



13 October 2026

National Environmental Protection Agency
GPO Box 3090
Canberra ACT 2601

Sent by email to: epbcmonitoring@nationalepa.gov.au

**SUBJECT: REVIEW OF CABBAGE TREE ROAD SAND QUARRY – COMPLIANCE WITH
COMMONWEALTH APPROVAL (EPBC 2016/7852) 2025 - 2026**

To whom it may concern,

This letter has been prepared for the Australian Government's National Environmental Protection Agency (NEPA) to provide a review of compliance of the Cabbage Tree Road Sand Quarry (Newcastle Sand) operations with the conditions of the Commonwealth Approval EPBC 2016/7852 for the 2025 - 2026 period. The 2025 – 2026 reporting period is 14 August 2025 – 13 August 2026.

The approval permits the development and operation of a sand quarry on Cabbage Tree Road in Williamtown, within the Port Stephens Local Government Area (LGA) and approximately 30km north of Newcastle, NSW. Williamtown Sand Syndicate Pty Ltd are the applicant and the owners of the quarry operator, Newcastle Sand.

The attached report provides the following:

- An overview of the project from the commencement of operations (14 August 2019) to the present day, including modifications (MOD1, MOD2, and current MOD4) approved under Section 4.55 of the *Environmental Planning & Assessment Act 1979*.
- A self-assessment of the project compliance with EPBC 2016/785, and details of identified non-compliances.

Please contact Elliott Laver - Quarry Manager if you have any further questions.

Elliott Laver

Quarry Manager

elliott@newcasltesand.com.au

Yours Sincerely,

Kristen McMahon



Senior Environmental Consultant on behalf of Newcastle Sand

Kristen.mcmahon@iema.com.au

Cabbage Tree Road Sand Quarry – Annual Compliance Report

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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  Elliott Laver (Oct 13, 2026 12:27:26 GMT+11)

Full name (please print) Elliott Laver

Position (please print) Quarry Manager

Organisation (please print including ABN/ACN if applicable) 606820875

Date 13/10/2026

Quality Information

Document: EPBC Annual Compliance Report for 2025-2026

Ref: 2025-2026_EPBC_2016-7852

Date: 13 October 2026

Revision History

Rev	Revision Date	Details	Responsible Person	Comment
01	13/10/2026	Draft	Elliott Laver	Initial Report

1. PURPOSE OF REPORT

This Annual Compliance Report has been prepared to satisfy the requirements of Condition 8 of the EPBC 2016-1785, Commonwealth Approval in accordance with the '*Annual Compliance Report Guidelines, Commonwealth of Australia 2023*'. The condition states "*the approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action*".

The key dates are provided below in **Table 1**, this report will also be published on the Newcastle Sand (Cabbage Tree Road Sand Quarry) website within 60 days following the relevant 12-month period as per Condition 8a and provided to the provided to the NEPA as required by Condition 8b.

Table 1 Key Dates of the EPBC Approval

Action	Key Date
Commonwealth Approval	12 December 2018
Commencement Date	14 August 2019
Expiry of Commonwealth Approval	31 December 2033

2. DESCRIPTION OF ACTIVITIES

2.1 PROJECT OVERVIEW

Williamtown Sand Syndicate Pty Ltd (ABN 56 606 820 875) was granted the following approvals to construct and operate Cabbage Tree Road Sand Quarry, a sand quarry at 398 Cabbage Tree Road, Williamtown NSW:

- Project Approval **SSD-6125**, issued by The Independent Planning Commission NSW on 9 May 2018.
- Project Approval **EPBC 2016-7852**, issued by the Department of the Environment and Energy on 12 December 2018.
- Hunter Water Regulation 2015 Clause 15(1) Approval for Cabbage Tree Road Quarry.
- NSW Environment Protection Authority, Environment Protection Licence No. 21264

This report of reviews compliance of the Cabbage Tree Road Sand Quarry operations with the conditions of the EPBC 2016/7852, for the 2025 - 2026 reporting period of 14 August 2025 - 13 August 2026. The responsible person for the EPBC Annual Compliance Report is Quarry Manager Elliott Laver, email: elliott@newcasltesand.com.au

2.2 BACKGROUND

Newcastle Sand (Cabbage Tree Road Sand Quarry) construction works were initiated on 14 August 2019 and sand extraction commenced in May 2020.

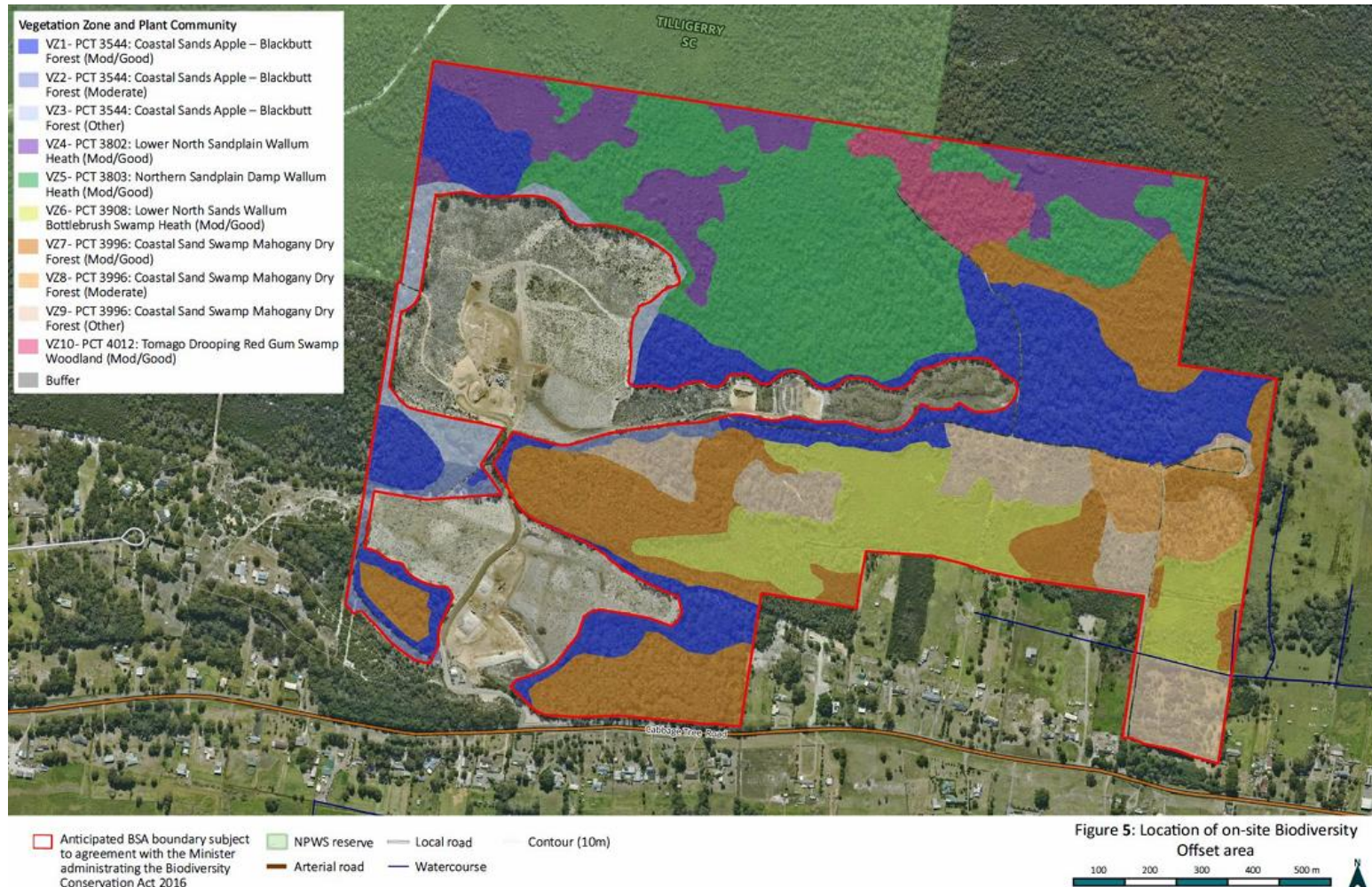
SSD-6125 has been modified on three occasions under Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Modifications that have been approved in the state consent are consistent with the EPBC approval, requiring no modification of the EPBC approval. Outlined below are modification summaries of the state consent for context and approval history for the site:

- During the construction phase Modification 1 was requested to facilitate a glass sand trial, as the formal intersection with the quarry had not been completed. Modification 1 was granted on 26 March 2020.
- Modification 2 was approved in March 2021 to permit the inclusion of a sand washing plant and ancillary equipment onsite.
- Modification 3 was lodged for the third modification application (proposed MOD3) in December 2022 and withdrawn mid-2024 for the amendment of the resource boundary.
- Modification 4 was approved 30 July 2026, to permit increased on-site offset areas leading to a net gain, positive impact according to the BDAR report (Wedgetail, 2025). Other consent amendments include:
 - Extend the boundary of the approved resource area in a westerly direction to recover additional sand resources (addition of Lot 9 DP239608).
 - Expand road corridors for operational purposes.
 - Amend the development footprint so that areas of remnant vegetation, previously approved for development can be incorporated into the on-site offset area, and replace areas required for road corridors.

Figure 1 and **Figure 2** and the location of the site current onsite biodiversity offset area.



Figure 1 Cabbage Tree Road Sand Quarry Location Plan



Arbus PTY LTD, BSA Newcastle Sand, Cabbage Tree Road Williamstown, NSW, 2318

Figure 2: Biodiversity Offset Strategy (SSD-6125 - Appendix 6, Modification 4 Consent)

3. ASSESSMENT OF COMPLIANCE

The terms used to describe the level of compliance of the site are outlined in **Table 2**. These are in accordance with the requirements listed in Appendix 2 of the Independent Audit and Audit report Guidelines (Commonwealth Department of the Environment and Energy, 2019). **Table 3** provides an assessment of the compliance of the project with the conditions of consent EPBC 2016/7852 to date.

Table 2: Compliance Assessment Criteria

Abbreviation	Assessment	Criteria
Y	Yes	A rating of 'compliance' is given when the auditee has complied with a condition, element of a condition, or measure required by a management plan, report or program etc.
N	Non-compliance	A rating of 'non-compliance' is given when the auditee has not met a condition, element of a condition, or measure required by a management plan, report or program etc.
NA	Not applicable	A rating of 'not applicable at the time of the audit' is given when the condition or element of a condition falls outside the scope of the audit e.g. if an activity has not yet commenced.

Table 3: 14 August 2025 – 13 August 2026 Newcastle Sand EPBC 2016/7852 Conditions and Compliance Assessment

Condition No.	Condition	Finding	2025-2026 Compliance Status	Action
Part A – Conditions specific to the action				
1	The person taking the action must:			
1a	Implement the following conditions identified in Schedule 3 of the State approval: - condition 34 Biodiversity Offset Strategy, - condition 35 Rehabilitation Objectives, - condition 37 Biodiversity and Rehabilitation Management Plan and - Appendix 6 Biodiversity Offset Strategy.	<u>Context to Condition 34: Biodiversity Offset Strategy</u> 34. The Applicant must implement the Biodiversity Offset Strategy as shown in Appendix 6 and described in the EIS, and acquire and retire biodiversity credits (within the meaning of the Biodiversity Conservation Act 2016) as set out in Tables 4 and 5 in accordance with the NSW Biodiversity Offsets Policy for Major Projects, to the satisfaction of the Secretary and BCD. <u>Findings:</u> The Biodiversity Offset Strategy is current and compliant. Newcastle Sand have satisfied the offsite portion of biodiversity offset obligations with the purchase and retirement of the required credits. The mapped offset areas remain undisturbed and are actively managed, including weed suppression, restricted access, and native species plantings. Note that although the general period from August 2025 to July 2026 was under Modification 2, Modification 4 has now resolved all previous administrative issues related to Condition 34 on-site Biodiversity Offset Strategy. <u>Evidence:</u> - Biodiversity Offset Strategy originally in Section 6.2 of Preliminary Documentation (EPBC Referral 2016/7852): https://www.newcastlesand.com.au/wp-content/uploads/2023/08/2016-7852_P1_PD_Maintext_CabbageTreeRd_v2.pdf - Modification 4 has Appendix 6 Biodiversity Offset Area Modification 4 Western Extension Planning Portal - Department of Planning and Environment	Y	No further action required.
		<u>Context to Condition 35: Rehabilitation Objectives</u> 35. The Applicant must rehabilitate the site to the satisfaction of the Secretary. Rehabilitation must be generally consistent with the rehabilitation strategy in the EIS and the conceptual rehabilitation plan shown in Appendix 3 and must comply with the objectives in Table 6 of the State Consent. <u>Evidence:</u> - Rehabilitation Objectives are identified in Section 2.7 of the Preliminary Documentation (EPBC Referral 2016/7852): https://www.newcastlesand.com.au/wp-content/uploads/2023/08/2016-7852_P1_PD_Maintext_CabbageTreeRd_v2.pdf - Progressive rehabilitation is ongoing and has been designed to address the objectives outlined in Table 6 of the State Consent (SSD 6125): https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-6125-MOD-4%2120260730T042423.263+GMT	Y	No further action required.
		<u>Context to Condition 37: Biodiversity and Rehabilitation Management Plan – refer to SSD for further details</u> The BDMP is currently being updated to reflect the changes with Modification 4. 16 April 2019 the Biodiversity and Rehabilitation Management Plan was approved by the Director of Resource Assessments of the NSW Government Planning and Environment. The updated Version 4 is on the Newcastle Sand website available at: https://www.newcastlesand.com.au/wp-content/uploads/2024/09/Biodiv_Rehab_Plan_V4.2-1.pdf Rehabilitation management is compliant as per the Biodiversity and Rehabilitation Management Plan. As recorded in the Annual Reviews.	Y	Finalise BDMP based on MOD4 updates.

EPBC Compliance Report 2024-2025

Condition No.	Condition	Finding	2025-2026 Compliance Status	Action										
		<u>Condition 1a point 4:</u> The on-site Biodiversity Offset Strategy. In accordance with <i>Biodiversity Conservation Act</i> and The Departments website, the current Biodiversity Development Assessment Report (BDAR) has been prepared following the Biodiversity Assessment Method (BAM) and in accordance with the requirements for modifications. The BDAR: • Outlines available information about the original impact of the development and consider any measures already taken to avoid, minimise or offset the impact on biodiversity values in connection with the approval before the proposed modification. • Identifies offset requirements that have been discharged with documentary evidence. • Assesses any new impacts on biodiversity values resulting from the modification of the development in accordance with the BAM. • Identifies offset requirements and any new measures to avoid and minimise impacts in accordance with the BAM	Y	No further action required.										
1b	Submit a copy of the Independent Environmental Audit report, identified in Schedule 5 condition 12 of the State approval, to the Department. Included with the report should be a response to any recommendations contained in the audit report and a timetable for the implementation of the recommendations as required.	<u>Context to Condition 12: Independent Environmental Audit</u> The IEA and the 2025 documentation have been provided to the DCCEEW and is available at: https://www.newcastlesand.com.au/independent-audits/	Y	No action this year.										
1c	Notify the Department in writing of any proposed change to the conditions of the NSW Government approval for which conditions 1a – 1b apply, no later than 2 weeks after formally proposing a change or becoming aware of the NSW Government proposing a change.	<u>Findings:</u> Changes to the conditions proposed in Modification 4 which requires an update to the Biodiversity and Rehabilitation Management Plan. These proposed changes were proposed prior to this report period, so are not applicable.	NA	No proposed changes to the NSW Government Approval within this reporting period.										
1d	Notify the Department in writing of any change to the NSW Government approval for which conditions 1a - 1b apply, within 2 weeks of a change being finalised.	<u>Findings:</u> Modification 4 was approved 30 July 2026. Newcastle Sand have not notified the Department in writing of Modification 4 changes within 2 weeks of the change being finalised. This has now been rectified on 13 October 2026.	N	The DCCEEW have been notified on the 13 October 2026. No further action required.										
2	The person taking the action must not exceed the area of maximum disturbance, provided in Table 1, within the proposal location as per Maps 1-3, to protect the EPBC listed threatened species habitat and ecological communities. Table 1. Area of Maximum Distance <table><tr><th>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) listed threatened species and ecological communities</th><th>Area of Maximum Disturbance</th></tr><tr><td>Potential habitat for Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, New South Wales and the Australian 40.38 ha Capital Territory) - Vulnerable</td><td>40.38 ha</td></tr><tr><td>Potential foraging habitat for the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) - Vulnerable</td><td>40.38 ha</td></tr><tr><td>Camfield's Stringybark (<i>Eucalyptus camfieldii</i>) - Vulnerable</td><td>227 individuals</td></tr><tr><td>Earps' Gum (<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>) - Vulnerable</td><td>230 individuals</td></tr></table>	Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) listed threatened species and ecological communities	Area of Maximum Disturbance	Potential habitat for Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, New South Wales and the Australian 40.38 ha Capital Territory) - Vulnerable	40.38 ha	Potential foraging habitat for the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) - Vulnerable	40.38 ha	Camfield's Stringybark (<i>Eucalyptus camfieldii</i>) - Vulnerable	227 individuals	Earps' Gum (<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>) - Vulnerable	230 individuals	<u>Comment:</u> This condition (based on the findings of Kleinfelder Australia Pty Ltd.'s, 2016, Ecological Assessment (Table 6) has been interpreted as the site must not exceed a disturbance area of 40.38ha and this disturbance must not occur outside of the approved project disturbance area. The project has not exceeded the area of maximum disturbance, provided in Table 1, within the proposal location as per Maps 1-3, to protect the EPBC listed threatened species habitat and ecological communities. <u>Evidence:</u> • The annual survey submitted in the Annual Review provides the disturbance area of the project, maintained within the approved disturbance footprint maintaining compliance with this condition. • Newcastle Sand has not gone outside of the approved disturbance boundary, maintaining compliance with this condition.	Y	No action this year.
Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) listed threatened species and ecological communities	Area of Maximum Disturbance													
Potential habitat for Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, New South Wales and the Australian 40.38 ha Capital Territory) - Vulnerable	40.38 ha													
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Earps' Gum (<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>) - Vulnerable	230 individuals													
Part B – Standard Administrative conditions														

Condition No.	Condition	Finding	2025-2026 Compliance Status	Action
3.	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	<u>Comment:</u> Historical condition. The Department was notified by email on 14 August 2019, on the same day as quarry construction commenced. <u>Findings / Evidence:</u> Email sent to the DCCEEW	Y	No action this year.
4.	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	<u>Comment:</u> Historical condition. The quarry commenced construction on 14 August 2019 and sand extraction commenced in May 2020, less than two years following the date of the Commonwealth Approval (12/12/2018).	Y	No action this year.
5.	The approval holder must maintain accurate and complete compliance records.	<u>Comment:</u> Comprehensive compliance records are maintained on-site.	Y	No action this year.
6.	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	<u>Comment:</u> No request to date. Compliance records available upon request.	NA	No further action required.
7.	The approval holder must:			
7a.	submit plans electronically to the Department within two months of their approval by the Secretary, or nominee, of the Department of Planning and Environment;	<u>Comment</u> See website: https://www.newcastlesand.com.au/management-plan/	Y	No action this year.
7b.	publish each plan on the website within two months of the date the plan is approved by the Secretary, or nominee, of the Department of Planning and Environment or the date a revised action management plan is submitted to the Secretary, or nominee, of the Department of Planning and Environment; and	<u>Comment</u> All approved plans are available on the Newcastle Sand website. Available at: https://www.newcastlesand.com.au/management-plan/	Y	No action this year.
7c.	keep plans published on the website until the end date of this approval.	<u>Comment:</u> All approved plans including updated versions are available on the Newcastle Sand website: Available at: https://www.newcastlesand.com.au/management-plan/	Y	No action this year.
8.	The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:	<u>Comment:</u> The current 12 month period report has been prepared. The report is from the 14 August 2025 to 13 August 2026.	Y	No action this year.
8a.	publish each compliance report on the website within 60 business days following the relevant 12 month period;	<u>Comment:</u> Annual compliance reports published on the Newcastle Sand website available at: https://www.newcastlesand.com.au/epbc-compliance-report/	Y	No action this year.
8b.	notify the Department by email that a compliance report has been published on the website within five business days of the date of publication;	<u>Comment:</u> The current report has been submitted to the Department within 5 days of publishing on the website.	Y	No action this year.
8c.	keep all compliance reports publicly available on the website until this approval expires;	<u>Comment:</u> Compliance records have been prepared by Newcastle and publicly available on the website.	Y	No action this year.
8d.	exclude or redact sensitive ecological data from compliance reports published on the website; and	<u>Comment:</u> Not triggered, no sensitive ecological data included in the online compliance reports.	NA	N/A.

Condition No.	Condition	Finding	2025-2026 Compliance Status	Action
8e.	where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.	<u>Comment:</u> Not triggered, no sensitive ecological data included.	NA	N/A.
9.	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: a. the condition which is or may be in breach; and b. short description of the incident and/or non-compliance.	<u>Comment:</u> This annual compliance report outlines with the conditions of the commonwealth consent and indicates any non-compliances identified within it.	Y	Newcastle Sand will provide by email correspondence of any incidents or noncompliance notifications to the Department.
10.	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.	<u>Comment:</u> After a DPHI review on the 31 March 2026 a non compliance relating to the timing of installation of frog exclusion fencing occurred and an investigation was prepared to the DPHI. On review of the non compliance for Sector 10 of the extraction area, the frog fencing was installed on the 2 July 2025 as opposed to the specific installation timing of ' <i>install fence during December for the next 12 months of expected clearing.</i> ' The ecologists were notified and the BRMP is currently being updated and submitted, DPHI were also notified and this has now been closed out on the Major Projects Portal. <u>Finding:</u> Additionally, Letter from the ecologists outline: <i>Amendments to the BRMP to allow for more flexibility in the timing of installation could include detailing a minimum pre-clearance installation period (e.g. within 30 days of clearing) and additional pre/post clearance survey effort to identify and relocate threatened frogs from the extraction area.</i> <u>Evidence:</u> Email to the DPHI identifying non compliance on 31 March 2026 and Major Projects Portal Ref No. SSD-6125-PA-80.	N	Increased correspondence to the Department. NEPA will be added to the email list when non compliances occur. The BRMP is currently being updated and submitted to the DPHI and NEPA.
11.	The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12-month period following the date of commencement of the action and for every subsequent 12 month period, or as otherwise requested in writing by the Minister.	<u>Comment:</u> Independent audit has been completed from August 2019 - August 2025.	Y	Continued independent audits every 12 months (for the period of 14 August to 13 August).
12.	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	<u>Comment:</u> The audit report will be submitted to the Department no later than the 30 October 2026. Independent audit by Land Air and Water Environmental Management Pty Ltd scheduled in October 2026. <u>Evidence:</u> Approval on 13 June 2025 for the audit criteria by the DCCEEW. Independent audit report submitted to the Department 12 September 2025, approval given 24 September 2025.	Y	Finalise next Independent Audit and submit report to the Department no later than the 30 October 2026.
13.	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	<u>Comment:</u> The approved audit report will be submitted on the website in accordance with the timing specified in this condition.	Y	Publish the audit report on the website within 10 business days of receiving the Department's approval.
14.	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	<u>Comment:</u> Not triggered.	NA	N/A. The completion of the action has not been completed.

4. COMPLIANCE ASSESSMENT

4.1 NON-COMPLIANCES

Noncompliance's are nominated by Newcastle Sand and a description of the non-compliance along with any corrective actions are outlined in **Table 3**. Assessment of the impacts of the non-compliances is provided in **Section 4.2** below.

4.2 CORRECTING NON-COMPLIANCES

Condition 1(c) and Condition 1(d) are administrative non-compliances, with the corrective action described in **Table 3** underway.

5. NEW ENVIRONMENTAL RISKS

In accordance with compliance reporting requirements, the site investigated new environmental risks that have emerged during the current reporting period. No new risks have been identified in the reporting period, if emerging risks are identified. Newcastle Sand will notify and work in conjunction with the Department to resolve and mitigate risks.

6. CONCLUSION

This report indicates a high level of compliance with EPBC 2016-7852 during the 2025 - 2026 period with only two non compliances identified, related to an administrative non compliance, and a non compliance relating to timing of installation of frog exclusion fence, Newcastle Sand completed the frog fencing other than the BRMP required, overall, ecologists state *'while technically a non-compliance, is unlikely to have had a significant impact to threatened frogs within the Subject Site'*. Therefore Newcastle Sand determines no environmental harm relating to biodiversity was observed over the reporting period.