



AustSand Mining
Mindijup Silica Sand Mine
Annual Compliance Report - EPBC 2012/6472

December 2020

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1. Introduction

1.1 Background

In 2012, TT Sands Pty Ltd, trading as AustSand Mining (AustSand) submitted a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for their Mindijup Silica Sand Mine, north-east of Albany.

The proposed action is: *To clear native vegetation for the extension of silica sand mining on the Mindijup Mine Lease (M70/M793), 40 km north-east of Albany, Western Australia.* The project was approved under the EPBC Act on 27 May 2013 (EPBC 2012/6472). A copy of the approval is included in Appendix A.

1.2 Purpose of this report

This report has been prepared by GHD on behalf of AustSand to demonstrate adherence to conditions of approval granted under the EPBC Act (EPBC 2012/6472) as required under Condition 9 of the above approval.

1.3 Compliance summary

This report provides compliance reporting for EPBC 2012/6472. Under this approval there are 13 conditions with reporting requirements. AustSand was compliant with all conditions listed under EPBC 2012/6472.

1.4 Scope and limitations

This report: has been prepared by GHD for AustSand Mining and may only be used and relied on by AustSand Mining for the purpose agreed between GHD and the AustSand Mining as set out in section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than AustSand Mining arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by AustSand Mining and others who provided information to GHD (including Government authorities)], which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on information obtained from, and testing undertaken at or in connection with, specific sample points. Site conditions at other parts of the site may be different from the site conditions found at the specific sample points.

Investigations undertaken in respect of this report are constrained by the particular site conditions, such as the location of buildings, services and vegetation. As a result, not all relevant site features and conditions may have been identified in this report.

Site conditions (including the presence of hazardous substances and/or site contamination) may change after the date of this Report. GHD does not accept responsibility arising from, or in connection with, any change to the site conditions. GHD is also not responsible for updating this report if the site conditions change.

2. Conditions

2.1 Condition 1

The person taking the action must not clear more than 70 ha of native vegetation within the project area. Clearing must not occur within the 'Site Boundary Buffer (100 m)' identified in Attachment A.

Response: The total area of clearing to date is 30 ha (6 ha in each of 2016, 2017, 2018, 2019 and 2020), as shown in Figure 1, Appendix B. All clearing has been undertaken within the approved area and no clearing has occurred within the Site Boundary Buffer identified in Attachment A of EPBC 2012/6472.

2.2 Condition 2

To avoid potential impacts to Black Cockatoos, the person taking the action must not undertake any clearing within a 150 m radius of any Black Cockatoo roosting trees identified in Attachment A.

Response: All clearing has been undertaken within the approved area and no clearing has taken place within a 150 m radius of Black Cockatoo roosting trees identified in Attachment A of EPBC 2012/6472.

2.3 Condition 3

To avoid potential impacts to Black Cockatoos, the person taking the action must not clear any remnant vegetation within the 25.36 ha 'Wetland area' in the south west corner of the project area identified in Attachment A.

Response: No clearing has taken place within the 'Wetland area' located within the south west corner of the project area, identified in Attachment A of EPBC 2012/6472.

2.4 Condition 4

*To prevent the occurrence of Dieback (*Phytophthora cinnamomi*) on site and to mitigate potential impacts to Black Cockatoo roosting habitat to be retained within the Project Area, the person taking the action must ensure that all vehicles being used during operation of the quarry that have come from a Dieback affected area must be washed down prior to entering the project area in accordance with WA DEC best practice guidelines for the management of *Phytophthora cinnamomi*.*

Response: Mobile machinery was visually inspected prior to being used on site and prior to being removed from site. All vegetation clearing was carried out in dry conditions. Copies of Weed and Seed Certificates are included in Appendix C.

2.5 Condition 5

To mitigate impacts to Black Cockatoos, the person taking the action must prepare and submit a Rehabilitation and Mine Closure Plan (RMCP). The RMCP must include, but not be limited to:

- a. *Details of progressive rehabilitation measures for each cell of annual clearing. These details should include; commencement timeframes, species to be utilised, stocking rates, measures to be utilised to ensure success, success targets, contingency measures in the case of not meeting targets and monitoring requirements;*
- b. *Measures to exclude weeds and feral animals from rehabilitation areas;*

- c. *Details of rehabilitation and revegetation measures following the completion of mining operations;*
- d. *Strategies to prevent the spread of Dieback;*
- e. *Maps showing where key rehabilitation work is to occur;*
- f. *Timeframes for the implementation and completion of the above measures or strategies;*
- g. *Details of monitoring and contingency measures if the performance indicators are not met; and,*
- h. *Roles and responsibilities of personnel associated with implementing each of the above measures.*

The RMCP must be submitted to the Department within 12 months of the commencement of mining operations. If the Minister approves the RMCP, the approved RMCP must be implemented.

Response: AustSand Mining, Rehabilitation and Mine Closure Plan (**GHD, 2017**) was approved by Department of the Environment and Energy on the 10 May 2017 (Appendix D). To date approximately 3.11 ha of rehabilitation has been undertaken within the approval area. As the rehabilitation, within the EPBC approval area, is less than two years in age no quadrat monitoring has been undertaken to date. However, during the GHD 2019 monitoring round, it was noted (visual observation only) that the 2018 rehabilitation area showed establishment / germination of seedlings with little signs of erosion or other disturbances (Plate 1). Monitoring quadrats will be installed in the next monitoring round (spring 2021).



Plate 1 2018 Rehabilitation (photo taken in October 2019)

As part of the commitment to progressive rehabilitation of the site, the following works have been carried out in accordance with the approved RMCP:

- Progressive rehabilitation measures:
 - Stockpiling of topsoil, subsoil and vegetation material
- Strategies to prevent the spread of Dieback:
 - Earthmoving machinery was cleaned prior to access to the site. Heavy earthmoving machinery was brought on site for clearing and rehabilitation earthworks during the period February to April, which is the driest time of the year and is the period most suitable for rehabilitation preparation, prior to the winter wet season

- Clean-down certificates were completed and kept as a record of machinery condition on entering site
- The movement of machines and other vehicles was restricted to the limits of the areas to be cleared.

2.6 Condition 6

To offset the loss of habitat for Black Cockatoos, prior to the commencement of mining operations, the person taking the action must provide the Department with written evidence of provision of funds to WA DEC for the acquisition of the offset property. The written evidence must include a description and map clearing defining the location and boundaries of the offset property and be accompanied with the offset attributes. The person taking the action must provide the Department with written evidence that an area of no less than 600 ha of Lot 51 on Deposited Plan 38521, Branson Road, Takalarup, WA, has been attributed as an offset for this action. The person taking the action must inform the Department how much of this property remains unattributed to any action for the purpose of offsetting.

Response: AustSand submitted an Offset Proposal to the Department of the Environment and Energy in December 2012, providing information relating to the acquisition of an offset property at Lot 51 in Branson Road, Takalarup. The offset property was purchased by AustSand and is now held in the name of the State of Western Australia and is being managed as a nature reserve by the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service).

2.7 Condition 7

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.

Response: Notification of commencement of the action was provided to the Department of the Environment and Energy in writing on 22 February 2016. The action (native vegetation clearing) commenced on 8 February 2016.

2.8 Condition 8

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 RMCP 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 or 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 publicised through the general media.

Response: Clearing records and survey data are maintained by AustSand and are available upon request. A copy of the 2020 mine plan is included in Appendix E. The cleared area for the current mine cell is active. Approximately 3.11 ha of rehabilitation has commenced within previously mined, inactive cells.

2.9 Condition 9

By 31 December 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. Non-compliance with any of the conditions of this approval must be reported to the Department at the same time as the compliance report is published.

Response: This report serves to fulfil the requirements of Condition 9.

2.10 Condition 10

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

Response: The RMCP (GHD, 2017) was approved by the Department of the Environment and Energy on the 10 May 2017. Approximately 3.11 ha of rehabilitation has commenced within the approval area. Rehabilitation activities have been carried out in accordance with the approved RMCP.

2.11 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 RMCP specified in the conditions and submit the revised RMCP for the Minister's written approval. The person taking the action must comply with any such request. The revised approved RMCP must be implemented. Unless the Minister has approved the revised RMCP, then the person taking the action must continue to implement the RMCP originally approved, as specified in the conditions.

Response: No changes to the approved RMCP (GHD, 2017) have been requested by the Minister.

2.12 Condition 12

If, at any time after five (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 mining operations associated with this action without the written agreement of the Minister.

Response: The action was commenced on 8 February 2016.

2.13 Condition 13

Unless otherwise agreed to in writing by the Minister, the person taking the action must provide a copy of each approved RMCP referred to in these conditions of approval to members of the public upon request. Copies must be provided within a reasonable time of the request.

Response: AustSand will maintain copies of each approved RMCP and will make copies available to members of the public upon request. No requests have been received for copies of the RMCP.

3. References

GHD. (2017). *Mindijup Silica Sand Mine, Rehabilitation and Mine Closure Plan*. Unpublished report prepared for AustSand Mining.

Appendices

Appendix A – EPBC Approval (EPBC 2012/6472)

Appendix B – Figures

Figure 1 Clearing and Rehabilitation Areas

Appendix C – Weed and Seed Certificates

Appendix D – RMCP Approval Letter

Appendix E – December 2020 Mine Plan

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