

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

EPBC Approval: 2017/8017

Project: Develop the Mesa H Iron Ore Mining Operations
16 km SW Pannawonica, WA

Report period: 1 January – 31 December 2021

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1 Description of activities

EPBC approval number:	2017/8017
Project name:	Develop the Mesa H Iron Ore Mining Operations 16 km SW Pannawonica, WA
Approval holder:	Robe River Mining Co. Pty. Ltd.
Approval holder's Australian Business Number:	71 008 694 246
Approved action:	To extend the existing Robe Valley mining operations at Mesa J, by developing an open cut mine at the adjacent iron ore deposit at Mesa H, approximately 16 kilometres southwest of Pannawonica WA, through additional mine pits, mineral waste dumps and associated infrastructure, processing facilities and water management infrastructure.
Location of the project:	16 km southwest of Pannawonica WA
Reporting period:	1 January 2021 to 31 December 2021
Report preparation date:	29 April 2022
Implementation phase(s) during reporting period:	Operational

2 Audit table

Details of compliance with each condition under EPBC approval 2017/8017 are presented in Table 1.

Table 1: EPBC Approval Conditions Compliance Table – EPBC 2017/8017 – Develop the Mesa H Iron Ore Mining Operations 16 km SW Pannawonica, WA

Condition Number	Condition	Compliance status	Evidence/Comments
1	To minimise impacts to the Blind Cave Eel, Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat the approval holder must not: a. clear more than 2,200 ha of vegetation within the Development Envelope, including no more than 132 ha within the Mesa H Mining Exclusion Zone (MEZ) as shown in <u>Attachments A</u> and <u>B</u>. b. abstract more than 30 GL/annum of groundwater.	Compliant	The approval holder disturbed 158.79 ha of vegetation during the reporting period. The total disturbed for the project is 219.05 ha, including no more than 4.09 ha within the Mining Exclusion Zone (MEZ). The approval holder abstracted 12.83 GL of groundwater from Mesa H bores during the reporting period.
2	To minimise impacts to the Blind Cave Eel, Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat , the approval holder must comply with all specifications of the following conditions of the EPA Report and Recommendations that are consequential for these species: a. Condition 5 (Condition Environmental Management Plan(s)), b. Condition 6 (Inland Waters and Vegetation), c. Condition 8 (Terrestrial Fauna Habitat – Conservation Significant Fauna Species: Northern Quoll (<i>Dasyurus hallucatus</i>), Ghost Bat (<i>Macroderma giga</i>) and Pilbara Leaf-Nosed Bat (<i>Rhinonicteris aurantia</i> – Pilbara form)).	Compliant	Conditions 5, 6 and 8 were reported as either compliant or not required during the reporting period. The Mesa J Hub Condition Environmental Management Plan (CEMP) (our ref: RTIO-HSE-0349253) was submitted to the Western Australian Department of Water and Environmental Regulation (DWER) on 8 January 2021. DWER requested amendments and the CEMP was resubmitted to DWER on 4th January 2022 (our ref: RTIO-HSE-0349253). The CEMP has not yet been approved. The previous Environmental Management Plan (our ref: RTIO-HSE-0162720) continued to be implemented during the reporting period.
3	To minimise impacts to the Blind Cave Eel, Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat , the Condition Environmental Management Plan(s) specified under Condition 5 of the EPA Report and Recommendations , must (where relevant to Blind Cave Eel, Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat) specify environmental outcomes or objectives related to the mitigation and management of the following key threatening processes: a. fire. b. vehicle and machinery movements. c. fauna encounters and sightings. d. weed management. e. feral animal control.	Compliant	The CEMP (our ref: RTIO-HSE-0349253) contains the required environmental outcomes and objectives. It was submitted to DWER on 8 January 2021. DWER requested amendments and the CEMP was resubmitted to DWER on 4th January 2022 (our ref: RTIO-HSE-0349253). The CEMP has not yet been approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	f. noise and vibration; and g. dust and light. For 3.f. noise and vibration, the Condition Environmental Management Plan(s) must include monitoring of the Ghost bat and include management targets(s) to ensure that the approved action does not result in significant long term decline in the Ghost Bat population.		
4	To minimise impacts to Ghost Bat, that approval holder must implement a Mining Exclusion Zone and blast management to minimise potential impacts to Ghost Bat roosts from noise and vibration associated with mining activities. The Condition Environmental Management Plan specified under Condition 5 of the EPA Report and Recommendations must include and justify appropriate management, avoidance and mitigation measures and may specify different measures for diurnal and nocturnal Ghost Bat roosts. If the action results in permanent significant structural damage to a Ghost Bat roost which cannot be remedied, or a failure to meet the management targets required under Condition 3, the proponent must submit a plan in writing within two months of the occurrence to the Minister for approval. This plan must justify and specify how the impact will be rectified or offset.	Compliant	Where relevant to minimising potential impacts to roosting Ghost Bats, a Mining Exclusion Zone and blast management have been implemented. The CEMP was submitted to DWER on 8 January 2021. DWER requested amendments and the CEMP was resubmitted to DWER on 4th January 2022 (our ref: RTIO-HSE-0349253). The CEMP has not yet been approved. The action has not resulted in permanent significant structural damage to a Ghost Bat roost which cannot be remedied or a failure to meet management targets.
5	To minimise the impacts to the Blind Cave Eel and its habitat the approval holder must ensure that, as a result of the action: - there is no significant change to groundwater quality detrimental to the Blind Cave Eel within its known habitat; and - groundwater drawdown in the known pre-mining saturated Blind Cave Eel habitat within the Jimmawurrada Creek alluvial aquifer must not exceed 10 metres in depth below the minimum recorded wet season groundwater level.	Not applicable	Abstraction activities have not yet commenced at Mesa H.
6	The approval holder must submit an Action Management Plan that specifies how the approval holder will achieve the outcomes specified in Condition 5 for approval by the Minister. The approval holder must not commence abstraction activities that are part of the action unless the Minister has approved the Action Management Plan in writing. The approved Action Management Plan must be implemented. The Action Management Plan must: justify and specify the definition of the significant change to groundwater quality detrimental to the Blind Cave Eel habitat.	Not applicable	Abstraction activities have not yet commenced at Mesa H.

Condition Number	Condition	Compliance status	Evidence/Comments
	b. provide detail of the method(s) to be used within appropriate justification and relevant case studies (noting that method(s) may include but need not be restricted to managed aquifer recharge); c. specify threshold criteria exceedance of which presents a risk of breaching condition 5 and commit to not exceeding those criteria; d. specify trigger criteria that provide an early warning that the threshold criteria could be exceeded; e. specify monitoring capable of determining if trigger criteria and threshold criteria are exceeded; f. include an isopach map illustrating the alluvial thickness in the known pre-mining saturated Blind Cave Eel habitat within the Jimmawurrada Creek alluvial aquifer. The isopach map must: I. show the location of the groundwater monitoring bore(s) for which the minimum recorded wet season groundwater level has been measured; II. show the extent of the saturated alluvial thickness which does not exceed 10 metres in depth below the minimum recorded wet season groundwater level; III. identify which bores will be used for compliance monitoring to ensure that the 10 metres in depth below the minimum recorded wet season groundwater level does not occur; IV. include the approval holder's commitment to reporting significant damage or loss of any bore(s) used for compliance monitoring in writing to the Department within seven (7) days of becoming aware of the damage, and the replacement of any bore used for compliance monitoring within three (3) months of the damage occurring, or another period as agreed in writing by the Minister. g. specify actions to be implemented in the event that the trigger criteria have been exceeded; h. specify threshold contingency actions to be implemented in the event that the threshold criteria are exceeded (these may include but need not be limited to ceasing groundwater abstraction); and i. provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that Condition 5 is being met.		

Condition Number	Condition	Compliance status	Evidence/Comments
7	In the event that monitoring, tests, surveys or investigations indicate exceedance of threshold criteria specified in the Action Management Plan, the approval holder must: - report the exceedance in writing to the Department within seven days of becoming aware of the exceedance; - commence implementing the threshold contingency actions specified in the Action Management Plan within 24 hours of becoming aware of the exceedance and continue implementation of those actions until the Department has confirmed by notice in writing that the approval holder has demonstrated that the threshold contingency actions are no longer required; - investigate to determine the cause of the threshold criteria being exceeded; - undertake investigation to provide the Department with adequate information for it to determine what, if any, harm or alteration of the environment that may affect protected matters occurred due to threshold criteria being exceeded; and - provide a report to the Department within twenty-one days of the exceedance being reported as required by Condition 7.a, or another time as agreed in writing by the Minister, the report must include: - details of threshold contingency actions implemented; - the effectiveness of the threshold contingency actions implemented, against the threshold criteria; - the findings of the investigations required by Conditions 7.c. and 7.d.; - measures to prevent the threshold criteria being exceeded in the future; - measures to prevent, mitigate and remedy the environmental harm which may have occurred; and - justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that outcomes specified at Condition 5 will continue to be met.	Not applicable	Abstraction activities have not yet commenced at Mesa H.
8	Groundwater management and monitoring must continue until the Minister agrees in writing that the outcomes specified at Condition 5 can be met without active management of groundwater levels by the approval holder.	Not applicable	Abstraction activities have not yet commenced at Mesa H.

Condition Number	Condition	Compliance status	Evidence/Comments
9	To demonstrate the effectiveness of the Action Management Plan the approval holder must undertake monitoring, using best available methods (noting these may evolve over time) to determine the presence of the Blind Cave Eel within the known pre-mining distribution within Jimmawurrada Creek alluvial aquifer prior to every five years from the anniversary of the date of this approval until the end date of this approval (or the end date of the action as agreed in writing from the Minister). Results of the monitoring must be provided to the Department . The complete findings of each program of monitoring must be provided to the Department in the first annual compliance report submitted after each five-year anniversary of the date of this approval.	Not applicable	Abstraction activities have not yet commenced at Mesa H.
10	To compensate for the residual significant impacts to Ghost Bat, Northern Quoll, Olive Python, Pilbara leaf-nosed bat and the Blind Cave Eel, the approval holder must within fifteen months of the date of this approval, submit an Offset Strategy for the Minister's written approval. The Offset Strategy must: - specify the approach and priorities for providing offsets for the clearing of habitat for Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat; - specify the approach and priorities for providing offsets as a result of groundwater drawdown for the Blind Cave Eel; - identify threats for the Ghost Bat, Northern Quoll, Olive Python, Pilbara leaf-nosed bat and the Blind Cave Eel; - nominate detailed offset projects that will realise a conservation benefit for the Ghost Bat, Northern Quoll, Olive Python, Pilbara leaf-nosed bat and Blind Cave Eel in accordance with relevant approved conservation advice, recovery plans and threat abatement plans and regional conservation plans; - if the proposed Offset Strategy includes offset(s) that do not provide specified site(s) for permanent conservation purposes: - specify a financial commitment of at least \$3,000 AUD (exclusive of GST) per hectare cleared in Area B, and in addition, at least \$833.00 AUD (exclusive of GST) per hectare cleared in Area A. The financial 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 payment is made; - provide a financial commitment of at least \$1,000,000 AUD (exclusive of GST) to support research priorities addressing current	Compliant	A Mesa H Proposal Impact Reconciliation Procedure (our ref: RTIO-HSE-0354024) was submitted to DWER on 29th June 2021 to meet both Western Australian and Commonwealth offset requirements. Discussions are ongoing with both regulators regarding content.

Condition Number	Condition	Compliance status	Evidence/Comments
	knowledge gaps that will significantly contribute to long term conservation outcomes for the Blind Cave Eel. f. specify the party to be responsible for implementing the proposed offsets; where appropriate the location and nature of each proposed offset project, along with detailed objectives, budget, timeframes, performance and completion criteria for evaluating conservation or research outcomes, monitoring and reporting requirements; g. specify how research findings will be published; h. 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); i. 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; j. include processes to adaptively manage proposed offsets; k. explain how the proposed offsets meet the EPBC Act Environmental Offsets Policy; and l. ensure the measures that will be implemented as part of the Offset Strategy have no detrimental impact on listed threatened species under the EPBC Act. The approval holder must implement the approved Offset Strategy. The approval holder must commence implementation of the offsets specified in the approved Offset Strategy within two months of the approval of the Offset Strategy, or another time as agreed in writing by the Minister. The approved Offset Strategy may be varied within the written approval of the Minister. If that variation to the Offset Strategy is approved by the Minister, the varied Offset Strategy must be implemented from the date of approval of the varied Offset Strategy.		
11	Subject to Condition 12, 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 Ghost Bat, Northern Quoll, Olive Python, and Pilbara leaf-nosed bat habitat cleared, and the total amount of financial commitments that have been made (including for the Blind Cave Eel), as provided for in Condition 10.e, to offset projects in the approved Offset Strategy and detail the implementation of offset projects. Subsequent reports must be provided biennially, with each report due by 30 April in the year	Not applicable	The Mesa H Proposal Impact Reconciliation Procedure (our ref: RTIO-HSE-0354024) is not yet approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	following the two-year reporting period. The second report must be provided by 30 April for a period not exceeding two years from the provision of the first report.		
12	If a Conservation Offset Fund has been established by the Western Australian Government, and approved the Minister in writing, then Conditions 10 and 11 may not apply (or may cease to be applied) with respect to the offset for each of the Blind Cave Eel, Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat with the agreement by the Minister in writing. Where agreed by the Minister in writing, the approval holder must provide funds biennially to the Conservation Offset Fund. For the Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat the amount of funds provided biennially is to be based on the area of habitat of each species cleared in the biennial reporting period. The funding amounts must be at least \$3,000 AUD (exclusive of GST) per hectare cleared in Area B; and at least \$833.00 AUD (exclusive of GST) per hectare cleared in Area A. For the Blind Cave Eel, the amount will be a payment of at least \$1 million AUD (exclusive of GST) to contribute to long term conservation outcomes for that species. All funds to be paid must be equivalent to the 2019 value of the above amounts by the application of the CPI in each calendar year from the date of this approval decision until the date on which any payment is made. 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 occurs and the following calendar year. Biennial reports must be submitted to the Department by 30 April following the end of each biennial reporting period.	Not applicable	The approval holder has requested approval from DAWE to use the Pilbara Environmental Offset Fund established by the Western Australian Government (our ref: RTIO-HSE-0353523) in relation to meeting EPBC offsets requirements for the Northern Quoll, Ghost Bat, Pilbara Leaf-nosed Bat, Pilbara Olive Python and the Blind Cave Eel. The Federal Environment Minister has not yet approved this request. A Mesa H Proposal Impact Reconciliation Procedure (our ref: RTIO-HSE-0354024) was submitted to DWER on 29 June 2021 to meet both Western Australian and Commonwealth offset requirements. Discussions are ongoing with both regulators regarding content.
13	Prior to making the payment required by Condition 12, the approval holder must submit written evidence to the Department of the total area, including shapefiles, of Ghost Bat, Northern Quoll, Olive Python and Pilbara leaf-nosed bat 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 approval holder has requested approval from DAWE to use the Pilbara Environmental Offset Fund established by the Western Australian Government (our ref: RTIO-HSE-0353523) in relation to meeting EPBC offsets requirements for the Northern Quoll, Ghost Bat, Pilbara Leaf-nosed Bat, Pilbara Olive Python and the Blind Cave Eel. The Federal Environment Minister has not yet approved this request. A Mesa H Proposal Impact Reconciliation Procedure (our ref: RTIO-HSE-0354024) was submitted to

Condition Number	Condition	Compliance status	Evidence/Comments
			DWER on 29 June 2021 to meet both Western Australian and Commonwealth offset requirements. Discussions are ongoing with both regulators regarding content.
14	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 the action submitted on 25 September 2020 (our ref: RTIO-HSE-0345996) and acknowledged by DAWE on 30 September 2020 (our ref: RTIO-HSE-0347236).
15	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.
16	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.
17	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 or the Department, 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.	Compliant	A Mesa H Proposal Impact Reconciliation Procedure (our ref: RTIO-HSE-0354024) was submitted to DWER on 29 June 2021 to meet both Western Australian and Commonwealth offset requirements. Discussions are ongoing with both regulators regarding content.
18	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 monitoring data required to be submitted during the reporting period.
19	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:	Compliant	The approval holder submitted an Annual Compliance Report to the Department on 30 April 2021 (our ref: RTIO-HSE-0346352). This report is available from https://www.riotinto.com/ .

Condition Number	Condition	Compliance status	Evidence/Comments
	a. publish each compliance report on the website on 30 April for the previous 12 month calendar year period; 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.		
20	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 seven business days after becoming aware of the incident or non-compliance. The notification must specify: a. any condition which is or may be in breach; b. a short description of the incident and/or non-compliance; and c. the location (including co-ordinates), date, and time of the incident (or the date the incident became known of) and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	Not applicable	There were no incidents or non-compliances with the conditions or commitments during the reporting period.
21	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 21 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 or commitments during the reporting period.
22	The approval holder must ensure that independent audits of compliance with the conditions of this approval are conducted as requested in writing by the Minister.	Not applicable	There were no audits requested during the reporting period.

Condition Number	Condition	Compliance status	Evidence/Comments
23	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	There were no audits requested during the reporting period.
24	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	There were no audits requested during the reporting period.
25	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previously approved action management plan.	Not applicable	Action Management Plan not yet submitted as abstraction activities have not yet commenced at Mesa H.
26	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:

