

**EPBC 2019/8388 COMPLIANCE REPORT
10TH DECEMBER 2020 – 10TH DECEMBER 2021**

**LOTS 4 AND 5 LUDLOW ROAD LIMESTONE EXTRACTION
MYALUP, WESTERN AUSTRALIA**

PREPARED FOR

B & J CATALANO PTY LTD



By

LUNDSTROM ENVIRONMENTAL CONSULTANTS PTY LTD

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Version Register

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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) Peter Bennett
Position (please print) Manager of Materials Resource planning and compliance.
Organisation (please print including ABN/ACN if applicable) 68 008 961 975
Date 10 / 3 / 2022 B&J Catalano

INTRODUCTION

On 05 November 2020, B & J Catalano received approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to undertake limestone mining at Lots 4 And 5 Ludlow Road, Myalup, Western Australia (WA). The approval has 25 conditions, of which 10 conditions are specific to the action.

In regard to annual compliance reporting, condition 18 of the approval states that:

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 60 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 documentary evidence of the date of publication on the website;
- 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 five business days of publication.

This report has been prepared to fulfil the requirement of Condition 18. This report will be published on the B & J Catalano Pty Ltd website and a weblink of the report will be forwarded onto the Department of the Environment (the Department) together with proof of publication date to fully satisfy this condition.

DESCRIPTION OF ACTIVITIES

The approval is for the expansion of the existing limestone extraction operations on Lots 4 and 5 Ludlow Road, Myalup, approximately 50 km north of Bunbury, WA. The project area is an area of 12.6ha that has been approved for limestone extraction (see Figure 1). Extraction within this area commenced after clearing took place in December 2021, with the commencement of action date captured as the date of commencement of clearing on 10th December 2021, when an initial 2.4ha of clearing took place.

The extent of clearing for the reporting period has been captured in Figure 1 using satellite imagery, with a total of 3.2ha of the approved 7.4ha being cleared during this period.

Revegetation of the offset area took place in winter 2021 (see photos in Attachment 1), however only 7ha of the 10.6ha area was revegetated. The remaining of the revegetation will take place in winter 2022 and will be reported in next year's compliance report.

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 and comments, and provides a recommended action where required.

**Table of EPBC Act Approval Conditions and Compliance Status
B & J Catalano, Lots 4 And 5 Ludlow Road, Dec 2021 – EPBC 2019/8388**

#	Conditions	Compliant	Evidence/Comments	Recommended Action
1	To avoid and mitigate impacts to the Carnaby's Black Cockatoo , the approval holder must implement Management Conditions 1-10 of clearing permit CPS 8057/1 .	Yes	An Annual Report for CPS 8057/1 for the reporting period Jan 2020 – Dec 2020 has been submitted to DWER showing compliance with CPS conditions. The Annual Report for reporting period Jan 2021 – Dec 2021 will be submitted by 30 th June 2022 as per CPS conditions.	None
2	If Management Conditions 1-10 of clearing permit CPS 8057/1 are updated or otherwise changed, the approval holder must notify the Department within one month of the change.	N/A	Management Conditions 1-10 of clearing permit CPS 8057/1 have not been updated or otherwise changed.	None
3	To avoid and mitigate impacts to the Carnaby's Black Cockatoo the approval holder must not:			
(a)	clear outside the boundaries of the project area ;	No	The extent of clearing for the reporting period has been captured in Figure 1 using satellite imagery. The clearing area is within the project area boundaries, except for a very small area (~27m ²) where stockpiles have been partly placed outside of the project area boundary. This small section of the stockpile will be immediately moved back into the approved footprint.	B&J Catalano to revise their procedures to demarcate the project area boundaries.
(b)	clear any Tuart trees , which are outside of the clearing footprint shown in pink in Attachment 3; and	Yes	The extent of clearing for the reporting period has been captured in Figure 1 using satellite imagery. No tuart trees outside the clearing footprint have been cleared.	
(c)	clear more than 7.4 hectares of Carnaby's Black Cockatoo habitat .	Yes	The extent of the clearing in this reporting period, as shown in Figure 1, was 3.2ha.	None
4	Within 12 months of the commencement of the action , the approval holder must provide the Department with written evidence that a conservation covenant has been executed over the offset area .	No	An application for a conservation covenant over the offset area was made within 12 months of the commencement of the action, however a problem with the cadaster was encountered, which delayed the application by several months. The application has been re-submitted	Ensure application for a conservation covenant over the offset area is finalised in the next 4 weeks. Inform the Department once the covenant is executed.

**Table of EPBC Act Approval Conditions and Compliance Status
B & J Catalano, Lots 4 And 5 Ludlow Road, Dec 2021 – EPBC 2019/8388**

#	Conditions	Compliant	Evidence/Comments	Recommended Action
			and should be finalised soon. The Department has been informed of the above via email.	
5	To mitigate and offset impacts to the Carnaby's Black Cockatoo the approval holder must implement the Revegetation Plan to revegetate at least 18 ha of land with species that are known to provide Carnaby's Black Cockatoo habitat . The approval holder must re-establish a self-sustaining vegetation cover, consistent with the surrounding ecosystem, which provides Carnaby's Black Cockatoo habitat . The approval holder must:			
(a)	Begin revegetation within the entire 10.6 ha offset area within 6 months of commencement of the action .	No	Revegetation over 7ha has taken place within 6 months of commencement of the action, with the remaining area to be revegetated in winter 2022. Photos of the revegetation are included in Attachment 1. The Department has been informed of the above via email.	Revegetation of the offset area that was not revegetated in winter 2021 to take place this winter 2022.
(b)	Begin revegetation of at least 7.4 hectare of land within the project area within 6 months of completion of extraction and no later than 12 years from commencement of the action .	N/A	Extraction within the project area has not been completed. Commencement of the action was a year ago.	None
(c)	Not plant flora species identified as Carnaby's Black Cockatoo habitat within 10 metres of the edge of any sealed road to reduce the risk of vehicle strike.	Yes	No flora species identified as Carnaby's Black Cockatoo habitat has been planted within 10 metres of the edge of any sealed road. The closest sealed road is Forrest Hwy, ~2.5km from the project area and ~2km from the offset area.	None
(d)	Only cease revegetation works once a suitably qualified ecologist has verified, in a written report accepted by the Department , that at least 18 ha of revegetation meets the completion criteria prescribed in the Revegetation Plan .	N/A	Revegetation works have not ceased – with further revegetation of the offset area scheduled for winter 2022.	None
(e)	Once the completion criteria have been achieved the approval holder must inspect all areas of revegetation once every 2 years, during Spring, for at least a further 10 years to ensure the completion criteria are being maintained. Within 20 business days of each inspection the approval holder must submit to the Department a	N/A	Completion criteria have not been achieved.	None

**Table of EPBC Act Approval Conditions and Compliance Status
B & J Catalano, Lots 4 And 5 Ludlow Road, Dec 2021 – EPBC 2019/8388**

#	Conditions	Compliant	Evidence/Comments	Recommended Action
	written report demonstrating whether or not the completion criteria have been maintained.			
(f)	Undertake corrective actions to improve vegetation quality within the revegetated areas within 3 months of becoming aware that an area of revegetation no longer meets the completion criteria . Corrective actions may cease once a suitably qualified ecologist has verified, in a written report accepted by the Department , that the completion criteria have again been achieved.	N/A	Completion criteria have not been achieved.	None
6	If the fifth verification report by a suitably qualified ecologist required under Condition 5(e) advises that less than 18 ha of revegetation meets the completion criteria , the approval holder must provide, within 20 business days of submission of the fifth verification report, written notification to the Department , providing details including:			
(a)	the total area of revegetation that fails to meet the completion criteria ;	N/A	Completion criteria have not been achieved.	None
(b)	how the approval holder will address any shortfall in revegetation through the provision of additional offset(s)*; and	N/A	Completion criteria have not been achieved.	None
(c)	how the additional offset(s)* are suitable for offsetting impacts to protected matters .	N/A	Completion criteria have not been achieved.	None
7	To offset the loss of two potential habitat trees , the approval holder must install two Carnaby's Black Cockatoo nest boxes in undisturbed vegetation, adjacent to the project area , for Carnaby's Black Cockatoo nesting. The two Carnaby's Black Cockatoo nest boxes must be installed and maintained until at least until the end date of the period for which this approval has effect.	No	This condition is currently being amended, it was left by error in the approval document as the two potential habitat trees had been removed from the application pre-approval.	None
8	To avoid and mitigate impacts to shore birds and Peel-Yalgorup System Ramsar Wetland the approval holder must:			
(a)	ensure that no activities associated with the action occur within 200 metres of Lake Preston ;	Yes	The extent of project area and associated activity has been captured in Figure 1 using satellite imagery. All activities associated with the action	None

**Table of EPBC Act Approval Conditions and Compliance Status
B & J Catalano, Lots 4 And 5 Ludlow Road, Dec 2021 – EPBC 2019/8388**

#	Conditions	Compliant	Evidence/Comments	Recommended Action
			have occurred outside of the 200 metres buffer from Lake Preston.	
(b)	maintain at least a 4 metre vertical separation between the lowest point of the pit floor and the groundwater level , and ensure that the pit floor is no lower than 6 metres AHD , as shown in Attachment 2;	Yes	The pit floor is no lower than 6 metres AHD [Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager].	None
(c)	not undertake dewatering within the project area ;	Yes	The project does not require dewatering and no dewatering has taken place on site [Pers. comm. Peter Bennett - B&J Catalano Compliance Manager].	None
(d)	leave no standing water after the completion of extraction ; and	N/A	Extraction within the project area has not been completed.	None
(e)	contain within the project area all surface water runoff that originates within the project area .	Yes	Surface water runoff from the working areas has been contained in the base of the extraction area, and there were no signs of erosion [Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager].	None
9	If at any point during extraction , the groundwater level is intersected, the approval holder must:			
(a)	stop extraction and report the incident to the Department in writing, as soon as practicable and no later than within two business days of the incident ;	N/A	The groundwater level has not been intersected [Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager].	None
(b)	install a monitoring bore between the project area and Lake Preston at an appropriate location down hydraulic gradient from the project area to measure the groundwater level ; and	N/A	The groundwater level has not been intersected [Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager].	None
(c)	not recommence extraction until the Department has confirmed in writing, having considered any evidence provided, that a minimum 4 meter vertical separation	N/A	The groundwater level has not been intersected [Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance	None

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#	Conditions	Compliant	Evidence/Comments	Recommended Action
	between the lowest point of the pit floor and groundwater level has been restored and will be maintained during all future extraction activities.		Manager].	
10	To prevent hydrocarbons or other contaminants from impacting the Peel-Yalgorup System Ramsar Wetland, only minor servicing of vehicles or plant can be undertaken within the project area . Any minor servicing activities must be undertaken in accordance with the <i>Western Australian Water Quality Protection Guidelines</i> No's 6, 7, 10 and 11, or subsequent revised currently official version. Management measures that must be implemented by the approval holder include but are not limited to:			
(a)	all refuelling pipework must be of the 'snap-on-fast fill' type or auto-shut-off nozzles;	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(b)	all vehicles must be serviced and refuelled within a contained and bunded area;	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(c)	any spills must be contained within the project area , mitigated and recorded;	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(d)	there must be no storage of fuels, lubricants or other toxic or hazardous chemicals within the project area ;	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(e)	servicing of any vehicle must not take place within the buffer ;	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(f)	prior to servicing, a suitably sized spill mat or drip tray must be placed under the vehicle to be serviced to capture any leaks or spills.	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(g)	servicing of vehicles must consist of the direct vacuuming of any waste fluids from the engine of the vehicle being serviced to a waste oil tank on the service truck	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(h)	a drip tray or drum, that ensures no spillage, must be placed under the oil filter of the vehicle being serviced	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance	None

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#	Conditions	Compliant	Evidence/Comments	Recommended Action
	prior to removal of the oil filter;		Manager.	
(i)	any material captured in the drip tray or drum during the course of servicing must be disposed of into the waste facility of the service truck, removed off-site and disposed of at an appropriately licenced waste facility; and	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
(j)	spill kits must be kept on all service trucks at all times, when servicing vehicles or plant on site and immediately deployed to clean up and remove any spilled hydrocarbons or other contaminants.	Yes	Shire Compliance report 2021 and Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
11	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 .	No	The Department has been notified of the date of commencement of the action, however due to an administrative oversight, the department was not notified of the date within 10 business days. This was an unintended omission and B&J Catalano have taken steps to ensure reporting obligations are not missed in future.	A compliance tracking system has been implemented to capture approval conditions, reporting, and due dates.
12	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	Commencement of the action has taken place.	None
13	The approval holder must maintain accurate and complete compliance records .	Yes	Pers. comm. Peter Bennett - B&J Catalano Compliance Manager.	None
14	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	A request for compliance records has not been made.	None
15	Such records may be subject to audit by the Department or an independent auditor in accordance with section 45s of the EPBC Act , or used to verify compliance with the conditions of approval. Summaries of audits will be posted	N/A	N/A	None

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#	Conditions	Compliant	Evidence/Comments	Recommended Action
	on the Department's website. The results of audits may also be publicised through the general media.			
16	The approval holder must:			
(a)	publish the approved Revegetation plan on the website within 20 business days of commencement of the action , unless otherwise agreed to in writing by the Minister ; and	Yes	The approved Revegetation plan was republished on the B & J Catalano website in September 2020.	None
(b)	keep Revegetation Plans published on the website until the end date of this approval.	Yes	The approved Revegetation plan is currently on the B & J Catalano website, please use the link: Environmental Management - B&J Catalano	None
17	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 .	N/A	Not required for this reporting period.	None
18	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 60 business days following the relevant 12 month period;	N/A	60 business days have not elapse following the relevant 12 month period.	This report to be published on the B & J Catalano website as soon as finalised and within 60 business days of reporting 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 documentary evidence of the date of publication on the website;	N/A	Compliance report has not yet been published on the company website.	The Department to be notified by email when this report has been published on the company website.
(c)	keep all compliance reports publicly available on the website until this approval expires;	N/A	No compliance reports have been published on the company website.	Once published, compliance reports to be publicly available on the company website until approval

**Table of EPBC Act Approval Conditions and Compliance Status
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#	Conditions	Compliant	Evidence/Comments	Recommended Action
				expires.
(d)	exclude or redact sensitive ecological data from compliance reports published on the website ; and	N/A	Compliance report has not yet been published on the company website.	Noted for this and future compliance reports.
(e)	where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within five business days of publication.	N/A	Compliance report has not yet been published on the company website.	Noted for this and future compliance reports.
19	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:			
(a)	any condition which is or may be in breach;	No	The Department was not notified of non-compliances (as listed on this table) within 2 business days of non-compliance.	B & J Catalano will endeavor to notify the Department of non-compliance within 2 business days.
(b)	a short description of the incident and/or non-compliance; and	No	This has been provided, but not within 2 business days of non-compliance.	B & J Catalano will endeavor to provide this information to the Department within 2 business days.
(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.	No	This has been provided, but not within 2 business days of non-compliance.	B & J Catalano will endeavor to provide this information to the Department within 2 business days.
20	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:			
(a)	any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	No	This has been provided for non-compliances (as listed on this table), but not within 10 business days of non-compliance.	B & J Catalano will endeavor to provide this information to the Department within 10 business days.
(b)	the potential impacts of the incident or non-compliance; and	No	This has been provided for non-compliances (as listed on this table), but not within 10 business days of non-compliance.	B & J Catalano will endeavor to provide this information to the Department within 10 business days.

**Table of EPBC Act Approval Conditions and Compliance Status
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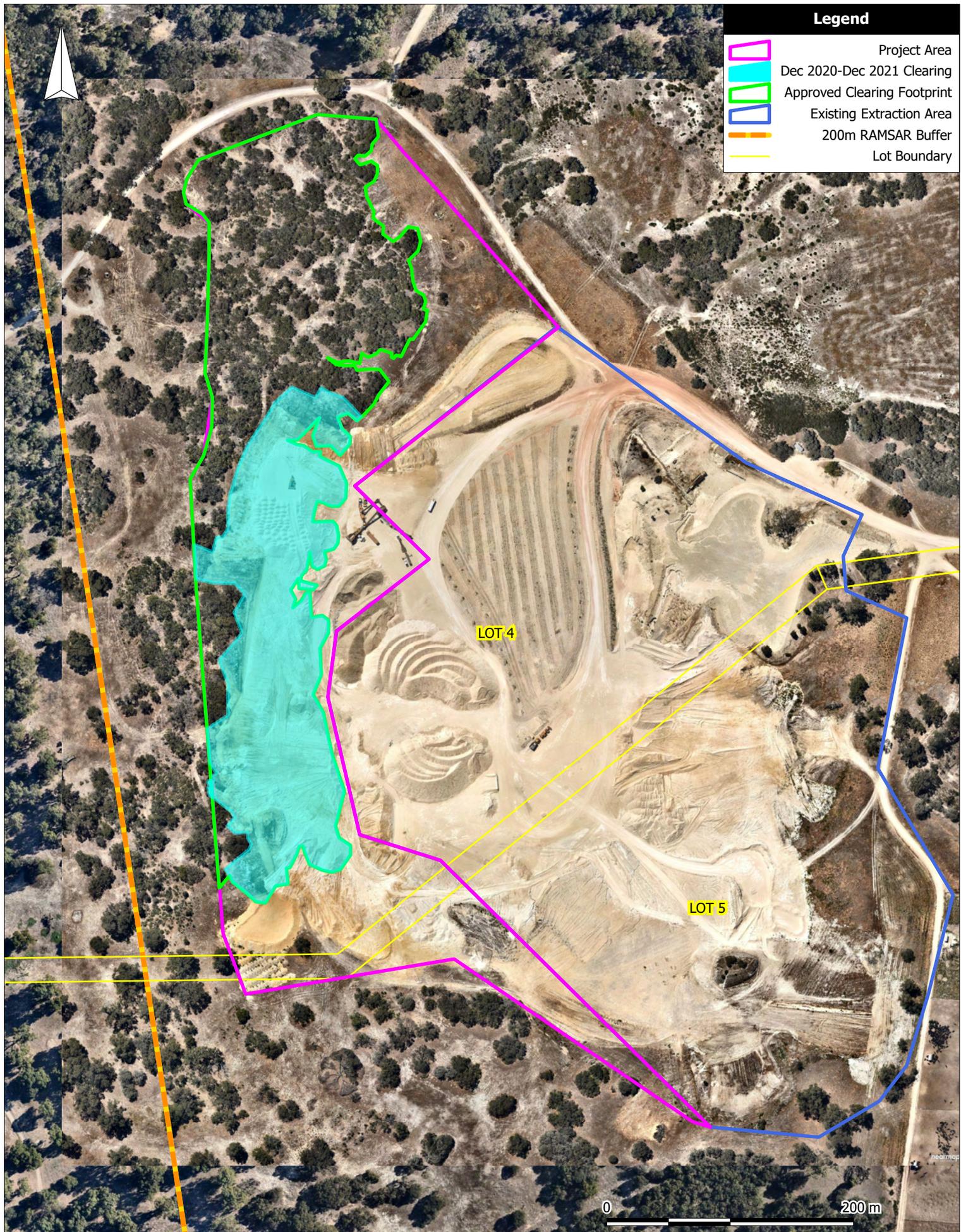
#	Conditions	Compliant	Evidence/Comments	Recommended Action
(c)	the method and timing of any remedial action that will be undertaken by the approval holder.	No	This has been provided for non-compliances (as listed on this table), but not within 10 business days of non-compliance.	B & J Catalano will endeavor to provide this information to the Department within 10 business days.
21	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Department .	N/A	There are no request for independent audits.	None
22	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 ;	N/A	No independent audit undertaken.	None
(b)	only commence the independent audit once the audit criteria have been approved in writing by the Department ; and	N/A	No independent audit undertaken.	None
(c)	submit an audit report to the Department within the timeframe specified in the approved audit criteria.	N/A	No independent audit undertaken.	None
23	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 independent audit undertaken.	None
24	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 5, 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 application to the Minister for a variation to an action management plan approved by the Minister has been submitted.	None

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#	Conditions	Compliant	Evidence/Comments	Recommended Action
25	<p>Within 20 business days after whichever is the earlier of</p> <ul style="list-style-type: none"> • the completion of the action, or • 60 business days before the end date of the period for which this approval has effect, <p>the approval holder must notify the Department in writing of the date of the completion of the action and submit all completion data to the Department.</p> <p>If the completion of the action is unlikely to occur before the end date of the period for which the approval has effect, the approval holder must submit to the Department, before the end date of the period for which the approval has effect, a request, in accordance with the requirements of section 145C of the EPBC Act, to extend the period of effect of the approval.</p>	N/A	Completion of the action is not expected for several years.	None

*Any additional offset(s) must be approved by the **Department** in writing prior to their being accepted as an offset under these conditions. Any **offset areas** purchased by the approval holder must be managed for the conservation of **protected matters** for a period of no less than 20 years. An appropriate **conservation covenant** is to be in place within two years of the offset being approved by the Department (or another period agreed in writing by the **Department**).

FIGURES



**Lundstrom Environmental
Consultants Pty Ltd**

Leeming WA 6149
Mob: 0417934863
mikeland1@bigpond.com

Scale: 1:3900
Original Size: A4
Air Photo Source: Nearmap Nov 2021
Datum: GDA94
Projection: Australia MGA94 (50)

Client: B & J Catalano
Project: Limestone Extraction
Location: Lots 4 & 5 Ludlow Road
Myalup

Figure 1
EPBC 2019/8388
Compliance Report
Dec 2020 - Dec 2021



APPENDICES

Photographs of Revegetation of the Offset Area - Winter 2021

