



Environmental Protection and Biodiversity Conservation Act 1999 Approval EPBC 2013/6943

Bristle Holdings Ltd (T/A Austral Bricks (WA) Pty Ltd), Lot 1 Morangup Road, Morangup

COMPLIANCE REPORT 2017

PREPARED FOR AUSTRAL BRICKS (WA) PTY LTD

June 2018

Prepared by:

Land Insights
PO Box 289
Mt Lawley WA 6929



Phone: (08) 9271 8506

Document details:

Document History:

Date	Document Name	Document Manager	Summary of Document Revision	Client Delivered
May-18	R.935	SR	Draft	May-18
Jun-18	R.935	SR	Final	Jun-18

Important Note:

"The information contained in this report has been prepared with care by the author(s), or it has been supplied to the author(s) by apparently reliable sources. In either case, the author(s) have no reason to doubt its completeness or accuracy. However, neither the author(s) company nor its employees guarantee the information, nor does it or is it intended to form part of any contract. Accordingly, all interested parties should make their own inquiries to verify the information, as well as any additional or supporting information supplied, and it is the responsibility of interested parties to satisfy themselves in all respects.

This report is for the use only of the party to whom it is addressed.

Land Insights disclaims responsibility to any third party acting upon or using the whole or part of its contents."

Table of Contents

1	INTRODUCTION	1
1.1	CONTEXT	1
2	EPBC APPROVAL COMPLIANCE.....	2
2.1	COMPLIANCE REVIEW	2
3	ENVIRONMENTAL MANAGEMENT AND OFFSET STRATEGY	7
3.1	EMOS COMPLIANCE.....	7

Appendices

APPENDIX A – PLANS

APPENDIX B – CONSERVATION COVENANT

1 Introduction

1.1 Context

Approval EPBC 2013/6943 was issued on the 2nd September 2014 for the clearing of 36.42 hectares of native vegetation across Stages 1 to 4 of the Austral Bricks extractive industry operation. Clearing for Stage 1 commenced in March 2017.

This document presents the Compliance Report as required by Condition 8 of Approval EPBC 2013/6943. Condition 8 is outlined below:

'By 1 March of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the person taking the action becoming aware of the potential or actual contravention. All contraventions must also be included in the compliance report.'

Chapter 2 provides a review of the conditions from EPBC Approval 2013/6943 and the actions undertaken since the approval was provided in September 2014.

Chapter 3 provides a review of the Management Actions set out in the Environmental Management and Offset Strategy (EMOS) which was prepared as a requirement of Condition 4 of the EPBC Approval.

2 EPBC Approval Compliance

2.1 Compliance Review

Detail relating to the conditions of approval EPBC 2013/6943 is provided below.

Condition 1

The person taking the action must not clear more than 36.42 ha of native vegetation within the project area identified as 'Stages 1-4' at Schedule 1. No other native vegetation is to be cleared within the project area.

Complied – Clearing has taken place within Stage 1 as approved. A plan showing the area cleared is provided at Appendix A. A small area at the north-western corner of the Stage 1 area has not been cleared. The reason for this is that upon a review of the site it was decided that this area can be avoided and hence the vegetation remains. This method of review and mitigation is followed at each stage of the project to avoid clearing where possible.

Condition 2

To mitigate impacts to black cockatoos, no clearing within the project area is to occur during the breeding season between July-February.

Complied – Clearing for Stage 1 in accordance with the approval commenced on the 13th March 2017 and took place outside of the black cockatoo breeding season (July to February).

Condition 3

To offset the loss of habitat for black cockatoos, within 2 years of the date of this approval, the person taking the action must provide written evidence to the Department that a legally binding conservation covenant has been registered over the offset area identified at Schedule 1.

Complied – A Conservation Covenant has been formally created over the offset area as outlined in Schedule 1 of the EPBC Approval on the 1st August 2016. A copy is provided at Appendix B. The Covenant was created within 2 years of the date of the approval. Written evidence was sent to the Department on the 18th October 2016.

Condition 4

To mitigate impacts to black cockatoos, at least three months prior to the commencement of the action, the person taking the action must prepare and submit an Environmental Management and Offset Strategy (EMOS) for the Ministers approval. The EMOS must include, but not be limited to: a) milestones and objectives of the EMOS; b) avoidance and mitigation measures to reduce impacts to black cockatoo habitat prior to, during and post mining operations; c) spatial shapefile including offset attributes of the offset area; d) measures to exclude weeds and feral animals from the offset area; e) timeframes for the implementation and completion of the above measures; f) details of monitoring and reporting measures; and g) roles and responsibilities of personnel associated with implementing each of the above measures.

Complied – An Environmental Management and Offset Strategy (EMOS) was prepared in February 2015 and was approved by the Department of the Environment and Energy on the 25th February 2015. Chapter 3 of this report includes a review of the management actions contained within the EMOS report.

Condition 5

*To mitigate potential impacts to black cockatoo habitat adjacent to the project area, the person taking the action must ensure that the following measure is carried out to limit the occurrence of Dieback (*Phytophthora cinnamoni*) on site. (i) All vehicles being used during construction that have come from a Dieback affected area must be washed down prior to entering the project area in accordance with WA DPaW management of Dieback in extractive industries guidelines.*

Complied – A number of Dieback testing and investigations have been undertaken within the offset area and Project Area since receiving approval in 2014.

The first Dieback assessment was undertaken in January and February 2014 by Dieback Treatment Services in accordance with the guidelines established by the Department of Biodiversity, Conservation and Attractions “*Volume 2 – Phytophthora cinnamomi and disease caused by it: Interpreter guidelines for detection, diagnosis and mapping*” CALM, 2001.

A second dieback interpretation assessment was undertaken in May 2017 in accordance with the recommendations from the 2014 assessment.

A third dieback interpretation assessment is currently being undertaken across the site, including a broader area surrounding the pit. A comprehensive Dieback Management Plan will also be prepared following the new assessment to reflect the current situation.

Condition 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.

Complied – Clearing within Stage 1 commenced on the 13th March 2017. Correspondence was sent to the Department of the Environment and Energy on the 24th April 2017.

Condition 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 EMOS require 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 website. The result may also be publicised through the general media.

Complied – Records have been maintained, as is evidenced in this report. Copies of relevant reports, correspondence, data files and other supporting information is kept on file.

Condition 8

By 1 March of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the person taking the action becoming aware of the potential or actual contravention. All contraventions must also be included in the compliance report.

There was a delay in publishing the report on the website and this was not undertaken by the due date of 1st March, however, this report has been prepared to comply with Condition 8 of the EPBC Approval. No contraventions have occurred since the approval was issued.

Condition 9

Upon 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.

Complied – There has been no requirement to undertake this to date.

Condition 10

If the person taking the action wishes to carry out any activity otherwise than in accordance with the EMOS 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 EMOS. The varied activity shall not commence until the Minister has approved the varied EMOS in writing. The Minister will not approve a varied EMOS unless the revised EMOS would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised EMOS, that EMOS must be implemented in place of the EMOS originally approved.

Complied – No variations to the EMOS have been requested.

Condition 11

If the Minister believes that it is necessary or convenient for the better protection of listed threatened species to do so, the Minister may request that the person taking the action make specified revisions to the EMOS specified in the conditions and submit the revised EMOS for the Ministers written approval. The person taking the action must comply with any such request. The revised approved EMOS must be implemented. Unless the Minister has approved the revised EMOS, then the person taking the action must continue to implement the EMOS originally approved, as specified in the conditions.

Complied – There has been no requirement to make variations to the EMOS to date.

Condition 12

If, at any time after five (5) years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence this action without the written agreement of the Minister.

Complied – The action (clearing) commenced in March 2017, within five years from the date of approval (September 2014).

Condition 13

Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the EMOS referred to in these conditions of approval on their website. The EMOS must be published on the website within 1 month of being approved. The person taking the action must notify the Department within 5 business days of publishing the EMOS on their website and the EMOS must remain on the website for the period this approval has effect.

Complied – The EMOS is available on the Austral Bricks website.

3 Environmental Management and Offset Strategy

3.1 EMOS Compliance

Action 1

Habitat Management – Provide offset area and place under conservation covenant to provide for future protection.

Complied – a Conservation Covenant for the offset area was established in August 2016.

Action 2

Habitat Management – The project area will be cleared in stages over the next 40-50 years so loss of habitat will be gradual.

Complied – Four stages have been identified for the extraction and clearing. Local approvals provided by the Shire and the State Department of Environmental Regulation only allow for a staged approach to clearing. To date, only Stage 1 has been cleared in accordance with the EPBC Approval and Local and State approvals. A small area at the north-western corner of the Stage 1 area has not been cleared. The reason for this is that upon a review of the site it was decided that this area can be avoided and hence the vegetation remains. This method of review and mitigation is followed at each stage of the project to avoid clearing where possible.

Action 3

Indirect Impacts – Reduce vegetation disturbance to vegetation surrounding the pit to provide habitat for threatened fauna across the remainder of the property.

Complied – Austral Bricks restrict access to surrounding vegetation. Personnel working on site are required to keep to within the existing pit area and tracks.

Action 4

Indirect Impacts – Access control to surrounding vegetation and throughout the remainder of the site.

Complied – Limited access is provided to the surrounding vegetation through the site. A small number of access tracks are provided for emergency access and for firebreaks, however all works on site are required to keep to the existing pit area and main access track leading in and out of the site.

Action 5

Indirect Impacts – The project area will be cleared in stages over the next 40-50 years so loss of habitat will be gradual.

Complied – Four stages have been identified for the extraction and clearing. Local approvals provided by the Shire and the State Department of Environmental Regulation only allow for a staged approach to clearing. To date, only Stage 1 has been cleared in accordance with the EPBC Approval and Local and State approvals. A small area at the north-western corner of the Stage 1 area has not been cleared. The reason for this is that upon a review of the site it was decided that this area can be avoided and hence the vegetation remains. This method of review and mitigation is followed at each stage of the project to avoid clearing where possible.

Action 6

Short Term Impacts – Reduce vegetation disturbance to vegetation surrounding the pit to provide habitat for threatened fauna across the remainder of the property.

Complied – The area cleared for Stage 1 was carefully mapped out to minimise clearing where possible and to reduce disturbance to surrounding area. A small area at the north-western corner of the Stage 1 area has not been cleared. The reason for this is that upon a review of the site it was decided that this area can be avoided and hence the vegetation remains. This method of review and mitigation is followed at each stage of the project to avoid clearing where possible.

Action 7

Short Term Impacts – Access control to surrounding vegetation and throughout the remainder of the site.

Complied – No new access tracks have been created through the property and only the emergency access tracks and firebreaks remain open. Workers on site are required to keep to the existing pit area and main access track in and out of the site.

Action 8

Short Term Impacts – The project area will be cleared in stages over the next 40-50 years so loss of habitat will be gradual.

Complied – Four stages have been identified for the extraction and clearing. Local approvals provided by the Shire and the State Department of Environmental Regulation only allow for a staged approach to clearing. To date, only Stage 1 has been cleared in accordance with the EPBC Approval and Local and State approvals.

Action 9

Loss of Vegetation – Provide offset area and place under conservation covenant to provide for future protection.

Complied – a Conservation Covenant for the offset area was created in August 2016.

Action 10

Edge Effects within Project Area – Avoid disturbance of existing vegetation surrounding the pit area through access control and education of workers on site.

Complied – Workers are required to keep to the existing pit area and main access track and are instructed not to access the surrounding vegetation.

Action 11

Edge Effects within Project Area – Undertake weed, disease and access control if required.

Complied – Dieback assessments and investigations have been undertaken across the offset area and Project Area. Dieback interpretation assessments were previously carried out in 2014 and 2017, and an additional assessment will be carried out in 2018 to provide updated mapping and a new Dieback Management Plan for the site.

Action 12

Edge Effects within Offset Area – Avoid disturbance of the offset area through access control and education of workers on site.

Complied – Workers are required to keep to the existing pit area and main access track and are instructed not to access the surrounding vegetation. Workers do not access the offset area. The offset area is predominantly surrounded by native vegetation which reduces the risk of edge effects. This vegetation has been maintained.

Action 13

Edge Effects within Offset Area – Undertake weed, disease and access control if required.

Complied – Dieback assessments and investigations have been undertaken across the offset area and Project Area. Dieback interpretation assessments were previously carried out in 2014 and 2017, and an additional assessment will be carried out in 2018 to provide updated mapping and a new Dieback Management Plan for the site. The offset area is predominantly surrounded by native vegetation which reduces the risk of edge effects. This vegetation has been maintained.

Action 14

Uncontrolled Access – Perimeter fence and signs around the property to keep public out.

Complied – Fencing is established around the perimeter of the property and signs are in place to warn the public to keep out.

Action 15

Uncontrolled Access – Keep staff movements to existing access tracks and within the pit area/footprint.

Complied – Workers are required to keep to existing tracks, predominantly the main access track in and out of the site.

Action 16

Weed and Disease Control – Firebreaks are located around the Lot 1 property boundary. A firebreak is located along the eastern and southern side of the offset area. This provides an opportunity for passive surveillance of the area to observe vegetation quality and condition (such as presence of dieback and weeds).

Complied – Firebreaks are maintained around the perimeter of the property. Dieback interpretation assessments have been undertaken in 2014 and 2017 and an additional assessment is being undertaken in 2018.

Action 17

Weed and Disease Control – If passive surveillance indicates that dieback is spreading or occurring in parts of the offset area where it doesn't already exist, the following actions will be undertaken:

- *Further dieback investigations will be carried out to determine the exact extent of the affected area*
- *A dieback management plan will be prepared*
- *Alternative drainage options will be considered as a way to reduce further spread of the disease.*

Complied – Dieback assessments were undertaken in 2014 and 2017 and a Dieback Management Plan was prepared. Dieback was found to have spread in the 2017 assessment, largely due to the unseasonal

summer rains received in early 2017. As a result, a new dieback interpretation assessment is being undertaken in 2018 and a new Dieback Management Plan is being prepared to provide alternative drainage options and management techniques.

Action 18

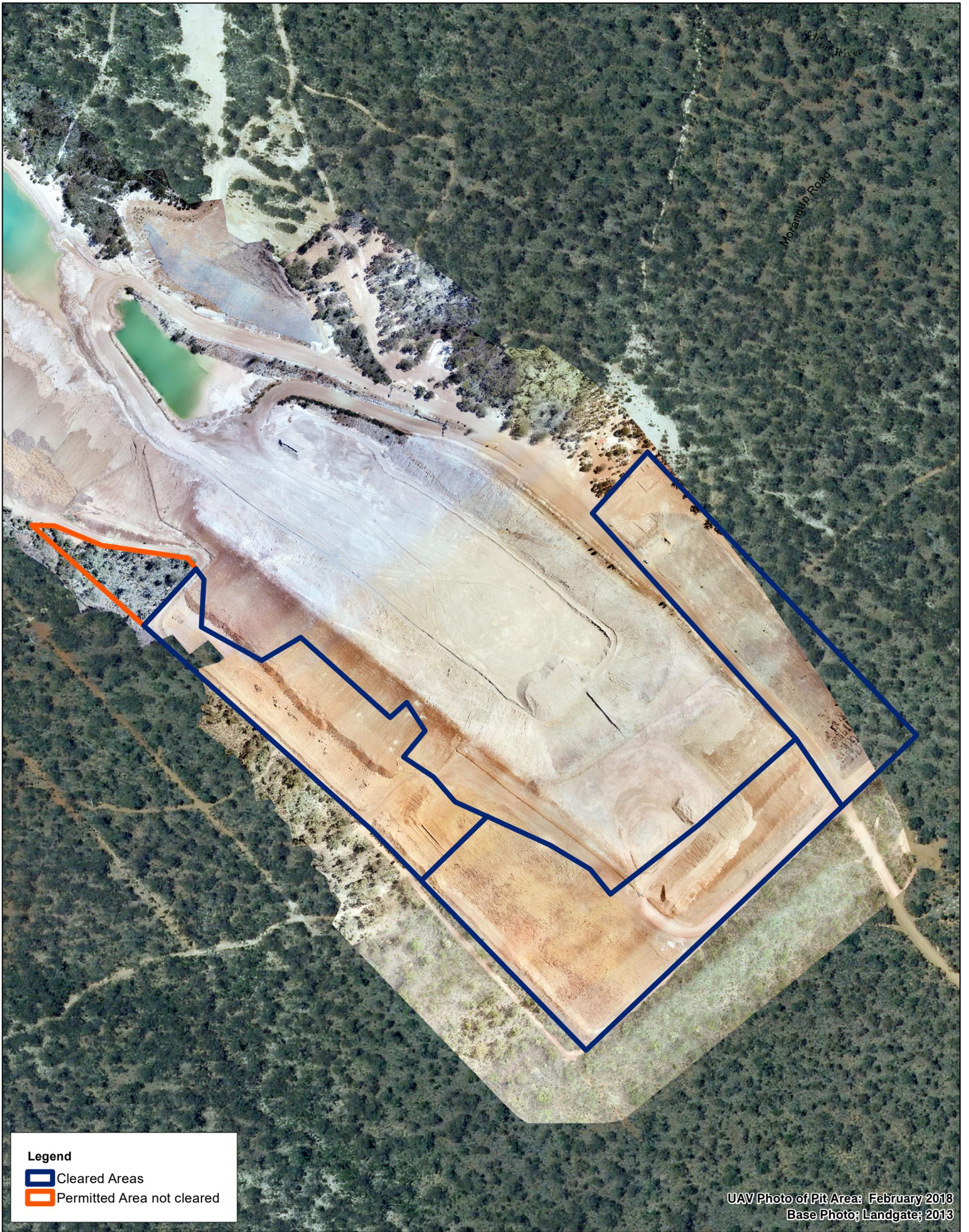
Weed and Disease Control – If weeds are worsening or a prevalent weed infestation is observed, the following corrective actions will be undertaken:

- *If noxious weeds are observed these will be removed either by physical means or through the use of appropriate herbicides.*

Complied – Weeds have not found to have worsened in the offset area. This is largely due to the area remaining off-limits to site personnel and being surrounded predominantly by remnant vegetation which reduces edge effects and the introduction of weeds.

APPENDIX A

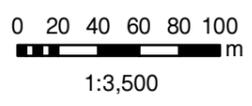
PLANS



UAV Photo of Pit Area: February 2018
Base Photo; Landgate; 2013

Legend

- Cleared Areas
- Permitted Area not cleared



**Approximate Area Cleared as at Feb 2018
LOT 1 MORANGUP ROAD, TOODYAY**

APPENDIX B

CONSERVATION COVENANT

CONSERVATION COVENANT

SOIL AND LAND CONSERVATION ACT
SECTION 30B

File: 1517946v1

The registered proprietor, **BRISTILE HOLDINGS LTD** of that land described as **Lot 1 on Diagram 34893** Certificate of Title Volume 82 Folio 1A, recognises the value of sound land management practices and the value of protecting areas within the land described on this plan.

The registered proprietor of the land agrees that an irrevocable instrument known as a Conservation Covenant be entered into in respect of that area of land contained within Certificate of Title Volume 82 Folio 1A and for the purpose of setting aside land for the protection and management of vegetation under Section 30B of the *Soil and Land Conservation Act 1945*. Accordingly:

We: **BRISTILE HOLDINGS LTD**
(Proprietor of the Land)

Of: **Harper Street**
CAVERSHAM WA 6055
(Normal Postal Address)

Covenant to retain and protect 130.5 hectares of native vegetation in perpetuity, as shown on this plan as an area cross hatched orange contained within Certificate of Title Volume 82 Folio 1A and defined as E on Deposited Plan 405305 in accordance with the following conditions:

- The area of land described above is to be adequately fenced to exclude all classes of livestock and be managed in such a way as to retain and promote the growth of native vegetation.
- Subject to sections 30B and 30C of the *Soil and Land Conservation Act 1945*, this Conservation Covenant is to have effect in perpetuity.
- A Conservation Covenant registered on Certificate of Title by Memorial binds each person successively becoming an owner or occupier of the land.
- Subject to any necessary approvals from relevant authorities, and in accordance with any written law, clearing is permitted within the areas described above for building envelope, boundary fence lines and firebreaks.

REGISTERED PROPRIETOR:

Peter G Scott DATE: 30.7.2015
(print name) (signature)

Andrew Watson DATE: 1.8.2015
COMMISSIONER OF SOIL AND LAND CONSERVATION

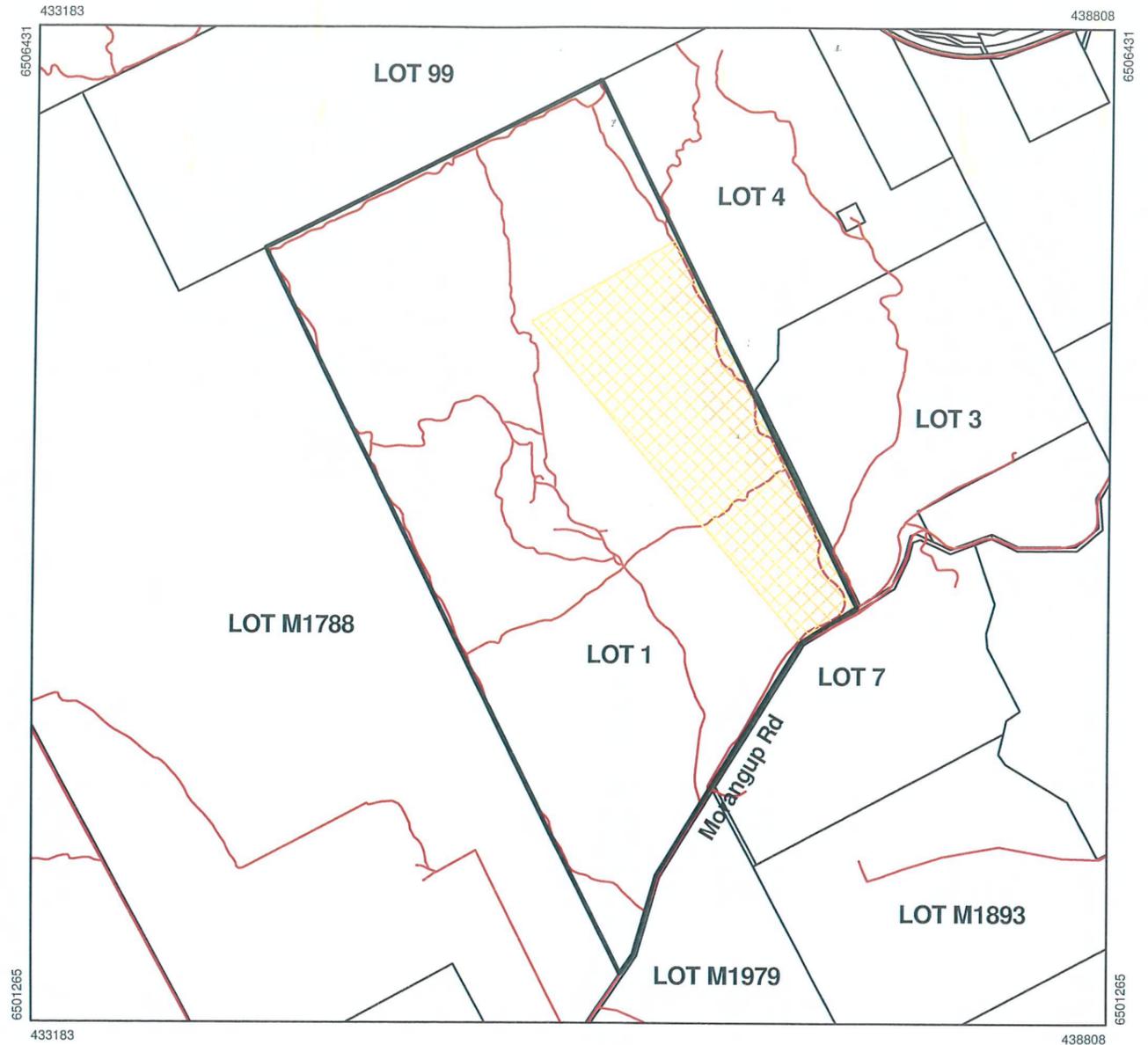
Legend

- WATERWAYS
- ROADS
- ▭ CADASTRAL PARCEL BOUNDARY
- ▨ AREA TO BE RETAINED AND PROTECTED AS NATIVE VEGETATION 130.5 ha

NOTE: 1. ALL MEASUREMENTS AND AREAS ARE ONLY APPROXIMATE AND SUBJECT TO ON-SITE ASSESSMENT BY A LAND CONSERVATION OFFICER FROM DEPARTMENT OF AGRICULTURE AND FOOD WESTERN AUSTRALIA.
2. LANDGATE CADASTRAL PARCELS SUPPLIED FEBRUARY, 2013
3. AERIAL PHOTOGRAPHY EXTRACTED FROM ORTHOPHOTO - MOSAIC WOORLOO DECEMBER 2012
4. PROJECTION - MAP GRID OF AUSTRALIA 1994; ZONE - 50
DATUM - GEOCENTRIC DATUM OF AUSTRALIA 1994

DRAWN BY: P. GOULDING DATE: 13/ 11 / 2015

CHECKED BY: DATE:



CONSERVATION COVENANT

SOIL AND LAND CONSERVATION ACT
SECTION 30B

File: 1517946v1

The registered proprietor, **BRISTILE HOLDINGS LTD** of that land described as **Lot 1 on Diagram 34893** Certificate of Title Volume 82 Folio 1A, recognises the value of sound land management practices and the value of protecting areas within the land described on this plan.

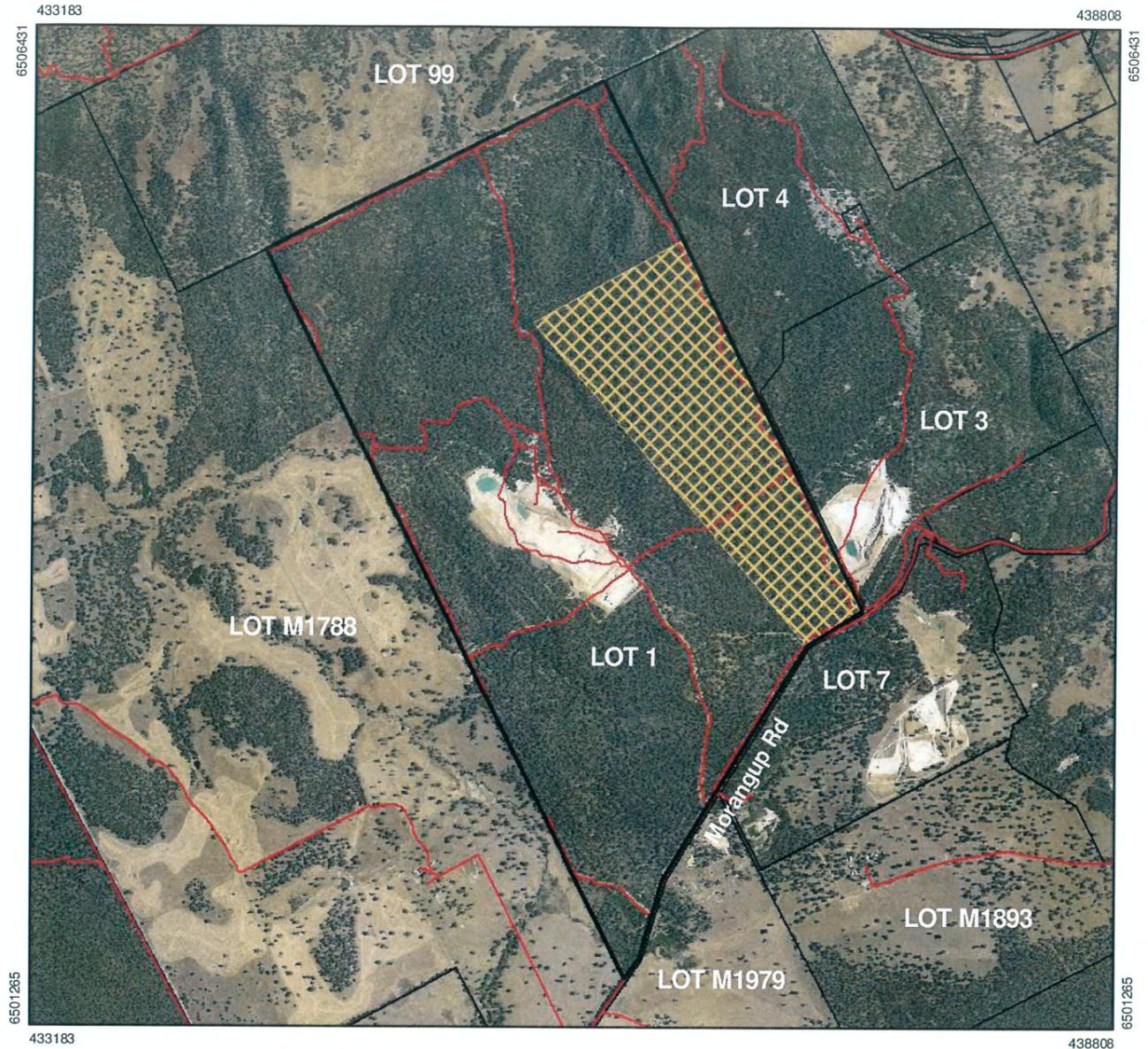
The registered proprietor of the land agrees that an irrevocable instrument known as a Conservation Covenant be entered into in respect of that area of land contained within Certificate of Title Volume 82 Folio 1A and for the purpose of setting aside land for the protection and management of vegetation under Section 30B of the *Soil and Land Conservation Act 1945*. Accordingly:

We: **BRISTILE HOLDINGS LTD**
(Proprietor of the Land)

Of: **Harper Street**
CAVERSHAM WA 6055
(Normal Postal Address)

Covenant to retain and protect 130.5 hectares of native vegetation in perpetuity, as shown on this plan as an area cross hatched orange contained within Certificate of Title Volume 82 Folio 1A and defined as E on Deposited Plan 405305 in accordance with the following conditions:

- The area of land described above is to be adequately fenced to exclude all classes of livestock and be managed in such a way as to retain and promote the growth of native vegetation.
- Subject to sections 30B and 30C of the *Soil and Land Conservation Act 1945*, this Conservation Covenant is to have effect in perpetuity.
- A Conservation Covenant registered on Certificate of Title by Memorial binds each person successively becoming an owner or occupier of the land.
- Subject to any necessary approvals from relevant authorities, and in accordance with any written law, clearing is permitted within the areas described above for building envelope, boundary fence lines and firebreaks.



REGISTERED PROPRIETOR:

Peter G Scott DATE : 36/17/2016
(print name) (signature)

Andrew Watson DATE : 1/8/2016.
COMMISSIONER OF SOIL AND LAND CONSERVATION

Legend

-  WATERWAYS
-  ROADS
-  CADASTRAL PARCEL BOUNDARY
-  AREA TO BE RETAINED AND PROTECTED AS NATIVE VEGETATION 130.5 ha

NOTE: 1. ALL MEASUREMENTS AND AREAS ARE ONLY APPROXIMATE AND SUBJECT TO ON-SITE ASSESSMENT BY A LAND CONSERVATION OFFICER FROM DEPARTMENT OF AGRICULTURE AND FOOD WESTERN AUSTRALIA.
2. LANDGATE CADASTRAL PARCELS SUPPLIED FEBRUARY, 2013
3. AERIAL PHOTOGRAPHY EXTRACTED FROM ORTHOPHOTO - MOSAIC WOOROLOO DECEMBER 2012
4. PROJECTION - MAP GRID OF AUSTRALIA 1994; ZONE - 50
DATUM - GEOCENTRIC DATUM OF AUSTRALIA 1994

DRAWN BY: P. GOULDING DATE: 13/ 11 / 2015

CHECKED BY: DATE: