

# 2016/2017 ANNUAL COMPLIANCE REPORT CAPE CLEVELAND SAND EPBC 2009/5087

Prepared for: Hy-Tec Industries (Queensland) Pty Ltd  
Date: 20 February 2017

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## Document Control

### Project/ Report Details

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<i>Principal Author:</i>	Sophie Malkin
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<i>Recipient</i>	
Department of the Environment and Energy	1e

Groundwork Plus ABN: 13 609 422 791

Queensland  
6 Mayneview Street, Milton Qld 4064  
PO Box 1779, Milton BC, Qld 4064  
P: +61 7 3871 0411  
F: +61 7 3367 3317

E: [info@groundwork.com.au](mailto:info@groundwork.com.au)

South Australia  
2/1 First Street, Nuriootpa SA 5355  
PO Box 854, Nuriootpa SA 5355  
P: +61 8 8562 4158

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### ATTACHMENTS

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# 1. Introduction

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This Annual Compliance Report has been prepared in accordance with the requirements of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval (EPBC 2009/5087) issued to Hy-Tec Industries (Queensland) Pty Ltd (Hy-Tec) and subsequent variations of that approval.

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 activity

Details of the activity relevant to EPBC 2009/5087 are outlined in Table 1 – Activity Details below.

Table 1 – Activity Details

EPBC Act approval number	EPBC 2009/5087
Project name	Cape Cleveland Sand
Approval holder and ABN	Hy-Tec Industries (Queensland) Pty Ltd (ABN: 54 102 801 061)
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	11 February 2016 – 10 February 2017
Report date	20 February 2017

## 2 Compliance Assessment

In accordance with section 3.6 of the *Annual Compliance Report Guidelines* prepared by the Department of the Environment and Energy (the Department), Table 2 – Compliance Assessment below provides a compliance assessment against each condition:

Table 2 – Compliance Assessment

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 Appendix A: Figure 1a.	Compliant	Hy-Tec have advised that extraction activities on the site are contained within the area specified on the approved map and are within Stage 1 and are therefore less than 47.5 hectares.
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	Hy-Tec have advised that extraction activities are contained within the Stage 1 extraction footprint only.
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 GIS Coordinates of the habitat trees, including the relevant buffer area, have previously been provided to the Department (drawing reference: 1753.023). The GIS information for Stage 1 has also previously been provided to the Department.</p> <p>Hy-Tec have advised that the current excavation activity is only being carried out within Stage 1 and extraction is limited to 3.0 AHD.</p>

Ref. No.	Conditions	Compliance	Evidence / Comments
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	Hy-Tec have advised that the existing extraction activities have not encountered any Acid Sulfate Soil materials.
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	Hy-Tec have advised that a permanent survey marker has been installed adjacent to Stage 1.
<b>Management of ASS</b>			
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	Hy-Tec have advised that the existing extraction activities have not encountered any Acid Sulfate Soil materials. In the event that extraction encounters Acid Sulfate Soil, it will be managed in accordance with the relevant management documents.
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	Groundwork Plus on behalf of Hy-Tec have undertaken the groundwater monitoring on an ongoing basis in accordance with this condition. No ponded surface water has been observed in the extraction area. Therefore the surface water monitoring requirements have not been triggered during this reporting period.
<b>Environmental Management Plan (EMP)</b>			
8	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: <ul style="list-style-type: none"> <li>a) ASS in accordance with the documents specified in condition 6.</li> <li>b) Surface water and groundwater in accordance with the documents specified in condition 7.</li> <li>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.</li> <li>d) Clearing and rehabilitation of excavated areas.</li> </ul>	Compliant	An Environmental Management Plan (EMP) was electronically provided to the Department on 5 December 2016 (reference: 1753.640.003r5). The Department acknowledged receipt of the EMP on 13 December 2016.

Ref. No.	Conditions	Compliance	Evidence / Comments
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"> <li>a) Objectives of the plan, including outcomes that must be achieved</li> <li>b) Roles and responsibilities (the plan must clearly state who is responsible for the actions in the plan)</li> <li>c) Environmental management activities and controls</li> <li>d) The timing of actions.</li> <li>e) A monitoring program, which must include: <ul style="list-style-type: none"> <li>a. Performance targets (clear and concise criteria against which achievement of outcomes are to be measured), which are capable of accurate and reliable measurement</li> <li>b. Strategies/mitigation measures</li> <li>c. Monitoring requirements</li> <li>d. Trigger values for further actions</li> </ul> </li> <li>f) Corrective actions where trigger values are reached, including potential corrective actions, reporting requirements, and how environmental incidents and emergencies will be managed.</li> <li>g) Auditing and review mechanisms (reporting and review mechanism and documentation standards to demonstrate compliance with plan).</li> </ul> <p>If the Minister approves the EMP then the approved EMP must be implemented.</p>	Compliant	An EMP was electronically provided to the Department on 5 December 2016 (reference: 1753.640.003r5). The Department acknowledged receipt of the EMP on 13 December 2016.
10	Note: Condition 10 was revoked on the date of this consolidated notice.	Not Applicable	
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, the person taking the action must cease extraction 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.
<b>Reporting and auditing</b>			
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.

Ref. No.	Conditions	Compliance	Evidence / Comments
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	<p>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.</p>
14	<p>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.</p>	Not applicable	<p>No direction has been provided by the Minister to undertake an independent audit.</p>
15	<p>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.</p>	Not applicable	<p>The activity commenced on 10 February 2014.</p>

Ref. No.	Conditions	Compliance	Evidence / Comments
16	<p>If the Minister believes that it is necessary or desirable for the better protection of Wetlands of International Importance (s16 &amp; s17B), threatened species and threatened ecological communities (s.18 &amp; s.18A) or listed Migratory Species (s20 &amp; 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.</p>	Not Applicable	No request of this nature has been made by the Minister.
17	<p>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.</p>	Not Applicable	No request of this nature has been made by the Minister.
18	<p>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.</p>	Compliant	Hy-Tec have advised that documentation of extraction activities are kept and can be made available for review upon request.

Ref. No.	Conditions	Compliance	Evidence / Comments
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"> <li>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;</li> <li>ii. implement the revised plan from the date that the plan is submitted to the Department; and</li> <li>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.</li> </ul>	Not Applicable.	No revision of the EMP has been undertaken since the EMP was electronically provided to the Department on 5 December 2016 (reference: 1753.640.003r5). The Department acknowledged receipt on 13 December 2016.
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"> <li>i. Condition 19 does not apply, or ceases to apply, in relation to the revised plan; and</li> <li>ii. The person taking the action must implement the plan approved by the Minister.</li> </ul> <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.	Compliance not required for condition 19C.

### 3 Conclusion

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This Annual Compliance Report has been prepared to demonstrate compliance with the conditions of the EPBC 2009/5087 approval and is for the reporting period of 11 February 2016 to 10 February 2017.

This Annual Compliance Report has been prepared in accordance with the *Annual Compliance Report Guidelines* prepared by the Department and addresses all requirements outlined in the guideline.

# Attachment 1

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Declaration of Accuracy

## Declaration of accuracy

In making this declaration, I am aware that sections 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 by 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 QLD

Organisation (please print including ABN/ACN if applicable)

ABN: 54 102 801 061

HY-TEC INDUSTRIES (QUEENSLAND) PTY LTD

Date

20/2/2017