



Annual Compliance Report for Urquhart Point Mineral Sands Project

Prepared for: Oresome Australia

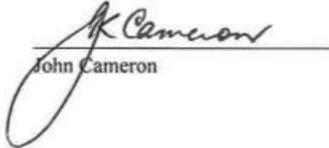
Prepared by: EcOz Environmental Consultants

2018-19





DOCUMENT CONTROL RECORD

Document code:	186551
Author:	Glen Ewers
Approved by:	John Cameron
	
Approval date:	30 January 2020

Recipients are responsible for eliminating all superseded documents in their possession.

EcOz Pty Ltd.
ABN: 81 143 989 039
Level 1, 70 Cavenagh Street
DARWIN NT 0800
GPO Box 381, Darwin NT 0800

Telephone: +61 8 8981 1100
Facsimile: +61 8 8981 1102
Email: eco@ecoz.com.au
Internet: www.ecoz.com.au



RELIANCE, USES and LIMITATIONS

This report is copyright and is to be used only for its intended purpose by the intended recipient, and is not to be copied or used in any other way. The report may be relied upon for its intended purpose within the limits of the following disclaimer.

This study, report and analyses have been based on the information available to EcOz Environmental Consultants at the time of preparation. EcOz Environmental Consultants accepts responsibility for the report and its conclusions to the extent that the information was sufficient and accurate at the time of preparation. EcOz Environmental Consultants does not take responsibility for errors and omissions due to incorrect information or information not available to EcOz Environmental Consultants at the time of preparation of the study, report or analyses.



TABLE OF COMPLIANCE

Condition 27 of the federal conditions of approval for the Urquhart Point Mineral Sands Project (EPBC 2010/5707) states that:

Within three (3) months of every 12-month anniversary of the commencement of the action, the approval holder 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 within ten (10) business days of identifying non-compliance.

The table below documents how Oresome Australia has complied with each of the condition of the federal environmental approval. Due to a change in staffing in 2018-19, no compliance report was submitted for 2018. However, no project activities occurred in 2018 or 2019, and so the compliance report is identical for both years.

NO WORKS HAVE BEEN UNDERTAKEN ON THE SITE SINCE THE PREVIOUS COMPLIANCE REPORT.

Condition	Compliance
<p>1</p> <p><i>The approval holder must undertake pre-clearance surveys within the project area for the presence of Bare-rumped Sheathtail Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) and Northern Quoll (<i>Dasyurus hallucatus</i>) and their habitats prior to clearing vegetation (including clearing for preliminary works).</i></p> <p><i>The pre-clearance surveys must:</i></p> <ul style="list-style-type: none"> <i>a) include the methodology and timeframes for conducting pre-clearance surveys for Bare-rumped Sheathtail Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) and Northern Quoll (<i>Dasyurus hallucatus</i>) and their habitats to be undertaken within the project area;</i> <i>b) The survey methodology for the Bare-rumped Sheathtail Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) and Northern Quoll (<i>Dasyurus hallucatus</i>) must be agreed to by the department in writing prior to the surveys being undertaken;</i> <i>c) be undertaken by a fauna spotter-catcher; and</i> <i>d) document the results of the surveys.</i> 	<p>9.6 hectares of vegetation were cleared in 2015 (including 1.4 ha of sparsely vegetated dredge spoil). For this, a number of pre-clearance surveys were undertaken just prior to clearing. The reports for these surveys are available upon request.</p> <p>Within the Environmental Management Plan (EMP) for this project, Section 6.7 of the Terrestrial Fauna MP contains the <i>Vegetation Clearing Standard Operating Procedures</i>, including pre-clearance surveying methods (Section 6.7.2), the role of the fauna spotter/catcher (Section 6.7.1), and record-keeping (Section 6.7.6).</p>
<p>2</p> <p><i>The approval holder must notify the department in writing within five (5) business days of any confirmed or suspected observation/s of Listed threatened terrestrial species in the project area.</i></p>	<p>During the pre-clearance surveys undertaken in 2015, there were no confirmed or suspected observations of <i>listed threatened terrestrial species</i> (as defined in the approval conditions).</p> <p>Within the EMP, Section 7.9 of the Significant Fauna MP and Section 13.9 of the Significant Flora MP detail the response if any significant fauna or flora is recorded onsite.</p>

Condition		Compliance
3	<p>Management measures to avoid and mitigate the impacts from the project in accordance with the approved Environmental Management Plan at condition 8, must be implemented prior to the clearing of vegetation (except for preliminary works) for:</p> <p>a) The Bare-rumped Sheathtail Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) or Northern Quoll (<i>Dasyurus hallucatus</i>) and their habitats identified in the pre-clearance surveys at condition 1; and</p> <p>b) any confirmed or suspected observation/s Beach Nightshade (<i>Solanum dunalianum</i>), Chocolate Tea Tree Orchid (<i>Dendrobium johannis</i>) and Ant Plant (<i>Myrmecodia beccari</i>) in the project area at condition 2.</p>	<p>Part Two of the Environmental Management Plan contains eight management plans (MP's) that collectively form the Biodiversity MP. These MP's – primarily the Terrestrial Fauna MP (Section 6) – describe a suite of management and mitigation measures that will minimise impacts on significant fauna and flora.</p>
4	<p>The approval holder must not remove more than 134 hectares of vegetation over the life of the project.</p>	<p>Only 9.6 hectares of vegetation have been cleared (including 1.4 ha of sparsely vegetated dredge spoil).</p>
5	<p>If the Bare-rumped Sheathtail Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) or Northern Quoll (<i>Dasyurus hallucatus</i>) is identified in the pre-clearance surveys at condition 1, then a fauna spotter-catcher must be present during the clearing of vegetation.</p>	<p>Neither of those species were identified during pre-clearance surveys. Nevertheless, a fauna spotter-catcher was employed during all clearance events. They followed the <i>Vegetation Clearing Standard Operating Procedures</i> (Section 6.7 of the Terrestrial Fauna MP).</p>
6	<p>To inform the rehabilitation plan at condition 13, surveying to determine baseline data including abundance, density and distribution for the Cooktown Orchid (<i>Dendrobium bigibbum</i>) must be undertaken by a suitably qualified ecologist prior to the clearing of vegetation (except for Preliminary works).</p>	<p>A targeted Cooktown Orchid survey was undertaken in September 2013 by orchid expert Bruce Gray. That survey was submitted to the department as part of a supplementary EIS information request. The results of that survey informed the Rehabilitation Strategy (Section 18 of the EMP).</p>
7	<p>To mitigate impacts on Listed threatened turtle species the approval holder must implement and maintain a minimum vegetation buffer of 50m landward of the Highest Astronomical Tide (HAT) line.</p>	<p>As a review of the recent GoogleEarth image for the site shows, no clearing has been undertaken within 50 m of the Highest Astronomical Tide (HAT) line.</p>
8	<p>Prior to commencement of the action (except for preliminary works), the approval holder must submit to the Minister for approval an Environmental Management Plan covering all activities associated with the construction and operation of the project, to effectively define, avoid, adaptively manage and mitigate negative impacts to the following matters of national environmental significance:</p> <ol style="list-style-type: none"> i. Speartooth Shark (<i>Glyphis glyphis</i>) ii. Indo-Pacific Humpback Dolphin (<i>Sousa chinensis</i>) iii. Australian Snubfin Dolphin (<i>Orcaella heinsohni</i>) iv. Listed threatened turtle species v. Listed threatened terrestrial species 	<p>The EMP, as a whole, is concerned with the mitigation and management of negative impacts on significant species. Specifically, management and mitigation measures for particular groupings of significant species are detailed in:</p> <ul style="list-style-type: none"> • Section 7 for Significant Fauna MP • Section 11 for Significant Flora MP • Section 8 for Marine Turtles MP • Section 9 for Marine Fauna MP
9	<p>The Environmental Management Plan must incorporate avoidance and mitigation measures for each impact associated with the project including, but not limited to:</p> <p>a) water related impacts including, but not limited to, surface water, groundwater, stormwater runoff, flood events, and downstream impacts on watercourses, streams and the marine environment (including estuaries);</p>	<p>Section 15 of the EMP is the Water MP which details avoidance and mitigation measures for water related impacts.</p>

Condition	Compliance
<p>b) <i>impacts from erosion and sedimentation, including beach and/or shore erosion from construction and operations, to ensure these impacts do not alter the Wooldrum Sand Spit to such an extent that the Flatback Turtle (Natator depressus) is prevented from and/or impeded in accessing the beach foreshore to nest, or the species hatchlings are prevented and/or impeded from entering the marine environment;</i></p>	<p>Section 17 of the EMP is the Erosion and Sediment Control MP which details avoidance and mitigation measures for erosion and sedimentation related impacts. The Environmental Monitoring Program in Appendix A of the EMP details the monitoring that will be undertaken to assess whether beach infrastructure is impeding hatchling movement to the sea.</p>
<p>c) <i>artificial light related impacts on Listed threatened turtle species (including hatchlings) nesting beaches and adjacent marine environment including, but not limited to, lighting from construction and operations;</i></p>	<p>Within the EMP, section 8.6.2 of the Marine Turtle MP details light mitigation measures that will be employed. The Environmental Monitoring Program in Appendix A of the EMP details monitoring that will be undertaken to determine the success of the light mitigation measures.</p>
<p>d) <i>impacts from vessel strike to Listed threatened turtle species, Australian Snubfin Dolphin (Orcaella heinsohni) and Indo-Pacific Humpback Dolphin (Sousa chinensis) including, but not limited to, restricting vessel speed limits to 6 knots in water depths of 2.5 metres, or less, or within 100m of the shoreline, whichever is a greater distance from the shoreline;</i></p>	<p>Within the EMP, Section 8.6.1 of the Marine Turtle MP and Section 9.6 of the Marine Fauna MP detail control strategies for mitigating boat strikes.</p>
<p>e) <i>air quality impacts from mining operations including, but not limited to, dust emissions from stockpiles and haul roads, and emissions from plant and vehicles;</i></p>	<p>Within the EMP, Section 13 is the Air Quality MP which details avoidance and mitigation measures for air quality related impacts.</p>
<p>f) <i>impacts from the clearing of vegetation including, but not limited to, loss and fragmentation of habitat, weed and pest invasion and change in fire regimes; and,</i></p>	<p>Part Two of the EMP contains eight MP's that collectively form the Biodiversity MP. These MP's – primarily the Terrestrial Fauna MP (Section 6) and the Weed MP (Section 12) – describe a suite of management and mitigation measures that will minimise impacts from the clearing of vegetation.</p>
<p>g) <i>measures to manage hazardous substances including, but not limited to, fuel and chemical leaks and/or spills.</i></p>	<p>Within the EMP, Section 25 is the Hazardous Substances MP which details avoidance and mitigation measures for impacts related to hazardous substances.</p>
<p>10 <i>The Environmental Management Plan must also include adaptive management strategies to benefit the species listed at condition 8. The Environmental Management Plan must include effective management strategies to mitigate each potential impact including desired outcomes, benchmarks, readily measurable performance indicators and goals, timeframes for reporting and implementation, corrective actions and contingency measures, and must specify the person/s with responsibility for implementing these strategies.</i></p>	<p>Throughout the EMP these requirements are addressed under the relevant headings. The Environmental Monitoring Program in Appendix A of the EMP details the monitoring that will be undertaken.</p>
<p>11 <i>The proposed action must not commence until the Environmental Management Plan has been approved by the Minister. The Environmental Management Plan must be implemented.</i></p>	<p>The EMP was approved by the Minister on 7 April 2016.</p>
<p>12 <i>If the management and mitigation measures in the approved Environmental Management Plan have not been effective in achieving the outcomes at condition 9(b) for the Flatback Turtle (Natator depressus), then the approval holder must submit to the Minister for approval an Offset Strategy for the Flatback Turtle (Natator depressus). The offset strategy must be consistent with the Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy</i></p>	<p>Not yet relevant. Provided for within the EMP in Section 8.9 of the Marine Turtle MP and in Section 21 which is the Offset MP.</p>

Condition		Compliance
	<i>(October 2012), or its most current version. An approved Offset Strategy must be implemented.</i>	
13	<i>The approval holder must prepare an adaptive Rehabilitation Strategy for the mining areas to ensure the rehabilitated areas are functionally equivalent to the pre-disturbance habitat, to enable similar land use to that of the pre-disturbance habitat, of the Cooktown Orchid (Dendrobium bigibbum).</i>	Within the EMP, Section 18 is the Rehabilitation Strategy.
14	<i>The land area to be progressively rehabilitated over the life of the project must be no less than 134 hectares. The Rehabilitation Strategy must include a project schedule that details the areas to be rehabilitated and commencement timeframes for each area.</i>	The Rehabilitation Schedule (Section 18) within the EMP includes a timeline (Section 18.6.3). Once construction commences, the mining sequence schedule will be finalised, and this will inform the rehabilitation schedule.
15	<i>The Rehabilitation Strategy must include adaptive management strategies to benefit the Bare-rumped Sheathtail Bat (Saccolaimus saccolaimus nudicluniatu) and/or Northern Quoll (Dasyurus hallucatus) and their habitats if identified during pre-clearance surveys required at condition 1, and the Cooktown Orchid (Dendrobium bigibbum). The Rehabilitation Strategy must identify desired outcomes, benchmarks, readily measurable performance indicators and goals, timeframes for reporting and implementation, corrective actions and contingency measures, and, specify the person's roles with responsibility for implementing actions.</i>	All addressed in the Rehabilitation Schedule (Section 18) within the EMP.
16	<i>The Rehabilitation Strategy must be submitted to the Minister for approval by 1 October 2014. The approved Rehabilitation Strategy must be implemented.</i>	The Rehabilitation Strategy was submitted as part of the EMP on 30 September 2014.
17	<i>If the rehabilitation outcomes identified for the Cooktown Orchid (Dendrobium bigibbum) at condition 13 and condition 14 are not achieved after 20 years of rehabilitation commencing (as per condition 14), or as otherwise agreed in the approved Rehabilitation Strategy, the approval holder must notify the Minister in writing within 20 business days of the area (hectares) over which the rehabilitation objectives and success criteria were not met.</i>	Not yet relevant. Noted within the EMP in Section 18.11 of the Rehabilitation Schedule.
18	<i>Within six (6) months of notifying the Minister at condition 17, the approval holder must submit to the Minister for approval an Offset Strategy outlining the offset to be provided for the Cooktown Orchid (Dendrobium bigibbum). The related offset must be in accordance with the Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy (October 2012), or its most current version.</i>	Not yet relevant.
19	<i>An approved Offset Strategy must be implemented.</i>	Not yet relevant. Section 21 of the EMP contains a detailed Offset MP.
20	<i>To avoid unnecessary duplication, where a plan or strategy is required under the State conditions and meets the requirements of a plants as specified in the conditions, the approval holder may submit to the department the plan or strategy required by the State. If the Minister determines the plan or strategy does not meet the requirements as described in the conditions, then the Minister may require the approval holder to submit a separate plan or strategy for the Minister's written approval. The approved plan or strategy must be implemented.</i>	The EMP has been designed to address both State and Federal conditions.
21	<i>The approval holder must consult with Indigenous people with rights, claims or interests in the area during preparation of management plans and strategies specified in this approval.</i>	Amicable attainment of a Section 31 deed agreement and ancillary agreement that are now in place between Oresome Australia and the Wik and Wik Waya People attests to the extensive and productive
22	<i>The approval holder must identify employment opportunities (e.g. under an Indigenous Land and</i>	

Condition		Compliance
	Sea Program or seed collection associated with rehabilitation activities) for Indigenous persons to facilitate the implementation of the conditions specified in this approval.	consultations with Traditional Owners. Oresome Australia has also committed to employing an Indigenous Ranger during mine operations and beyond. Several Traditional Owners have also been employed for all site surveys performed by consultants and subcontractors.
23	All survey data collected for the project must be recorded so as to conform to data standards notified from time to time by the department. When requested by the department, the approval holder must provide to the department all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the department in writing. The department may use the survey data for other purposes.	Survey data collected for the project has been recorded so as to conform to data standards. This data can be provided to the department upon request.
24	Within ten (10) days after the commencement of the action, the approval holder must advise the department in writing of the actual date of commencement.	Notification to the department of commencement of action was given on 4 December 2014.
25	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans or strategies as specified in these conditions 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 results of audits may also be published through the general media.	An Environmental Management System has also been developed to ensure that all recording and reporting in the EMP is being undertaken and the results stored efficiently. The Environmental Monitoring Plan in Appendix A of the EMP prescribes the recording and reporting requirements for the EMP.
26	Unless otherwise agreed to in writing by the Minister the approval holder must publish, for the duration of the project including decommissioning, all plans, reviews or strategies referred to in these conditions of approval on their website. Each/all plans or strategies (including revised versions) must be published on the approval holder's website within one (1) month of being approved.	The EMP was approved by the Minister on 7 April 2016. The EMP has been published on the project website: www.metallificminerals.com.au/commodities/urquhart-hms
27	Within three (3) months of every 12-month anniversary of the commencement of the action, the approval holder 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 within ten (10) business days of identifying non-compliance.	This document.
28	Unless agreed to by the department in writing, every five (5) years from the date of this approval, the approval holder 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.	A letter has been sent to the department requesting exemption from this condition because of the low level of disturbance that has taken place.
29	For the purposes of reporting at condition 26 and condition 27, where material obtained in accordance with condition 21 and condition 22 is culturally sensitive and cannot be disclosed, the approval holder must advise the department of the extent to which it cannot comply with condition	Not relevant.

Condition	Compliance
26 and condition 27.	
<p>30 Where the conditions require the approval holder to submit a plan or strategy for the Minister's approval, the approval holder must maintain a register recording:</p> <ul style="list-style-type: none"> a) the date on which each plan or strategy was approved by the Minister; b) if a plan or strategy has not been approved, the date on which it was, or is expected to be, submitted to the Minister; c) the dates on which reports on the outcomes of reviews have been approved by the Minister; and d) the dates on which the subsequent reviews are due. <p>The register must be submitted to the department, at the time the annual compliance report is published, but does not form part of the report.</p>	<p>All the plans and strategies that are the subject of this condition are contained within the EMP (and appendices) that was approved by the Minister on 7 April 2016. As such, a register is not deemed necessary.</p>
<p>31 If the approval holder wishes to carry out any activity otherwise than in accordance with a plan or strategy as specified in the conditions, the approval holder must submit to the department for the Minister's written approval a revised version of that plan or strategy. The varied activity must not commence until the Minister has approved the varied plan or strategy in writing. The Minister will not approve a varied plan or strategy unless the revised plan or strategy would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plan or strategy they must be implemented in place of the plan or strategy originally approved.</p>	<p>Noted.</p>
<p>32 If, at any time after the first five (5) year anniversary of the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.</p>	<p>The action commenced in late 2014. This is within five years of the date of approval (27 November 2013).</p>
<p>33 The financial cost of adhering to the conditions specified in this approval will be borne by the approval holder.</p>	<p>Noted.</p>
<p>34 If the Minister believes that it is necessary or convenient for the better protection of Listed threatened species and communities (sections 18 & 18A), Listed Migratory Species (section 20 & 20A) and Commonwealth Marine Area (sections 23 & 24a) to do so, the Minister may request that the approval holder make specified revisions to the plan/s specified in the conditions and submit the revised plan/s for the Minister's written approval. The approval holder must comply with any such request. The revised approved plan/s must be implemented. Unless the Minister has approved the plan/s then the approval holder must continue to implement the plants originally approved, as specified in the condition.</p>	<p>Noted.</p>