

**RTA Yarwun Pty Ltd**

## EPBC 2018/8381 Annual Compliance Report

1 November 2019 to 30 October 2020



### Document Revision & Approval History:

Rev	Date	Description	Prepared	Reviewed	RTA Yarwun Approved
1.0	9 September 2021	EPBC 2018/8381 Annual Compliance Report	Environmental Specialist Contractor	Specialist Environment / Principal Advisor - Approvals & Compliance	Business Partner HSE

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### 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 (please print)

Melissa Hymus

Position (please print)

HSE Business Partner, Yarwun.

RTA Yarwun Pty Ltd

Organisation (please print including ABN/ACN if applicable) (137 266 301)

Date

10-9-2021

## 1. Project Overview

RTA Yarwun Pty Ltd (RT Yarwun) operates the Yarwun Alumina Refinery at Yarwun near Gladstone, and the associated Residue Management Area (RMA 1) at Aldoga approximately 15km west of the refinery. The RMA 1 is a disposal area for red mud (a by-product of refining alumina via the Bayer process).

RT Yarwun have an Environmental Protection and Biodiversity Conservation (EPBC) Act approval (EPBC 2018/8381; Expansion of borrow pits) for the development and operation of borrow pits on Lot 7 SP228453 (Lot 7) immediately west of the RMA1 site. The Lot 7 borrow pits provide clay, rock and general fill (borrow material) to service the existing RTAY Residue Management Area 1 (RMA 1). The development of the borrow pits involves the clearing of vegetation for the operation of borrow pit Areas 1, 2, 3, 5, 6 and 10, as well as associated haul roads, stockpiles and water management infrastructure. The approval has effect until 31 June 2045.

The Lot 7 borrow pit development includes the disturbance of approximately 121 ha of remnant, non-remnant vegetation and cleared areas. The action was commenced on 1 November 2019. An impact assessment of the development, identified the following significant residual impacts to Matters of Environmental Significance (MNES):

- direct and indirect impacts to 96.0 ha of habitat of the vulnerable koala (*Phascolarctos cinereus*).
- direct and indirect impacts to 162.2 ha of habitat of the vulnerable squatter pigeon (*Geophaps scripta scripta*).

The approval (EPBC 2018/8381) requires offsets to be secured to compensate for the significant residual impacts to koala and squatter pigeon.

A figure showing the location and extent of disturbance during the reporting period is shown in Annexure 1. A schedule of all plans prepared and in existence in relation to the conditions during the reporting period are provided in Annexure 2.

## 2. Purpose and Scope

### 2.1 Purpose

This first annual compliance report has been produced to align with the annual reporting requirements of Condition 15 of EPBC 2018/8381 (reproduced below). This report describes the status of compliance with the conditions of approval from 1 November 2019 (Commencement the Action) to 30 October 2020.

15. 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 5 **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.

**Note:** **Compliance reports** may be published on the **Department's** website.

## 2.2 Scope

This annual compliance report presents the compliance status with the conditions of EPBC 2018/8381.

This report has been prepared in accordance with the Department of Agriculture, Water and Environment (DAWE) Annual Compliance Report Guideline (<https://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>). Compliance descriptors used are consistent with the DAWE guideline including:

- **Compliant:** 'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
- **Non-compliant:** A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
- **Not applicable:** A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

This report is to be published on the RT Yarwun website (<https://www.riotinto.com/Operations/australia/yarwun>) until this approval expires (31 June 2045). RT Yarwun will notify DAWE by email that a compliance report has been published on the website and provide the weblink for the compliance report to the department within 5 business days of the date of publication.

Future compliance assessments will be published annually and will assess compliance status during the previous 12 months. The next compliance assessment will assess the period 1 November 2020 to 31 October 2021 and will be published by 26 November 2021 (20 business days after the end of the reporting period). The weblink for the compliance report will be provided to the department within 5 business days of the date of publication.

## 3. Compliance Assessment

There were three non-compliances during the reporting period. The three non-compliances were related to the inability to implement and secure one of two potential offsets by the timeframes required by the approval conditions. All other conditions and commitments of EPBC 2018/8381 were met. The compliance status for all conditions of EPBC 2018/8381 is presented in Table 1.

**Table 1: Compliance Report for EPBC 2018/8381 (1 November 2019 to 30 October 2020)**

Condition	Compliance Status	Comments
<b>Part A – Conditions specific to the action</b>		
<b>Maximum Impact Limits</b>		
<p>1. The approval holder must not impact more than:</p> <p>a. 96 hectares (ha) of Koala (<i>Phascolarctos cinereus</i>) (combined populations of Qld, NSW and the ACT) habitat; and</p> <p>b. 162.2 ha of Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>) habitat.</p>	Compliant	<p>The disturbance area for the Lot 7 borrow pits as at the end of the reporting period (30 October 2020) was approximately 29.6 ha.</p> <p>Based on estimates of indirect impacts, consistent with the impact assessment completed for the Preliminary Documentation, direct and indirect impacts of the development as 30 October 2020 were:</p> <ul style="list-style-type: none"> <li>• 34.7 ha of koala habitat</li> <li>• 46.5 ha of squatter pigeon habitat</li> </ul> <p>A figure showing the location and extent of disturbance during the reporting period is shown in Annexure 1.</p>
<b>Offset Management Plan</b>		
<p>2. Within 9 months of the date of the commencement of the action, and for the duration of this approval, the approval holder must implement:</p> <p>a. Offset Management Plan – Property C; or</p> <p>b. Offset Management Plan – Property T.</p>	Non-compliant	<p>The Offset Management Plans for either Property T or Property C were not implemented within 9 months of the commencement of the action.</p> <p>RT Yarwun identified the potential non-compliance prior to the conditioned timeframe and notified DAWE of the potential non-compliance in May 2020 (within 7 months from Commencement of the Action) and continued liaison with DAWE regarding a potential alternative offset throughout the reporting period.</p> <p>RT Yarwun immediately commenced a process to identify potential alternative offset properties and have identified a potentially suitable alternative. An assessment of the suitability of the offset was progressed during the reporting period, including completing an ecological survey of the property.</p> <p>The RT Yarwun Manager – RMA holds accountability for the implementation of the offset.</p>
<p>3. The approval holder must notify the Department in writing of the management plan implemented within 10 business days of the implementation of the management plan.</p>	Not applicable	<p>The offset management plans for either Property C or Property T were not implemented. Refer to comments for Condition 2 above.</p>

Condition	Compliance Status	Comments
<b>Offset Management Plan – Property C</b>		
<p>4. If the approval holder elects to implement Offset Management Plan – Property C at condition 2a, the approval holder must demonstrate that the following completion criteria have been achieved and maintained by the end of 21 years from the date of this approval:</p> <p>a. Across Assessment Unit 1 (AU1) and AU2, the percentage cover for:</p> <p>i. Grader Grass (<i>Themeda quadrivalvis</i>), Thatch Grass (<i>Hypphenia rufa</i>), Rubber Vine (<i>Cryptostegia grandiflora</i> and <i>C. madagascariensis</i>), Lantana (<i>Lantana camara</i>) and any Weeds of National Significance has been reduced to less than 10%; and</p> <p>ii. Rat's Tail Grasses (<i>Sporobolus pyramidalis</i>, <i>S. natalensis</i>, <i>S. jacquomontii</i> and <i>S. fertilis</i>) has been reduced to less than 5%.</p> <p>b. Native grass cover has been maintained at or improved to:</p> <p>i. greater than 12% over AU1; and</p> <p>ii. greater than 15% over AU2.</p> <p>c. Across AU1 and AU2, average gap between trees, measured trunk to trunk, is no more than 20 metres (m), and canopy cover and Koala food tree density are at least:</p> <p>i. Regional Ecosystem (RE) 11.3.4—8.5% cover and 200 trees per hectare; and</p> <p>ii. RE 11.10.1—17.5% cover and 300 trees per hectare; and</p> <p>iii. RE 11.11.4—24% cover and 300 trees per hectare; and</p> <p>iv. RE 12.11.7—16% cover and 300 trees per hectare.</p> <p>The relative proportion of Koala food tree species for each RE must be comparable to the benchmark for each given RE.</p> <p>A report prepared by a suitably qualified person must be submitted to the Department by the end of 21 years from the date of the approval that provides evidence that the entire offset area has attained and maintained these completion criteria.</p>	Not applicable	The offset management plan for Property C was not implemented. Refer to comments for Condition 2 above.
<b>Offset Management Plan – Property T</b>		
<p>5. If the approval holder elects to implement Offset Management Plan – Property T at condition 2b, the approval holder must demonstrate that the following completion criteria have been achieved and maintained by the end of 21 years from the date of this approval:</p> <p>a. Across AU7, AU8 and AU9, the percentage cover for:</p>	Not applicable	The offset management plan for Property T was not implemented. Refer to comments for Condition 2 above.

Condition	Compliance Status	Comments
<p>i. Rubber Vine (<i>Cryptostegia grandiflora</i> and <i>C. madagascariensis</i>), Lantana (<i>Lantana camara</i>) and any Weeds of National Significance has been reduced to less than 10%; and</p> <p>ii. Rat's Tail Grasses (<i>Sporobolus pyramidalis</i>, <i>S. natalensis</i>, <i>S. jacquomontii</i> and <i>S. fertilis</i>) has been reduced to less than 20%.</p> <p>b. Across AU7, AU8 and AU9, native grass cover has been maintained at or improved to greater than 20%.</p> <p>c. Average gap between trees, measured trunk to trunk, is no more than 20 m, and canopy cover and Koala food tree density are at least:</p> <p>i. RE 12.3.3, RE 12.12.12, RE 12.12.5—400 trees per hectare in AU7; and</p> <p>ii. RE 12.3.3—26.5% cover and 250 trees per hectare in AU8; and</p> <p>iii. RE 12.12.5—20.5% cover and 250 trees per hectare in AU8; and</p> <p>iv. RE 12.12.12—15.5% cover and 250 trees per hectare in AU8; and</p> <p>v. RE 12.3.3, RE 12.12.12, RE 12.12.5—25 trees per hectare in AU9.</p> <p>The relative proportion of Koala food tree species for each RE must be comparable to the benchmark for each given RE.</p> <p>A report prepared by a suitably qualified person must be submitted to the Department by the end of 21 years from the date of the approval that provides evidence that the entire offset area has attained and maintained these completion criteria.</p>		
<b>Offset Monitoring Plan</b>		
<p>6. Within 12 months of the date of the commencement of the action, the approval holder must submit an offset monitoring plan to the Department for the Minister's written approval. The offset monitoring plan must be prepared by a suitably qualified person and include details of:</p> <p>a. the methodologies that will be implemented for frequent monitoring of the offset area, consistent with relevant Departmental documents, published research and other best-practice guidelines;</p> <p>b. performance targets set at 5 year intervals;</p> <p>c. triggers for corrective actions;</p> <p>d. proposed corrective actions, or a process for determining which corrective actions will be implemented;</p> <p>e. timeframes for implementing corrective actions;</p>	Non-compliant	Refer to comment for Condition 2. RTAY notified DAWE of the potential non-compliance in May 2020 (within 7 months from Commencement of the Action) and that RT Yarwun were seeking an alternative offset property. Liaison with DAWE regarding progress with the alternative offset property continued throughout the reporting period. A monitoring plan can only be developed when the offset property is confirmed.



Condition	Compliance Status	Comments
<p>f. completion criteria;</p> <p>g. a monitoring schedule designed to detect triggers, and track progress against performance targets and completion criteria; and</p> <p>h. commitments for reporting on monitoring results and reviewing the adequacy of the offset monitoring plan.</p>		
7. Within 3 months of the date the offset monitoring plan is approved by the Minister, the approval holder must implement the approved offset monitoring plan for the duration of this approval.	Not applicable	Refer to comment for Condition 6 above.
<b>Offset Securement</b>		
<p>8. To compensate for impacts on listed threatened species as identified in condition 1, the approval holder must legally secure within 18 months of the date of the commencement of the action either:</p> <p>a. Offset Property C, consisting of at least:</p> <p>i. 489 ha of Koala (<i>Phascolarctos cinereus</i>) (combined populations of Qld, NSW and the ACT) habitat; and</p> <p>ii. 489 ha of Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>) habitat; or</p> <p>b. Offset Property T, consisting of at least:</p> <p>i. 428.2 ha Koala (<i>Phascolarctos cinereus</i>) (combined populations of Qld, NSW and the ACT) habitat; and</p> <p>ii. 428.2 ha of Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>) habitat.</p> <p>The management plan implemented under condition 2 and the approved monitoring plan required under condition 6 must be attached to the land title via the legal securing mechanism required under this condition.</p>	Non-compliant	Refer to comment for Condition 2. RTAY commenced discussions with DAWE regarding the potential non-compliance from May 2020 (within 7 months from Commencement of the Action) and that RTAY were seeking an alternative offset property. Liaison with DAWE regarding progress with the alternative offset property continued throughout the reporting period.
<b>Part B – Standard administrative conditions</b>		
<b>Notification of date of commencement of the action</b>		
9. 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	RTAY notified DAWE that the action had commenced on 1 November 2019 (the day of the Commencement of the Action)
<b>Compliance records</b>		



Condition	Compliance Status	Comments
10. The approval holder must maintain accurate and complete compliance records.	Compliant	RTAY have maintained accurate and complete compliance records relevant to the Conditions of this approval.
11. 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 have been received by RTAY
<b>Preparation and publication of plans</b>		
12. The approval holder must: a. when submitting plans to the Department, submit plans electronically; b. publish each plan on the website within 20 business days of the date the plan is approved by the Minister or Department, or of the date a 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.	Not applicable	No plans have been submitted to DAWE
13. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under Condition 5 of this approval is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018). This data must be submitted electronically to the Department within 3 years of legally securing either Offset Property C or Offset Property T required under condition 2, and for every subsequent 3 year period, or otherwise in accordance with a recurring date that has been agreed to in writing by the Minister.	Not applicable	Offset area monitoring (under Conditions 4, 5 or 6) has not commenced and no monitoring data has been prepared to date.
14. If the approval holder wishes to carry out any activities otherwise than in accordance with the chosen management plan required under condition 2, the approval holder must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity must not commence until the Minister has approved the varied management plan in	Not applicable	Offset management plans required under Condition 2 were not implemented and no amendment to the management plans has been sought.

Condition	Compliance Status	Comments
writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan that management plan must be implemented in place of the management plan originally approved.		
<b>Annual compliance reporting</b>		
<p>15. 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"> <li>a. publish each compliance report on the website within 20 business days following the relevant 12 month period;</li> <li>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 5 business days of the date of publication;</li> <li>c. keep all compliance reports publicly available on the website until this approval expires;</li> <li>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</li> <li>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.</li> </ul> <p>Note: Compliance reports may be published on the Department's website.</p>	Not applicable	<p>This report is the first compliance report and as this reporting requirement is relevant to this second reporting period.</p> <p>RTAY note this first report has been prepared outside the publication timeframe required by Condition 15, the compliance status for Condition 15 will be reported in the second compliance report.</p>
<b>Reporting non-compliance</b>		
<p>16. 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 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the incident and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</li> </ul>	Compliant	RTAY notified DAWE of the potential to become non-complaint with the Conditions 2, 6 and 8 in May 2020 and continued to liaise with DAWE regarding the non-compliances throughout the reporting period.

Condition	Compliance Status	Comments
<p>17. 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> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>	Compliant	RTAY communicated with DAWE regarding the non-compliances during the reporting period (Conditions 2, 6 and 8), including providing details of corrective/remedial actions which included seeking an alternative offset property.
<b>Independent audit</b>		
<p>18. The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	Not applicable	RTAY did not receive a request for independent audit during the reporting period.
<p>19. For each independent audit, the approval holder must:</p> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	Not applicable	RTAY did not receive a request for independent audit during the reporting period.
<p>20. 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.</p>	Not applicable	RTAY did not receive a request for independent audit during the reporting period.
<b>Completion of the action</b>		
<p>21. Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.</p>	Not applicable	The action has not been completed and the requirement to provide notification or completion data has not been triggered.

## **Annexure 1 Disturbance Plans**



Figure A1.1 Koala habitat disturbance and impacts as at October 2020

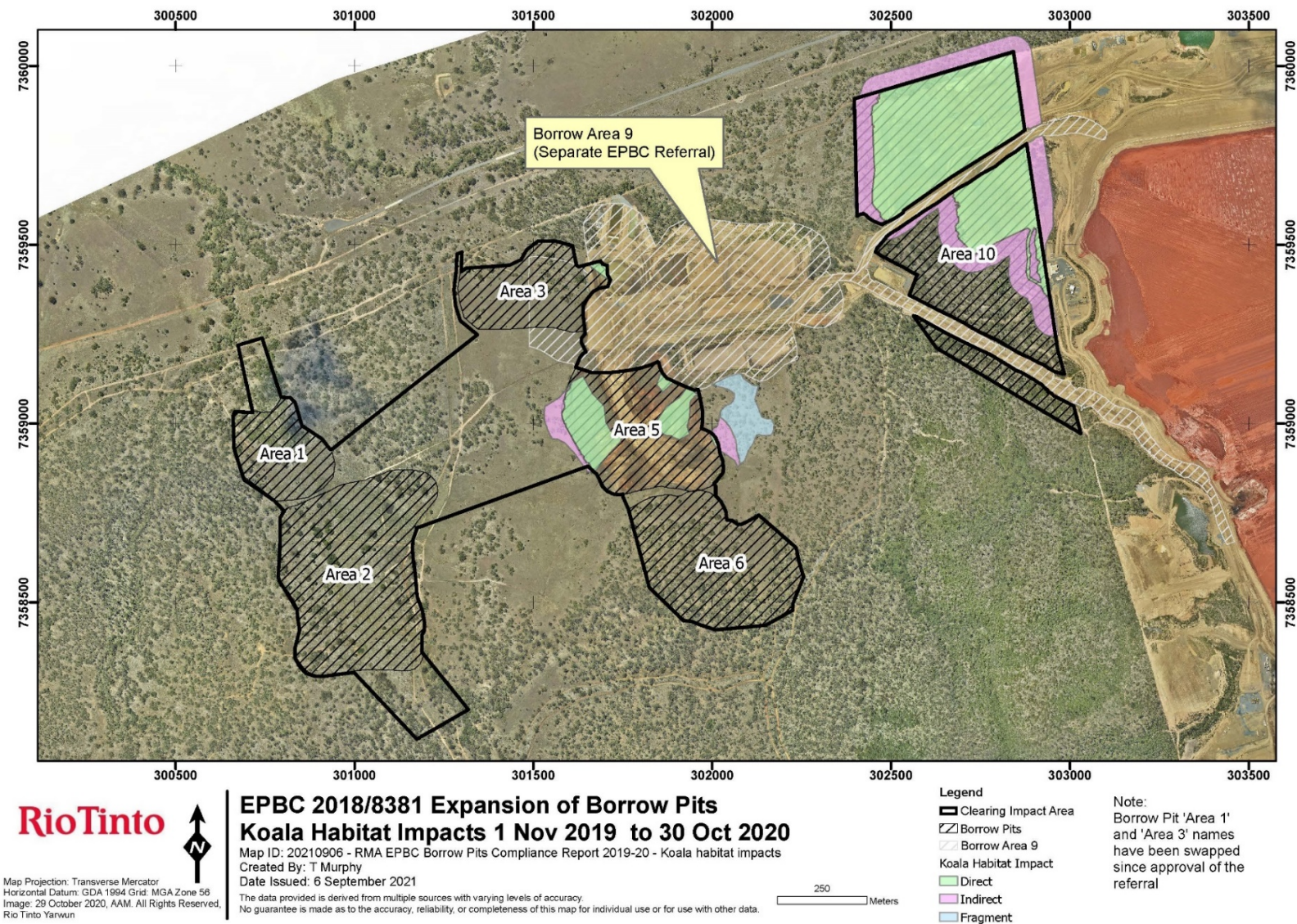
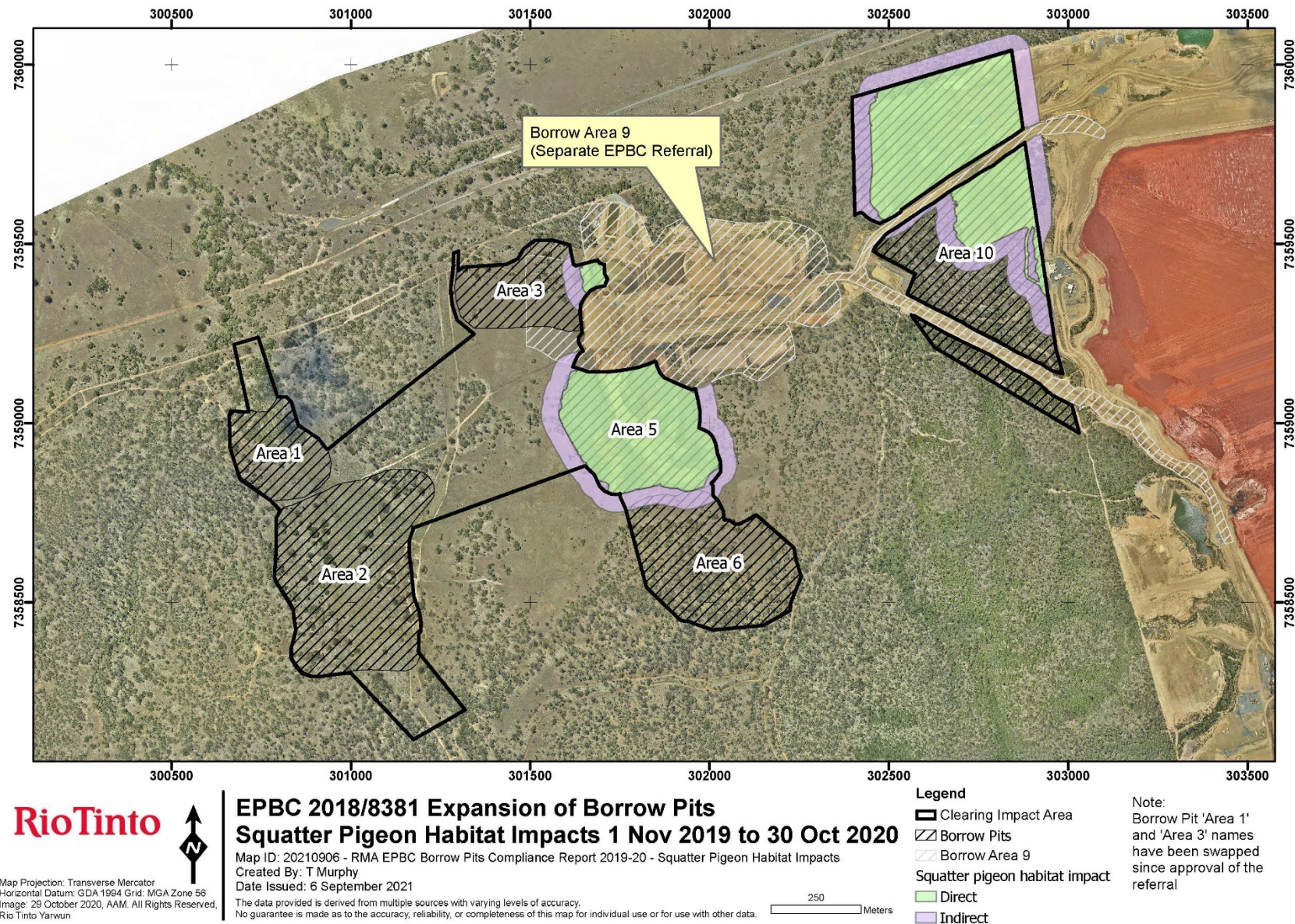




Figure A1.2 Squatter pigeon habitat disturbance and impacts as at October 2020



## Annexure 2 Schedule of Plans

Management Plan Name	Date	Status
Management Plan for Offset Delivery RTY Lot 7 Borrow Pits – Property C	11 April 2019	Management plan approved by DAWE.  Management plan has not been implemented. Refer to comments for Condition 2 in Table 1.
Management Plan for Offset Delivery RTY Lot 7 Borrow Pits – Property T	11 April 2019	Management plan approved by DAWE.  Management plan has not been implemented. Refer to comments for Condition 2 in Table 1.