



South Capel Remediation Project, WA
EPBC 2018/8250
Annual Compliance Report
23 September 2019 – 22 September 2020

Iluka ref: 0058-1624046663-3637

Revision: 0

Date: September, 2020

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Document control

Revision	Details of review or changes	Prepared by	Date created	Document reference
Rev 0	Final for submission	KT	18/09/2020	0058-1624046663-4462

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: _____



Angela Bishop
Manager Environmental Regulation
Iluka Resources Limited

Date: _____

22.9.2020

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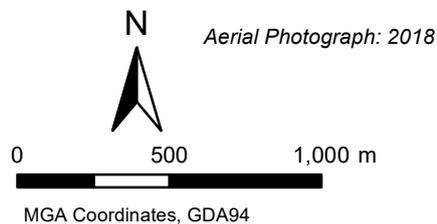
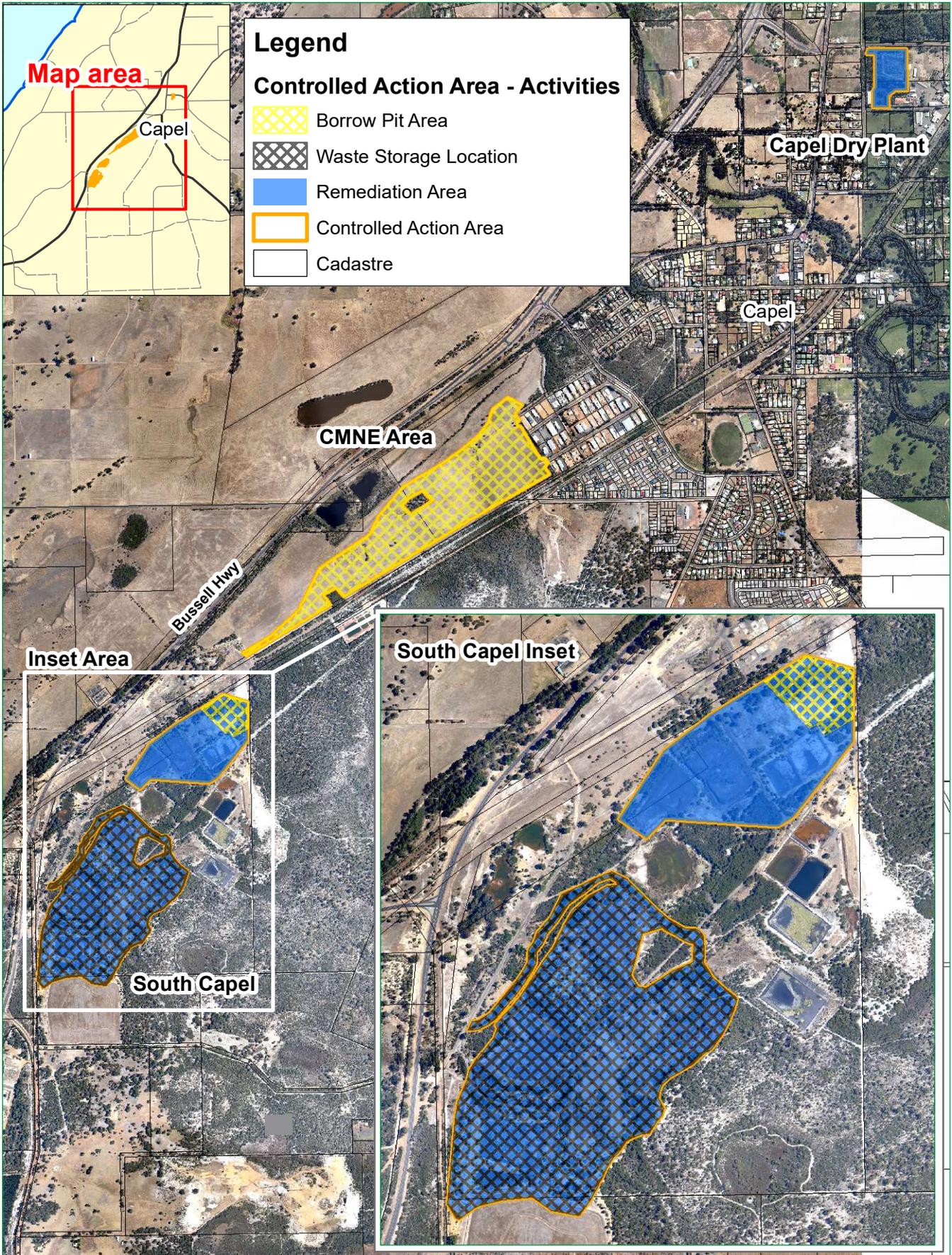
1 Introduction

The South Capel Remediation Project (SCRCP) being undertaken by Iluka Resources Ltd (Iluka) is remediating point sources of groundwater contamination associated with historic by-product storage. In July 2018, Iluka referred the SCRCP to the Department of Agriculture, Water and the Environment (the Department) under the *Environmental Protection and Biodiversity Conservation Act 1999*. In October 2018, Iluka received formal notification that the SCRCP was a controlled action likely to have significant impact on Matters of National Environmental Significance including listed flora species and the Western Ringtail Possum (WRP) (*Pseudocheirus occidentalis*). On the 19 September 2019 approval was granted for the controlled action (EPBC 2018/8250) as per details in Section 1.1.

1.1 EPBC Approval Details

Approval Number:	EPBC 2018/8250
Approval Holder:	Iluka Resources Limited
Approval Holder ABN:	34 008 675 018
Location:	Shire of Capel, Western Australia
Action:	To undertake remediation works at Capel Dry Plant and South Capel mineral sands mining and processing site [see EPBC Act referral 2018/8250].
Reporting Period:	23 September 2019 – 22 September 2020
Report Prepared:	September 2020

Figure 1 shows the controlled action area.



SOUTH CAPEL REMEDIATION PROJECT
EPBC 2018/8250
Controlled Action Area



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1.2 Purpose

The purpose of this report is to document compliance with conditions under EPBC 2018/8250 as required by Condition 11 which states:

“The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:

- a. publish each compliance report on the website within 20 business days following the relevant 12 month period;*
- b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication, and provide a link to the location of the published report;*
- 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.”*

The reporting period is outlined in Section 1.1.

The compliance status and updates are provided in Table 1.

This report has been prepared in accordance with the “Annual Compliance Report Guidelines” (Commonwealth of Australia, 2014).

1.3 Activities Undertaken

As at 22 September 2020, the following works are complete:

- relocation of Western Ringtail Possums;
- clearing
- remediation; and
- final landform development.

Activities planned for 2021 include revegetation of Western Ringtail Possum habitat in winter as per offset requirements and the first round of native vegetation monitoring post planting in spring.

2 Compliance Table

Table 1 Compliance with conditions of EPBC 2018/8250 for the reporting period 23 September 2019 – 22 September 2020

Condition	Condition	Compliance	Comments
1	The approval holder must not clear more than 8.44 hectares of Western Ringtail Possum habitat, designated as 'WRP Habitat' on the maps at Appendices B and C, within the project area.	Compliant	A total of 6.7 ha of Western Ringtail Possum habitat was cleared as shown in Figure 2 and Figure 3.
2	<p>For the protection of Western Ringtail Possum, the approval holder must:</p> <ul style="list-style-type: none"> a. implement the Revegetation Management Plan b. undertake rehabilitation work in accordance with the Revegetation Management Plan c. ensure that a suitably qualified fauna ecologist undertakes preclearance surveying for Western Ringtail Possum prior to all clearing and is present during all clearing. <p>If Western Ringtail Possums are present in the area to be cleared, then translocation is required and all translocation must be overseen on site by a suitably qualified field ecologist.</p> <p>The approval holder must continue rehabilitation work until the completion criteria are met for all areas that are subject to the Revegetation Management Plan.</p>	Compliant	<p>Revegetation activities are due to occur in winter 2021 so conditions 2a and 2b are not relevant for this reporting period.</p> <p>A suitably qualified fauna ecologist undertook preclearance surveys prior to all clearing and was present during all clearing activities. Details are provided in Section 3.2.</p> <p>A suitably qualified fauna ecologist undertook all translocation as required. Details are provided in Section 3.2.</p> <p>No rehabilitation has occurred to date.</p>
3	<p>For the protection of Western Ringtail Possum, the approval holder must engage a suitably qualified ecologist to assess the level of success of rehabilitation and undertake the following tasks:</p> <ul style="list-style-type: none"> a. By the ten year anniversary of the commencement of planting, assess the success of rehabilitation to determine the extent to which the completion criteria have been met b. Produce and submit to the Department a report evaluating the success of rehabilitation (Rehabilitation Report), within three months of the ten year anniversary of the commencement of planting. <p>If required by the Department, the approval holder must undertake additional ecological assessments and works that contribute to the achievement of completion criteria, as directed by the Department, until the completion criteria have been achieved.</p>	N/A	Revegetation activities are due to occur in winter 2021 with monitoring commencing in spring 2021.

Condition	Condition	Compliance	Comments
4	To compensate for the loss of 8.44 hectares of Western Ringtail Possum habitat, the approval holder must, by 31 January 2030, secure the offset site in perpetuity by registering on title a conservation covenant established under section 30B of the <i>Soil and Land Conservation Act 1945 (WA)</i> , or by an alternative approach to legally securing the offset site as agreed in advance by the Department in writing.	N/A	Covenant will be sought once the revegetation site is established and before 31 January 2030.
5	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	Action commenced 23/09/2019. The Department was notified by letter, dated 25/09/2019. See Attachment 1.
6	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.	N/A	Not relevant. The action commenced within 5 years of the date of approval.
7	The approval holder must maintain accurate and complete compliance records.	Compliant	Records are maintained with Iluka's document control system.
8	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.	N/A	No request received during reporting period.
9	The approval holder must: <ol 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 10 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 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. 	N/A	No plans or revised plans developed during reporting period.
10	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 within 3 months of each monitoring event.	N/A	No relevant monitoring data captured during reporting period.

Condition	Condition	Compliance	Comments
11	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a. publish each compliance report on the website within 20 business days following the relevant 12 month period; b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication, and provide a link to the location of the published report; 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. 	Compliant	<p>This report satisfies this condition.</p> <p>Available on the Iluka website at: https://www.iluka.com/sustainability/transparency-hub</p> <p>Attachments 2 and 3 have been redacted from the online version of this document due to them containing information deemed ecologically sensitive.</p>
12	<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> <ul style="list-style-type: none"> 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 coordinates), date and time, to the extent that these can be determined, of the incident and/or non-compliance. 	N/A	No incidents or non-compliances with conditions or plans occurred during reporting period.
13	<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. 	N/A	No incidents or non-compliances with conditions or plans occurred during reporting period.
14	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	N/A	No request for independent audits was made by the Minister during the reporting period.

Condition	Condition	Compliance	Comments
15	For each independent audit, the approval holder must: <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 auditor and 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. 	N/A	No request for independent audits was made by the Minister during the reporting period.
16	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.	N/A	No request for independent audits was made by the Minister during the reporting period.
17	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 2, 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	N/A	No variation was requested during the reporting period.
18	The approval holder may choose to revise an action management plan approved by the Minister under condition 2, 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.	N/A	No revision was requested during the reporting period.

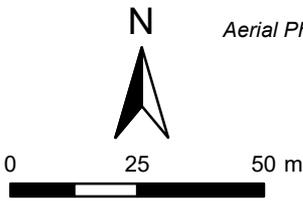
Condition	Condition	Compliance	Comments
19	<p>If the approval holder makes the choice under condition 18 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ul style="list-style-type: none"> a. notify the Department in writing that the approved action 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 <p>(RAMP implementation date), being at least 60 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.</p> <ul style="list-style-type: none"> b. subject to condition 21, implement the RAMP from the RAMP implementation date. 	N/A	No revision was requested during the reporting period.
20	<p>The approval holder may revoke their choice to implement a RAMP under condition 18 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 18, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 18.</p>	N/A	No revision was requested during the reporting period.
21	<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 18 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. 	N/A	No revision was requested during the reporting period.
22	<p>At the time of giving the notice under condition 21, the Minister may also notify that for a specified period of time, condition 18 does not apply for one or more specified action management plans.</p>	N/A	No revision was requested during the reporting period.

Condition	Condition	Compliance	Comments
23	Within 10 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	N/A	The action is not yet complete.

3 Compliance Details

3.1 Condition 1 – Cleared Western Ringtail Possum Habitat

Figure 2 shows the habitat areas cleared at Capel Dry Plant. Figure 3 shows the habitat areas cleared at South Capel.



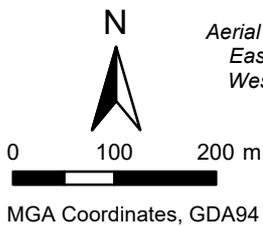
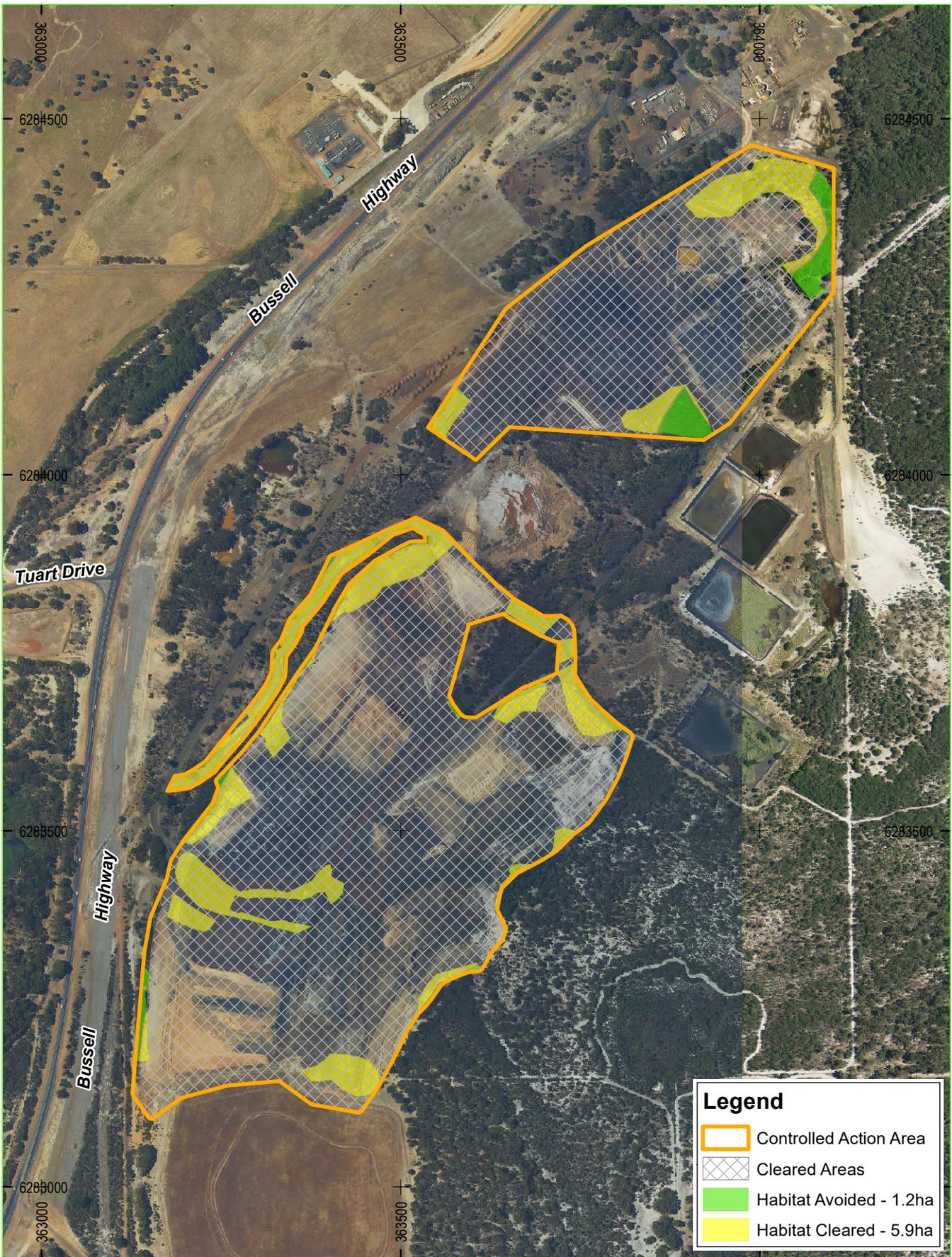
Aerial Photograph: 3 Feb. 2020

CAPEL DRY PLANT

**WRP FORAGING HABITAT
CLEARED AND AVOIDED**



ILUKA



Aerial Photographs:
East- Dec. 2013
West - Jan. 2020

SOUTH CAPEL

WRP FORAGING HABITAT CLEARED AND AVOIDED



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3.2 Condition 2 – Pre-clearance Surveys and Translocation Activities

360 Environmental were engaged by Iluka to undertake the following:

- pre-clearance surveys and trapping;
- fauna spotting during clearing activities;
- translocation of fauna encountered during clearing; and
- post-release monitoring.

360 Environmental provided staff with the relevant qualifications and experience to undertake this work. They were required to obtain a Fauna Taking (Relocation) Licence and a Section 40 Authorisation to disturb a threatened species, both under the *Biodiversity Conservation Act 2016*. Copies of these permits are in Attachment 2.

Attachment 3 contains records of Western Ringtail Possums encountered during the pre-clearance surveys and trapping, during clearing activities and post-release.

Plate 1 through Plate 3 show activities relevant to the relocation of Western Ringtail Possums.



Plate 1 Western Ringtail Possums were captured in traps and translocated prior to clearing. Artificial dreys were also installed to encourage usage by the possums in an attempt to provide a familiar refuge that could be moved to the release site.



Plate 2 Qualified fauna spotters were present during all clearing activities, capturing Western Ringtail Possums and relocating them as per state (Western Australian) permits



Plate 3 Tagged Western Ringtail Possum post release. Artificial dreys were initially installed to provide immediate protection for the possums; however, they were subsequently removed

as per the Department of Biodiversity, Conservation and Attractions' request once it was confirmed they were not being used

3.3 Compliance Issues

No compliance issues occurred during the reporting period.

3.4 New Environmental Risks

No new environment risks to Matters of National Environmental Significance were apparent during the reporting period.

4 References

Commonwealth of Australia (2014). *Annual Compliance Report Guidelines*. Department of Environment and Energy, 2014.

Attachments

Attachment 1 Notification of commencement of action

25 September 2019

Department of the Environment and Energy
Mr Gregory Manning
Assistance Secretary
Assessments (WA,SA,NT) and Post Approvals Branch
GPO Box 787
CANBERRA ACT 2601

Dear Mr Manning,

EPBC 2018/8250 Condition 5 - Commencement of Action

In accordance with Condition 5 of EPBC 2018/8250, the approval holder (Iluka Resources) hereby provides notice of commencement of the action.

Iluka commenced the action on Monday 23 September 2019.

Yours faithfully



Tim Bartholomew
General Manager, Strategic Development and Closure

Attachment 2 REDACTED

Attachment 3 REDACTED