

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

EPBC Approval: 2018/8299

Project: West Angelas Iron Ore Mine – Deposits C, D and G

Report period: 1 January – 31 December 2021

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1 Description of activities

EPBC approval number:	2018/8299
Project name:	West Angelas Iron Ore Mine – Deposits C, D and G
Approval holder:	Robe River Mining Co Pty Ltd
Approval holder's Australian Business Number:	71 008 694 246
Approved action:	To develop iron ore deposits C, D and G, and associated works and infrastructure at the existing West Angelas Iron Ore Mine, Pilbara, Western Australia.
Location of the project:	Pilbara, West Australia
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 2018/8299 are presented in Table 1.

Table 1: EPBC Approval Conditions Compliance Table – EPBC 2018/8299 – West Angelas Iron Ore Mine – Deposits C, D and G

Condition Number	Condition	Compliance status	Evidence/Comments
1	To minimise impacts to EPBC Act listed threatened species , the approval holder must not clear more than 4 310 ha of vegetation within the development envelope at deposits C, D and G as shown in Attachment A, and for associated infrastructure for the development of deposits C, D and G.	Compliant	Aerial photography was collected during the reporting period to reconcile ground disturbance and the prescribed clearing limits were not exceeded. 515 ha have been cleared within the development envelope at deposits C, D and G.
2	To minimise impacts to EPBC Act listed threatened species , the approval holder must comply with conditions 5-1(1), 5-1(4), 5-1(5), 5-1(6), 5-2, 5-3, 5-4, 5-5, 5-6, 5-7 and 5-8 (Environmental Management Plan) of the Western Australia approval .	Compliant	A Condition Environmental Management Plan (our ref: RTIO-HSE-0311343) was submitted to the Western Australian Department of Water and Environmental Regulation (DWER) on 2 December 2019 and approved on 15 April 2020 by DWER (DWER ref: DWERT4704). The 2021 Annual Compliance Assessment Report (our ref: RTIO-HSE-0356438) recorded compliance (or 'not required') with conditions 5-1(1), 5-1(4), 5-1(5), 5-1(6), 5-2, 5-3, 5-4, 5-5, 5-6, 5-7 and 5-8.
3	To minimise impacts to EPBC Act listed threatened species or their habitat the approval holder must ensure that there is: (a) no drawdown of groundwater associated with the action at the boundary of, or within, Karijini National Park and (b) no change in groundwater quality associated with the action at the boundary of, or within, Karijini National Park.	Not applicable	Dewatering activities have not yet commenced and therefore no drawdown or change in quality due to the proposal has occurred.
4	A Condition Environmental Management Plan to achieve the outcomes specified in Condition 3 must be submitted for approval by the Minister . The approved Condition Environmental Management Plan must be implemented. The approval holder must not commence dewatering activities unless the Minister has approved the Condition Environmental Management Plan in writing.	Not applicable	A Groundwater Environmental Management Plan Version 3 (our ref: RTIO-HSE-0358315) was re-submitted on 21 February 2022 and is not yet approved. Dewatering has not yet commenced.
5	The Condition Environmental Management Plan must: (a) provide an explanation of the method to be used to ensure the outcome required by condition 3(a) is met; (b) specify threshold criteria to demonstrate compliance with the environmental outcomes specified in condition 3. Exceedance of	Not applicable	A Groundwater Environmental Management Plan Version 3 (our ref: RTIO-HSE-0358315) was re-submitted on 21 February 2022 and is not yet approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	<p>the threshold criteria represents non-compliance with these conditions;</p> <p>(c) specify trigger criteria that must provide an early warning that the threshold criteria identified in the Condition Environmental Management Plan may not be met;</p> <p>(d) specify monitoring capable of determining if trigger criteria and threshold criteria are exceeded. The approval holder must have a high degree of certainty that they will ensure the outcomes at condition 3 are met;</p> <p>(e) specify actions to be implemented in the event that trigger criteria have been exceeded;</p> <p>(f) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded, including ceasing water extraction if necessary;</p> <p>(g) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 3 has been met.</p>		
6	<p>In the event that monitoring, tests, surveys or investigations indicate exceedance of triggers or threshold criteria specified in the Condition Environmental Management Plan, the approval holder must:</p> <p>(a) report the exceedance in writing to the Department within five (5) business days of becoming aware of the exceedance;</p> <p>(b) commence implementing the trigger or threshold contingency actions specified in the Condition Environmental Management Plan specified at Condition 4 within 24 hours of becoming aware of the exceedance and, in respect of exceedance of threshold criteria, 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;</p> <p>(c) investigate to determine the cause of the trigger or threshold criteria being exceeded;</p> <p>(d) investigate to provide information for the Department to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and</p>	Not applicable	<p>A Groundwater Environmental Management Plan Version 3 (our ref: RTIO-HSE-0358315) was re-submitted on 21 February 2022 and is not yet approved.</p> <p>Dewatering has not yet commenced. Baseline monitoring data has been collected prior to dewatering.</p>

Condition Number	Condition	Compliance status	Evidence/Comments
	<p>(e) provide a report to the Department within twenty-one (21) business days of the exceedance being reported as required by condition 6(a). The report must include:</p> <ul style="list-style-type: none"> (i) details of trigger or threshold contingency actions implemented; (ii) the effectiveness of the trigger or threshold contingency actions implemented, against the threshold criteria; (iii) the findings of the investigations required by condition 6(c) and 6(d); (iv) measures to prevent the threshold criteria being exceeded in the future; (v) measures to prevent, mitigate and remedy the environmental harm which may have occurred; and (vi) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that outcomes will continue to be met. 		
7	Groundwater management and monitoring must continue until it can be demonstrated that the outcomes specified at Condition 3 can be met without active management.	Not applicable	<p>A Groundwater Environmental Management Plan Version 3 (our ref: RTIO-HSE-0358315) was re-submitted on 21 February 2022 and is not yet approved.</p> <p>Dewatering has not yet commenced. Baseline monitoring data has been collected prior to dewatering.</p>
8	<p>To compensate for the residual significant impacts of clearing Ghost Bat (<i>Macroderma gigas</i>) habitat and Pilbara Leaf-nosed Bat (<i>Rhinonictis aurantia</i> (Pilbara form)) habitat, 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:</p> <ul style="list-style-type: none"> (a) specify the approach for providing offsets for the clearing of 507 ha of Ghost Bat habitat and 507 ha of Pilbara Leaf-nosed Bat habitat; (b) identify threats for the Ghost Bat and Pilbara Leaf-nosed Bat; (c) nominate detailed offset projects that will realise a conservation benefit for the Ghost Bat and the Pilbara Leaf-nosed Bat in accordance with relevant approved conservation advice, 	Compliant	Offset strategy was submitted to DAWE on 24 March 2020 (our ref: RTIO-HSE-0342437) and is not yet approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	<p>recovery plans and threat abatement plans and regional conservation plans;</p> <p>(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 of Ghost Bat habitat cleared and, in addition, at least \$821.00 AUD (exclusive of GST) per hectare of Pilbara Leaf-nosed bat habitat cleared. 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;</p> <p>(e) specify the location and nature of each proposed offset, along with detailed objectives, budget, timeframes, performance and completion criteria for evaluating conservation outcomes, monitoring and reporting requirements;</p> <p>(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);</p> <p>(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;</p> <p>(h) include processes to adaptively manage proposed offsets; and</p> <p>(i) include a justification for how the proposed offsets meet the EPBC Act Environmental Offsets Policy.</p> <p>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.</p>		
9	<p>Subject to condition 11, 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 habitat and Pilbara Leaf-nosed Bat 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 reporting periods will be biennial, Subsequent reporting periods will be biennial, addressing the previous two calendar years, with the first biennial reporting</p>	Not applicable	Offset strategy was submitted to DAWE on 24 March 2020 (our ref: RTIO-HSE-0342437) and is not yet approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	period inclusive of the calendar year in which commencement of the action begins and the following calendar year. The approval holder must submit the biennial reports to the Department by the 30 April following the end of each biennial period.		
10	<p>The approval holder may apply to the Department for a variation to the approved Offset Strategy under condition 8 by submitting an application in writing to the Department. The application must include:</p> <ul style="list-style-type: none"> (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. <p>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.</p>	Not applicable	No variations to the Offset Strategy were required during the reporting period.
11	<p>If a Conservation Offset Fund has been established by the Western Australian Government, and approved by the Minister, then Conditions 8, 9 and 10 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 bat habitat 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 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. The funds to be paid must be equivalent to the 2019 value of the following amounts by the application of the CPI in each financial year from the date of this approval decision until the date on which any particular payment is made:</p> <ul style="list-style-type: none"> (a) at least \$3,000 AUD (exclusive of GST) per hectare of Ghost Bat habitat cleared and, in addition; (b) at least \$821.00 AUD (exclusive of GST) per hectare of Pilbara Leaf-nosed bat habitat cleared. <p>Each payment required by this condition must comprise the total required in respect of the most recently ended biennial reporting period and be</p>	Not applicable	The Department has not yet agreed in writing to the use of the Conservation Offset Fund established by the Western Australian Government and approved by the Minister. Conditions 8, 9 and 10 currently apply.

Condition Number	Condition	Compliance status	Evidence/Comments
	received by the Conservation Offset Fund within one month of the end of that biennial reporting period .		
12	Prior to making the payment required by Condition 11, the approval holder must submit written evidence to the Department of the total area, including shapefiles , of Ghost Bat habitat 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	Refer to Condition 11 above.
13	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 was sent on 8 October 2019 (our ref: RTIO-HSE-0336462). The action commenced on 7 October 2019.
14	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	The action commenced on 7 October 2019, within 5 years of the date of the approval.
15	The approval holder must maintain accurate and complete compliance records .	Compliant	Records associated with the conditions of this approval are maintained within the approval holder's document and data management systems.
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. Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.	Not applicable	No requests received during the reporting period.
17	The approval holder must: <ul style="list-style-type: none"> (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 	Compliant	The required Plans have been submitted but are not yet approved.

Condition Number	Condition	Compliance status	Evidence/Comments
	<p>action management plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister;</p> <p>(c) exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and</p> <p>(d) keep plans published on the website until the end date of this approval.</p>		
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 <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department in accordance with the requirements of the plan.	Not applicable	There was no requirement to submit monitoring data to the Department during the reporting period as the required plans are yet to be approved.
19	<p>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:</p> <p>(a) publish each compliance report on the website on or before 30 April for the previous 12 month calendar year period; notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;</p> <p>(b) keep all compliance reports publicly available on the website until this approval expires;</p> <p>(c) exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>(d) 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.</p> <p>Note: Compliance reports may be published on the Department's website.</p>	Non compliant	The first compliance report (our ref: RTIO-HSE-0353181) was published on the approval holder's website on 21 May 2021.
20	<p>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:</p> <p>(a) the condition which is or may be in breach; and</p> <p>(b) a short description of the incident and/or non-compliance.</p>	Compliant	The approval holder became aware of a non-compliance with condition 19 on 19 May 2021. The Department was notified on 21 May 2021 (our ref: RTIO-HSE-0353229).

Condition Number	Condition	Compliance status	Evidence/Comments
21	<p>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:</p> <ul style="list-style-type: none"> (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. 	Compliant	The approval holder became aware of a non-compliance with condition 19 on 19 May 2021. The Department was notified on 21 May 2021 (our ref: RTIO-HSE-0353229).
22	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.
23	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> (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.
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	No audits requested.
25	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 4 or as subsequently revised in accordance with these conditions, 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 previous action management plan.	Not applicable	No variations required during the reporting period.
26	The approval holder may choose to revise an action management plan approved by the Minister under condition 4, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .	Not applicable	No revisions required during the reporting period.

Condition Number	Condition	Compliance status	Evidence/Comments
27	<p>If the approval holder makes the choice under condition 26 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> (a) notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> (i) an electronic copy of the RAMP; (ii) an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; (iii) an explanation of the differences between the approved action management plan and the RAMP; (iv) the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and (v) written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. (b) subject to condition 28, implement the RAMP from the RAMP implementation date. 	Not applicable	No revisions required during the reporting period.
28	<p>The approval holder may revoke their choice to implement a RAMP under condition 26 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 26, the approval holder must implement the previous action management plan approved by the Minister.</p>	Not applicable	No revisions required during the reporting period.
29	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> (a) condition 26 does not apply, or ceases to apply, in relation to the RAMP; and (b) the approval holder must implement the action management plan specified by the Minister in the notice. 	Not applicable	No revisions required during the reporting period.

Condition Number	Condition	Compliance status	Evidence/Comments
30	At the time of giving the notice under condition 29, the Minister may also notify that for a specified period of time, condition 26 does not apply for one or more specified action management plans. Note: conditions 26, 27, 28 and 29 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.	Not applicable	No revisions required during the reporting period.
31	Within 30 days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .	Not applicable	The action has not been completed.

3 Non-Compliances

3.1 Details of non-compliance(s)

Which implementation condition or procedure was non-compliant?	
<p>Condition 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:</p> <ul style="list-style-type: none"> (a) publish each compliance report on the website on or before 30 April for the previous 12 month calendar year period; notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; (b) keep all compliance reports publicly available on the website until this approval expires; (c) exclude or redact sensitive ecological data from compliance reports published on the website; and (d) 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. <p>Note: Compliance reports may be published on the Department's website.</p>	
Who detected the non-compliance?	
The approval holder.	
On what date(s) did the non-compliance occur (if applicable)?	
30 April 2021	
Was this 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: 21 May 2021 Our ref: RTIO-HSE-0353229	<input type="checkbox"/> No
What correction measure(s), if any, were taken or are proposed to be taken in response to the non-compliance?	
<p>The approval holder has implemented the following corrective actions:</p> <ul style="list-style-type: none"> • A compliance report covering the period from the commencement of the action (7 October 2019) to 31 December 2020 was published on the approval holder's website and submitted to the Department on 21 May 2021. • EPBC 2018/8299 has been added to the approval holder's internal Environmental Report Tracking register. 	
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?	
The corrective measures were completed by 21 May 2021.	
What measures, if any, are in place to prevent re-occurrence of the non-compliance?	
EPBC 2018/8299 has been added to the approval holder's internal Environmental Report Tracking register.	

4 Groundwater Environmental Management Plan Compliance Assessment

The Groundwater Environmental Management Plan is not yet approved. Compliance with the Plan will be included in future submissions once the Plan is approved and being implemented. Dewatering for Deposits C, D and G is yet to commence.

5 New environmental risks

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

6 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: