



LUNDSTROM ENVIRONMENTAL CONSULTANTS Pty Ltd

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2018/2019 COMPLIANCE REPORT LOT 7 RUNNYMEDE ROAD, BINNINGUP, WA – EPBC 2011/5996 B & J CATALANO PTY LTD

INTRODUCTION

On 18 November 2011, B & J Catalano received approval under the *Environment Protection and Biodiversity Conservation Act 1999* to undertake sand mining at Lot 7 Runnymede Road, Wellesley, WA. The approval had 13 conditions attached to it relating to revegetation and monitoring of areas adjacent to the sand mine.

Condition 8 of the approval states that:

Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.

This report partially fulfils the requirement of Condition 8. This report will also be published on the B & J Catalano Pty Ltd website and a copy of the report will be forwarded onto the Department of the Environment together with proof of publication date to fully satisfy this condition.

COMPLIANCE

Table 1 is a list of all the conditions of the EPBC approval. This table shows the compliance status, lists the source of evidence, describes the findings of the field visit undertaken by Lundstrom Environmental Consultants on 18 March 2019 and provides a recommended action, where required.

**Table of EPBC Approval Conditions and Compliance Status
B & J Catalano, Lot 7 Runnymede Road, April 2019 – EPBC 2011/5996**

	Conditions	Compliant	Evidence	Findings	Recommended Action
1	The person taking the action must not remove more than 2.61 hectares equivalent of native vegetation within the 'proposed mine area' as identified on the map at Appendix A.	Yes	Extent of clearing	The area within the 'proposed mine area' has been cleared.	None
2	To offset the impact to foraging and potential breeding habitat of the Carnaby's Black Cockatoo, Baudin's Black Cockatoo and Forest Red-tailed Black Cockatoo, the person taking the action must undertake the action in accordance with the Runnymede Rd Sand mine: Black Cockatoo Management Plan (BCMP) dated August 2011, including implementing the following:				
(a)	Within 12 months of the date of this notice (26 August 2016 – EPBC 2011/5996), the person taking the action must revegetate 2.28 hectares with suitable Black Cockatoo habitat species within the area identified on the map at Appendix B as the 'revegetation' area; (Attached Figure 1 in this report).	Yes	Area has rip lines into which vegetation has been planted.	Revegetation within this area commenced in 2010 prior to the granting of this approval. Infill plantings were undertaken in Winter 2016 and 2017 with suitable Black Cockatoo habitat species in the areas shown on Figure 2.	An assessment in May 2018, determined that the target of 1100 live stems per hectare as stated in Condition 5 had been achieved
(b)	The person taking the action must ensure that no less than 7.03 hectares of native vegetation is retained in perpetuity, and protected and managed in accordance with the BCMP, within the area identified on the map at Appendix B as the 'buffer' area	No	Site visit	During the audit it was identified that a limestone haul track had been constructed in the designated buffer area. Further consultation with the client, confirmed that no vegetation had been disturbed during the construction of the track. The use of this track ceased immediately.	The limestone used to sheet the track will be removed, the area ripped and seeded with pasture species. The 'buffer area' will be fenced in accordance with the BCMP.
(c)	Monitoring of seedling survival must be undertaken biannually in the revegetated/rehabilitated areas (as required under conditions 2a and 2c), until such time as planting is completed. Accurate records substantiating seedling survival must be maintained and made available upon request to the Department (as specified under condition 7).	Yes		Monitoring was undertaken in Spring 2017 and Autumn 2018.	The results of the May 2018 monitoring show that the target rate of 1100 live stems per hectare has been achieved.
3	Revegetation of the 'revegetation' area under condition 2a must be inspected by a qualified botanist 3 years and 5 years after completion of planting and the results of tree seedling survival and condition reported to the Department within 30	Yes		An inspection of the 'revegetation' area was undertaken in early May 2018 by Lundstrom Environmental Consultants. The report was not	None

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	Conditions	Compliant	Evidence	Findings	Recommended Action
	days.			submitted by the end of May 2018 due to an oversight, but has just been included in a response to a letter of potential breach of conditions in April 2019.	
4	Revegetation of the 'additional revegetation offset' area under condition 2c must be inspected by a qualified botanist 3 years and 5 years after completion of planting and the results of tree seedling survival and condition reported to the Department within 30 days	N/A		Mining in this area is not complete, hence revegetation cannot commence. As soon as extraction within the south-eastern section is completed, topsoil will be returned to the area, the area ripped and revegetation of the 'additional revegetation offset' will commence.	
5	Revegetation under conditions 2a and 2c must achieve an average of 1100 live stems per hectare. If at the 3 and 5 year inspections a survival rate of 90% of the planted trees is not achieved; all planted trees that have not survived must be replaced with the same species within 12 months, and maintained for a minimum of two years.	Yes	Site Visit	At the seedling survival inspection undertaken in May 2018, there was an average of 1118 live stems/ha throughout the area which had been infill planted.	None
6	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Yes		The Department was advised that commencement of the action occurred in early 2014.	None
7	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the BCMP, required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's	Yes		Summary reports of annual revegetation have been kept, stating type and numbers of species planted. There has been no further seeding plantings since 2017.	None

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B & J Catalano, Lot 7 Runnymede Road, April 2019 – EPBC 2011/5996**

	Conditions	Compliant	Evidence	Findings	Recommended Action
	website. The results of audits may also be publicised through the general media				
8	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and noncompliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.	Yes		This report is for the 2018/19 reporting year.	Report to be published on the Company website. This report to be submitted to the Department.
9	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Yes	This report	Audit undertaken by Lundstrom Environmental Consultants Pty Ltd.	None
10	If the person taking the action wishes to carry out any activity otherwise than in accordance with the BCMP as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall 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 original BCMP.	N/A		All actions being undertaken in accordance with the BCMP.	None
11	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and	N/A		All actions being undertaken in accordance with the current	None

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	communities to do so, the Minister may request that the person taking the action make specified revisions to the BCMP specified in the conditions and submit the revised management plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the original BCMP, as specified in the conditions.			BCMP.	
12	If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Yes		Action has commenced	None
13	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the BCMP referred to in these conditions of approval on their website. The BCMP must be published on the website within 1 month of the date of this approval.	Yes	BCMP is currently on the website.	The BCMP was republished on the B & J Catalano Pty Ltd website in May 2016.	

FIGURES





**LUNDSTROM ENVIRONMENTAL
CONSULTANTS PTY LTD**
21 Sellen Court, Leeming WA 6149
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Scale: 1:2600
Original Size: A4
Air Photo Date: Landgate Nov 2017
Datum: Australian Geocentric 1994 (GDA94)

B&J Catalano Pty Ltd
Lot 7 Runnymede Rd,
Wellesley

Current Extraction Area

Figure 2