

RTA Yarwun Pty Ltd

EPBC 2018/8381 Annual Compliance Report

1 November 2021 to 31 October 2022



Document Revision & Approval History:

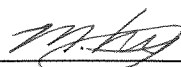
Rev	Date	Description	Prepared	Reviewed	RTA Yarwun Approved
1.0	21 November 2022	EPBC 2018/8381 Annual Compliance Report	Senior Environment Advisor	Principal Advisor - Approvals & Compliance	Business Partner HSE

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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)

Mellissa Hymus

Position (please print)

HSE Business Partner

Organisation (please print including ABN/ACN if applicable)

RTA Yarwun Pty Ltd (ACN 137266301)

Date

24, 11, 2022

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 15 km 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 Act 1999* (EPBC) 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 RMA 1 site. The Lot 7 borrow pits provide clay, rock and general fill (borrow material) to service the existing RT Yarwun 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 direct 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 National Environmental Significance (MNES):

- Direct and indirect impacts to 96.0 ha of habitat of the vulnerable Koala (*Phascolarctos cinereus*) (Note: Koala has now been listed as Endangered – date effective 12 Feb 2022).
- 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.

Figures showing the location and extent of disturbance of Koala and Squatter Pigeon habitat during the reporting period are 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

Purpose

2.1

This third 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 2021 to 31 October 2022.

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.

Bold text has a definition attached to the approval.

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 (former) 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 the Department of Climate Change, Energy, the Environment and Water (DCCEEW) 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 2022 to 31 October 2023 and will be published by 28 November 2023 (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

During the previous reporting period RT Yarwun commenced discussions with (former) DAWE to amend a number of conditions predominantly related to offset matters. The amendment was approved within the current reporting period on 9 November 2021. This compliance report has assessed compliance with the amended (current) conditions of approval as all non-compliances, prior to the amendment, were detailed in the previous reporting year.

On this basis, there were no non-compliances during the reporting period. All conditions and commitments of EPBC 2018/8381 were met. The compliance status for all conditions of EPBC 2018/8381 are presented in Table 1.

Table 1: Compliance Report for EPBC 2018/8381 (1 November 2021 to 30 October 2022)

Condition	Compliance Status	Comments
Part A – Conditions specific to the action		
Maximum Impact Limits		
<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 (31 October 2022) was approximately 65.0 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 31 October 2022 were:</p> <ul style="list-style-type: none"> • 55.0 ha of Koala habitat • 99.3 ha of Squatter Pigeon habitat <p>Figures showing the location and extent of disturbance of Koala and Squatter Pigeon habitat during the reporting period are shown in Annexure 1.</p> <p>Due to improved imagery available this year, some minor areas previously mapped as impacted were removed, however there was an overall increase in disturbance of 13.1 ha. An 1 ha area mapped in the initial referral supporting report as Koala and Squatter Pidgeon impact area has been removed as (now) available imagery from August 2018 confirms this area (on 1SP144430) was cleared prior to the referral being lodged (refer Annexure 3).</p>
Offset Management Plan		
<p>4A. The approval holder must submit for the written approval of the Minister an Offset Area Management Plan (OAMP) for one or more environmental offsets to compensate, in accordance with the Environmental Offsets Policy, for the impact of the action on the Koala and Squatter Pigeon (southern) as permitted in condition 1. The approval holder must not clear within borrow area 1 or borrow area 6 (except to establish erosion and sediment control structures) until the OAMP has been approved by the Minister.</p>	Not applicable	<p>As detailed in Annexure 2, a Draft OAMP was submitted to DAWE in July 2021 for a property which could not be secured for offset as an agreement on offset management requirements could not be reached with the landholder. RT Yarwun have been in consultation with the Department on alternative offset properties over the reporting period. Once there is greater certainty on the viability of the offset options under consideration a Draft</p>

Condition	Compliance Status	Comments
		<p>OAMP will be presented to the Department for review and consultation before final submission.</p> <p>Clearing (except to establish erosion and sediment control structures) has not yet occurred within borrow area 1 or borrow area 6, therefore the requirement for an OAMP to be approved by the Minister is not applicable within the current reporting period.</p>
<p>5A. The OAMP/s must be consistent with the Environmental Management Plan Guidelines, and must include the following:</p> <ul style="list-style-type: none"> a. A summary of the residual impacts to protected matters that will be compensated for by the offset(s) specified in the particular OAMP. This summary must include the area(s) of habitat for protected matters and its condition and quality at all impact sites which the particular offset is to address b. The environmental objectives, relevant protected matters and a reference to the EPBC Act approval conditions to which the particular OAMP refers c. A table of commitments made in the OAMP to achieve the environmental objectives, and a reference to where the commitments are detailed in the OAMP d. Reporting and review mechanisms, and documentation standards to demonstrate compliance with the commitments in the OAMP e. An assessment of risks to achieving environmental objectives and risk management strategies that will be applied f. A monitoring program, which must include: <ul style="list-style-type: none"> i. measurable performance indicators ii. trigger values for corrective actions and iii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators g. Proposed corrective actions, if trigger values are reached and h. Links to referenced plans and applicable conditions of approval (including State approval conditions). 	Not applicable	Not applicable within the current reporting period as detailed in Condition 4A.

Condition	Compliance Status	Comments
7. Within 3 months of the date the OAMP is approved by the Minister, the approval holder must commence implementing the approved OAMP.	Not applicable	Not applicable within the current reporting period as an OAMP has not yet been approved by the Minister.
Offset Securement		
8. To compensate for impacts on listed threatened species as identified in condition 1, the approval holder must have irrevocably submitted an application for the legal security of each offset area specified in the approved OAMP within 6 months of the date of approval of the OAMP by the Minister. The OAMP implemented under this condition must be attached to the land title of the relevant offset area via the legal security mechanism implemented as required under this condition.	Not applicable	Not applicable within the current reporting period as an OAMP has not yet been approved by the Minister.
Part B – Standard administrative conditions		
Notification of date of commencement of the action		
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	RT Yarwun notified DAWE that the action had commenced on 1 November 2019 (the day of the Commencement of the Action)
Compliance records		
10. The approval holder must maintain accurate and complete compliance records.	Compliant	RT Yarwun 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 RT Yarwun.
Preparation and publication of plans		
12. The approval holder must: a. when submitting plans to the Department, submit plans electronically;	Not applicable	No OAMPs have been submitted to the Department within the reporting period.

Condition	Compliance Status	Comments
<p>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;</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>		
<p>13. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under condition 4A 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 5 years of the legal security of the offset area being executed, and for every subsequent 5 year period, or otherwise in accordance with a recurring date that has been agreed to in writing by the Minister.</p>	Not applicable	Offset area monitoring (under Conditions 4A, 5A and 7) has not commenced and no monitoring data has been prepared to date.
<p>14. If the approval holder wishes to carry out any activities otherwise than in accordance with the approved management plan required under condition 4A, 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 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.</p>	Not applicable	No OAMPs associated with this approval have been approved by the Minister.
Annual compliance reporting		
<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> <p>a. publish each compliance report on the website within 20 business days following the relevant 12 month period;</p>	Compliant	RT Yarwun prepared the second annual compliance report during the current reporting period. The report was published within 20 business days of the end of the reporting period. The report was published on 25 November 2021. DAWE were notified of the publication on the same day. The compliance report is available on the RT Yarwun website (website

Condition	Compliance Status	Comments
<p>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;</p> <p>c. keep all compliance reports publicly available on the website until this approval expires;</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>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.</p> <p>Note: Compliance reports may be published on the Department's website.</p>		<p>provided above in Section 2). No sensitive ecological data was excluded from the annual compliance report.</p> <p>It is noted the second annual compliance report stated that the next annual report would be '<i>published by 26 November 2022 (20 business days after the end of the reporting period)</i>', however this should have stated the 28 November 2022.</p>
Reporting non-compliance		
<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 10 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. any condition which is or may be in breach;</p> <p>b. a short description of the incident and/or non-compliance; and</p> <p>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.</p>	Compliant	No non-compliances occurred during the reporting period.
<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>	Compliant	No non-compliances occurred during the reporting period.

Condition	Compliance Status	Comments
c. the method and timing of any remedial action that will be undertaken by the approval holder.		
Independent audit		
18. The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	RT Yarwun did not receive a request for independent audit during the reporting period.
19. For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not applicable	RT Yarwun did not receive a request for independent audit during the reporting period.
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.	Not applicable	RT Yarwun did not receive a request for independent audit during the reporting period.
Completion of the action		
21. 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 and the requirement to provide notification or completion data has not been triggered.

Annexure 1 Disturbance Plans

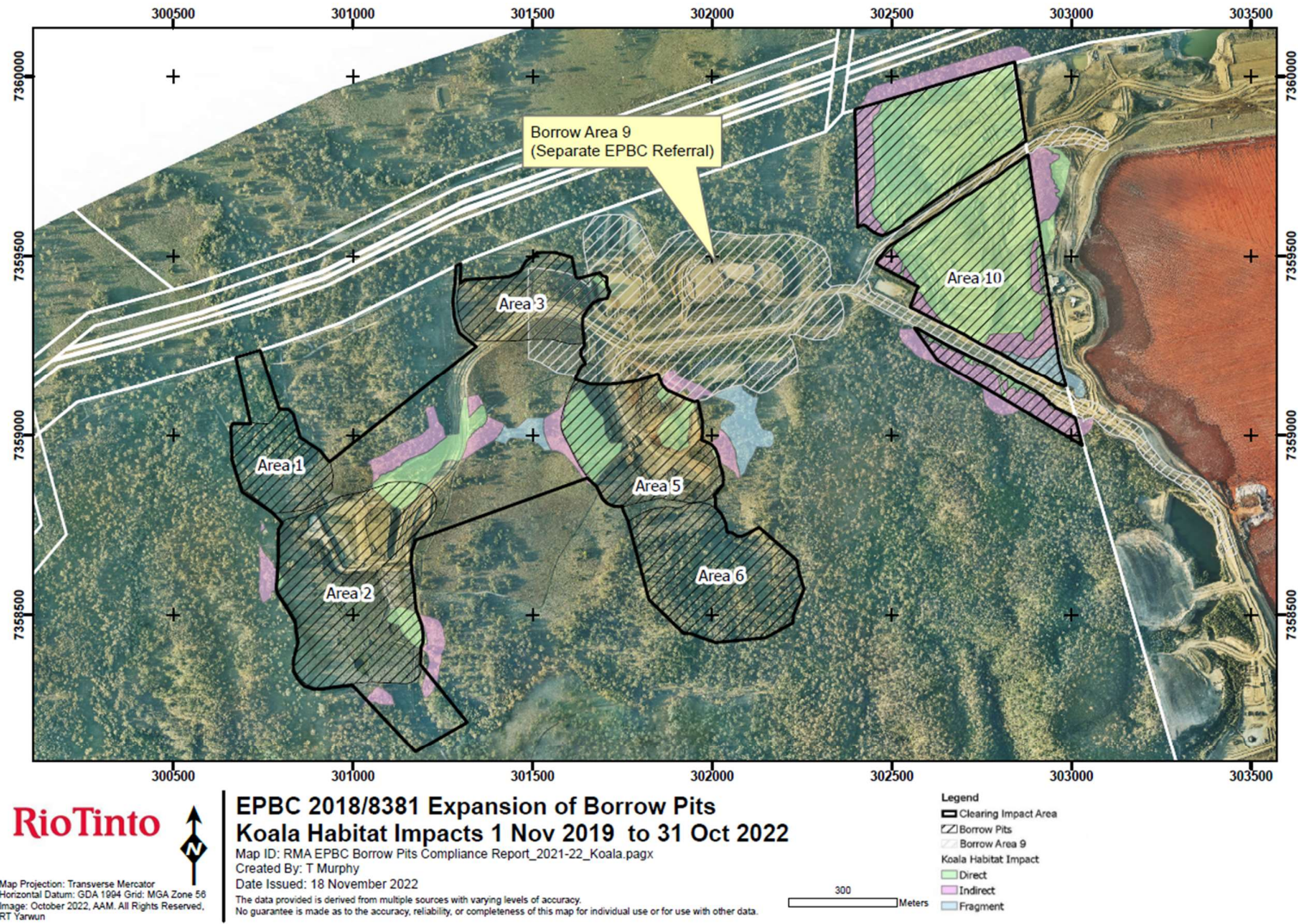


Figure A1.1 Koala habitat disturbance and impacts as at October 2022

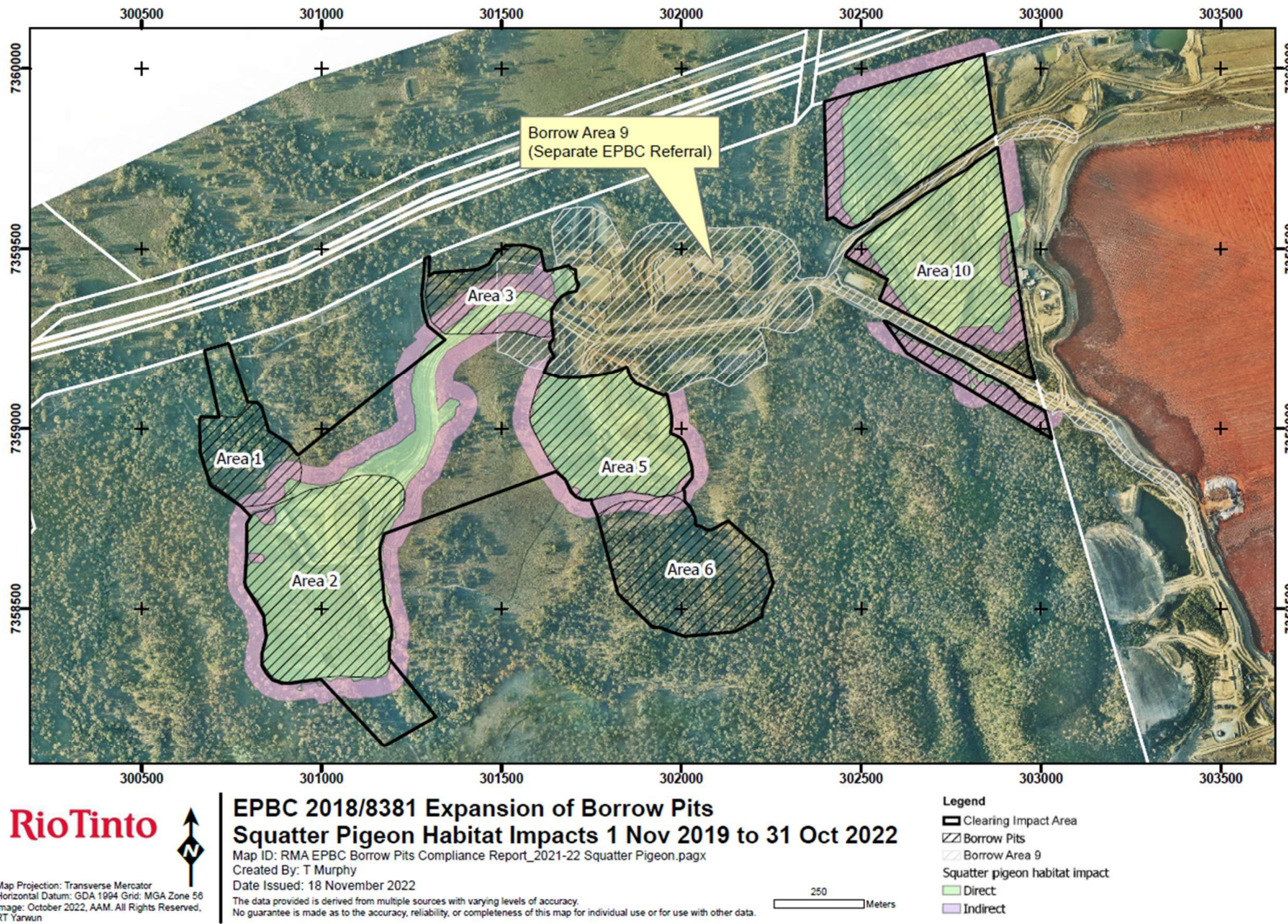


Figure A1.2 Squatter Pigeon habitat disturbance and impacts as at October 2022

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.
Expansion of borrow pits, Lot 7 Aldoga Road, Aldoga, Queensland: EPBC 2018/8381 Offset Management Plan	9 July 2021	Draft Awaiting final offset area to be confirmed, refer to Table1, Item 4A

Annexure 3 Updated Koala and Squatter Pigeon Impact Area

During mapping of the 2021-2022 clearing extent, it was observed that a 1 ha area, mapped in the initial EPBC 2018/8381 Ecosure (2018) referral supporting report¹, as Koala and Squatter Pidgeon on RMA 1 (1SP144430) was incorrect. Ecosure's (2018) original mapping is provided below in Figure A3.1 and A3.2 with the relevant area highlighted.

This area was outside of the approved Clearing Impact Area, but within the 50 m indirect impact area. This mapped habitat for both species was legally cleared prior to the referral being lodged, based on (now) available imagery from August 2018 shown in Figure A3.3.

The indirect impact for both Koala and Squatter Pigeon has been removed in Figure A1.1 and A1.2.

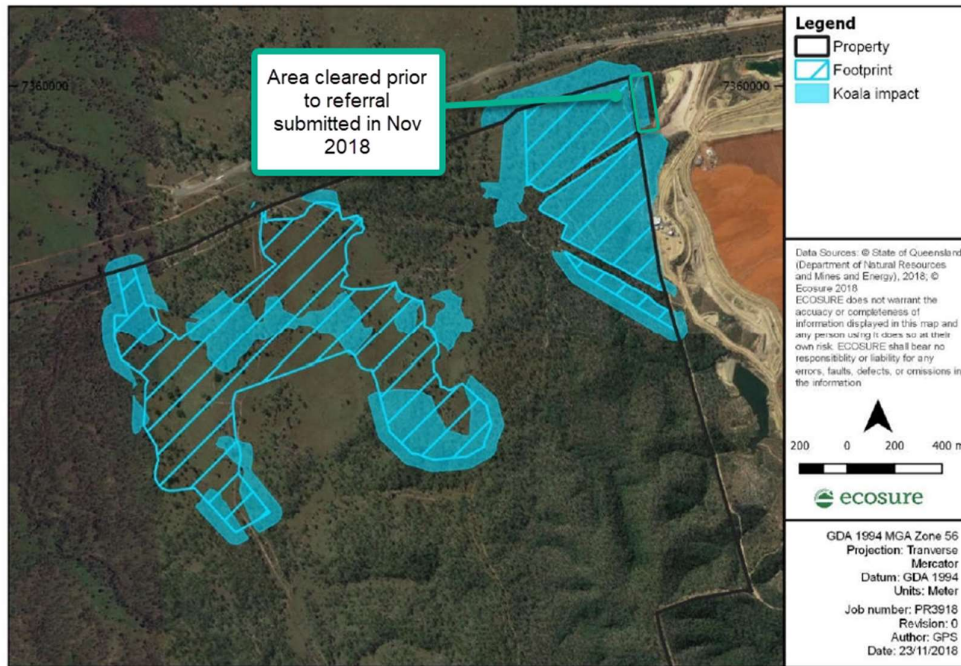


Figure A3.1 Ecosure 2018, Figure 5: Koala direct and indirect impacts for the development

¹ Ecosure, 2018. Impact Assessment – RTY Lot 7 Borrow Pits, EPBC 2017/8107 November 2019. Rev 2, Dec 2018, Ecosure, Rockhampton.

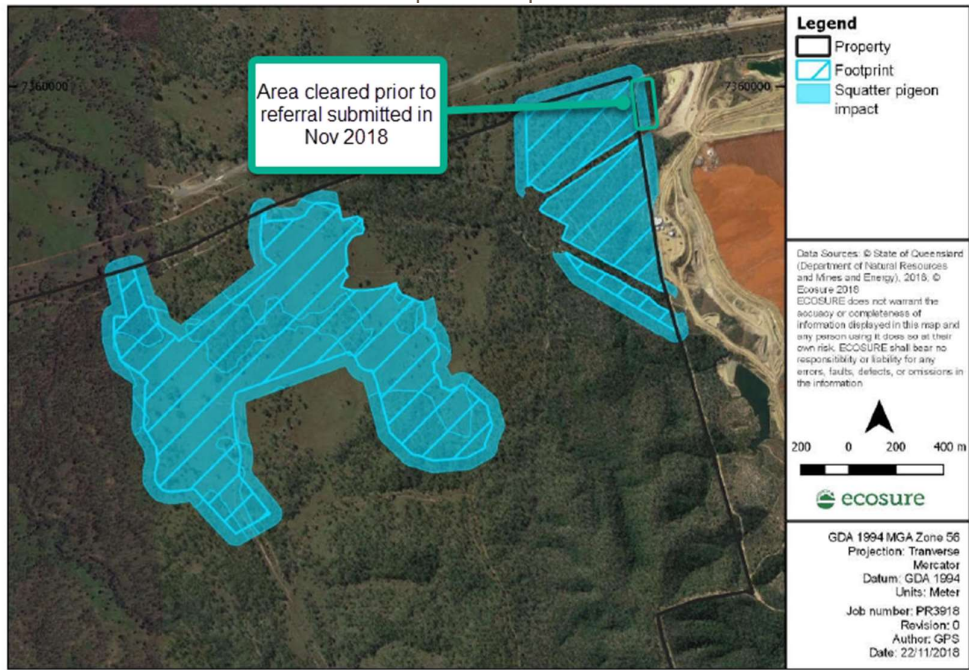


Figure A3.2 Ecosure 2018, Figure 7: Squatter Pigeon direct and indirect impacts for development

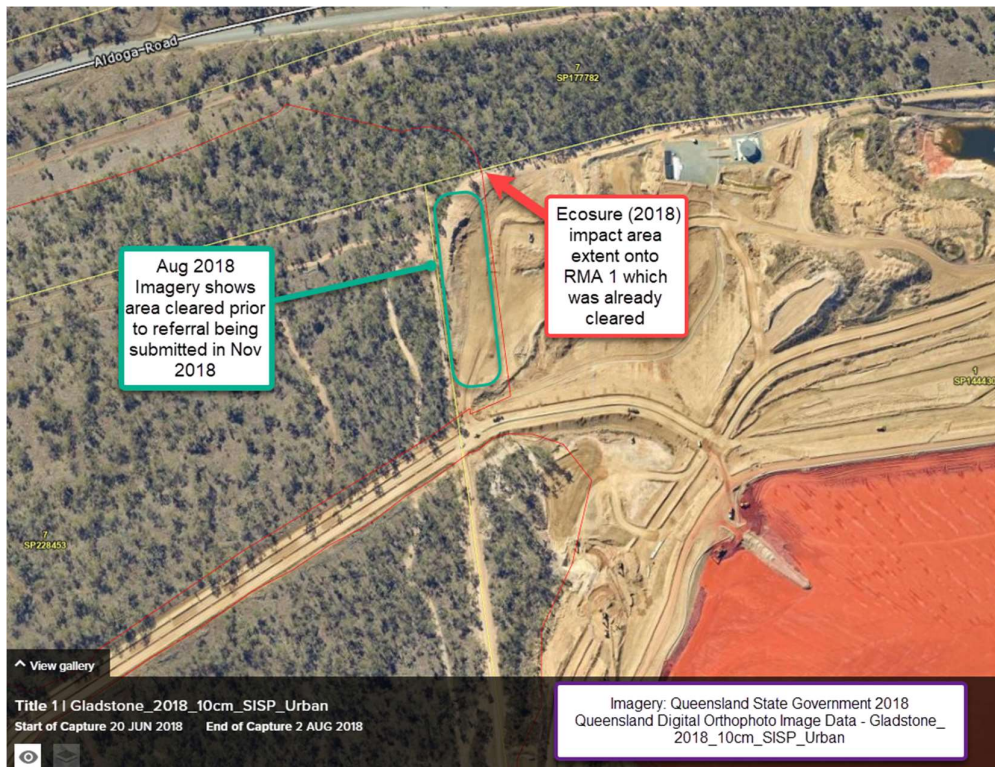


Figure A3.3 Queensland Government 2018 imagery