

Mackas Sand Pty Ltd

**Mackas Sand
Annual EPBC Approval
Compliance Report**

March 2014

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MACKAS SAND ANNUAL EPBC APPROVAL COMPLIANCE REPORT

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Prepared by
Umwelt (Australia) Pty Limited

on behalf of
Mackas Sand Pty Ltd

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1.0 EPBC Approval Compliance Report

The Lot 218 Landscape Management Plan arising from Mackas Sand approval under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (Appendix 1) states that annual reporting required under the approval shall:

... list each approval condition and the actions taken to address each approval condition. The report will also include details on the implementation of any management plans during the period. Non-compliance with any of the conditions of the approval will be reported to the Department at the same time as the compliance report is submitted.

Condition 1

The approval holder must not clear outside the approved alternate haul route area (as depicted in Figure 1 and coordinates). The approval holder must not clear more than 0.37 hectares of habitat for Newcastle Doubletail (*Diuris praecox*), Leafless Tongue-orchid (*Cryptostylis hunteriana*), New Holland Mouse (*Pseudomys novaehollandiae*), Long-nosed Potoroo (*Potorous tridactylus tridactylus*), Spot-tailed Quoll (*Dasyurus maculates maculates*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Large-eared Pied Bat (*Chalinolobus dwyeri*), Regent Honeyeater (*Anthochaera Phrygia*) and Swift Parrot (*Lathamus discolor*).

- Vegetation clearing was confined to the alternate haul route alignment. No more than 0.37 hectares of vegetation were cleared.

Condition 2

The approval holder must submit a **Landscape Management Plan** for the alternate haul route area to the Minister within six months of the date of this approval or before any vegetation clearing of the alternate haul route area, whichever is sooner.

- The Landscape Management Plan (LMP) was submitted during December 2013.

Condition 3

The **Landscape Management Plan** must specify:

- (a) pre-clearance surveys that will be undertaken before any vegetation clearing of the alternate haul route area;
- (b) weed monitoring and management measures, including ongoing monitoring parameters, frequencies, triggers, corrective actions, timing and scope for the duration of the project approval; and
- (c) rehabilitation measures with the objective of re-establishing the Coastal Sand Apple-Blackbutt Forest community.

- The LMP contains all of the required specifications.

Condition 4

Details of how the **Landscape Management Plan** will be monitored, reviewed and implemented must be provided to the Minister.

Note: The Minister may determine that a plan, strategy or program approved by the Director-General of the Department of Planning (NSW) satisfies a plan, strategy or program required by these conditions.

- The LMP contains details of how it will be monitored, reviewed and implemented.

Condition 5

To aid safe movement of the following ground dwelling, gliding and arboreal species across the alternate haul road, the proponent must:

- (a) ensure a speed limit of 40 km/ph applies for all vehicles using the proposed alternate haul road; and
 - (b) limit night traffic, consistent with the requirements of the **Operating Conditions and Operating Hours** as specified in the **Environmental Assessment Modifications**.
- Once complete, Mackas Sand will operate along the alternate access road in accordance with the operating conditions and operating hours as specified in the Modification EA, including the 40 km/hr speed limit.

Condition 5

Within 30 days after the **commencement of the action**, the person taking the action must advise the **Department** in writing of the actual date of commencement.

- The Department was notified on 23 December 2013.

Condition 6

By 1 September of each year after the **commencement of the action**, the approval holder must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published.

- Compliance report is scheduled to be published before 1 September 2014 on Mackas Sand website (www.mackassand.com.au).

Condition 7

Upon the direction of the **Minister**, the approval holder 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**.

- No direction has been given by the Minister for an independent audit.

Condition 8

If at any time after five years from the date of this approval, the approval holder has not substantially **commenced the action**, then the approval holder must not commence the action without the written agreement of the Minister.

- The action has been substantially commenced.

Condition 9

If the **Minister** believes that it is necessary or convenient for the better protection of threatened species and threatened ecological communities (s. 18 & s 18A of the **EPBC Act**) to do so, the **Minister** may request that the approval holder make specified revisions to the plans approved pursuant to the above conditions and submit the revised plan for the **Minister's** written approval. The approval holder must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan then the person taking the action must continue to implement the plan originally approved, as specified in the conditions.

- No request for a revision of the LMP has been received.

Condition 10

The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including those measures required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent audit in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be published through the general media.

- Accurate records are maintained and will be made available on request of the department.

Condition 11

If the approval holder wishes to carry out any activity otherwise than in accordance with the **Environmental Assessment** and the **Landscape Management Plan** referred to in the above Conditions, 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.

- No variations are currently sought from the approval.

Condition 12

Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans, referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.

- LMP is published on Mackas Sand website (www.mackassand.com.au).



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