of the most recently ended biennial reporting period.		
9	Prior to making the payment required by Condition 8, the approval holder must submit written evidence to the Department of the total area, including shapefiles, of EPBC Act listed threatened species habitat cleared during the most recently ended biennial reporting period and the calculation (including working out) of the amount of funding that is required to be contributed to the Conservation Offset Fund for that biennial reporting period. Within 48 hours of the payment into the Conservation Offset Fund, evidence of these payments must be provided to the Department in writing.	Not Applicable	The conservation offset fund is yet to be approved by the Minister.
10	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	Notification of commencement of action submitted 7/11/19 (RTIO-HSE-0337411) and acknowledged 11/11/19 (RTIO-HSE-0337492).
11	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Compliant	Action commenced 6/11/2019.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
12	The approval holder must maintain accurate and complete compliance records.	Compliant	Records associated with or relevant to the conditions of this approval are maintained within the Rio Tinto Iron Ore Document Management System.
13	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not Applicable	No requests received during the reporting period.
14	The approval holder must: a. submit plans electronically to the Department for approval by the Minister; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval	Not Applicable	No Plans have been submitted to date.
15	The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plan.	Not Applicable	No Plans have been submitted to date.
16	Following commencement of the action, the approval holder must prepare a compliance report for each previous 12 month calendar year period. The approval holder must: a. publish each compliance report on the website on 30 April for the previous 12 month calendar year period;	Not Applicable	This compliance report will be the first to be submitted for the Extension of the Mesa A/ Warrambo Iron Ore Project and will be published as per Condition 16.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
	b. notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires; d. exclude or redact sensitive ecological data from compliance reports published on the website; and e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.		
17	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: a. the condition which is or may be in breach; and b. a short description of the incident and/or non-compliance	Not Applicable	There were no incidents or non-compliances with the conditions during the reporting period.
18	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder	Not Applicable	There were no incidents or non-compliances with the conditions during the reporting period.

Condition Number/reference	Condition	Compliance status	Evidence/Comments
19	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not Applicable	No audits requested.
20	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not Applicable	No audits requested.
21	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not Applicable	No audits requested.
22	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not Applicable	Action not completed.

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:

Position

Organisation:

Date:

