

CAPE CLEVELAND SAND ANNUAL COMPLIANCE REPORT (EPBC 2009/5087)

Prepared for:
Hy-Tec Industries (Queensland) Pty Ltd

Date:
10/09/2015

Reference:
1753.300.008

Document Control

Project/ Report Details

<i>Document Title:</i>	Annual Compliance Report (EPBC 2009/5087)
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<i>Client:</i>	Hy-Tec Industrial (Queensland) Pty Ltd
<i>Ref. No.</i>	1753.300.008

Document Status

<i>Issue</i>	<i>Description</i>	<i>Date</i>	<i>Author</i>	<i>Reviewer</i>
1	Annual Compliance Report (EPBC 2009/5087)	10/09/2015	Nancy Hsiao	Jim Lawler and Clayton Hill

Distribution Record

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Hy-Tec Industries (Queensland) Pty Ltd	1e

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ATTACHMENTS

Attachment 1	Declaration of Accuracy
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1. Introduction

This Annual Compliance Report has been prepared to address the requirements in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval (EPBC 2009/5087) issued to Hy-Tec Industries (Queensland) Pty Ltd (Hy-Tec). EPBC 2009/5087 relates to land located at 159 Meehan Road, Cape Cleveland, properly described as Lot 1 on RP733021 (the Site).

1.1 Description of Activities

The description of activities relevant to EPBC 2009/5087 is outlined in the table below:

EPBC number	EPBC 2009/5087
Project name	Cape Cleveland Sand
ACN	102 801 061
Approved action	Staged Sand Extraction
Location of project	Lot 1 RP733021, 159 Meehan Road, Cape Cleveland QLD
Responsible person	Harry Clark, General Manager (Hy-Tec) (refer Attachment 1 – Declaration of Accuracy)
Report period	21 August 2014 – 21 August 2015

2. Compliance Assessment

In accordance with section 3.6 of the Annual Compliance Report Guidelines prepared by the Department of the Environment (DotE), the following assessment table has been prepared.

Ref. No.	Conditions	Compliance	Evidence / Comments
Footprint and sequence of action			
1	The person taking the action must ensure that the area of sand extraction does not exceed 47.51 hectares and is contained within the area specified in the map at Figure 1a of Appendix A: Project Area.	Compliant	Hy-Tec have advised that extraction activities on the Site have been limited to be within the area specified in the approved map only.
2	The sequential clearing of vegetation and subsequent sand extraction must comply with Figure 1b: Site Staging Plan of Appendix A: Project Area. A maximum of one staging area per year may be cleared, with subsequent clearing and extraction of sand to commence only after the rehabilitation of the previously excavated area has commenced. If alterations to the site staging plan are required the details of these alterations must be sent to the Minister for approval.	Compliant	Hy-Tec have advised that extraction activities are currently within the Stage 1 extraction footprint only.
Extent of excavation			
3	<p>Buffers must be established as a 10 metre circular buffer around identified medium value habitat trees and a 25 metre circular buffer around identified high value habitat trees, as established by Appendix A: Figure 1c Identified Habitat Trees. GIS coordinates for each identified medium and high value habitat tree must be supplied to the Department.</p> <p>The excavation activity must only be carried out to a maximum depth of 3.0 metres AHD for stages 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 16 as designated in Appendix A: Figure 1b.</p> <p>The excavation activity must only be carried out to a maximum depth of 2.5 metres AHD for stages 5, 6, 7, 14, 15 and 17 as designated in Appendix A: Figure 1b.</p>	Compliant	<p>The GIS Coordinates of the habitat trees, including the relevant buffer area, have been identified (refer Figure 1 – Location of Habitat Trees).</p> <p>Hy-Tec have advised that the current excavation activity is only being carried out within Stage 1 and extraction will be limited to 3.0 metres AHD.</p>
4	The depth of extraction for all stages must maintain a minimum buffer of 1.0 metre of sand/soil above known Acid Sulfate Soil materials and dry season groundwater level.	Not Applicable	Hy-Tec have advised that the existing extraction activities have not encountered any Acid Sulfate Soil materials.
5	A permanent survey marker must be installed adjacent to the project area to allow for auditing of the maximum extraction depth.	Compliant	Hy-Tec have advised that a permanent survey marker has been installed adjacent to Stage 1.

Ref. No.	Conditions	Compliance	Evidence / Comments
Management of acid sulfate soils			
6	The presence of Acid Sulfate Soils will be managed in accordance with the Soil Management Guidelines established in Queensland Acid Sulfate Soil Technical Manual version 3.8 or subsequent revisions.	Compliant	Hy-Tec have advised that in the event that extraction encounters Acid Sulfate Soil, it will be managed in accordance with the relevant management documents.
Management of Groundwater			
7	Groundwater and surface water will be monitored and managed in accordance with the Groundwater Monitoring and Monitoring Measures provided in Response to Townsville City Council Information Request Item 4: Groundwater and the Site Based Management Plan for an Extractive Industry.	Non-Compliant	Following identification that the required groundwater bores had not been correctly installed by the previous operator Groundwork Plus was engaged by Hy-Tec to undertake this installation to facilitate the monitoring required by the approval. The work was completed on 21 August 2015. Monitoring commenced 9 September 2015. Groundwater monitoring will continue to occur on the Site as required in accordance with conditions of approval.
Management of pest and weed species			
8	The management of weed species identified in the excavation areas, rehabilitation areas and remnant vegetation located on the Lot 1 RP33021 must be managed in accordance with Section 6 of the Pest Management Plan prepared by C&R Consulting, 2010.	Compliant	Hy-Tec have advised that the management of weed species is being undertaken in accordance with the relevant management documents.
9	The management of pest species identified in the excavation areas, rehabilitation areas and remnant vegetation located on the Lot 1 RP33021 must be managed in accordance with Section 7 of the Pest Management Plan prepared by C&R Consulting, 2010.	Compliant	Hy-Tec have advised that the management of pest species is being undertaken in accordance with the relevant management document.
Rehabilitation			
10	Rehabilitation of excavated areas must be conducted in the manner described in Section 2 of the Rehabilitation Management Plan (RMP); prepared by C&R Consulting, dated November 2010.	Not applicable	No rehabilitation works are required for this reporting period as extraction activities are still contained within Stage 1.

Ref. No.	Conditions	Compliance	Evidence / Comments
11	The rehabilitation of each excavation stage must meet the Rehabilitation Success Criteria as outlined in Appendix B within 3 years post excavation. If after 3 years the rehabilitation has not reached the established threshold for diversity and density extraction activities must cease until excavated sites have been satisfactorily rehabilitated.	Not applicable	No rehabilitation works are required for this reporting period as extraction activities are still contained within Stage 1.
Reporting and Auditing			
12	Within 30 days of commencement of the action, the person taking the action must advise the Department in writing the actual date of commencement.	Compliant	The commencement date of the action under Hy-Tec was 21 August 2014 as per the letter prepared by Groundwork Plus (also dated 21 August 2014). The letter was issued to the DotE to notify of the commencement of the operation.
13	<p>Within 30 days of every 12 month anniversary of the commencement of the action, the person taking the action must submit to the Department an annual compliance report addressing compliance with conditions of this approval. This report must be published on the BM Webb Holding Pty Ltd website within the same time frame.</p> <p>Annual compliance report must be provided until the Minister is satisfied that the proponent has complied with all conditions or until the expiry of this approval, whichever is sooner.</p>	Compliant	<p>This Annual Compliance Report has been prepared to address the requirement of this condition.</p> <p>It is noted that as Hy-Tec is the holder of the EPBC 2009/5087; this report will be published on Hy-Tec's website instead of the BM Webb Holding Pty Ltd website.</p>
14	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report is 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.	Not applicable	No direction has been provided by the Minister to undertake an independent audit.
15	If, at any time after five years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the Cape Cleveland Staged Sand Extraction (EPBC 2009/5087), the action must not thereafter proceed without the written agreement of the Minister.	Not applicable	The activity has commenced.

Ref. No.	Conditions	Compliance	Evidence / Comments
16	If the Minister believes that it is necessary or desirable for the better protection of Wetlands of International Importance (s16 & s17B), threatened species and threatened ecological communities (s18 & s18A) or listed Migratory Species (s20 and s20A), the Minister may request that the person taking the action make specified revisions to the plans or programs approved pursuant to Conditions 6, 7, 8, 9 and 10 and submit the revised plan or program for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan or program must be implemented in place of the plan or program originally approved.	Not Applicable	No request of this nature has been made by the Minister.
17	The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of the approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department website. The results of audits may also be publicised through the general media.	Compliant	Hy-Tec have advised that extraction activities undertaken on the Site has been recorded and these records will be available for review by the Department upon request.
18	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in Conditions 6, 7, 8, 9 and 10 the person taking the action may submit a revised plan for the Minister's approval. If the Minister approves the revised plan submitted, the person taking the action must implement this plan instead of the plan originally approved.	Not Applicable	Hy-Tec have advised that it is not yet intended to undertake activities otherwise than in accordance with the approved plans referred to in Conditions 6 to 10. However, Hy-Tec have held pre-lodgement discussions with the DotE regarding potential changes to the approved plans.

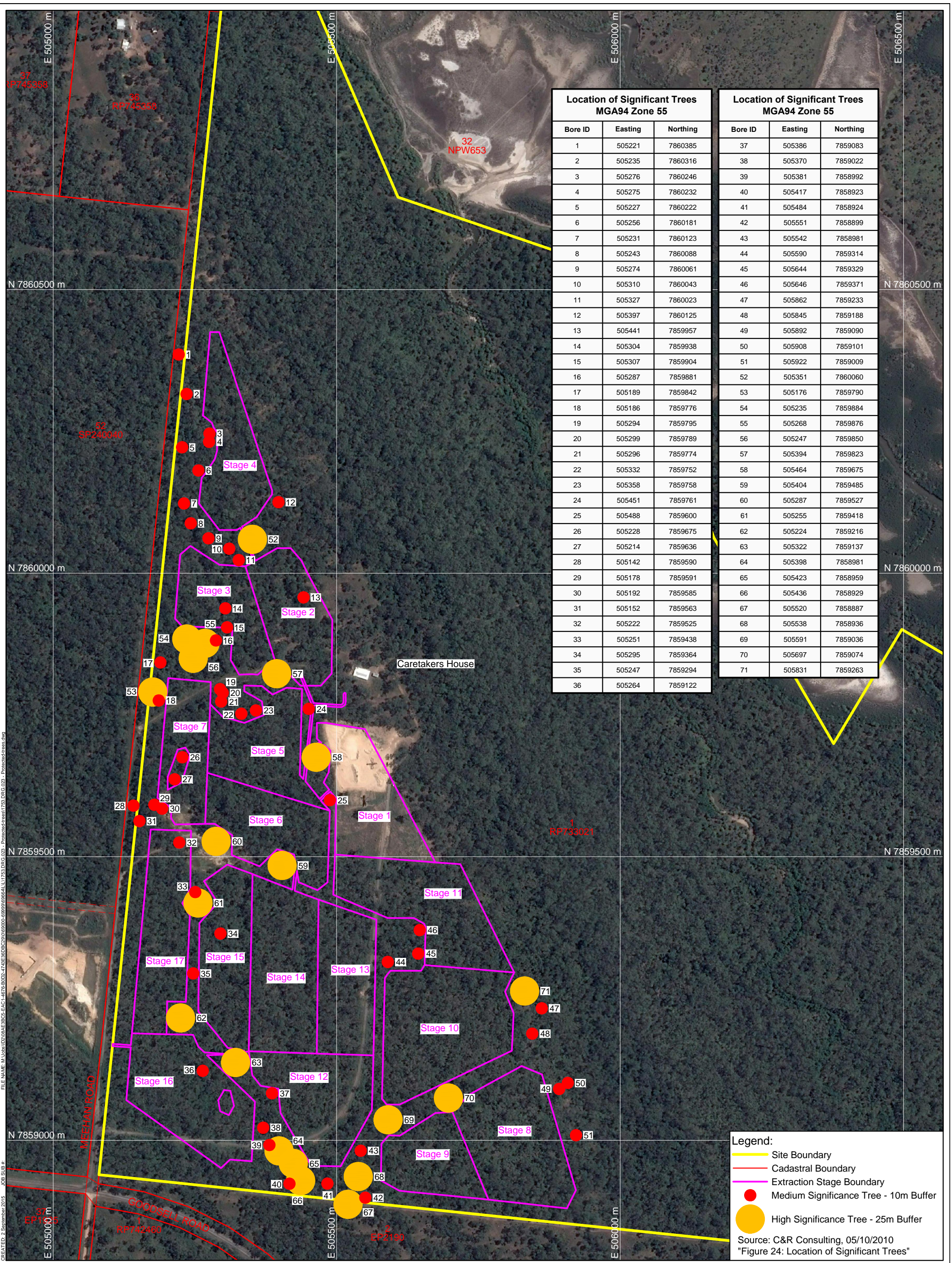
3. Conclusion

This Annual Compliance Report has been prepared to demonstrate compliance with Condition 13 of the EPBC 2009/5087 approval and is for the reporting period of 21 August 2014 to 21 August 2015.

An assessment table has been prepared to demonstrate how the approved action complies with the conditions in the approval. For any non-compliance with the conditions, a summary of the proposed corrective measures taken has been provided.

The report has been prepared in accordance with the Annual Compliance Report Guidelines and addresses all the requirements outlined in the guideline.

fi gures



Location of Significant Trees MGA94 Zone 55		
Bore ID	Easting	Northing
1	505221	7860385
2	505235	7860316
3	505276	7860246
4	505275	7860232
5	505227	7860222
6	505256	7860181
7	505231	7860123
8	505243	7860088
9	505274	7860061
10	505310	7860043
11	505327	7860023
12	505397	7860125
13	505441	7859957
14	505304	7859938
15	505307	7859904
16	505287	7859881
17	505189	7859842
18	505186	7859776
19	505294	7859795
20	505299	7859789
21	505296	7859774
22	505332	7859752
23	505358	7859758
24	505451	7859761
25	505488	7859600
26	505228	7859675
27	505214	7859636
28	505142	7859590
29	505178	7859591
30	505192	7859585
31	505152	7859563
32	505222	7859525
33	505251	7859438
34	505295	7859364
35	505247	7859294
36	505264	7859122

Location of Significant Trees MGA94 Zone 55		
Bore ID	Easting	Northing
37	505386	7859083
38	505370	7859022
39	505381	7858992
40	505417	7858923
41	505484	7858924
42	505551	7858899
43	505542	7858981
44	505590	7859314
45	505644	7859329
46	505646	7859371
47	505862	7859233
48	505845	7859188
49	505892	7859090
50	505908	7859101
51	505922	7859009
52	505351	7860060
53	505176	7859790
54	505235	7859884
55	505268	7859876
56	505247	7859850
57	505394	7859823
58	505464	7859675
59	505404	7859485
60	505287	7859527
61	505255	7859418
62	505224	7859216
63	505322	7859137
64	505398	7858981
65	505423	7858959
66	505436	7858929
67	505520	7858887
68	505538	7858936
69	505591	7859036
70	505697	7859074
71	505831	7859263

Legend:

- Site Boundary
- Cadastral Boundary
- Extraction Stage Boundary
- Medium Significance Tree - 10m Buffer
- High Significance Tree - 25m Buffer

Source: C&R Consulting, 05/10/2010
"Figure 24: Location of Significant Trees"

REV	DESCRIPTION	DATE	BY

Data Sources:
 Photography: Google, Image date: 2015-03-16
 Topography: Cadastral
 Ecosystem: Other

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PROJECT: Cape Cleveland

CLIENT: Hy-Tec Industries Pty Ltd

TITLE: Figure 1 - Location of Habitat Trees

SCALE: 1:6,000
When Printed On A3

DRAWING NUMBER: 1753.023

REVISION:

DATE: 2 September 2015
PRINTED: 2 September 2015

DRAWN: LT
CHECKED: JL

DATUM: HORIZONTAL / VERTICAL / ZONE
MGA / / 55

attachments

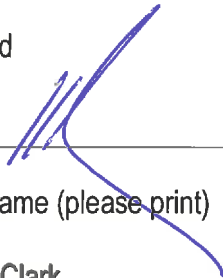
Attachment 1

Declaration of Accuracy

Declaration of accuracy

In making this declaration, I am aware that section 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, of 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)

Harry Clark

Position (please print)

General Manager Queensland

Organisation (please print including ABN/ACN if applicable)

Hy-Tec Industries (Queensland) Pty Ltd – ABN 54 702 801 061

Date

17 September 2015
