

2017/2018 ANNUAL COMPLIANCE REPORT CAPE CLEVELAND SAND EPBC 2009/5087

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

The Cape Cleveland Quarry operates under an Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) approval (reference number 2009/5087 dated 14 June 2016), issued to Hy-Tec Industries (Queensland) Pty Ltd by the Commonwealth of Australia, for undertaking an approved action (Staged Sand Extraction) as defined under the EPBC Act. Condition 13 of this approval requires a compliance report to be prepared each year. The wording of this condition is as follows:

Condition 13

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 Annual Compliance Report Guidelines.

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.

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.

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 2017 – 10 February 2018
Report date	09 March 2018

2 Compliance Assessment

In accordance with section 3.6 of the Departments *Annual Compliance Report Guidelines*, a compliance assessment table has been prepared and states whether compliance has been achieved with a condition based on evidence provided. Refer to Table 2 – Compliance Assessment.

Compliance assessment ratings used in the table are as follows:

C - compliant	NC - non-compliant	NA – not applicable
Compliance is achieved when all the requirements of a conditions have been met, including the implementation of management plans or other measures required by those conditions.	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that not yet commenced.

It is noted that conditions numbered 7, 10, 14 and 16 in the current approval (EPBC 2009/5087 dated 14 June 2016) are not present.

Table 2 – Compliance Assessment

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 have advised that extraction activities have not exceeded 47.51 hectares and have been contained within the area specified in the map at Appendix A: Figure 1a.</p> <p>Aerial surveys conducted during the reporting period have been sighted and confirm extraction is contained with the approved area.</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	On the 29 Nov 2016 the Department approved a revised staging plan. The plan was changed to show arrows explaining the direction of extraction and staging. No change has been made to that staging plan.
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	The Department were provided with a copy of the GIS coordinates (drawing reference: 1753.023) for habitat trees and buffer zones on the site.

Ref. No.	Conditions EPBC 2009/5087	Compliance Status	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 advised that 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	Hy-Tec have advised that 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	Hy-Tec advised that acid sulfate soils have not been encountered at any time during this reporting period. In the event that extraction encounters Acid Sulfate Soil, it will be managed in accordance with the sites Environmental Management Plan (EMP) reference: 1753.640.003r5.
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 and 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>It should be noted that Condition 7 referred to in item 8b is not included in the approval. It is assumed a typing error has been made by the Department.</p>

Ref. No.	Conditions EPBC 2009/5087	Compliance Status	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"> 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>A review of the EMP against the Departments EMP guideline was undertaken and confirmed the sites EMP is consistent with the Departments guideline.</p> <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>
11	<p>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.</p>	Not Applicable	<p>Hy-Tec have advised that rehabilitation works have commenced within a portion of Stage 1 which is approximately 1.22ha.</p>
Reporting and auditing			
12	<p>Within 30 days of commencement of the action, the person taking the action must advise the Department in writing the actual date of commencement.</p>	Not Applicable	<p>The commencement date was 10 February 2014.</p>

Ref. No.	Conditions EPBC 2009/5087	Compliance Status	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	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.
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.
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.

Ref. No.	Conditions EPBC 2009/5087	Compliance Status	Evidence / Comments
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 are stored on the company's internal document control system and can be made available for review upon request.
19	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: <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 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. 	Not Applicable.	No revision of the EMP has been undertaken since the EMP was approved by the Department.
19A	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.	Not Applicable	Hy-Tec have not revoked a choice under condition 19A.
19B	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: <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. 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.	Not Applicable	The Minister has not given a notice under condition 19B.
19C	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.	Not Applicable.	Noted.

3 Findings

Operations have been compliant with the conditions of approval during the reporting period.

Attachment 1

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

7/3/2018.