



Approval

Construction of an alternate route to Lot 218 Salt Ash, NSW (EPBC 2011/6214)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Action

person to whom the approval is granted Mackas Sand Pty Ltd

proponent's ACN ACN: 122 903 860

action To construct and utilise an alternate haul route from Nelson Bay Road to access the approved sand extraction area (Figure1) [see EPBC Act referral 2011/6214]

Approval decision

| Controlling Provision | Decision |
|---|----------|
| Listed threatened species and communities (sections 18 & 18A) | Approved |

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2029.

Decision-maker

name and position Deb Callister
Assistant Secretary
Queensland and Sea Dumping Assessment Branch

signature

date of decision 29 November 2013

Conditions attached to the approval

1. The approval holder must not clear outside the approved alternate haul route area (as depicted at 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 maculatus maculatus*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and Large-eared Pied Bat (*Chalinolobus dwyeri*), Regent Honeyeater (*Anthochaera phrygia*) and Swift Parrot (*Lathamus discolor*).
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.
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.
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.
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 40km/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**.
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.
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.
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**.

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.
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.
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 auditor 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.
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.
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.

Definitions:

Commenced the action - includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite structures whether temporary or permanent and the use of heavy duty equipment

Department – is the Commonwealth department responsible for administering the EPBC Act.

EPBC Act - is the *Environment Protection and Biodiversity Conservation Act 1999*.

Environmental Assessment- is the 'Environmental Assessment modification to Mackas Sand Extraction Operations of Alternate Haul route to Lot 218 DP 1044608, Salt Ash, October 2012' Available from:

<https://majorprojects.affinitylive.com/public/72f18d862d889724ba263cd45bc00711/Mackas%20Sand%20Project%20MOD%201%20-%20EA.pdf>

Landscape Management Plan - will be based on the 'Mackas Sand Pty Ltd Landscape Management Plan (including Rehabilitation Management Plan and Long Term Management Plan'.

(available from: <http://www.mackassand.com.au/>)

Minister means the Minister responsible for the administration of the EPBC Act.

Project means the construction of an alternate haul route to Lot 218, Salt Ash, NSW (EPBC 2011/6214)

Figure 1



Source: Aerial, Google Earth (2009)

Legend

- Lot 214 Boundary
- Lot 214 Approved Excavation Area
- Proposed Infrastructure Location
- Coastal Sand Apple - Blackbutt Forest
- Disturbed Grassland
- Existing Sand/Gravel/Stone Gravelbed
- Swamp Melaleuca Paperbark Forest
- Argemone flaccidifolia*
- Diuris aurea*
- Diuris pulchra*
- Grey-tailed Kingfisher
- Little Blackbackbird
- Greater Broadbilled Bitter
- Grey-headed Noddy

FIGURE 4.2

Alternate Haul Route Vegetation Communities and Threatened Species Locations

Coordinates of the Nelson Bay Road alternate route

-32.802787,151.885986
 -32.80358,151.887875
 -32.806033,151.88796
 -32.807981,151.888304
 -32.812454,151.887188
 -32.815772,151.886759
 -32.816349,151.886158
 -32.818224,151.885729
 -32.81909,151.886673