



South Capel Remediation Project, WA
EPBC 2018/8250
Annual Compliance Report
23 September 2020 – 22 September 2021

Revision: 0

Date: 4 October, 2021

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Document control

Revision	Details of review or changes	Prepared by	Date created
Rev A	Draft prepared for internal review	TD	23/09/2021
Rev 0	Final for submission	TD	4/10/2021

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: _____



Garry Green
Southwest Operations Manager
Iluka Resources Limited

Date: _____

4/10/2021

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1 Introduction

The South Capel Remediation Project (SCRP) 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.

Works under Phase 1 of the SCRCP were completed in June 2020, with completion reporting being submitted to the Department of Water and Environmental Regulation (DWER) in August 2020.

1.1 EPBC Approval Details

Approval Number:	EPBC 2018/8250
Approval Holder:	Iluka Resources Limited
Duration:	This approval has effect until 31 st December 2045
Action:	To undertake remediation works at Capel Dry Plant and South Capel mineral sands mining and processing site [see EPBC Act referral 2018/8250].

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.”*

Iluka have nominated the 12 month period as being from the 23rd of September – the date the action commenced. The compliance status and updates are provided in Table 1.

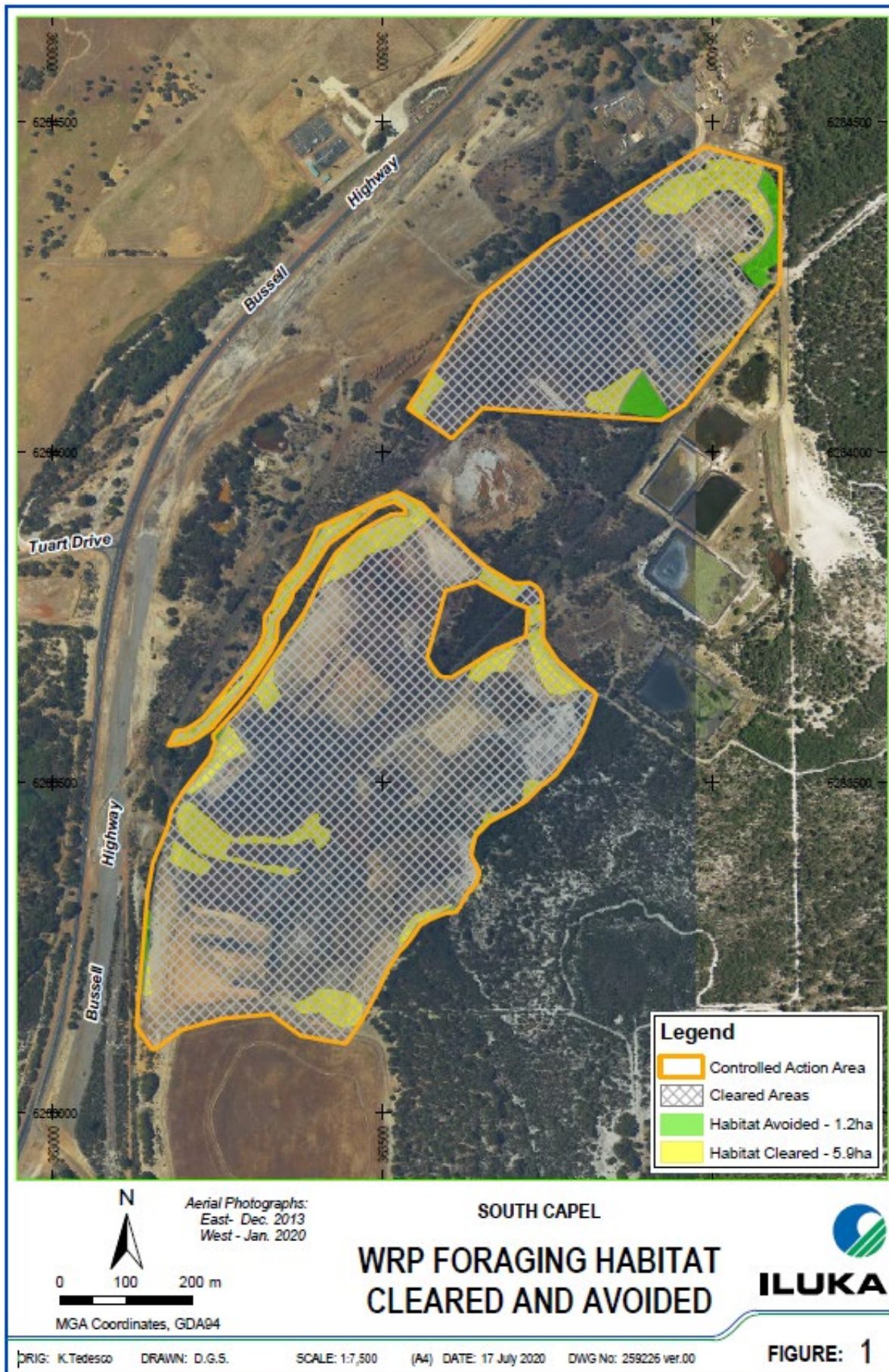


Figure 1 – South Capel WRP Disturbance Area



Figure 2 – Capel Dry Plant WRP Disturbance Area

1.3 Project Status

For the period 23 September 2020 to 22 September 2021, the following works were completed for the Western Ringtail Possum Habitat area:

- fencing;
- Deep ripping;
- mulching;
- weed control;
- planting;
- appointment of a monitoring contractor.

Year 1 monitoring is scheduled to commence mid October 2021. RPS Australia have been appointed to undertake the monitoring program.

Activities planned for 2022 within the offset area will be guided by the actions detailed within the RPS monitoring report. Work may include infill planting, weed control or other remedial works as per the Revegetation Management Plan. The second round of monitoring post planting will be conducted in spring 2022.

2 Compliance Audit

Table 1 Compliance with conditions of EPBC 2018/8250 for the 2020 / 2021 reporting period

Condition	Summary of 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 6.68 ha of Western Ringtail Possum habitat was cleared as part of the SCRP as shown in Figures 1 and 2. No further clearing has occurred during the reporting period.
2	For the protection of Western Ringtail Possum, the approval holder must: <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. 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. The approval holder must continue rehabilitation work until the completion criteria are met for all areas that are subject to the Revegetation Management Plan.	Compliant	Revegetation activities were undertaken in accordance with the Revegetation Management Plan. No further clearing has occurred during the reporting period.
3	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: <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. 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.	N/A	Revegetation activities were completed in winter of 2021. RPS Australia have been appointed to undertake the rehabilitation monitoring program. Year 1 monitoring is scheduled to commence mid October 2021

Condition	Summary of 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</i> (WA), 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.
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: <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 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	Summary of 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> <ol style="list-style-type: none"> publish each compliance report on the website within 20 business days following the relevant 12 month period; 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; keep all compliance reports publicly available on the website until this approval expires; exclude or redact sensitive ecological data from compliance reports published on the website; and 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://iluka.com/sustainability/transparency-hub</p> <p>There is no information deemed ecologically sensitive in this report.</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> <ol style="list-style-type: none"> any condition which is or may be in breach; a short description of the incident and/or non-compliance; and 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> <ol style="list-style-type: none"> any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; the potential impacts of the incident or non-compliance; and 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.

Condition	Summary of 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.
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.
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.
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.

Condition	Summary of 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> <ol style="list-style-type: none"> notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> an electronic copy of the RAMP; an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; an explanation of the differences between the approved action management plan and the RAMP; 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 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> <ol style="list-style-type: none"> subject to condition 21, implement the RAMP from the RAMP implementation date. 	N/A	No revision was requested.
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.
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> <ol style="list-style-type: none"> condition 18 does not apply, or ceases to apply, in relation to the RAMP; and the approval holder must implement the action management plan specified by the Minister in the notice. 	N/A	No revision was requested.
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.

Condition	Summary of 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 Revegetation Management Plan Compliance Review

3.1 Status of Revegetation

Remediation activities were completed in June 2020 and revegetation activities were completed in Winter of 2021. To date, revegetation activities have been completed in line with the timeline of revegetation works detailed in Table 2.

Table 2 Timeline of revegetation activities

Activity	2019		2020				2021				2022	2023	2024	2025	2026	2027	2028	2029	2030
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4									
Remediation	X	X	X	X															
Final landform development				X															
Installation of interceptor and water harvesting banks				X				*											
Deep ripping								X											
Mulching								X											
Fencing								X											
Weed control								X	*										
Planting								X			*	*	*		*		*		*
Monitoring																			

X = Completed; * If required

Plate 1 through to Plate 4 illustrate some of the works completed at WRP offset area.

The reporting of Iluka's progress to achieving the completion criteria set for WRP offset area will be included in the next annual compliance report.



Plate 1 – WRP Offset Area Perimeter Fence



Plate 2 – Tubestock Planted Along Rip Lines



Plate 3 – Mulched Surface of the WRP Offset Area



Plate 4 – WRP Offset Area Tubestock

4 References

Iluka Resources Limited (2019). South Capel Remediation Project Revegetation Management Plan. EPBC 2018/8250, July 2019.

