

# CAPE CLEVELAND SAND 2015/2016 ANNUAL COMPLIANCE REPORT (EPBC 2009/5087)

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

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### FIGURES

Figure 1      Location of Habitat Trees      *(Drawing No. 1753.023)*

### ATTACHMENTS

Attachment 1      Declaration of Accuracy

# 1. Introduction

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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 2015 – 10 February 2016  Note: The previous reporting period was 21 August 2014 – 21 August 2015. This reporting period reflects the correct commencement date being 10 February 2014.

## 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 are contained within the area specified on the approved map.
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 contained 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 previously been identified and provided to the DotE (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.

Ref. No.	Conditions	Compliance	Evidence / Comments
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 and maintained adjacent to Stage 1.
<b>Management of acid sulfate soils</b>			
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.
<b>Management of Groundwater</b>			
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	<p>As identified in the previous annual compliance report, the required groundwater bores were installed on 21 August 2015 and monitoring at all bores commenced within the reporting period on 9 September 2015.</p> <p>On 11 March 2016 it was identified that monitoring for 2015/2016 had included a majority of required parameters (i.e. groundwater level, pH, Electrical conductivity and Aluminium) but not all required parameters such as, Major ions, Silicon and Silica, TPH/BTEX and Dissolved Metals.</p> <p>Upon identification of this non-compliance a revised program was developed to incorporate all required parameters and Hy-Tec engaged Groundwork Plus to undertake the revised program. The revised program to be carried out by Groundwork Plus will commence on 29 March 2016.</p> <p>It should be noted that additional voluntary training will be given by Groundwork Plus to Hy-Tec staff on 29 March 2016 to provide further education and background regarding the groundwater monitoring program.</p>

Ref. No.	Conditions	Compliance	Evidence / Comments
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.
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.	Not applicable	The commencement date was 10 February 2014, which was prior to this reporting period.
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>

Ref. No.	Conditions	Compliance	Evidence / Comments
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.
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 are recorded can be available for review by the Department upon request.

Ref. No.	Conditions	Compliance	Evidence / Comments
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 lodged a request to amend the condition to reflect updated management plans. This request is under assessment by the DotE.

### 3. Conclusion

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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 10 February 2015 to 10 February 2016.

An assessment table has been prepared to demonstrate how the approved action complies with the conditions in the approval.

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

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attachments

# Attachment 1

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Declaration of Accuracy