

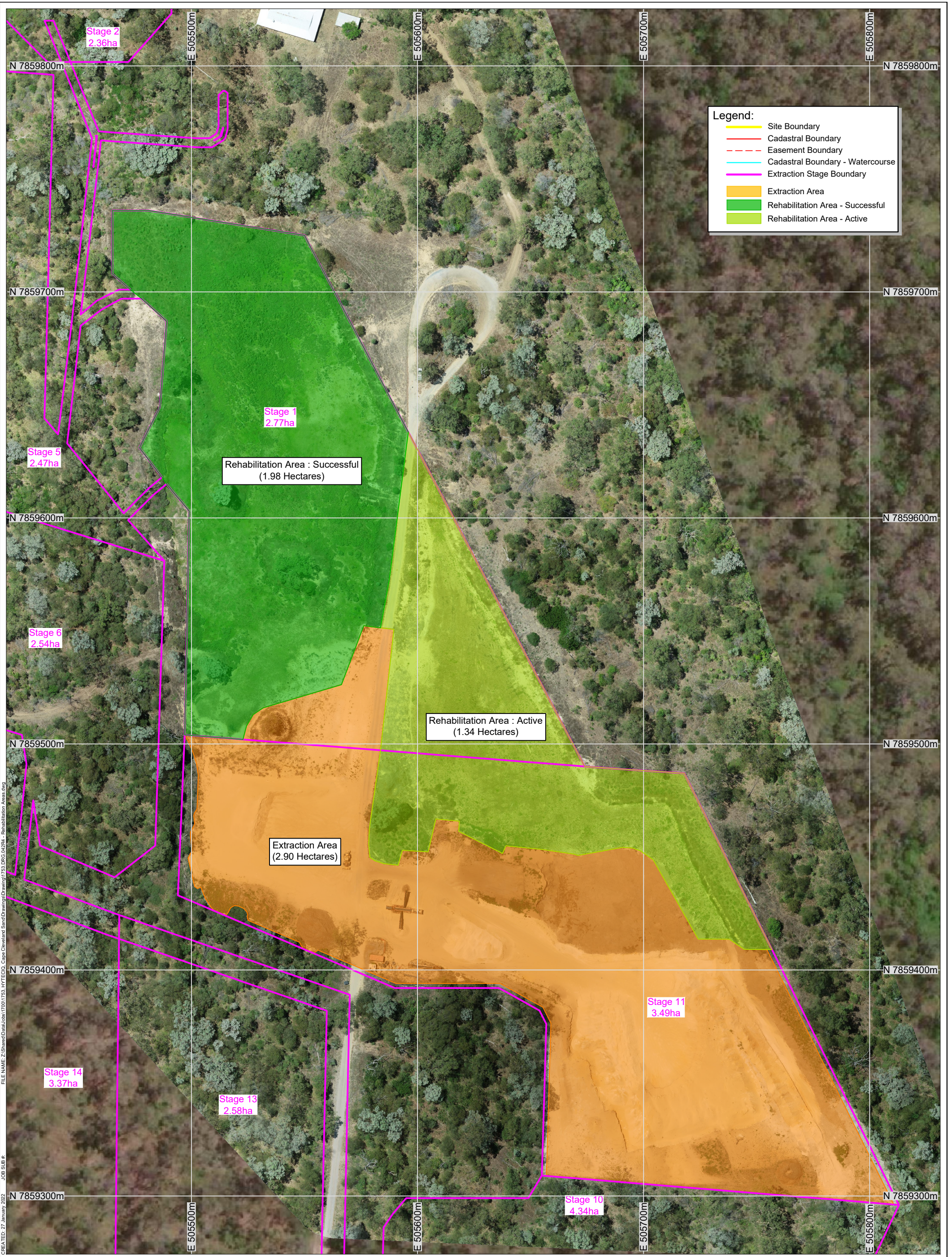
Cape Cleveland Sand Quarry (EPBC Approval 2009/5087) – Review of Compliance 11 February 2021 – 10 February 2022

Ref. No.	Conditions EPBC 2009/5087	Compliance Status	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 Appendix A: Figure 1a.	Compliant	<p>Hy-Tec advise that:</p> <ol style="list-style-type: none"> 1. Extraction activities have not exceeded 47.51 hectares; and 2. Extraction activities are within the stage boundaries of Appendix A: Figure 1a of the EPBC Act approval; but 3. As reported in 2020, flooding resultant from the significant rainfall event in January and February 2019 revealed: <ol style="list-style-type: none"> a. disturbance of approximately 1,200m² of land outside the western boundary of Stage 1; and b. destruction of the rehabilitation previously commenced in Stage 1; c. however, rehabilitation works were undertaken and are being monitored. <p>The extent of disturbance outside the western boundary of Stage 1 and the destruction of the rehabilitation in Stage 1 was previously reported but rehabilitation works occurred in 2020 and 2021 as can be seen on the updated site plan (refer Attachment 1 – Updated Site Plan). That area of disturbance has been successfully rehabilitated.</p>
2	The person taking the action must sequentially clear vegetation and undertaken sand extraction in the order indicated on the map in Appendix A: Figure 1b. The person taking the action may clear a maximum of one staging area per year, 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 person taking the action must provide details of these proposed alterations to the Minister seeking approval. The person taking the action must not implement the proposed changes unless they are approved by the Minister.	Compliant	<p>Sighted letter dated 29 Nov 2016 from the Department approving a staging plan. No change has been made to that staging plan since that approval by the Department.</p> <p>Activities at the end of the reporting period are as follows:</p> <ol style="list-style-type: none"> 1. Rehabilitation – total of 1.34ha 2. Extraction – total of 2.9ha 3. Clearing – total of 0ha <p>1.98ha has been successfully rehabilitated.</p> <p>Refer Attachment 2 – Updated Rehabilitation Areas Plan for further detail.</p>
Extent of excavation			
3	<p>The person taking the action must establish a 10-metre circular buffer around each identified medium value habitat tree and a 25 metre circular buffer around every identified high value habitat tree, as indicated in Appendix A: Figure 1c. The person taking the action must supply the GIS coordinates for each identified medium and high value habitat tree to the Department. The GIS information for stage 1 must be provided within four years of the date of this project approval but not prior to commencing work in this stage.</p> <p>The person taking the action must excavate 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 person taking the action must excavate 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 Department were provided with a copy of the GIS coordinates (drawing reference: 1753.023) for habitat trees and buffer zones on the site as part of the Annual Compliance Report submitted in 2015.</p> <p>The 3.0 metres AHD extraction depth limit for Stages 1 and 11 has been complied with.</p>
4	The person taking the action must maintain a minimum buffer of 1.0 metre of sand/soil beneath the depth of extraction above known Acid Sulfate Soil (ASS) materials and dry season groundwater level for all stages.	Not Applicable	Acid sulfate soils have not been encountered at any time during this reporting period.
5	The person taking the action must install a permanent survey marker adjacent to the project area to allow for auditing of the maximum extraction depth.	Compliant	A permanent survey marker has been installed adjacent to the project areas.
Management of ASS			
6	The person taking the action must manage the presence of ASS in accordance with The Soil Management Guidelines established in Queensland Acid Sulfate Soil Technical Manual version 3.8 or subsequent revisions.	Not Applicable	ASS have not been encountered at any time during this reporting period. If extraction encounters Acid Sulfate Soil, it will be managed in accordance with the sites Environmental Management Plan (EMP).
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: Ground Water and the Site Based Management Plan for an Extractive Industry.	Compliant	Sighted water monitoring results of the water monitoring program. The water monitoring program has been occurring in accordance with the <i>Response to Townsville City Council Information Request Item 4: Ground Water and the Site Based Management Plan for an Extractive Industry</i> document, which forms part of the approved EMP for the operation.

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Environmental Management Plan (EMP)			
8	<p>The person taking the action must prepare and submit an EMP for the Minister's approval within four years of the date of this project approval. The purpose of the EMP is to manage the excavation areas, rehabilitation areas and remnant vegetation located on Lot 1 RP 733021 for the controlling provisions. The EMP must include but not be limited to managing environmental impacts associated with:</p> <ul style="list-style-type: none"> a) ASS in accordance with the documents specified in condition 6. b) Surface water and groundwater in accordance with the documents specified in condition 7. c) Air quality (dust), noise, hydrocarbons and chemicals, waste, weeds and pest (animal) species identified in the excavation areas, rehabilitation area and remnant vegetation located on the Lot 1 RP 733021. d) Clearing areas to be excavated. e) Rehabilitation of excavated areas. 	Compliant	<p>Sighted letter of approval issued by the Department on 14 June 2016.</p> <p>Sighted correspondence from Groundwork Plus submitting a revised Environmental Management Plan (EMP) to the Department on 5 December 2016 (reference: 1753.640.003r5).</p> <p>Sighted email response dated 13 December 2016 from Department confirming receipt of the revised EMP and acknowledging that it does not constitute a new or increased impact.</p> <p>A revised EMP was submitted to the Department on 3 February 2021 on the basis that the revised management plan would not be likely to have a new or increased impact.</p> <p>Sighted letter of response from DAWE received 16 March 2021 confirming receipt and acceptance of the revised management plan.</p>
9	<p>The EMP must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p> <ul style="list-style-type: none"> a) Objectives of the plan, including outcomes that must be achieved b) Roles and responsibilities (the plan must clearly state who is responsible for the actions in the plan) c) Environmental management activities and controls d) The timing of actions. e) A monitoring program, which must include: <ul style="list-style-type: none"> a. Performance targets (clear and concise criteria against which achievement of outcomes are to be measured), which are capable of accurate and reliable measurement b. Strategies/mitigation measures c. Monitoring requirements d. Trigger values for further actions f) Corrective actions where trigger values are reached, including potential corrective actions, reporting requirements, and how environmental incidents and emergencies will be managed. g) Auditing and review mechanisms (reporting and review mechanism and documentation standards to demonstrate compliance with plan). <p>If the Minister approves the EMP then the approved EMP must be implemented.</p>	Compliant	<p>Sighted letter of approval issued by The Department on 14 June 2016.</p> <p>Sighted correspondence from Groundwork Plus submitting a revised Environmental Management Plan (EMP) to the Department on 5 December 2016 (reference: 1753.640.003r5).</p> <p>Sighted email response dated 13 December 2016 from Department confirming receipt of the revised EMP and acknowledging that it does not constitute a new or increased impact'.</p> <p>A revised EMP was submitted to the Department on 3 February 2021 on the basis that the revised management plan would not be likely to have a new or increased impact.</p> <p>Sighted letter of response from DAWE received 16 March 2021 confirming receipt and acceptance of the revised management plan.</p>
10	<i>Note: Condition 10 was revoked.</i>	Not Applicable	Condition 10 was revoked on the date of the consolidated notice (being 14 June 2016)
11	<p>The rehabilitation of each excavation stage must be scheduled for completion within 3 years post excavation, and undertaken in accordance with the approved EMP, Appendix B: Rehabilitation Success Criteria and Appendix C: Revegetation Species and Density.</p> <p>If, after 3 years from the completion of excavation of that stage, the rehabilitation has not reached the established threshold for diversity and density due to the impact of extreme natural events such as such as bushfires, storms and flood, the person taking the action must revise the EMP to include means by which to satisfactorily rehabilitate the excavation stage as soon as possible. The person taking the action must submit the revised EMP to the Minister for approval within 42 months after completion of excavation of the relevant stage. The person taking the action must implement the EMP approved by the Minister in writing.</p>	Compliant	<p>As previously discussed, activities at the end of the reporting period are as follows:</p> <ol style="list-style-type: none"> 1. Rehabilitation – total of 1.34ha 2. Extraction – total of 2.9ha 3. Clearing – total of 0ha <p>1.98ha has been successfully rehabilitated.</p> <p>Refer Attachment 2 – Updated Rehabilitation Areas Plan for further detail.</p>

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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.	Not Applicable	The commencement date was 10 February 2014.
13	<p>Within 30 days of every 12-month anniversary of the commencement of the action, the person taking the action must publish a compliance report on its website, and provide a copy of the compliance report to the Department in writing. The compliance report must address compliance with: each of the conditions of this approval; any management plans required under this approval; and whether outcomes and milestones required by these conditions and commitments made in management plans required under this approval have been met or are on track to being met. The compliance report must include any actual or potential contraventions and must consider the Department's <i>Annual Compliance Report Guidelines</i>.</p> <p>Potential or actual contraventions of the approval conditions (including contravention with a commitment in a management plan) must be reported in writing / by email to the Department within 2 business days of the person taking the action becoming aware of the actual or potential contravention.</p> <p>Documentary evidence providing proof of the date of publication must be provided to the Department within 7 days after the compliance report is published. All compliance reports must remain on the website for the period this approval has effect. The person taking the action may cease preparing and publishing compliance reports required by this condition with written agreement of the Minister to do so.</p>	Compliant	This Annual Compliance Report has been prepared to address the requirement of this condition. This report will be published on the Hy-Tec website in accordance with this condition, and evidence subsequently provided to the Department within seven (7) days.
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	The Minister has not given direction for an independent audit of compliance to occur.
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 commenced on 10 February 2014.
16	<p>If the Minister believes that it is necessary or desirable for the better protection of Wetlands of International Importance (s16 & s178), threatened species and threatened ecological communities (s.18 & s.18A) or listed Migratory Species (s20 & 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.</p> <p>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.</p>	Not applicable	The Minister has not requested any revisions to the approved plans or programs for the operation.
17	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 plan/s specified in the conditions and submit the revised plan/s for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan/s must be implemented. Unless the Minister has approved the revised plan/s, then the person taking the action must continue to implement the plan/s originally approved, as specified in the conditions.	Not Applicable	No request of this nature has been made by the Minister.
18	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 documentation of extraction activities is stored on the company's internal document control system and can be made available for review upon request.

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19	<p>The person taking the action may choose to revise a management plan approved by the Minister under condition 8 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must:</p> <ul style="list-style-type: none"> i. notify the Department in writing that the approved plan has been revised and provide the Department with an electronic copy of the revised plan; ii. implement the revised plan from a date at least 20 business days after the date that the plan is submitted to the Department; and iii. for the life of this approval, maintain a record of the reasons the person taking the action considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact. 	Compliant	<p>A revised EMP was submitted to the Department on 3 February 2021 on the basis that the revised management plan would not be likely to have a new or increased impact.</p> <p>Sighted letter of response from DAWE received 16 March 2021 confirming receipt and acceptance of the revised management plan.</p>
19A	<p>The person taking the action may revoke their choice under condition 19 at any time by notice to the Department. If the person taking the action revokes the choice to implement a revised plan without approval under section 143A of the Act, the plan approved by the Minister must be implemented.</p>	Not Applicable	Hy-Tec have not revoked a choice under condition 19A.
19B	<p>If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. Condition 19 does not apply, or ceases to apply, in relation to the revised plan; and ii. The person taking the action must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 19 and 19A in the period before the day the notice is given. At the time of giving the notice the Minister may also notify that for a specified period of time condition 19 does not apply for one or more specified plans required under the approval.</p>	Not Applicable	The Minister has not given a notice under condition 19B.
19C	<p>Conditions 19, 19A and 19B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Minister for approval.</p>	Not Applicable.	Noted.



REV	DESCRIPTION	DATE	BY
2	Aerial Imagery Updated & Domains added	19/01/21	MR
3	Rehabilitation Area revised	05/02/21	MR
4	Rehabilitation Area & Extraction Area updated	27/01/22	MR

Data Sources:
 Photography: Groundwork Plus UAV Survey, Captured 2021-Oct-25
 Topography: QSC, Townsville City DCDB Extract, 2019-06-16 (publication)
 Ecosystem: Other:

PROJECT: **Cape Cleveland**

CLIENT: **Hy-Tec Industries Pty Ltd**



TITLE: **Rehabilitation Areas**

SCALE: 1:1,500
 0 30m

DRAWING NUMBER: **1753.DRG.042**

REVISION: **4**

DATE: 27 January 2022
 PRINTED: 27 January 2022

DRAWN: MR
 CHECKED: DD

DATUM: HORIZONTAL / VERTICAL / ZONE
 MGA / / 55

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