

**Independent Environmental Audit:  
Tinda Creek Sand Quarry  
Development Consent SSD-4978**



Audit Organisation:	Hy-Tec Concrete and Aggregates
Auditors:	James Hart
Date of Audit:	5-14 July 2022
Draft Report Submitted:	18 July 2022
Final Report Submitted:	15 August 2022

## Independent Audit Declaration Form

Project Name: Tinda Creek Sand Quarry  
Consent Number: SSD 4978  
Description of Project: Sand Quarry  
Project Address: Located approximately 67 kilometres north of Windsor along Putty Road, NSW  
Proponent: Aus-10 Rhyolite Pty Ltd t/a Hy-Tec Concrete and Aggregates (Hy-Tec)  
Date: 14 of August 2022

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor: James Hart

Signature: 

Qualification: Lead Environmental Auditor – Exemplar Global Certificate No. 12105

Company: James Hart Consulting

<b>1</b>	<b>INTRODUCTION</b>	<b>6</b>
1.1	Overview	6
1.2	Audit Objectives	6
1.3	Audit Scope and Criteria	6
<b>2</b>	<b>Methodology</b>	<b>7</b>
2.1	Audit Team	7
2.2	Approvals and Documents Audited	7
2.3	Agency and Community Consultation	9
2.4	Name and Position of Persons Interviewed	9
2.5	Audit Process	9
2.6	Audit Compliance Status Descriptors	10
2.7	Issues to be considered in reviewing this report	10
<b>3</b>	<b>AUDIT FINDINGS</b>	<b>10</b>
3.1	Overview	10
3.2	Previous Audit Findings	11
3.3	Complaints	12
3.4	Project Approval (08-0142)	12
3.5	Environmental Protection Licence (EPL 12007)	13
3.6	Water Access Licence 24367 and 42446	13
3.7	Water Access Licence 24381	13
	Air Quality Management Plan	13
3.8	Water Management Plan	13
3.9	Landscape Management Plan	15
3.10	Noise Management Plan	15
3.11	Transport Management Plan	15
3.12	Heritage Management Plan	15
3.13	Environmental Management Strategy	15
3.14	Areas of Non-compliance	16
3.15	Areas of compliance	17
<b>4</b>	<b>CONCLUSIONS</b>	<b>18</b>
<b>5</b>	<b>Substantive Changes.</b>	<b>19</b>
	<b>Appendices</b>	
	<b>Appendix A. - Previous Audit Findings</b>	<b>20</b>
	<b>Appendix B. – Auditor Approval</b>	<b>29</b>
	<b>Appendix C. – Audit Tables</b>	<b>32</b>
	Audit Checklist –Development Consent SSD-4978	33
	Audit Checklist – Environmental Protection Licence 12007	67
	Audit Checklist – Water Access Licence 24367 and 42446	80

Audit Checklist – Water Access Licence 24381	85
Audit Checklist – Statement of Commitments	89
Audit Checklist – EPBC Approval 2013/7028	97
<b>Appendix D. Consultation Records</b>	<b>104</b>

---

## Abbreviations

AQMP	Air Quality Management Plan
AS	Australian Standard
BCD	Biodiversity & Conservation Division (formerly OEH)
DA	Development Approval
DDG	Deposition Dust Gauge
DP&E	Department of Planning and Environment
DPI	Department of Primary Industries
DRG	Department of Resources and Geoscience
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EPL	Environment Protection Licence
LRP	Landscape Management Plan
NMP	Noise Management Plan
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
POEO Act	Protection of the Environment Operations Act 1997
TMP	Transport Management Plan and Driver Code of Conduct
TSP	Total Suspended Particulates
TSS	Total Suspended Solids
WAL	Water Access Licence
WMP	Water Management Plan

# 1 INTRODUCTION

## 1.1 Overview

Aus-10 Rhyolite Pty Ltd t/a Hy-Tec Concrete and Aggregates (Hy-Tec) operate the Tinda Creek Sand Quarry, an existing sand quarry located on Putty Road, approximately 67 kilometres north of Windsor, NSW. The quarry is located within Lots 1, 2 and 3 of DP 628806 and is bounded by Yengo National Park on the north, east, and south, and on the west by Putty Road. Wollemi National Park, along with several agricultural land holdings, is located on the western side of Putty Road.

Hy-Tec was granted Development Approval in April 2015 to operate the Tinda Creek Sand Quarry (SSD\_4978). The previous approval (DA134/95) was surrendered on 10 December 2015.

The conditions of approval require Hy-Tec to appoint an independent auditor to assess compliance with the Minister's Conditions of Approval obtained for the quarry operations.

Schedule 5, condition 10 of the approval requires an Independent Environmental Audit to be conducted within one year of the date of the commencement of quarrying operations, and every 3 years thereafter, unless the Director-General directs otherwise. The condition requires the proponent to commission and pay the full cost of the audit. The audit must:

- a. Be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been approved by the Secretary;
- b. Include consultation with relevant agencies;
- c. Assess the environmental performance of the project, and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan or program required under these approvals);
- d. Review the adequacy of any strategy/plan/program required under this approval; and, if necessary
- e. Recommend appropriate measures or actions to improve the environmental performance of the development, or any assessment, strategy, plan or program required under the abovementioned approvals.

## 1.2 Audit Objectives

The objective of this Independent Environmental Audit was to assess the operations at the Tinda Creek Sand Quarry and provide a report in accordance with the requirements of Schedule 5, condition 10 of the development approval.

## 1.3 Audit Scope and Criteria

The scope of this audit was limited to the site, being Lots 1, 2, and 3 of DP 628806, and the activities and processes carried out by Hy-Tec in operating the quarry. The audit is the second for the project and covered the period from 10 October 2019 to 14 July 2022.

The audit scope included:

- the conditions of all relevant approvals;
- management plan requirements;
- the requirements of relevant regulatory agencies;
- the status of the operation;
- the performance of the operation;

- results from previous audits;
- any incidents or community complaints;
- feedback received from other regulatory agencies on the performance of the operation; and
- feedback received from the community / community consultative committee on the performance of the operation.

The audit criteria were developed by the Lead Auditor, and are included as a checklist at the end of this report.

## 2 Methodology

The audit methodology included a review of approval conditions and key management plans prepared for the quarry operations, interviews with project personnel, and a site inspection to assess the level of compliance with and implementation of those requirements.

### 2.1 Audit Team

The audit was conducted by the following:

Auditor	Role	Qualifications
James Hart	Lead Auditor	Lead Environmental Auditor Exemplar Global No 12105 Newcastle University, Graduate Diploma in Environmental Science, 1997

James Hart was endorsed by the Secretary of the Department of Planning and Environment on 19 April 2022.

### 2.2 Approvals and Documents Audited

The following documents and approvals were reviewed and included within the audit:

- Development Approval – SSD\_4978;
- Approval for the expansion of Existing Sand Quarry, Tinda Creek, NSW (EPBC 2013/028);
- Air Quality Management Plan – Tinda Creek Sand Quarry, May 2017;
- Noise Management Plan – Tinda Creek Sand Quarry, May 2017;
- Transport Management Plan – Tinda Creek Sand Quarry, May 2017;
- Water Management Plan – Tinda Creek Sand Quarry, August 2019;
- Landscape Management Plan – Tinda Creek Sand Quarry, April 2022;
- Heritage Management Plan - Tinda Creek Sand Quarry, May 2017;
- Environmental Management Strategy – Tinda Creek Sand Quarry, May 2017;
- Environmental Protection Licence No 12007, NSW EPA, 3/03/2017;
- Tinda Creek Sand Quarry Annual Review, January 2019– December 2019;
- Tinda Creek Sand Quarry Annual Review, January 2020 – December 2020;
- Tinda Creek Sand Quarry Annual Review, January 2021 – December 2021;
- Tinda Creek Quarry (EPBC Approval 2013/7028) – Review of Compliance 2018, Report No. 980/08 Hy-Tec Industries Pty Limited, R.W. Corkery and Co Pty Ltd, 2019.
- Tinda Creek Quarry (EPBC Approval 2013/7028) – Review of Compliance 2020, Report No. 980/13 Hy-Tec Industries Pty Limited, R.W. Corkery and Co Pty Ltd.

- Tinda Creek Quarry (EPBC Approval 2013/7028) – Review of Compliance 2021, Report No. 980/17 Hy-Tec Industries Pty Limited, R.W. Corkery and Co Pty Ltd.
- Tinda Creek Sand Quarry Complaints Register, up to July 2022;
- Tinda Creek Sand Quarry Draft Minutes Community Consultative Committee 14/10/2019, 4/05/2020, 12/10/2020, 11/10/2021, 24/05/2022;
- Tinda Creek Aquatic Monitoring Report, Spring 2021, Niche Environment and Heritage, 3 February 2022;
- Tinda Creek Aquatic Monitoring Report, Spring 2020, Niche Environment and Heritage, 25 March 2021;
- Tinda Creek Aquatic Monitoring Report, Spring 2019, Niche Environment and Heritage, September 2019;
- Tinda Creek Offset vegetation, revegetation and Koala monitoring report 2021, EMM, 28 March 2022;
- Tinda Creek Offset vegetation, revegetation and Koala monitoring report 2020, Niche Environment and Heritage, March 2021;
- Tinda Creek Monthly Truck Movements, 2019;
- Tinda Creek Monthly Truck Movements, 2020;
- Tinda Creek Monthly Truck Movements, 2021;
- Tinda Creek Monthly Truck Movements, 2022;
- Noise Compliance Assessment – Tinda Creek Quarry, Tinda Creek, NSW. Muller Acoustic Consulting, April 2020;
- Noise Compliance Assessment – Tinda Creek Quarry, Tinda Creek, NSW. Muller Acoustic Consulting, May 2021;
- Noise Compliance Assessment – Tinda Creek Quarry, Tinda Creek, NSW. Muller Acoustic Consulting, April 2022;
- Water Access licence 24381;
- Water Access Licence 24367;
- Water Access Licence 42446.



### 2.3 Agency and Community Consultation

The following agencies were contacted via Email prior to the audit to obtain feedback and to focus the audit criteria on key issues.

Contact	Agency	Comments
Gabriel Peters Shaw Senior Compliance Officer	Department of Planning and Environment	The Department does not request any additional issues/concerns to be examined and included within the scope of the audit that are not already captured by Section 3.3 of the IAPAR.
<a href="mailto:council@hawkesbury.nsw.gov.au">council@hawkesbury.nsw.gov.au</a>	Hawkesbury Council	No response.
Lisa Andrews Independent Chairperson	Community Consultative Committee & Director Articulate Solutions Pty Ltd	No specific issues of concern.
Joanna Muldoon	Office of Environment and Heritage	No response
EPA	NSW Environment Protection Authority	No response
Amanda Herringe	WaterNSW	No response.

### 2.4 Name and Position of Persons Interviewed

The following personnel were interviewed during the audit:

Name	Position/Role	Organisation	Date of Interview
Darryl Thiedeke	National Planning and Development Manager	Hy-Tec	5/07/2022 14/07/2022
Brian Grant	Quarry Manager	Hy-Tec	14/07/2022
Ethan Pettiford	NSW Quarry Operations Manager	Hy-Tec	5/07/2022

### 2.5 Audit Process

The audit commenced with an Opening Meeting to confirm the scope, purpose, and timeline of the audit. The Opening Meeting was held at 09.00am on 5 July 2022 via MS Teams. A site inspection and follow up on records was originally planned on site on the 6 July 2022. However, due to flooding in the region the site inspection was unable to be conducted until the 14 July 2022.

Key operational documents were reviewed, and evidence of compliance was sought through the interview process. Key documents were the various management plans required under the approval. Documentation included a combination of hard copy records and electronic records maintained by Hy-Tec.

A site inspection was conducted, which included inspection of roads and drainage structures, inspection of access control measures implemented, and inspection of quarrying operations. At the time of audit, activities being undertaken included loading operations, repairs and maintenance following high rainfall event, and discharging excess water.

A closing meeting was held at 1.30pm on 14 July 2022 where the preliminary audit findings were presented.

## 2.6 Audit Compliance Status Descriptors

<b>Compliant</b>	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
<b>Not Compliant</b>	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
<b>Not triggered</b>	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.
<b>Observation</b>	As part of the Audit evaluation, the auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project.

## 2.7 Issues to be considered in reviewing this report

This audit was based on a review of compliance with the approval conditions for the operation of the Tinda Creek Sand Quarry.

In particular, the audit focused on the implementation of measures described in the various Environmental Management Plans to manage the impacts of the activities on the surrounding environment. The checklist appended to this report identifies those compliance issues that could be assessed given the stage of the project.

By its very nature an audit does not guarantee full compliance of all aspects of the project with the undertakings of the Management Plans and associated documentation. However; in the opinion of the auditor, the extent and scope of the field inspection together with the records maintained by Hy-Tec were sufficient evidence to verify general compliance of the activities with the requirements of the conditions of approval.

# 3 AUDIT FINDINGS

## 3.1 Overview

Specific activities being undertaken at the time of audit were:

- Loading of trucks for dispatch; and
- Discharging excess water; and
- Repairs and maintenance to site following rainfall event.

The attached checklists record the outcomes of the audit process. Six non-compliances were raised where compliance with the conditions of consent, EPL, EPBC approval, Water access licences or management plans could not be verified as summarised following:

	Requirements	Findings
Schedule 2 – Administrative Controls	16	Compliant – 12
		Non-Compliant – 1
		Not Triggered – 3
Schedule 3 – Environmental Performance Conditions	30	Compliant – 28
		Non-Compliant – 3
		Not Triggered – 0
Schedule 4 – Additional Procedures	2	Compliant – 1
		Non-Compliant – 0
		Not Triggered – 1
Schedule 5 – Environmental Management, Reporting and Auditing	11	Compliant – 10
		Non-Compliant – 1
		Not Triggered – 0
Statement of Commitments	32	Compliant – 26
		Non-Compliant – 0
		Not Triggered – 64
EPBC Approval 2013/7028 Approval Conditions	24	Compliant – 17
		Non-Compliant – 0
		Not Triggered – 7
EPL 12007	40	Compliant – 33
		Non-Compliant – 0
		Not Triggered – 7
WAL24367 and WAL42446	21	Compliant – 9
		Non-Compliant – 1
		Not Triggered – 7
WAL24381	21	Compliant – 9
		Non-Compliant – 0
		Not Triggered – 7

### 3.2 Previous Audit Findings

Previous audit findings were reviewed as part of the current audit to assess implementation of actions identified to address issues. Information available showed previous findings had been addressed. A summary of previous findings and status is provided in Appendix A.

### 3.3 Complaints

A Complaints Register is available where information regarding complaints was recorded, including the relevant resolution. The register has been uploaded on the website. A summary of complaints is provided below.

Date	Complaint	Response
December 2020	Community member rang re having to take evasion action on Putty Rd approximately 30Km from Quarry to avoid a truck.	Incident followed up by Quarry staff. Advice provided that fallen trees had been seen in this area. Community member advised of the follow up.
April 2021	Community member rang re truck being driven poorly on Putty Rd.	At the time of the call, the community member was advised that the trucking business as named, does not do any business with the Quarry.
June 2021	Community member rang re Hy-Tec truck going quickly on Putty Rd 2 weeks previous.	Investigated and found no Hy-Tec truck was on the road during the time period alluded to by the community member.

A summary of responses to the received complaints was included in the complaints register provided on the project website.

### 3.4 Project Approval (08-0142)

#### Schedule 2 – Administrative Controls

The site had implemented processes to generally manage compliance with the administrative control requirements of the conditions of consent.

One non-compliance was identified in relation to administrative controls.

- Non-compliances were identified in relation to the conditions of approval, which triggers a non-compliance with Condition 2 (a) (Refer Non-compliance NC-01).

#### Schedule 3 – Environmental Performance Conditions

All of the required management plans had been developed and provided to DPE for review and approval. Records were available to demonstrate that monitoring was conducted in accordance with the requirements of the conditions of approval and the approved management plans.

Three non-compliances were raised in relation to environmental performance conditions.

- The closed water management system had not been maintained to ensure adequate freeboard to prevent offsite discharge. Condition 3-12 (Refer Non-compliance NC-02).
- Agreement on the long-term security of the offset area had not been obtained. Condition 3-16 (Refer Non-compliance NC-03).
- The Conservation and Rehabilitation Bond. had not been reviewed and updated within 3 months of the previous independent environmental audit. Condition 3-21 (Refer Non-compliance NC-04).

#### **Schedule 4 – Additional Procedures**

No non-compliance was identified with the Conditions of Approval under Schedule 4 (Schedule 4-1).

#### **Schedule 5 – Environmental Management, Reporting and Auditing**

Processes had been implemented to comply with environmental management requirements. An Environmental Management Strategy had been documented and implemented, management plans prepared, and an annual review process implemented. A website had been maintained which included information as required by the conditions of consent.

One non-compliance was raised in relation to environmental management, reporting and auditing.

- Records available did not demonstrate that strategies, plans, and programs had been reviewed following submission of incident reports. Condition 5-5 (Refer Non-compliance NC-05).

#### **3.5 Environmental Protection Licence (EPL 12007)**

An EPL had been issued for the operations, which places requirements on the site for the management of air, noise, water, and complaints. The site had complied with requirements for monitoring of noise, blasting, and surface water, and complaints management and reporting processes have been implemented and met.

No non-compliances were identified in relation to EPL requirements.

#### **3.6 Water Access Licence 24367 and 42446**

A Water Access Licences 24367 and 42446 had been obtained for extraction of groundwater from a bore for use in the Quarry.

Review of compliance with the conditions of the water licence found that, while the site had maintained a logbook to record information on groundwater usage, including date and times taken, and quantities, all required information was not recorded. As a result, one non-compliance was raised.

- While records of water extraction had been maintained records did not include the start and end time that water was taken. (Refer Non-compliance NC-06)

#### **3.7 Water Access Licence 24381**

Water Access Licence 24381 had been obtained for extraction of groundwater from the Quarry.

No non-compliances were identified in relation to the approval conditions of WAL 24381.

#### **Air Quality Management Plan**

An Air Quality Management Plan (AQMP) had been prepared for the project and approved by DPE on 19 May 2017. The AQMP included measures to minimise and monitor air quality impacts of the site's operations and requirements for air quality monitoring.

No non-compliances were identified in relation to the implementation of the air quality management plan.

#### **3.8 Water Management Plan**

A Water Management Plan (WMP) has been prepared for the Quarry (v2.0, 27 June 2019), which had been submitted to and approved by DPE (V1.0, approved 5/08/19).

Records were available to demonstrate that water monitoring had been conducted in compliance with the requirements of the consent conditions and EPL. It was noted that site specific water quality trigger levels had not been determined. It is recommended that a review of water quality data be undertaken to determine site specific water quality trigger levels.

Monthly inspections of the quarry, including infrastructure and water management measures were conducted.

Annual Aquatic monitoring had been conducted which did not identify any adverse impacts as the result of quarrying operations.

Water has been discharged from the site on seven occasions, three the results of uncontrolled discharge and four as a result of controlled discharge following high rainfall events. For each discharge event, actions had been identified, including increasing the capacity of the closed water management system and implemented to minimise the likelihood of further discharges. However, due to the extraordinary rainfall events in 2022 and saturated ground conditions, measured implemented were insufficient to prevent further discharges.

The approved Water Management Plan for the project does not consider discharge events as the closed water management system was designed with capacity greater than that required to contain the rainfall captured within the catchment area of the system (i.e. from back to back (i.e. on consecutive days) 1 in 100 year Average Recurrence Interval 18 hour rainfall events). However, given discharges have occurred, the Water Management Plan should be reviewed, the water balance updated and a process for the discharge of water included. It is noted that Hy-Tec were in the process of applying for permission to discharge if required.

All discharge events had been reported the EPA, with monitoring conducted following uncontrolled discharge events and daily monitoring undertaken during controlled discharges. All discharge events except the initial discharge on 26 March 2020 were reported to DPE. The discharge on 26 March 2020 was not reports as it was not considered to have caused environmental harm. Following subsequent discussions with DPE, Hy-Tec have amended their notification process to ensure that DPE are notified of All discharge events. Reports on discharge events identified no adverse impact on the surrounding environment as a result of the discharges.

It was noted that water quality had not been determined prior to discharge, with samples sent to the laboratory for analysis. Hy-Tec should consider obtaining equipment to measure water quality parameters prior to discharge to ensure that water discharged meets trigger levels prior to release.

Two non-compliances were raised in relation to implementation of the requirements of the Water Management Plan, Section 18 – Plan Review and Continual Improvement Protocol.

- The closed water management system had not been maintained to ensure adequate freeboard to prevent offsite discharge. (Refer Non-compliance NC-02).
- Records available did not demonstrate that strategies, plans, and programs had been reviewed following submission of incident reports. (Refer Non-compliance NC-04)

Two recommendations were also identified for consideration by Hy-Tec:

- It is recommended that a review of existing water quality data be undertaken to determine site specific trigger levels.

- It is recommended that water quality monitoring equipment be obtained to verify water quality meets site specific trigger levels prior to discharge.

### 3.9 Landscape Management Plan

The Quarry has been operating under a Landscape Management Plan (LMP) which had been submitted to DPE and approved on 19 May 2017. The LMP included requirements for clearing, threatened species, weeds and feral pests, and monitoring requirements. The LMP (Rev 03, April 2022) had been updated and approved on 22/04/2022.

Extraction activities had commenced within Domain 7 during the period covered by this audit.

Continued rehabilitation of the former silt pond (Domain 4) has been undertaken, and rehabilitation of the southeast corner where material had been removed had been undertaken. Topsoil removed from Domain 7 had been used to within Domain 4.

No non-compliances were identified in relation to the Landscape Management Plan.

### 3.10 Noise Management Plan

A Noise Management Plan (NMP) had been prepared for the project. The NMP had been updated and approved by DPE on 19 May 2017. The site had implemented measures to comply with site working hours, and noise monitoring had been conducted during operational periods of the quarry in accordance with the requirements of the noise management plan and the EPL. Noise monitoring results indicated the site was complying with noise limits.

No noise complaints had been received, and noise monitoring conducted has shown that the site is complying with noise limits.

### 3.11 Transport Management Plan

A Transport Management Plan and Driver Code of Conduct (TMP) had been updated and approved on 19 May 2017.

The audit found compliance with the requirements of the TMP. Records of truck movements were maintained from weighbridge information, which showed truck movements were compliant with site requirements. No complaints in relation to truck movements had been received.

Records of driver inductions, including the driver code of conduct, were available, and vehicle inspection checks had been conducted to verify compliance with site requirements.

No non-compliances were identified.

### 3.12 Heritage Management Plan

The audit found that the site was in compliance with requirements of the Heritage Management Plan (HMP). No unexpected heritage finds had been identified.

Records were available to verify that a cultural heritage training package had been developed and implemented.

### 3.13 Environmental Management Strategy

An Environmental Management Strategy (EMS) had been developed and implemented for the site. The EMS had been prepared in 2016 and approved by DPE on 19 May 2017.

No no-compliances were identified in regard to implementation of the EMS.

3.14 Areas of Non-compliance

Issue No.	Condition	Requirement	Issue sighted	Recommendation
01	Schedule 2 Condition 2	The Applicant shall carry out the development generally in accordance with the: <ul style="list-style-type: none"> <li>• EIS;</li> <li>• Statement of Commitments; and</li> </ul> conditions of this consent.	Three non-compliances have been identified against the requirements of the conditions of consent, triggering a non-compliance with Schedule 2 Condition 2.	It is recommended that all non-compliances identified are addressed and closed out.
02	Schedule 2 Condition 12	The Applicant shall: <ol style="list-style-type: none"> <li>(a) comply with Section 120 of the POEO Act, unless an EPL authorises otherwise;</li> <li>(b) ensure that the catchment of the water management system is not larger than 40 ha, unless the Secretary agrees otherwise;</li> <li>(c) maintain the dredge and silt ponds to capture a 1 in 100 ARI storm event plus adequate freeboard to ensure no offsite discharge; and</li> <li>(d) ensure that the loss of groundwater and surface water to Tinda Creek is no greater than predicted in the EIS in the dredge and silt ponds.</li> </ol>	The closed water management system had not been maintained to ensure adequate freeboard to prevent offsite discharge.	Review the adequacy of the capacity of the closed water management system to prevent uncontrolled discharge. Include in the Water Management Plan a process for the management of discharging water from the closed water system. Revise and update the Water Management Plan to following the review.
03	Schedule 3 Condition 16	Within 2 years of this consent, unless otherwise agreed with the Secretary, the Applicant shall make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of the Secretary. Note: <i>Mechanisms to provide appropriate long-term security to the land within the biodiversity offset strategy include a Biobanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity.</i>	Agreement on the long-term security of the offset area had not been obtained. In principle agreement with NPWS Offset area.	The agreement for the long-term security of the offset area should be finalised.
04	Schedule 3 Condition 21	Within 3 months of each Independent Environmental Audit (see condition 9 of schedule 5), the Applicant shall review, and if necessary, revise, the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Secretary. This review must consider the: <ol style="list-style-type: none"> <li>(a) effects of inflation;</li> <li>(b) likely cost of implementing the biodiversity offset strategy and rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the development); and</li> </ol>	The Conservation and Rehabilitation Bond had not been reviewed and updated within 3 months of the previous independent environmental audit.	Hy-Tec should ensure that the Conservation and Rehabilitation Bond is reviewed and, if necessary, reviewed within 3 months of the independent environmental audit.



		(c) performance of the implementation of the biodiversity offset strategy and rehabilitation of the site to date.		
05	Schedule 5 Condition 5 Water Management Plan Section 18	<p>Within 3 months of a modification to this consent or following the submission of an:</p> <ul style="list-style-type: none"> <li>a) annual review under condition 4 above;</li> <li>b) incident report under condition 7 below; or</li> <li>c) audit report under condition 9 below,</li> </ul> <p>the Applicant shall review, and if necessary, revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p>	Records available did not demonstrate that strategies, plans, and programs had been reviewed following submission of incident reports.	Where incidents have occurred, Hy-Tec should ensure that relevant management plans, strategies and programs are reviewed, and if necessary updated to incorporate any recommended measures to improve the environmental performance of the development.
06	WAL MW2337- 00001	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <ul style="list-style-type: none"> <li>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</li> <li>B. the access licence number under which the water is taken, and</li> <li>C. the approval number under which the water is taken, and</li> <li>D. the volume of water taken for domestic consumption and/or stock watering.</li> </ul>	While an electronic logbook had been maintained, the records do not include the start time and end time when water was taken.	Hy-Tec should update the WAL logbook to include provision for the recording of the start and end time when water was taken.

### 3.15 Areas of compliance

All other relevant conditions audited were found to be either compliant or not triggered. Refer to the audit checklist provided as an attachment for full details of compliance.

## 4 CONCLUSIONS

Hy-Tec had developed and generally implemented management plans and associated documentation to address the requirements of the conditions of consent.

While compliance with aspects of the conditions of the project approval and management plans was found, four non-compliances were raised where compliance with requirements of the conditions of consent, water access licences or management plans prepared for the site was not demonstrated. No non-compliances were identified with the EPL.

Hy-Tec should ensure that actions are identified and implemented to address the findings contained within this audit to enable compliance with all obligations and ensure environmental impacts of the developments are appropriately managed.

### ATTACHMENTS

- ✓ **Substantive Changes**
- ✓ **Auditor CV**
- ✓ **Audit Checklists**

### CIRCULATION

- ✓ **Hy-Tec Concrete and Aggregates**

## 5 Substantive Changes.

The following non-conformances were removed as the result of a review of the draft audit report provided to Hy-Tec.

No non-conformances were removed as following the review of the draft report.

## **Appendix A. - Previous Audit Findings**

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
N-01	Schedule 3-13	<p>The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by suitably qualified person/s approved by the Secretary;</li> <li>(b) be prepared in consultation with the EPA and NOW, and be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;</li> <li>(c) include a:                             <ul style="list-style-type: none"> <li>Site Water Balance that includes:                                     <ul style="list-style-type: none"> <li>• details of:   <ul style="list-style-type: none"> <li>▪ Quantity of water required to support operations;</li> <li>▪ sources and security of water supply, clearly differentiating between surface water and groundwater, and taking into account rainfall variability;</li> <li>▪ water use and management on site;</li> <li>▪ reporting procedures; and</li> <li>▪ measures to minimise clean water use on site;</li> </ul> </li> </ul> </li> <li>(d) Surface Water Management Plan, that includes:                                     <ul style="list-style-type: none"> <li>• detailed baseline data on surface water flows and quality in water bodies that could be affected by the development;</li> <li>• a detailed description of the surface water management system on site including the:   <ul style="list-style-type: none"> <li>▪ clean water diversion system;</li> <li>▪ erosion and sediment controls;</li> <li>▪ dirty water management system; and</li> <li>▪ water storages; and</li> </ul> </li> <li>• performance criteria, including trigger levels for investigating any potentially adverse surface water quality impacts;</li> </ul> </li> </ul> </li> </ul>	<p>In June 2017, an inspection of the site was conducted by DPIE. As a result, two provisional improvement notices were issued for:</p> <ul style="list-style-type: none"> <li>• Insufficient grassing of drainage channels; and</li> <li>• Breach in surface water drain.</li> </ul> <p><b>Surface water management systems had not been maintained to ensure the separation of clean and dirty water management systems and minimise sediment in water discharged from site.</b></p> <p>The site had implemented measures to address the provisional improvements notices. No further issues had been identified in relation</p>	<p>Hy-Tec has resolved this non-compliance in consultation with DPIE. The outcomes were reported in the Annual Review 2017.</p>	<p><b>Closed.</b></p>

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
		<ul style="list-style-type: none"> <li>• the measures that would be implemented to ensure compliance with the surface water performance criteria and relevant operating conditions of this consent;</li> <li>• a program to monitor and report on:                             <ul style="list-style-type: none"> <li>▪ any surface water discharges;</li> <li>▪ the effectiveness of the water management system;</li> <li>▪ surface water flows and quality in local watercourses;</li> <li>▪ A comparison of monitoring results with modelled predictions;</li> </ul> </li> </ul> <p>(e) Groundwater Management Plan, that includes: include a Groundwater Monitoring Program, that includes:</p> <ul style="list-style-type: none"> <li>• detailed baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores;</li> <li>• performance criteria for surrounding aquifers, privately-owned groundwater bores, including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>• the measures that would be implemented to ensure compliance with the groundwater performance criteria and relevant operating conditions of this consent;</li> <li>• a program to monitor and report on:                             <ul style="list-style-type: none"> <li>○ groundwater inflows to the quarry pit (quarterly monitoring is required, unless otherwise agreed with the Secretary);</li> <li>○ the impacts of the development on surrounding aquifers, privately-owned groundwater bores and Tinda Creek; and</li> <li>○ a program to validate the groundwater model for the development, and compare monitoring results with modelled predictions; and</li> </ul> </li> </ul>	<p>to site water management.</p> <p><b>Recommendation:</b> Hy-Tec need to ensure that surface water management systems are maintained to ensure the separation of clean and dirty water management systems and minimise sediment in water discharged from site.</p>		

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
		<p>(f) include a Surface and Groundwater Contingency Strategy, that includes:</p> <ul style="list-style-type: none"> <li>• a protocol for the investigation, notification and mitigation of identified exceedances of the surface water and groundwater impact assessment criteria;</li> <li>• measures to mitigate and/or compensate potentially affected landowners of privately owned land, including provision of alternative long-term supply of water to the affected landowner that is equivalent to the loss attributed to the development; and</li> <li>• the procedures that would be followed if any unforeseen impacts are detected during the development.</li> </ul>			
N-02	Schedule 3-30	<p>The Applicant shall:                      minimise the waste generated by the development;                      ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and                      report on waste management and minimisation in the Annual Review,                      to the satisfaction of the Secretary</p>	<p><b>Hy-Tec had not ensured the waste was stored and disposed of appropriately.</b>                      Equipment and other materials stored in the south-eastern corner of the site by previous operator.                      Noted that Hy-Tec had entered into a voluntary undertaking in June 2017 to remove the material. Material had been removed and the area was being revegetated.</p>	<p>Hy-Tec considers that it has satisfied the requirements of the voluntary undertaking. However, DPIE has requested additional information to be presented on the need for direct seeding and monitoring outcomes for the Grevillea Parviflora for Spring 2019. It is advised that the Gospers Mountain Bushfire has burnt through the area during the period of the audit response preparation.                      The land the subject to the voluntary undertaking would be transferred to Yango National Park in satisfaction of the offsetting obligations of the operations.                      Officers from National Parks have visited and reviewed the location and were satisfied that in its current condition it was satisfactory for inclusion in Yengo National Park.</p>	Closed

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
			<p><b>Recommendation:</b> No further action required.</p>		
<p><b>N-03</b></p>	<p>Schedule 4-1</p>	<p>As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria.</p>	<p><b>Hy-Tec had not notified affected landowners in writing of dust exceedance, and provided regular monitoring results to each affected landowner until the development is again complying with the dust criteria.</b></p> <p>Exceedances of the deposited dust criteria at DG1 in 2017 as a result of organic matter. No notification to landowners. Review of monitoring data undertaken, which identified contamination of the sample through organic matter as the cause of elevated results. Low ash content of samples vindicate decision that high results were not the result of Quarry activities.</p>	<p>Review of monitoring data undertaken which identified contamination of the sample through organic matter as the cause of the elevated results. low ash content of samples vindicate decision that high results were not the result of quarry activities and therefore believed to be not reportable.</p> <p>Hy-Tec has installed bird deterrent devices on the dust gauges as at the quarry which has significantly decreased the level of dust recorded in the dust gauges (from January 2019).</p> <p>Results since January 2019 reflect that very little dust is generated from the dredging and predominantly wet processing activities. Hy-Tec will ensure, where dust exceedances that are attributable to the quarry occur, that affected landowners are notified.</p>	<p>Quarry response acceptable. Subsequent dust results were consistently below site criteria.</p> <p><b>Closed</b></p>



Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
			<p><b>Recommendation:</b> Hy-Tec should ensure that, where exceedances occur, affected landowners are notified.</p>		
N-04	Schedule 5-2	<p>The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant shall, at the earliest opportunity:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;</li> <li>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</li> <li>(c) implement remediation measures as directed by the Secretary;</li> </ul> <p>to the satisfaction of the Secretary.</p>	<p><b>Exceedance of the annual dust deposition criterion occurred in 2017.</b></p> <p>Hy-Tec had samples analysed by University of Queensland, which identified high levels of polysaccharide slime and fungi, insect debris, and plant debris.</p> <p>Noted that insoluble solids exceeded criterion, while ash content was less than criterion. Dust resulting from quarry activities would be expected to remain as ash.</p> <p><b>Recommendation:</b> Investigations identified that the dust exceedance was not the result of quarry activities. No further action required.</p>	Refer to above response.	<p>Subsequent dust results were consistently below site criteria.</p> <p><b>Closed</b></p>

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
N-05	Schedule 5-7	The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	<ul style="list-style-type: none"> <li>Exceedances of the dust deposition criteria had been recorded in 2017 and 2018.</li> <li>Groundwater level at one location dropped below the trigger level in October 2018. Report provided to DPI&amp;E in December 2018.</li> </ul> <p><b>The Secretary had not been notified within 7 days of identification of the exceedance.</b>  <b>Recommendation:</b> Hy-Tec should ensure that the Secretary is notified within 7 days of any incidents as defined in management plans.</p>	<p>Annual deposited dust levels are reported in the annual review documentation.</p> <p>As activities at the Quarry involved mostly dredging and predominantly wet processing activities, it was not considered likely that high dust levels results were caused by Quarry operations. Low ash content of samples vindicate decision that high results were not the result of Quarry activities. Therefore notification to DPIE was not considered necessary. However all future exceedances would be notified in accordance with this condition.</p> <p>Hy-Tec commissions monthly manual groundwater level monitoring and has installed continuous data loggers in most monitoring bores to provide detailed data on fluctuations in groundwater levels at the Quarry. The trend in groundwater levels has been decreasing across the Quarry and in bores outside the Quarry over the last few years (with some minor uplift in response to rainfall events). this is considered to be due to drought conditions. Hy-Tec is yet to receive a formal response from DPIE on the groundwater level investigation.</p>	<p>Subsequent dust results were consistently below site criteria.</p> <p><b>Closed</b></p>
N-06	Schedule 5-10	Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report. If the	<p>Audit conducted 24/01/17.                      Report provided to DPI&amp;E 15/05/17.  <b>Report had not been provided within 6 weeks of</b></p>	<p>Independent auditor faced personal health issues that prevented the completion of the report within the time frame. this was reported to the department at the time and agreed for a later completion date. This administration delay did not cause environmental harm.</p>	<p>Previous report submitted within 6 weeks of completion of the audit.</p>

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
		Applicant intends to defer the implementation of a recommendation, reasons must be documented.	<p><b>completion of the audit.</b></p> <p><b>Recommendation:</b> Hy-Tec should ensure that reports are provided to the DPI&amp;E within required timeframes. Where circumstances outside the control of Hy-Tec prevent the report from being provided within the required timeframe, Hy-Tec should seek an extension of time for submission of the report.</p>	Audit report was completed and sent to DPIE.	<b>Closed</b>
N-07	WAL 24367 MW2337-00001	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p>	<p>Excel spreadsheet maintained which records dates, meter reading and volume.</p> <p><b>Access licence number, approval number and time water taken not recorded.</b></p> <p><b>Recommendation:</b> Hy-Tec should ensure that all information required by the Water licence is recorded in the logbook.</p>	<p>Hy-Tec maintained sufficient records to ensure the water usage was compliant with the licence.</p> <p>Hy-Tec will modify the excel spreadsheet to ensure additional information required by the water access licence is recorded.</p>	<p>Excel spreadsheet updated to include required information.</p> <p><b>Closed</b></p>

Issue No.	Condition	Requirement	Issue sighted	Hy-Tec Response	2022 Status
N-08	WAL 24381 MW2337-00001	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p>	<p><b>No logbook maintained for water extraction under licence 24381.</b></p> <p><b>Recommendation:</b> Hy-Tec should ensure that a logbook is maintained for Water Access Licence 24381.</p>	<p>Water Access Licence 24381 incorporates an allowance of 40 ML/year to account for groundwater that has seeped into the active extraction area and/or ponds and is lost through evaporative processes. given the minor volumes of water that seeped into the surface for the management system (through the walls of the active extraction domain), this allocation is deliberately overestimated and is considered more than sufficient to cover requirements.</p> <p>it is not physically possible to record groundwater seepage, therefore the conditional requirement to maintain a logbook is not possible to comply with.</p>	<p>Excel spreadsheet developed to include required information.</p> <p><b>Closed</b></p>

## **Appendix B. – Auditor Approval**



Department of Planning and Environment

AUS - 10 RHYOLITE PTY LIMITED  
ACN: 002 325 144  
Unit 4 Gateway Business Park  
63-79 Parramatta Road  
Silverwater New South Wales 2128

19 April 2022

Dear Mr Thiedeke

**Tinda Creek Quarry - Appointment of Auditor for IEA - 2022 (SSD-4978)**

I refer to your request (SSD-4978-PA-19) for the Secretary's approval of suitably qualified persons to prepare the triennial Independent Environmental Audit (IEA) as required by Schedule 5, Condition 9 of SSD-4978 (Consent).

The Department of Planning and Environment (Department) has reviewed the nomination and information provided and is satisfied that the auditor is suitably qualified and experienced.

In accordance with Schedule 5, Condition 9 of the Consent, as a nominee of the Planning Secretary, I endorse to the appointment of the following auditor from James Hart Consulting:

- James Hart – Lead auditor

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Conditions 5 and 6 of the Consent. The Department also recommends consideration be given to the *Compliance Reporting Post Approval Requirements May 2020* to the extent that it does not contradict Conditions 5 and 6 of the Consent. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the endorsement of the audit team above, each respective audit under this consent, or any other project or consent, requires a request for the endorsement of the auditor or audit team to be submitted to the Department for consideration of the Planning Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Should you wish to discuss the matter further, please contact Gabriel Peters Shaw on 02 8837 6395 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

Department of Planning and Environment



A handwritten signature in black ink, appearing to read "Julia Pope".

Julia Pope  
Team Leader Compliance - Metro  
Compliance

As nominee of the Planning Secretary

## Appendix C. – Audit Tables



Audit Checklist – Development Consent SSD-4978

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Schedule 2– Administrative Controls</b>					
<b>Obligation to Minimise Harm to the Environment</b>					
1.	1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	No material harm to the environment as a result of the operations had been reported.	Compliant	
<b>Terms of Approval</b>					
2.	2	The Applicant shall carry out the development generally in accordance with the: <ul style="list-style-type: none"> <li>• EIS;</li> <li>• Statement of Commitments; and</li> <li>• conditions of this consent.</li> </ul>	Results of this audit show that the development has been carried out in general accordance with requirements.  <b>Recommendation:</b> It is recommended that all non-compliances identified in this report are addressed and closed out.	<b>Not Compliant</b>	<b>01</b>
3.	3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	No inconsistencies have been identified	Not Triggered	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
4.	4	The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; or (c) the implementation of any actions or measures contained in these documents.	The audit results show that the applicant had complied with the requirements of the Secretary. Plans have been updated to reflect comments provided by DPIE.	Compliant	
<b>Limits of Consent</b>					
5.	5	Quarrying operations may take place on site until 31 December 2045.	Current year 20122	Compliant	
6.	6	The Applicant shall not: (a) extract or process more than 300,000 tonnes of sand in any calendar year; or (b) undertake extraction operations beyond 15 m below the natural ground surface.	44,354T extracted for Calendar year 2019. 91,424T extracted for Calendar year 2020. 94,041T extracted for Calendar year 2021 37,339 T extracted 2022 to end of June 2022.  Completed extracting Domain 6 – Band of shale/sandstone @ approximately 11 metres.  Currently in Domain 7 – Currently at approximately 5 metres. Not surveyed at this stage. Verified during site inspection.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
7.	7	The Applicant shall not: (a) transport more than 300,000 tonnes of sand from the site in a calendar year; and (b) dispatch more than 34 trucks per day or receive more than 34 trucks per day, averaged over a calendar month	Material transported: 46,942T for Calendar year 2019 93,488T for Calendar year 2020. 96,703T for calendar year 2021 37,670 to end of June 2022 Records of truck movements maintained through weighbridge management system – Monthly average < 13 trucks /day Maximum 30 trucks on 3/03/2021.	Compliant	
8.	8	Within 6 months of the date of this consent, or as otherwise agreed by the Secretary, the Applicant shall surrender the development consent (DA 0134/95) for the existing operations on the site in accordance with Section 104A of the EP&A Act	Surrendered 7/12/2015 by Birdon Contracting. Verified previous audit.	Compliant	
<b>Structural Adequacy</b>					
9.	9	The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	No new buildings or alterations have occurred.	Not Triggered	
<b>Demolition</b>					
10.	10	The Applicant shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Demolition has been undertaken to remove structures from the Biodiversity offset area. Asbestos Clearance certificate sighted (8/06/18). Demolition by licenced demolition contractor - Qubicon Group Pty Ltd – Class A Asbestos Removal Licence.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Protection of Public Infrastructure</b>					
11.	11	The Applicant shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.  Note: This condition does not apply to damage to roads caused as a result of general road usage.	No damage to public infrastructure had been reported.	Not Triggered	
<b>Operation of Plant and Equipment</b>					
12.	12	The Applicant shall ensure that all the plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Maintained electronically in 'Gearbox'.  Records available for equipment on site, e.g. Komatsu excavator, Water Pump, Komatsu AH-HM400 dump truck, Komatsu WA 480-6A front end loader. dozer, dump truck.  Records for service of Komatsu HB365LC-3 excavator sighted – 200hr service due 20/05/2022, completed 3/06/2022, 250 hour service 18/03/2022 500hr service 12/01/2022.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Updating and Staging Strategies, Plans or Programs</b>					
13.	13	<p>With the approval of the Secretary, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis.</p> <p>To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.</p> <p>With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent</p>	All plans have been submitted to DPIE. Approved in May 2017, with the exception of the Water Management Plan - approved in August 2019.	Compliant	
14.	14	Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall implement the existing strategies, plans or programs for the site that have been approved under DA 0134/95	Currently operating under the revised plans as submitted and approved by DPIE.	Compliant	
<b>Production Data</b>					
15.	15	<p>The Applicant shall:</p> <p>(a) provide annual quarry production data to DRE using the standard form for that purpose; and</p> <p>(b) include a copy of this data in the Annual Review (see condition 4 of schedule 5).</p>	<p>Reports sighted. Submitted</p> <p>28/10/2019.</p> <p>28/10/2020</p> <p>27/10/2021</p> <p>Extractive Materials Form included in annual Return.</p>	Compliant	
<b>Developer Contributions</b>					
16.	16	The Applicant shall pay Council road maintenance contributions consistent with Council's <i>Section 94 Contributions Plan</i> , or its latest version.	<p>Road levy paid on a monthly basis.</p> <p>Records of payment sighted January 2019 – September 2019.</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Schedule 3 - ENVIRONMENTAL PERFORMANCE CONDITIONS</b>					
<b>Identification of Approved Extraction Limits</b>					
17.	1	Prior to undertaking extraction operations under this consent, the Applicant shall, the Applicant shall: (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the development area; and (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.	Boundary limits have been surveyed and pegged. Provided by Degotardi Smith and Partners 30/06/15. Submitted 30/11/16. Boundary pegs verified during site inspection.	Compliant	
18.	2	While extraction operations are being carried out, the Applicant shall ensure that these boundaries are clearly marked at all times.	Pegs are provided around the site to delineate the boundaries and internal work areas. Verified during site inspection	Compliant	
<b>Hours of operation</b>					
19.	3	The Applicant shall comply with the operating hours set out in Table 1 <i>Table 1: Operating Hours</i> <b>Activity Operating Hours</b> <b>Extraction operations and deliveries</b> <ul style="list-style-type: none"> <li>○ 7 am to 6 pm, Monday to Friday</li> <li>○ 7 am to 3 pm, Saturday</li> <li>○ No activities on Sundays or Public Holidays</li> </ul> <b>Dispatch</b> <ul style="list-style-type: none"> <li>○ 5 am to 10 pm, Monday to Friday</li> <li>○ 6 am to 3 pm, Saturday</li> </ul> <b>Construction activities</b> <ul style="list-style-type: none"> <li>○ 7 am to 6 pm, Monday to Friday</li> </ul>	Hours are included in induction Truck drivers cannot load prior to 5 am Mon-Fri, 6am Saturday . TBT at 6.00am (sighted 14/07/2022). Loading permitted. No production before 7am. Work commence at 7am. Finish production at 3.30pm. Weighbridge system locked out before 5am and after 10pm. Records reviewed for July 2022 – Showed first truck arrived 5am, completed at 5.08am. Arrival and departure times are recorded on truck docketts.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>○ 8 am to 1 pm, Saturday</li> </ul> No construction to be undertaken on Sundays or Public Holidays <b>Maintenance activities</b> 24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence	Site induction includes site operating hours.  Average 10.4 vehicles for the month of June 2022 (noted previous months <6 day).		
<b>Noise Criteria</b>					
20.	4	The Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 2 (Table 2: Noise criteria dB (A)) at any residence on privately-owned land.  Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Appendix 6 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.  However, these criteria do not apply if the Applicant has an agreement with the relevant landowner to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.	Noise monitoring conducted on 16 April 2020, 11 May 2021 and 13 April 2022.  Unattended noise monitoring was conducted at two near-field locations close to the quarry operations, with attended noise monitoring conducted at the boundary gate of the nearest residential receiver.  Report found that noise levels at were below the noise limits stipulated in the EPL.	Compliant	
<b>Operating Conditions</b>					
21.	5	The Applicant shall: <ul style="list-style-type: none"> <li>(a) implement all reasonable and feasible mitigation measures to minimise the construction, operational and road noise of the development;</li> <li>(b) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent,</li> </ul>	Noise monitoring conducted on 16 April 2020, 11 May 2021 and 13 April 2022.  Annual noise monitoring conducted has found that noise emitted by the quarry operations was below the noise limits stipulated in the EPL.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		(c) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 6); (d) carry out noise monitoring to determine whether the development is complying with the relevant conditions of this consent; to the satisfaction of the Secretary.			
<b>Noise Management Plan</b>					
22.	6	The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA, and be submitted to the Secretary within 6 months of the date of this consent, unless the Secretary agrees otherwise; (b) describe the reasonable and feasible mitigation measures that would be implemented to ensure: <ul style="list-style-type: none"> <li>• construction noise is minimised;</li> <li>• compliance with the relevant noise criteria and operating conditions in this consent;</li> <li>• best management practice is being employed; and</li> <li>• the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply;</li> </ul> (c) describe the proposed noise management system on site; and (d) include a monitoring program that: <ul style="list-style-type: none"> <li>• uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent;</li> <li>• evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; and</li> </ul>	Noise management plan prepared and submitted for approval. Initial submission 30/10/15. Updated May 2017	Compliant	



JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.</li> </ul>			
<b>Air Quality Impact Assessment Criteria</b>					
23.	7	The Applicant shall implement all reasonable and feasible avoidance and mitigation measures so that particulate matter emissions generated by the development do not exceed the criteria in Tables 3 to 5 at any residence on privately-owned land.	Dust suppression measures implemented on site. Water cart available. Sand is maintained in a wet condition to minimise dust generation. Road sealed into site between Putty Road and the weighbridge. Approved Air Quality Management Plan requires TSP and PM <sub>10</sub> monitoring to be conducted should complaints be received.	Compliant	
<b>Operating Conditions</b>					
24.	8	The Applicant shall: <ol style="list-style-type: none"> <li>implement all reasonable and feasible measures to minimise the dust emissions of the development;</li> <li>minimise surface disturbance of the site; and</li> <li>monitor and report on compliance with the relevant air quality criteria in this consent.</li> </ol>	Dust control measures have been identified in the Air Quality Management Plan. Water cart available. Sand is maintained in a wet condition to minimise dust generation. Road sealed into site between Putty Road and the weighbridge. Deposition dust monitoring conducted at three locations, although only monitoring at DG! Is required under the AQMP. ALS undertake sampling and analysis of dust deposition samples.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			Annual average dust deposition levels at DG1 were: 2019 – 0.9 g/m <sup>2</sup> /mth. 2020 – 1.1 g/m <sup>2</sup> /mth 2021 – 0.6 g/m <sup>2</sup> /mth 2022 – 0.4 g/m <sup>2</sup> /mth  Annual average dust deposition levels at all dust gauges for the period covered by this report were <4g/m <sup>2</sup> /mth.		
<b>Air Quality Management Plan</b>					
25.	9	The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:  (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;  (b) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> <li>• compliance with the air quality criteria and operating conditions under this consent; and</li> <li>• best practice management is being employed</li> </ul> (c) include an air quality monitoring program that: <ul style="list-style-type: none"> <li>– evaluates and reports on:                             <ul style="list-style-type: none"> <li>• the effectiveness of the air quality management measures; and</li> <li>• compliance with the air quality criteria and operating conditions; and</li> </ul> </li> </ul>	Air Quality Management Plan prepared and submitted to DPE. Initial plan submitted 30/10/16.  Extension of time provided 10/10/15 for submission of plans.  Plan approved and issued May 2017.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.</li> </ul>			
<b>Meteorological Monitoring</b>					
26.	10	For the life of the development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	Meteorological station provided on site near site office  Davis Advantage Pro 2.	Compliant	
<b>SOIL AND WATER</b>					
<b>Water Supply</b>					
27.	11	The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of the Secretary.	Three water access licences obtained for site. Allows for extraction of up to 60ML (WAL42446), 15ML (WAL24367), 40ML (WAL24381)	Compliant	
<b>Water Pollution</b>					
28.	12	The Applicant shall: <ul style="list-style-type: none"> <li>(a) comply with Section 120 of the POEO Act, unless an EPL authorises otherwise;</li> <li>(b) ensure that the catchment of the water management system is not larger than 40 ha, unless the Secretary agrees otherwise;</li> <li>(c) maintain the dredge and silt ponds to capture a 1 in 100 ARI storm event plus adequate freeboard to ensure no offsite discharge; and</li> <li>(d) ensure that the loss of groundwater and surface water to Tinda Creek is no greater than predicted in the EIS in the dredge and silt ponds.</li> </ul>	EPL 12007 provides criteria for water discharge. Water Management Plan – Section 2.5 provides calculations for 1 in 100 year ARI storm event. Required to maintain at least 1 metre of freeboard in the dredge pond to maintain sufficient capacity. Based on 29 January 2017 LiDAR captured over the site, the closed water management system had an area of 20.6 ha or approximately 50% of the maximum allowed (see Figure 6.2 of WMP). Closed water management system had been modified, increased to 35.6 Ha as a result of extensions to the working area of	<b>Not Compliant</b>	<b>02</b>

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<p>Domain 6 and modifications to the diversion area.  Controlled discharges have occurred on three occasions to maintain adequate freeboard.  Four uncontrolled water discharges have occurred where the closed water system had overflowed:</p> <p>26 March 2020 - approximately 20 000L to 30 000L was discharged from the closed water management system following an un-forecasted late evening / early morning storm event on the evening of 25 March and into the early morning on 26 March 2020. Water transfer pipes had been left closed.</p> <p>4/11/2020 - Water overtopped the northern wall of the closed water management system and discharged into the site's northern clean water diversion drain. An operational planning error led to a delay in opening the water transfer pipes between the sediment pond and the dredge pond. Following this event an overflow safety mechanism was put in place.</p> <p>2/03/2021 - A dredge transfer pipe transferring high solids slurry from the dredge pond to the site's wash plant ruptured. All materials that were discharged were contained within the drainage channel and removed.</p>		

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<p>July 2022 – an uncontrolled discharge of water occurred from the closed water management system as a result of a significant rainfall event (248mm over 5-days).</p> <p><b>The closed water management system had not been maintained to ensure adequate freeboard to prevent offsite discharge.</b></p> <p><b>Recommendation: Review the adequacy of the capacity of the closed water management system to prevent uncontrolled discharge. Revise and update the Water Management Plan to following the review.</b></p>		
<b>Water Management Plan</b>					
29.	13	<p>The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified person/s approved by the Secretary;</p> <p>(b) be prepared in consultation with the EPA and NOW, and be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;</p> <p>(c) include a:                      Site Water Balance that includes:</p> <ul style="list-style-type: none"> <li>• details of:                             <ul style="list-style-type: none"> <li>▪ Quantity of water required to support operations;</li> <li>▪ sources and security of water supply, clearly differentiating between surface water and groundwater, and taking into account rainfall variability;</li> <li>▪ water use and management on site;</li> <li>▪ reporting procedures; and</li> <li>▪ measures to minimise clean water use on site;</li> </ul> </li> </ul>	<p>Water quality management plan, Version 2, August 2019 available.                      Approved by the Secretary 5/08/2019.</p> <p>It was noted that Section 5.3 of the Water Management Plan identifies that site specific trigger levels relevant to the intermittent and infrequent flow conditions in Tinda Creek will be developed over time.</p> <p><b>It is recommended that a review of existing water quality data be undertaken to determine site specific trigger levels.</b></p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>(d) Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> <li>• detailed baseline data on surface water flows and quality in water bodies that could be affected by the development;</li> <li>• a detailed description of the surface water management system on site including the:                             <ul style="list-style-type: none"> <li>▪ clean water diversion system;</li> <li>▪ erosion and sediment controls;</li> <li>▪ dirty water management system; and</li> <li>▪ water storages; and</li> </ul> </li> <li>• performance criteria, including trigger levels for investigating any potentially adverse surface water quality impacts;</li> <li>• the measures that would be implemented to ensure compliance with the surface water performance criteria and relevant operating conditions of this consent;</li> <li>• a program to monitor and report on:                             <ul style="list-style-type: none"> <li>▪ any surface water discharges;</li> <li>▪ the effectiveness of the water management system;</li> <li>▪ surface water flows and quality in local watercourses;</li> <li>▪ A comparison of monitoring results with modelled predictions;</li> </ul> </li> </ul> <p>(e) Groundwater Management Plan, that includes:                      include a Groundwater Monitoring Program, that includes:</p> <ul style="list-style-type: none"> <li>• detailed baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores;</li> <li>• performance criteria for surrounding aquifers, privately-owned groundwater bores, including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>• the measures that would be implemented to ensure compliance with the groundwater performance criteria and relevant operating conditions of this consent;</li> <li>• a program to monitor and report on:                             <ul style="list-style-type: none"> <li>○ groundwater inflows to the quarry pit (quarterly monitoring is required, unless otherwise agreed with the Secretary);</li> </ul> </li> </ul>	<p>Three controlled discharges of water from the closed water system had occurred. Daily water sampling conducted and sent to laboratory for analysis.  <b>It is recommended that water quality monitoring equipment be verify water quality meets site specific trigger levels prior to discharge.</b></p>		

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>○ the impacts of the development on surrounding aquifers, privately-owned groundwater bores and Tinda Creek; and</li> <li>• a program to validate the groundwater model for the development, and compare monitoring results with modelled predictions; and</li> </ul> (f) include a Surface and Groundwater Contingency Strategy, that includes: <ul style="list-style-type: none"> <li>• a protocol for the investigation, notification and mitigation of identified exceedances of the surface water and groundwater impact assessment criteria;</li> <li>• measures to mitigate and/or compensate potentially affected landowners of privately owned land, including provision of alternative long-term supply of water to the affected landowner that is equivalent to the loss attributed to the development; and</li> </ul> the procedures that would be followed if any unforeseen impacts are detected during the development.			
<b>Heritage</b>					
<b>Heritage Management Plan</b>					
30.	14	The Applicant shall prepare and implement a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must: <ul style="list-style-type: none"> <li>(a) be prepared in consultation with OEH, and Aboriginal stakeholders for matters relating to Aboriginal heritage values;</li> <li>(b) be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;</li> <li>(c) describe the measures that would be implemented for:                             <ul style="list-style-type: none"> <li>○ managing identified heritage objects, previously unidentified heritage objects or the discovery of any human remains on site; and</li> </ul> </li> </ul> ensuring ongoing consultation with Aboriginal stakeholders in the conservation and management of any Aboriginal cultural heritage values on site.	Heritage Management Plan prepared and submitted for approval.  Extension of time provided 10/10/15 for submission of plans. Plan submitted 10/12/15.  Approved 19 May 2017. No further updates have been undertaken.	Compliant	
<b>Landscape and Rehabilitation</b>					

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #								
<b>Biodiversity Offset Strategy</b>													
31.	15	The Applicant shall implement the biodiversity offset strategy described in the EIS, as summarised and revised in Table 6, and shown conceptually in Appendix 5, to the satisfaction of the Secretary. <i>Table 6: Biodiversity Offset Strategy (ha)</i> <table border="1" data-bbox="369 558 1232 630"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum</th> <th>Size (ha)</th> </tr> </thead> <tbody> <tr> <td>On-site</td> <td>Offset Area</td> <td>Existing vegetation to be enhanced</td> <td>106.6</td> </tr> </tbody> </table>	Area	Offset Type	Minimum	Size (ha)	On-site	Offset Area	Existing vegetation to be enhanced	106.6	Biodiversity Offset Strategy included in Section 12 of the Landscape Management Plan. Area agreed for offset as per the EIS.	Compliant	
Area	Offset Type	Minimum	Size (ha)										
On-site	Offset Area	Existing vegetation to be enhanced	106.6										
32.	16	Within 2 years of this consent, unless otherwise agreed with the Secretary, the Applicant shall make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of the Secretary. <i>Note: Mechanisms to provide appropriate long-term security to the land within the biodiversity offset strategy include a Biobanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity</i>	In principle agreement with NPWS Offset area. Extension had been obtained for agreement on security of the offset area until 29 April 2022. No further extensions have been provided.  <b>Agreement on the long-term security of the offset area had not been obtained.</b>	<b>Not Compliant</b>	<b>03</b>								
33.	17	<b>Rehabilitation Objectives</b> The Applicant shall rehabilitate the site to the satisfaction of the Secretary. The final landform must: (a) be generally consistent with the proposed rehabilitation strategy in the EIS, and the final landform shown conceptually in Appendices 4 and 5. And (b) comply with the objectives in Table 7.	Continued rehabilitation in Domain 4 using topsoil from Domain 7. Rehabilitation has been undertaken in general accordance with the objectives identified in Table 7.	Compliant									
34.	18	<b>Progressive Rehabilitation</b> The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. Interim stabilisation measures must be implemented where reasonable and feasible to control erosion (both wind and water) in disturbed areas that are not active and which are not ready for final rehabilitation	Rehabilitation of the former silt pond has continued with vegetation establishment and minor reshaping around the perimeters of the site are ongoing.	Compliant									
<b>Landscape Management Plan</b>													



JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
35.	19	<p>The Applicant shall prepare and implement a Landscape Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with OEH, and be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;</li> <li>(b) provide details of the conceptual final landform and associated land uses for the site;</li> <li>(c) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;</li> <li>(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy and rehabilitation of the site, including triggers for any necessary remedial action;</li> <li>(e) describe the short, medium and long term measures that would be implemented to: <ul style="list-style-type: none"> <li>o manage remnant vegetation and habitat on site and in the offset area; and</li> <li>o ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;</li> </ul> </li> <li>(f) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan) including the procedures to be implemented for: <ul style="list-style-type: none"> <li>o maximising the salvage of environmental resources within the approved disturbance area,</li> <li>o including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation;</li> <li>o restoring and enhancing the quality of native vegetation and fauna habitat in the biodiversity and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;</li> </ul> </li> </ul>	<p>Landscape Management Plan prepared and submitted for approval 9/10/15. Approved 19/05/2017. Updated and approved by DPE on 28/04/2022. Table 2.1 identifies how the Landscape Management Plan complies with the conditions of approval</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>○ protecting vegetation and fauna habitat outside the approved disturbance area on-site;</li> <li>○ minimising the impacts on native fauna, including undertaking pre-clearance surveys;</li> <li>○ ensure only appropriate activities occur within a 40 m buffer of the recorded small-flower grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>), (refer Figure 2 in Appendix 5);</li> <li>○ establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;</li> <li>○ ensuring minimal environmental consequences for threatened species, populations and habitats;</li> <li>○ collecting and propagating seed;</li> <li>○ controlling weeds and feral pests;</li> <li>○ controlling erosion;</li> <li>○ controlling access; and</li> <li>○ managing bushfire risk;</li> </ul> <p>(g) include a Koala Management Plan prepared generally in accordance with SEPP 44, the accompanying guidelines provided in <i>Circular B35 - State Environmental Planning Policy 44 - Koala Habitat Protection</i>, the <i>NPWS Policy and Procedure Statement No. 9 – Policy for the Translocation of Threatened Fauna in NSW</i> and the draft koala plan of management in the EIS;</p> <p>(h) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(i) identify the potential risks to the successful implementation of the biodiversity offset, and include a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>(j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>			
<b>Conservation and Rehabilitation Bond</b>					
36.	20	Within 6 months of the approval of the Landscape Management Plan, the Applicant shall lodge a Conservation and Rehabilitation Bond with the Department to ensure that the biodiversity offset strategy and	LMP approved 17/05/17. Approval of the Conservation and Rehabilitation bonds was provided on	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the plan and relevant conditions of this consent. The sum of the bond shall be determined by: <ul style="list-style-type: none"> <li>a) calculating the cost of implementing the biodiversity offset strategy over the next 3 years;</li> <li>b) calculating the cost of rehabilitating the site, taking into account the likely surface disturbance over the next 3 years of extraction operations; and</li> <li>c) (c) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Secretary.</li> </ul>	27/11/17, with bonds to be paid by 15/12/17. Conservation bond submitted 6/12/17 Rehabilitation Bond submitted 6/12/17.		
37.	21	Within 3 months of each Independent Environmental Audit (see condition 9 of schedule 5), the Applicant shall review, and if necessary revise, the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Secretary. This review must consider the: <ul style="list-style-type: none"> <li>(a) effects of inflation;</li> <li>(b) likely cost of implementing the biodiversity offset strategy and rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the development); and</li> <li>(c) performance of the implementation of the biodiversity offset strategy and rehabilitation of the site to date.</li> </ul>	IEA submitted conducted 9-10/10/2019.  Approval of the Conservation and Rehabilitation bonds was provided on 27/11/17, with bonds to be paid by 15/12/17. Conservation bond submitted 6/12/17 Rehabilitation Bond submitted 6/12/17 Bond updated and finalised 10/08/2021. Noted that reviewed bond was less than the previous bond. 30/10/2020 – Correspondence with DPE Requesting endorsement for Calculation of the Rehabilitation Bond. <b>Bond had not been reviewed and updated within 3 months of the previous independent environmental audit.</b> <b>Recommendation: Hy-Tec should ensure that the Conservation and Rehabilitation Bond is reviewed and, if necessary, reviewed within 3 months of the independent environmental audit.</b>	<b>Not Compliant</b>	<b>04</b>

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Transport</b>					
<b>Access Road and Intersection Construction</b>					
38.	22	The Applicant shall keep accurate records of all laden truck movements to and from the site (hourly, daily, and weekly, monthly and annually) and publish a summary of records on its website every 6 months.	Records are maintained in CAS – electronic system for managing weighbridge operations. Records were available on the company website.	Compliant	
<b>Operating Conditions</b>					
39.	23	The Applicant shall ensure that: (a) all laden trucks have appropriate signage, including a contact phone number, so they can be easily identified by road users; (b) all laden trucks entering or exiting the site have their loads covered; (c) all laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site; (e) no trucks queue at the entrance to the site before 6 am.	Instigated a code of conduct for truck drivers. Note Code of conduct states no trucks to queue at the entrance before 5am. Driver- Vehicle Check inspection sheets completed. System has been transferred from hard copy to digital in 2022. Sighted hard copy records up to 30/ 09 2021. Electronic records reviewed (e.g. 30/06/2022, no issues identified. Noted that gaps in completing checklists due to Covid-19 lockdown and natural disasters (floods, bushfires). Aim to complete inspections on each truck at least annually.	Compliant	
<b>Access Road and Intersection Construction</b>					
40.	24	Within 12 months from the date of this consent, unless the Secretary agrees otherwise, the Applicant shall upgrade the site access road and its intersection with Putty Road in accordance with applicable AUSTRROADS standards, and to the satisfaction of RMS.	Verified previous audit. The site access road has been sealed. No comments had been received from RMS on the upgrade work	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Transport Management Plan</b>					
41.	25	The Applicant shall prepare and implement a Transport Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with RMS and Council, and be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise; (b) include a drivers Code of Conduct for heavy vehicle drivers; and (c) describe the measures that would be put in place to ensure compliance with the drivers' code of conduct and include a program to monitor the effectiveness of the implementation of these measures.	Transport Management Plan prepared November 2016. Extension of time provided 10/10/15 for submission of plans.  Approved by DPE 19/05/17.	Compliant	
<b>Visual</b>					
42.	26	The Applicant shall: a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development on local residences and road users; and b) ensure that all external lighting associated with the development complies with the relevant Australian Standards, including Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version, to the satisfaction of the Secretary.	Site is in a remote location, and present operations on the site are distant and visually shielded from residents and road users so unlikely to have lighting impacts. It was acknowledged that as works progress closer to Putty Road, consideration will be given to the location and direction of security.	Compliant	
<b>Bushfire Management</b>					
43.	27	The Applicant shall ensure that the development is suitably equipped to respond to any fires on site; and assist the Rural Fire Service, emergency services and National Parks and Wildlife Service as much as practicable if there is a fire in the surrounding area.	Emergency response plan prepared for bushfires – (Reviewed December 2021). Reported that the site has been actively involved in assisting the Rural Fire Service during previous bushfires. Water tanker available (with hose). Noted that access to dam water had been provided to RFS for firefighting purposes. Fire extinguishers provided on site to respond to on-site fires	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			Used as a staging post by RFS. Water used by RFS for firefighting.		
<b>Waste</b>					
44.	28	The Applicant shall ensure that only certified VENM and ENM is imported to the site to aid in the minimisation of final voids	2021 – VEMN/EMN imported. Records of inspections at source site prior to delivery. Waste Classification completed prior to transport (stockpile) – sighted Stockpile A&B 25/01/2021 (provided by Geofirst Pty Ltd). 261 T from Stockpile A 708 T from Stockpile B. Test reports sighted. Photo records of delivered material. Test records sighted of material delivered to site. (Sighted Certificate of Analysis 31/03/2021 for samples collected 9/03/2021).	Compliant	
45.	29	The Applicant shall manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council.	Sighted – Approval to Operate Sewage Management Facility issued by Hawkesbury Council, received 28/04/2022.	Compliant	
46.	30	The Applicant shall: (a) minimise the waste generated by the development; (b) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and (c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary	Waste generated includes general waste, waste oils. Waste oil taken by service technician. Waste register maintained in the compliance dashboard. Waste oil collected by Cleanaway e.g. 21/09/2021 – Receipt 227981 General waste – Jim’s Bins Penrith. Waste reporting included in Section 4.7 of the Annual Review.	Compliant	



JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Schedule 4 – Additional Procedures</b>					
<b>Notification of Landowners</b>					
47.	1	As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria.	No exceedances have been recorded for the period covered by the current audit	Compliant	
<b>Independent Review</b>					
48.	2	<p>If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> consult with the landowner to determine his/her concerns;</li> <li><input type="checkbox"/> conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3; and</li> <li><input type="checkbox"/> if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and</li> </ul> <p>(b) give the Secretary and landowner a copy of the independent review.</p>	No requests had been received.	Not Triggered	



JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Schedule 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>					
<b>Environmental Management Strategy</b>					
49.	1	<p>The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted to the Secretary for approval within 6 months of the date of this consent;</p> <p>(b) provide the strategic framework for environmental management of the development;</p> <p>(c) identify the statutory approvals that apply to the development;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and</li> <li>• environmental performance of the development;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance;</li> <li>• respond to emergencies; and</li> </ul> <p>(f) include:</p> <ul style="list-style-type: none"> <li>• copies of any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.</li> </ul>	<p>Environmental Management Strategy prepared.</p> <p>DPE approval 17/05/17. No further updated conducted.</p>	Compliant	
<b>Adaptive Management</b>					
50.	2	<p>The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be</p>	<p>Seven instances where water was discharged from site.</p> <p>Two instances in 2020, two in 2021 and three in 2022 where site water was released to the environment.</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant shall, at the earliest opportunity:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;</li> <li>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</li> <li>(c) implement remediation measures as directed by the Secretary; to the satisfaction of the Secretary.</li> </ul>	<p>26 March 2020 - approximately 20 000L to 30 000L was discharged from the closed water management system following an un-forecasted late evening / early morning storm event on the evening of 25 March and into the early morning on 26 March 2020. Water transfer pipes had been left closed at this time. Reported to DPE 26/03/2020. Not reported to EPA as not considered to result in any material harm to the environment.</p> <p>4/11/2020 - Water overtopped the northern wall of the closed water management system and discharged into the site's northern clean water diversion drain. An operational planning error led to a delay in opening the water transfer pipes between the sediment pond and the dredge pond. Site did not become aware of incident until 16/12/2020. Following this event an overflow safety mechanism was put in place.</p> <p>EPA and DPE notified on 17/12/2020. Report requested by EPA provided 18/01/2021 (as per extension provided by EPA 11/01/2021).</p> <p>2/03/2021 @ 10.55am. - water discharged from the closed water system due to ruptured transfer pipe. Notified DPE/EPA 2/03/2021 @ 4.21pm via Email – verified).</p> <p>Incident 22642 raised. ~10m3 of material Report sent to DPE 9/02/2021 @ 5.40pm via Email.</p> <p>26/03/2021 to 1/04/2021 – controlled discharge due to significant rainfall event.</p> <p>17-18/03/22 – discharge as a result of flooding</p> <p>30/3/2022 - 1/04/2022 – Controlled discharge.</p>		

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<p>5/07/2022 Uncontrolled discharge as the result of excessive rainfall. Email to DPE and EPA 5/07/2021.</p> <p>While incidents were reported to DPE and EPA, no event was considered to result in material harm to the environment.</p>		
<b>Management Plan Requirements</b>					
51.	3	<p>The Applicant shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> <li>o the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>o any relevant limits or performance measures/criteria; and</li> <li>o the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</li> </ul> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>o impacts and environmental performance of the development; and</li> <li>o effectiveness of any management measures (see (c) above);</li> </ul> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(g) a protocol for managing and reporting any:</p>	<p>Management plans have been prepared and submitted to DPE for approval.</p> <p>Plans approved 17/05/2017, with the exception of the Water Management Plan, which was approved in August 2019.</p> <p>Landscape Management Plan Version 3 was reviewed and approved by DPIE on 28/04/2022.</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> <li>○ incidents;</li> <li>○ complaints;</li> <li>○ non-compliances with statutory requirements; and</li> <li>○ exceedances of the impact assessment criteria and/or performance criteria; and</li> </ul> <p>(h) a protocol for periodic review of the plan.</p>			
<b>Annual Review</b>					
52.	4	<p>By the end of December each year, or other timing as may be agreed by the Secretary, the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary.</p> <p>This review must:</p> <p>(a) describe the development (including rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> <li>• the relevant statutory requirements, limits or performance measures/criteria;</li> <li>• the monitoring results of previous years; and</li> <li>• the relevant predictions in the EIS;</li> </ul> <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.</p>	<p>2019 submitted – 31/03/2020</p> <p>2020 submitted -31/03/2021</p> <p>2021 submitted – Extension requested and approved by DPE. Submitted 8/04/2021.</p>	Compliant	
<b>Revision of Strategies, Plans and Programs</b>					

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
53.	5	<p>Within 3 months of a modification to this consent or following the submission of an:</p> <p>(a) annual review under condition 4 above;</p> <p>(b) incident report under condition 7 below; or</p> <p>(c) audit report under condition 9 below,</p> <p>the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</i></p>	<p>Management Plan review sheet sighted.</p> <p>Shows reviews completed:</p> <p>8/02/2020 Following independent environmental audit</p> <p>28/06/2020 – Following annual review</p> <p>30/04/2021 following annual review</p> <p>26/05 2022 following annual review.</p> <p><b>No formal review following incidents of water discharge.</b></p> <p><b>Recommendation:</b></p> <p>Where incidents have occurred, Hy-Tec should ensure that relevant management plans, strategies and programs are reviewed, and if necessary updated to incorporate any recommended measures to improve the environmental performance of the development.</p>	Not Compliant	05
<b>Community Consultative Committee</b>					
54.	6	<p>The Applicant shall establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the <i>Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments</i> (Department of Planning, 2007, or its latest version), and be operating within 6 months of the date of this consent.</p>	<p>Consultative committee had been established.</p> <p>Meetings twice per year (May and October).</p> <p>Meeting records available on website.</p>	Compliant	
<b>Reporting</b>					
55.	7	<p>The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	<p>Seven water discharges from the site have occurred.</p> <p>Two instances in 2020, two in 2021 and two in 2022 where site water was released to the environment.</p> <p>26 March 2020 - approximately 20 000L to 30 000L was discharged from the closed water management system following an un-</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<p>forecasted late evening / early morning storm event on the evening of 25 March and into the early morning on 26 March 2020.  Reported to DPE 26/03/2020. Not reported to EPA as not considered to result in any material harm to the environment.  4/11/2020 - Water overtopped the northern wall of the closed water management system and discharged into the site's northern clean water diversion drain. Site did not become aware of incident until 16/12/2020. EPA and DPE notified on 17/12/2020. Report requested by EPA provided 18/01/2021 (as per extension provided by EPA 11/01/2021).</p> <p>2/03/2021 @ 10.55am. - water discharged from the closed water system due to ruptured transfer pipe. Notified DPE/EPA 2/03/2021 @ 4.21pm via Email – verified).  Incident 22642 raised. ~10m3 of material Report sent to DPE 9/02/2021 @ 5.40pm via Email.  26/03/2021 to 1/04/2021 – controlled discharge due to significant rainfall event.  17-18/03/22 – discharge as a result of flooding  30/3/2022 - 1/04/2022 – Controlled discharge.</p> <p>5/07/2022 Discharge as the result of excessive rainfall. Email to DPE and EPA 5/07/2021. No report has been provided.</p> <p>While incidents were reported to DPE and EPA, no event was considered to result in material harm to the environment.</p>		

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
56.	8	The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	Annual reports are provided on the company website. Water, dust and noise monitoring results were available on the website.	Compliant	
<b>Independent Environmental Audit</b>					
57.	9	<p>Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> <li>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</li> <li>(b) include consultation with the relevant agencies, Council and the CCC;</li> <li>(c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals);</li> <li>(d) review the adequacy of any approved strategy, plan or program required under these approvals; and</li> <li>(e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals.</li> </ul> <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i></p>	<p>Date of consent 10/04/15.</p> <p>Noted that the previous DA was not surrendered until 10/12/15.</p> <p>Previous audit conducted 9-10/10/2019. Current audit conducted 5-6/07/2022.</p>	Compliant	
58.	10	Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.	Audit conducted 9-10/10/2019. Report provided to DPE 24/11/2019.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Access to Information</b>					
59.	11	<p>Within 6 months of the date of this consent, the Applicant shall:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>• the EIS;</li> <li>• current statutory approvals for the development;</li> <li>• approved strategies, plans and programs required under the conditions of this consent;</li> <li>• a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</li> <li>• a complaints register, which is to be updated monthly;</li> <li>• minutes of CCC meetings;</li> <li>• the annual reviews of the development (for the last 5 years);</li> <li>• any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;</li> <li>• any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	<p>The following information was available on the company website:</p> <ul style="list-style-type: none"> <li>• EIS Documents;</li> <li>• Tinda Creek Annual Reviews for 2015 to 2021.</li> <li>• Tinda Creek Audit Report Jan 2017</li> <li>• Tinda Creek Audit Report Jan 2017 Response</li> <li>• Tinda Creek EPC 2013-2018 Review of Compliance</li> <li>• Tinda Creek EPC 2013-2019 Review of Compliance</li> <li>• Tinda Creek Independent Environmental Audit 2019</li> <li>• Tinda Creek (EPBC 2013/7028) 2020 Review of Compliance</li> <li>• Tinda Creek (EPBC 2013/7028) 2021 Compliance Audit</li> <li>• EPBC 2013-7028 Compliance Audit 2017</li> <li>• EPL Tinda Creek 3/3/2017</li> <li>• Tinda Creek Sand Project Development Consent 10/4/2015</li> <li>• EPBC Approval 2013-7028</li> <li>• 2022 Average Truck Movements Tinda Creek</li> <li>• 2021 Average Truck Movements Tinda Creek</li> <li>• 2020 Average Truck Movements Tinda Creek</li> <li>• 2019 Average Truck Movements Tinda Creek</li> <li>• 2018 Average Truck Movements Tinda Creek</li> <li>• 2017 Average Truck Movements Tinda Creek</li> <li>• 2016 Average Truck Movements Tinda Creek</li> <li>• Committee Members Contact List</li> <li>• Draft Minutes_CCC Meeting Tinda Creek 9-5-2016</li> </ul>	Compliant	



JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<ul style="list-style-type: none"> <li>• Draft Minutes_CCC Meeting Tinda Creek 17-10-2016</li> <li>• Draft Minutes_CCC Meeting Tinda Creek 8-5-2017</li> <li>• Draft Minutes_CCC Meeting Tinda Creek 16-10-17</li> <li>• Final Minutes_CCC Meeting Tinda Creek 14-5-2018</li> <li>• Final Minutes_CCC Meeting Tinda Creek 15-10-2018</li> <li>• Final Minutes_CCC Meeting Tinda Creek 13 May 2019</li> <li>• Final Minutes_CCC Meeting Tinda Creek 14 Oct 2019</li> <li>• Final Minutes_CCC Meeting Tinda Creek 4 May 2020</li> <li>• Final Minutes_CCC Meeting Tinda Creek 12 Oct 2020</li> <li>• Final Minutes_CCC Meeting Tinda Creek 13 May 2021</li> <li>• Final Minutes_CCC Meeting Tinda Creek 11 Oct 2021</li> <li>• Final Minutes_CCC Meeting Tinda Creek 24 May 2022</li> <li>• Complaints Folder</li> <li>• Complaints Register</li> <li>• Dust Monitoring</li> <li>• Tinda Creek Noise Monitoring - Aug 2016</li> <li>• Tinda Creek Noise Monitoring - May 2017</li> <li>• Tinda Creek Noise Monitoring - May 2018</li> <li>• Tinda Creek Noise Monitoring - April 2019</li> <li>• Tinda Creek Noise Monitoring - May 2020</li> <li>• Tinda Creek Noise Monitoring - May 2021</li> </ul>		

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			<ul style="list-style-type: none"> <li>• Tinda Creek Noise Monitoring - May 2022</li> <li>• Water Monitoring</li> <li>• Air Quality Management Plan</li> <li>• Environmental Management Strategy</li> <li>• Heritage Management Plan</li> <li>• Landscape Management Plan April 2022</li> <li>• Noise Management Plan</li> <li>• Transport Management Plan</li> <li>• Water Management Plan</li> </ul>		

Audit Checklist – Environmental Protection Licence 12007

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #												
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>																	
1.	L1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Records show that water has been discharged from the site on 7 occasions during the period covered by this audit. Discharges have occurred as the result of three controlled and four uncontrolled discharges. Monitoring conducted did not identify any material harm to the environment.	Compliant													
2.	L2.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	No waste has been received	Not Triggered													
3.	L3	Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.  period Measurement	Noise monitoring conducted in May 2020, May 2021, and May 2022. Noise monitoring was conducted at two locations close to the quarry operations and at the nearest residential receiver. Report found that noise levels at were below the noise limits stipulated in the EPL.	Compliant													
		<table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>All hours</td> <td>L<sub>Aeq</sub> (15 minute)</td> <td></td> <td>35</td> </tr> <tr> <td>Night</td> <td>L<sub>max</sub> OR L<sub>A1,1min</sub></td> <td></td> <td>45</td> </tr> </tbody> </table>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	All hours	L <sub>Aeq</sub> (15 minute)		35	Night	L <sub>max</sub> OR L <sub>A1,1min</sub>		45			
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)														
All hours	L <sub>Aeq</sub> (15 minute)		35														
Night	L <sub>max</sub> OR L <sub>A1,1min</sub>		45														

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
4.	L4	<p>Unless permitted by another condition of this licence, activities at the premises must:</p> <ul style="list-style-type: none"> <li>a) only be undertaken between 7:00 am and 6:00 pm Monday to Friday;</li> <li>b) only be undertaken between 7:00 am and 3:00 pm Saturday; and</li> <li>c) not be undertaken on Sundays or public holidays.</li> </ul> <p>In addition to the limitations imposed by Condition L4.1, construction activities must not be undertaken:</p> <ul style="list-style-type: none"> <li>a) between 7:00 am and 8:00 am Saturdays; and</li> <li>b) between 1:00 pm and 3:00 pm Saturdays.</li> </ul> <p>In addition to the hours of operation specified in Condition L4.1, dispatch activities may be undertaken:</p> <ul style="list-style-type: none"> <li>a) between 5:00 am and 10:00 pm Monday to Friday; and</li> <li>b) between 6:00 am and 3:00 pm Saturdays.</li> </ul> <p>Maintenance activities may be undertaken at any time if those activities are inaudible at all residential premises.</p>	<p>Hours are included in induction</p> <p>Truck drivers cannot load prior to 5 am Mon-Fri, 6am Saturday .</p> <p>TBT at 6.00am (sighted 14/07/2022). Loading permitted. No production before 7am.</p> <p>Work commence at 7am. Finish production at 3.30pm.</p> <p>Weighbridge system locked out before 5am and after 10pm.</p> <p>Records reviewed for May 2022 – Showed first load completed at 5.12am. Average 12.44 vehicles for the month of June 2022 (noted previous months &lt;6 day).</p> <p>Records reviewed for July 2022 – Showed first truck arrived 5am, completed at 5.08am. Arrival and departure times are recorded on truck dockets.</p>	Compliant	

**AUDIT CHECKLIST: EPL 12007**

**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**

**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
5.	O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner	Maintained electronically in 'Gearbox'. Records available for equipment on site, e.g. Komatsu excavator, Water Pump, Komatsu AH-HM400 dump truck, Komatsu WA 480-6A front end loader. dozer, dump truck. Records for service of Komatsu HB365LC-3 excavator sighted – 200hr service due 20/05/2022, completed 3/06/2022, 250 hour service 18/03/2022 500hr service 12/01/2022.	Compliant	
6.	O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Air Quality Management Plan implemented. Water tanker used for dust suppression. Wet screening process. Sealed road provided to site.	Compliant	
7.	O3.2	The licensee must ensure that all laden vehicles exiting the site have their loads covered.	Instigated a code of conduct for truck drivers. Note Code of conduct states no trucks to queue at the entrance before 5am. Driver- Vehicle Check inspection sheets completed. System has been transferred from hard copy to digital in 2022. Sighted hard copy records up to 30/ 09 2021. Electronic records reviewed (e.g. 30/06/2022, no issues identified. All trucks sighted leaving site during the audit had their loads covered.	Compliant	
<b>Monitoring Conditions</b>					
8.	M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Records of monitoring were maintained on site.	Compliant	

**AUDIT CHECKLIST: EPL 12007**

**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**

**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
9.	M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them	Records were maintained in both electronic format and hard copy. Records were legible and readily available on site.	Compliant	
10.	M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Chain of Custody forms completed for water monitoring which include required details.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
11.	M2.1	<p>a) The licensee must undertake monthly inspections of the surface water system at the premises.</p> <p>b) The monthly inspections must:</p> <ul style="list-style-type: none"> <li>(i) be undertaken immediately upstream and downstream of the quarry disturbance area;</li> <li>(ii) include visual inspection of litter, oil and grease and sediment levels within the surface water system, including diversion channels;</li> <li>(iii) include visual inspection of the physical integrity of the surface water system, including any signs of erosion; and</li> <li>(iv) include visual inspection of the water level/ flow in Tinda Creek.</li> </ul>	<p>Inspection – Internal and External Pond Walls, Drainage Channels completed monthly, after significant rainfall events or when &gt;50mm rainfall in one rain event. Sighted 1/04/2022 (monthly and after significant rainfall event). One issue raised in Cintillate (HAZID0018491). Damage to N/E drain after March flood event.</p> <p>Quarry Delineation, Drainage and Pond Depth inspection conducted monthly. e.g. 30/06/22, 31/ 05/2022, April 2022. Any issues raised in the CA/PA action system – Cintillate e.g. 30/06/2022 – Lovegrass identified – Cintillate No 0018072, Flood Damage Cintillate No 0018491</p> <p>Quarterly Weed and Boundary Inspections completed (e.g. 30/06/2022). 1 issue raised – Lovegrass – HAZID 0018071).</p> <p>Monthly Extraction Delineation and Drainage Inspections e.g. 1/02/2022. No issues raised.</p>	Compliant	
<b>Environmental Monitoring Conditions</b>					
12.	M3.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Complaints register maintained. Available on website.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #								
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>													
13.	M3.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Details of complainant, times and other details available (complaints book and Cintellate).  3 complaints received since last independent audit. Register includes summary of response to complaints.	Compliant									
14.	M3.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Records were reported to be kept indefinitely.	Compliant									
15.	M3.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Records were readily available on site. Summary provided on website.	Compliant									
16.	M4.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	A complaints line has been established.	Compliant									
17.	M4.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Telephone number displayed on site entry.	Compliant									
<b>Environmental Monitoring Conditions</b>													
18.	M5.1	To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Assessment period</th> <th style="text-align: left;">Minimum frequency in a reporting period</th> <th style="text-align: left;">Minimum duration within assessment period</th> <th style="text-align: left;">Minimum number of assessment period</th> </tr> </thead> <tbody> <tr> <td>All hours when in use</td> <td>Yearly</td> <td>1 hour</td> <td>1 operation day</td> </tr> </tbody> </table>	Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period	All hours when in use	Yearly	1 hour	1 operation day	Noise monitoring report completed showing attended monitoring was conducted. e.g. Noise Monitoring Report April 2022 shows attended monitoring conducted at the boundary gate (NM1) as access to the site was not possible. Monitoring was conducted during the day and morning shoulder periods.	Compliant	
Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period										
All hours when in use	Yearly	1 hour	1 operation day										
19.	M5.2	The licensee must undertake noise monitoring as directed by an authorised officer of the EPA.	No additional monitoring has been directed.	Not Triggered									



**AUDIT CHECKLIST: EPL 12007**

**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**

**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
20.	M5.3	All noise monitoring required by this licence must be undertaken in accordance with Australian Standard AS 2659.1 - 1998: Guide to the use of sound measuring equipment - Portable sound level meters, or any revisions of that standard that may be made by Standards Australia, and the compliance monitoring guidance provided in the NSW Industrial Noise Policy.	Noise reports state compliance with relevant Australian Standards and the NSW Industrial Noise Policy.	Compliant	
<b>Reporting Conditions</b>					
<b>Annual Return Documents</b>					
21.	R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Records show Annual Returns completed and returned via eConnect. received by EPA:	Compliant	
22.	R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Records show Annual Returns received by EPA: 8/07/2021 10/07/2020 10/07/2019	Compliant	

**AUDIT CHECKLIST: EPL 12007**

**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**

**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
23.	R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.	License has not been transferred	Not Triggered	
24.	R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	License has not been surrendered	Not Triggered	
25.	R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Records show Annual Returns received by EPA: 8/07/2021 10/07/2020 10/07/2019	Compliant	
26.	R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Copies of Annual Returns were readily available.	Compliant	
27.	R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Signed by Company Secretary and Director. Sighted 8/07/2021	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
<b>R2 Notification of environmental harm</b>					
28.	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	<p>No incidents have occurred which have resulted in environmental harm.</p> <p>Seven instances or where water was discharged from site as the result of controlled or uncontrolled releases. Incident 26/03/2020 was notified to DPE but not to EPA (as it was considered no environmental harm had occurred). All subsequent incidents were reported to the EPA within 24 hours of becoming aware of the occurrence.</p>	Compliant	
29.	R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. (The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act).	<p>Seven instances where water has been discharged from site.</p> <p>Two water discharges in 2020                      26 March 2020 - approximately 20 000L to 30 000L was discharged from the closed water management system following an un-forecasted late evening / early morning storm event on the evening of 25 March and into the early morning on 26 March 2020. Not reported to EPA as not considered to result in any material harm to the environment.</p> <p>4/11/2020 - Water overtopped the northern wall of the closed water management system and discharged into the site's northern clean water diversion drain. Site did not become aware of incident until 16/012/2021. EPA and DPE notified on 17/12/2021.</p> <p>Two water discharges in 2021</p>	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
			<p>2/03/2021 - water discharged from the closed water system due to ruptured transfer pipe. Notified DPE/EPA 2/03/2021 @ 4.21pm via Email – verified). Incident 22642 raised. ~10m<sup>3</sup> of material</p> <p>26/03/2021 to 1/04/2021 – controlled discharge due to significant rainfall event. Three water discharges in 2022:                      7-18/03/2022 – discharge as a result of flooding                      30//2022 - 1/04/2022 – Controlled discharge following high rainfall event.                      5/07/2022 – Controlled discharge following high rainfall event.                      While incidents were reported to DPE and EPA, no event was considered to result in material harm to the environment.</p>		
30.	R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Request to provide report following discharge as a result of a pipe rupture on 4/11/2020 received. Report provided 18/01/2021 as per extension request provided by EPA 11/01/2021.	Compliant	
31.	R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Report provided 18/01/2021 as per extension request provided by EPA 11/01/2021.	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
32.	R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Report provided 18/01/2021 which complies with requirements of Condition R3.3.	Compliant	
33.	R4.1(a)	The licensee must submit the results of any noise monitoring undertaken in accordance with the requirements of Condition M5.1 or Condition M5.2 to the EPA within three weeks of the noise monitoring being undertaken.	2020 Noise monitoring conducted 16/04/2020. Submitted 4/05/2020 2021 - Noise monitoring conducted 11/04/2021. Submitted 25/05/2021 2022 – Noise monitoring conducted 13/04/2022. Submitted 28/04/2022	Compliant	

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
34.	R4.1 (b)	The noise monitoring results submitted to the EPA must include: (i) a map of each noise monitoring location in relation to the noise source, including relevant distances; (ii) an analysis of the noise monitoring results; (iii) any detected exceedance of the noise limits specified in Condition L4.1; (iv) details of any remedial action taken or proposed to be taken in relation to any exceedance of the noise limits specified in Condition L4.1; (v) details of the prevailing meteorological conditions during the period when the noise monitoring was undertaken; and (vi) confirmation that noise monitoring was/was not undertaken in accordance with Condition M5.3	(i) Locality Plan (ii) Section 4.1 – Results (iii) Section 5 – Noise Compliance Assessment (iv) No remedial actions required. (v) Included in Section 4 – Results (vi) Section 1 - Introduction	Compliant	
35.	R4.2	In accordance with section 5.3 of the approved Water Management Plan for the premises, the licensee must notify the EPA when surface water triggers are exceeded and provide a written report to the EPA.	Noted that no site specific trigger levels have been identified. Water Management Plan Section 5.3 identifies Site-specific trigger values relevant to the intermittent and infrequent flow conditions in Tinda Creek and proximity to sedgelands will be developed over time. <b>Recommendation:</b> Surface water monitoring data should be reviewed to determine site specific trigger values. These should be reviewed on an annual basis as per Section 5.3 of the Water Management Plan	Not Triggered	
36.	R4.3	The report to the EPA must include: a) the results of surface water management system inspections required in condition M2.1 for the month related to the exceedance, including photographs; and b) appropriate mitigation and contingency measures to be implemented within one month of the exceedance being detected.		Not Triggered	

**AUDIT CHECKLIST: EPL 12007**

**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**

**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>ENVIRONMENTAL PROTECTION LICENCE 12007</b>					
37.	R4.4	The report must be submitted to the EPA within one month of surface water triggers being detected and be directed to the Manager, Sydney Industry Section by email to metro.regulation@epa.nsw.gov.au		Not Triggered	
38.	G1.1	A copy of this licence must be kept at the premises to which the licence applies	Hard copy was readily available in the site office.	Compliant	
39.	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Hard copy was readily available in the site office.	Compliant	
40.	G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Hard copy was readily available in the site office.	Compliant	

**Audit Checklist – Water Access Licence 24367 and 42446**

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
<b>Take of Water</b>					
1.	MW0929-00001	<p>From 1 July 2018, if the water supply work nominated on this access licence is located at or less than 40 m from the top of the high bank of a river then:</p> <p>A. water must not be taken in this groundwater source when flows are in the Very Low Flow Class for an unregulated river access licence in that river.</p> <p>B. This restriction will only apply when the system that confirms when water can be taken is available on the relevant licensor website.</p> <p>C. the relevant licensor will inform the licence holder in writing of the applicable restrictions and how to access the information on its website when this system becomes operative.</p>		Not triggered	
2.	MW0919-00001	A maximum water allocation of 0.1 ML/unit share may be carried over in the account for this access licence from one water year to the next water year if a water meter is installed on each water supply work nominated on this licence and each meter is maintained in working order.	Water usage has not exceeded the maximum water allocation for the year.	Not triggered	
3.	MW0605-00001	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	Water has been taken in compliance with the conditions of the approval	Compliant	
4.	MW0547-00001	<p>The total volume of water taken under this licence in any water year must not exceed a volume equal to:</p> <p>A the sum of water in the account from the available water determination for the current year, plus</p> <p>B. the water carried over in the account from the previous water year, plus</p>	<p>Extraction capacity – 55ML</p> <p>2019 – 16.222ML extracted</p> <p>2020 – 5.378ML extracted.</p> <p>2021 – 1.139ML extracted.</p> <p>2022 – 1.220ML extracted</p>	Compliant	



JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
		C. the net amount of water assigned to or from the account under a water allocation assignment, plus D. any water re-credited by the Minister to the account.			
<b>Monitoring and recording</b>					
5.	MW0606-00001	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	2019 – 16.222ML extracted 2020 – 5.378ML extracted. 2021 – 1.139ML extracted. 2022 – 1.220ML extracted	Compliant	
<b>Reporting</b>					
6.	MW0051-00002	Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:  A. email: <a href="mailto:water.enquiries@dpi.nsw.gov.au">water.enquiries@dpi.nsw.gov.au</a> ,  or  B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.	No breaches have been identified.	Not triggered	
<b>WATER SUPPLY WORKS APPROVAL CONDITIONS</b>					
<b>Take of water</b>					
7.	MW0655-00001	Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.	No breaches have been identified.	Compliant	
<b>Water Management Works</b>					
8.	MW0097-00001	If contaminated water is found above the production aquifer during the construction of the water supply work authorised by this approval, the licensed driller must:	No contaminated water has been encountered	Not triggered	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
		A. notify the relevant licensor in writing within 48 hours of becoming aware of the contaminated water, and B. adhere to the Minimum Construction Requirements for Water Bores in Australia (2012), as amended or replaced from time to time.			
9.	MW0487-00001	The water supply work authorised by this approval must be constructed within three (3) years from the date this approval is granted.	Water supplied works have been installed.	Compliant	
10.	MW0044-00001	A. When a water supply work authorised by this approval is to be abandoned or replaced, the approval holder must contact the relevant licensor in writing to verify whether the work must be decommissioned. B. The work is to be decommissioned, unless the approval holder receives notice from the Minister not to do so. C. When decommissioning the work the approval holder must: i. comply with the minimum requirements for decommissioning bores prescribed in the Minimum Construction Requirements for Water Bores in Australia (2012), as amended or replaced from time to time, and ii. notify the relevant licensor in writing within sixty (60) days of decommissioning that the work has been decommissioned.	Water supply works have not been abandoned.	Not triggered	
<b>Monitoring and recording</b>					
11.	MW0484-00001	Before water is taken through the water supply work authorised by this approval, confirmation must be recorded in the logbook that cease to take conditions do not apply and water may be taken. The method of confirming that water may be taken, such as visual inspection, internet search, must also be recorded in the logbook. If water may be taken, the: A. date, and B. time of the confirmation, and C. flow rate or water level at the reference point in the water source	No cease to take conditions have applied to the water source.	Not triggered	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
		must be recorded in the logbook.			
12.	MW2338-00001	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	Excel spreadsheet maintained Meter readings. Maintained indefinitely.	Compliant	
13.	MW2336-00001	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.	Water is only taken for quarry production purposes.	Compliant	
14.	MW2337-00001	The following information must be recorded in the logbook for each period of time that water is taken: A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and B. the access licence number under which the water is taken, and C. the approval number under which the water is taken, and D. the volume of water taken for domestic consumption and/or stock watering.	Excel spreadsheet maintained Meter readings. Volume Date included <b>Time not included (small quantities taken).</b> <b>Recommendation:</b> Hy-tec should update the WAL logbook to include provision for the recording of the start and end time when water was taken.	<b>Not Compliant</b>	<b>05</b>
15.	MW0482-00001	Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.	Excel spreadsheet maintained Meter readings. Maintained indefinitely.	Compliant	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
16.	MW2339-00001	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	Excel spreadsheet maintained Meter readings. Maintained indefinitely.	Compliant	
<b>Reporting</b>					
17.	MW0051-00001	Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable. The Minister must be notified by:  A. email: water.enquiries@dpi.nsw.gov.au, or  B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.		Not triggered	

**Audit Checklist – Water Access Licence 24381**

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
<b>Take of water</b>					
1.	MW0929-00001	From 1 July 2018, if the water supply work nominated on this access licence is located at or less than 40 m from the top of the high bank of a river then: A. water must not be taken in this groundwater source when flows are in the Very Low Flow Class for an unregulated river access licence in that river. B. This restriction will only apply when the system that confirms when water can be taken is available on the relevant licensor website. C. the relevant licensor will inform the licence holder in writing of the applicable restrictions and how to access the information on its website when this system becomes operative.		Not Triggered	
2.	MW0919-00001	A maximum water allocation of 0.1 ML/unit share may be carried over in the account for this access licence from one water year to the next water year if a water meter is installed on each water supply work nominated on this licence and each meter is maintained in working order.	Water usage has not exceeded the maximum water allocation for the year.	Not Triggered	
3.	MW0605-00001	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	Records of show water has been taken in accordance with the access licence.	Compliant	
4.	MW0547-00001	The total volume of water taken under this licence in any water year must not exceed a volume equal to: A the sum of water in the account from the available water determination for the current year, plus B. the water carried over in the account from the previous water year, plus C. the net amount of water assigned to or from the account under a water allocation assignment, plus D. any water re-credited by the Minister to the account.	40ML/ year allocated. Licence is for water accessed from the groundwater setting through extraction activities. The licence accounts for seepage/ evaporation.  Water taken <10ML/yr	Compliant	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
<b>Monitoring and recording</b>					
5.	MW0606-00001	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	Records maintained in Excel spreadsheet 2019 – 3.62ML taken 2020 7.462ML taken 2021 7.654 ML taken	Compliant	
<b>WATER SUPPLY WORKS APPROVAL CONDITIONS</b>					
<b>Take of water</b>					
6.	MW0655-00001	Any water supply work authorised by this approval must take water in compliance with the conditions of the access licence under which water is being taken.	Records of water extracted available. Excel spreadsheet maintained.	Compliant	
<b>Water Management Works</b>					
7.	MW0097-00001	If contaminated water is found above the production aquifer during the construction of the water supply work authorised by this approval, the licensed driller must: A. notify the relevant licensor in writing within 48 hours of becoming aware of the contaminated water, and B. adhere to the Minimum Construction Requirements for Water Bores in Australia (2012), as amended or replaced from time to time.	No contaminated water has been encountered	Not Triggered	
8.	MW0487-00001	The water supply work authorised by this approval must be constructed within three (3) years from the date this approval is granted.	Licence applies to groundwater interception due to production activities.	Compliant	
9.	MW0044-00001	A. When a water supply work authorised by this approval is to be abandoned or replaced, the approval holder must contact the relevant licensor in writing to verify whether the work must be decommissioned. B. The work is to be decommissioned, unless the approval holder receives notice from the Minister not to do so. C. When decommissioning the work the approval holder must: i. comply with the minimum requirements for decommissioning bores prescribed in the Minimum Construction Requirements for Water Bores in Australia (2012), as amended or replaced from time to time, and	Water supply works have not been abandoned.	Not Triggered	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
		ii. notify the relevant licensor in writing within sixty (60) days of decommissioning that the work has been decommissioned.			
<b>Monitoring and recording</b>					
10.	MW0484-00001	Before water is taken through the water supply work authorised by this approval, confirmation must be recorded in the logbook that cease to take conditions do not apply and water may be taken. The method of confirming that water may be taken, such as visual inspection, internet search, must also be recorded in the logbook. If water may be taken, the: A. date, and B. time of the confirmation, and C. flow rate or water level at the reference point in the water source must be recorded in the logbook.	No cease to take conditions have applied to the water source.	Not Triggered	
11.	MW2338-00001	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	Logbook maintained electronically – Excel spreadsheet.	Compliant	
12.	MW2336-00001	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.	Water taken for production purposes only.	Compliant	
13.	MW2337-00001	The following information must be recorded in the logbook for each period of time that water is taken: A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and B. the access licence number under which the water is taken, and C. the approval number under which the water is taken, and D. the volume of water taken for domestic consumption and/or stock watering.	Date, volume, access licence number, approval number included. Time water taken not recorded as licence is for water accessed from the groundwater setting through extraction activities. The licence accounts for seepage/ evaporation.	Compliant	
14.	MW0482-00001	Where a water meter is installed on a water supply work authorised by this approval, the meter reading must be recorded in the logbook before taking water. This reading must be recorded every time water is to be taken.	No water meter installed.	Not Triggered	

JHC Ref No	Condition Number	Condition	Findings and Recommendations	Compliance Rating	Assessment Issue #
15.	MW2339-00001	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	Logbook maintained electronically – Excel spreadsheet.	Compliant	
<b>Reporting</b>					
16.	MW0051-00001	Once the approval holder becomes aware of a breach of any condition on this approval, the approval holder must notify the Minister as soon as practicable. The Minister must be notified by: A. email: water.enquiries@dpi.nsw.gov.au, or B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.	The approval holder has not become aware of any breach of the conditions of this approval.	Not Triggered	



**Audit Checklist – Statement of Commitments**

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Compliance with the EIS</b>					
1	5.1.1	To carry out the development for the Project generally in accordance with the Development Application and this EIS.	Results of this audit show that the development had generally been carried out in accordance with the DA and EIS. Where deviations have occurred, these have been raised as non-compliances or administrative non-compliances in this report.	Compliant	
<b>Life of Operation, Production and Hours of Operations</b>					
2	5.2.1	The Project approval life will be for an additional 30 years from the date of commencement of operations under the Project Approval. Closure and rehabilitation activities will be undertaken in accordance with a detailed Quarry Closure Plan at the time of closure. These works may extend beyond the 30 year operational approval period.	Approved life up to 2045.	Not Triggered	
3	5.2.2	A maximum of 300.000 tonnes per year of sand products will be transported from the quarry	44,354T extracted for Calendar year 2019. 91,424T extracted for Calendar year 2020. 93,765T extracted for Calendar year 2021 37,669 T extracted 2022 to End of June 2022.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
4	5.2.3	Quarry operations will be undertaken between the hours of 5.00 am and 10.00 pm Monday to Friday and 5.00 am and 3.00 pm on Saturdays	Hours are included in induction Truck drivers cannot load prior to 7am. TBT at 6.00am. Loading permitted. No production before 7am. Work commence at 7am. Finish production at 3.30pm. Weighbridge system locked out before 5am and after 10pm. Records reviewed for May 2022 – Showed first load completed at 5.12am. Site induction includes site. Average 12.44 vehicles for the month of June 2022 (noted previous months <6 day).	Compliant	
5	5.2.4	The following activities may occur on Sundays and public holidays: <ul style="list-style-type: none"> <li>• maintenance of fixed plant and mobile plant;</li> <li>• product stockpile management;</li> <li>• water cart operations for stockpile area and plant area; and</li> <li>• pumping for dewatering activities.</li> </ul>	Quarry operations were not conducted on Sundays and public holidays	Compliant	
<b>Environmental Management, Monitoring and Reporting</b>					
6	5.3.1	Within six months of development consent. Hy-Tec will revise its existing Environmental Management Plan (EMP) as part of the implementation of the Project. The EMP will include details of all of the management and monitoring commitments outlined in the EIS (specifically those outlined in this Statement of Commitments).	Environmental Management Strategy prepared	Compliant	
7	5.3.2	Hy-Tec will prepare an Annual Review of the environmental performance of the Project and will make this available to the public, Hawkesbury City Council and relevant government agencies as required.	Annual Review completed for Jan-Dec 2019, 2020 and 2022.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Ecology</b>					
8	5.4.1	Implement a robust weed management program to be documented in the revised EMP.	Weed management program included in the Landscape Management Plan. Weed inspections conducted	Compliant	
9	5.4.2	Conduct rehabilitation progressively over the life of the quarry. All rehabilitation works will be scheduled to commence as soon as practicable after disturbance and reformation of the landscape	Rehabilitation of the former silt pond has continued with vegetation establishment and minor reshaping around the perimeters of the site are ongoing. Rehabilitation of areas where equipment and other materials had been removed from the southeast corner of the site had been conducted and monitored.	Compliant	
10	5.4.3	A robust tree felling procedure will be implemented at Tinda Creek Quarry to minimise the potential for impacts on native fauna species (including threatened species) as a result of the clearing of hollow-bearing trees.	Tree felling procedure included in Section 3.1.3 of the Landscape Management Plan.	Compliant	
11	5.4.4	Nest boxes will be established in retained vegetation in proximity to area impacted as a result of the Project to mitigate the loss of hollow-bearing trees. An assessment of the number of tree hollows lost during clearing will be made as part of the tree felling activities and nest boxes will be established to compensate for this loss, where appropriate. Suitably designed nest boxes will be established for the range of hollow-dependent species that are known to occur in the Project area	No clearing has been undertaken during the period covered by this audit. Nest boxes have been obtained following clearing of Domain 7. Awaiting installation	Not Triggered	
12	5.4.5	A pre-clearance survey of the proposed disturbance areas will be undertaken prior to ground disturbance (within seven days of the planned disturbance) to ensure that no Rosenberg's Goanna burrows are present. The assessment should be undertaken by a suitably qualified and licensed ecologist. If burrows are present, the ecologist will provide advice on how to ensure that no goannas remain within the burrows during the clearing process	No clearing has been undertaken during the period covered by this audit.	Not Triggered	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
13	5.4.7	A comprehensive biodiversity offset strategy is to be implemented for the Project as described in Appendix 7 to ensure the development maintains or improves the terrestrial and aquatic biodiversity values of the region in the medium to long-term	In continued discussions with OEH and DPE regarding the offset area. Letter received from NPWS (signed 30/06/2022) providing in principle agreement for transfer of biodiversity offset land.	Compliant	
<b>Aboriginal Heritage</b>					
14	5.5.1	In consultation with the registered Aboriginal parties, prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed Project. The ACHMP will allow for management (collection) of the artefacts located in the Tinda Creek Artefact Scatter 1 site in Domain 3 (if Domain 3 is to be quarried) and to provide for future management of Aboriginal cultural heritage issues should they arise across the broader Project area. The ACHMP will form part of the revised EMP for the project.	Aboriginal Heritage Plan prepared.	Compliant	
15	5.5.2	If Domain 3 is to be quarried, the artefacts located within the Tinda Creek Artefact Scatter 1 site are collected using the methodology set out in the protocols and procedures of the approved ACHMP.	No quarrying has been conducted in Domain 3.	Not Triggered	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
16	5.5.3	<p>The EMP is to be updated to contain provisions to address management of the following issues, as detailed in the Aboriginal Cultural Heritage and Archaeological Assessment (Appendix 9):</p> <ul style="list-style-type: none"> <li>• exposure of previously unrecorded artefactual material during ground</li> <li>• disturbance works within the Project area;</li> <li>• exposure of human/possible human skeletal material during ground disturbance works within the Project area;</li> <li>• exposure of sandstone with evidence of Aboriginal engravings or grinding grooves; and</li> <li>• development of an Aboriginal Cultural Heritage Training Package for all Hy-Tec</li> <li>• employees/contractors working on the Project to be provided as part of the quarry induction process</li> </ul>	Provisions to address management of the issues identified were included in the Aboriginal Heritage Plan.	Compliant	
<b>Historic Heritage</b>					
17	5.6.1	In the unlikely event that unexpected archaeological remains or potential heritage items not identified as part of this assessment are discovered during the Project and are likely to be disturbed by the Project, all work in the immediate area should cease, the remains and potential impacts should be assessed by a qualified archaeologist or heritage consultant and, if necessary, the Heritage Branch, Department of Planning notified.	No unexpected finds have occurred.	Not Triggered	
<b>Traffic and Access</b>					
18	5.7.1	The site access will be upgraded to comply with the minor road standard access as detailed in AS2890.2	Records sighted to demonstrate site access was designed with consideration of AS2890.2.	Compliant	

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Noise</b>					
19	5.8.1	Hy-Tec will undertake an attended noise monitoring program (as detailed in Section 4.7.6.1) in order to assess ongoing compliance with relevant noise impact assessment criteria over the life of the Project. Details of the Noise Management Plan will be provided in the revised EMP	Annual attended noise monitoring conducted in 2020, 2021, and 2021. No exceedances had been identified.	Compliant	
20	5.8.2	The monitoring results will be reviewed by the Hy-Tec environmental representative to assess compliance with the Noise Impact Assessment (NIA) predictions and with the relevant NIA criteria. The results will be reported in accordance with the requirements of the Project approval and EPL	Noise monitoring report showed that noise levels from the quarry were in compliance with noise criteria for the operations.	Compliant	
<b>Air Quality</b>					
21	5.9.1	The existing dust control measures will continue to be implemented on site, including: <ul style="list-style-type: none"> <li>• minimisation of the total disturbed working areas at any one time; and</li> <li>• watering of unsealed roads, working areas and stockpiles as required.</li> </ul>	Dust control measures had been implemented in accordance with the approved AQMP.	Compliant	
<b>Surface Water and Groundwater</b>					
22	5.10.1	Hy-Tec will continue to undertake monitoring of groundwater bores in accordance with existing licence conditions.	Monitoring has been continued in accordance with the approved Water Management Plan.	Compliant	
23	5.10.2	All diversion drains will continue to be maintained in good condition	During the site inspection, it was noted that diversion drains were maintained in good condition.	Compliant	
24	5.10.3	The water management system will remain as a closed system	Diversion drains had been installed to divert stormwater around the site. All water on site was collected and reused for dust suppression.	Compliant	

JHC Ref No	Condition No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Greenhouse Gas and Energy</b>					
25	5.11.1	Hy-Tec will continue to participate in the Energy Efficiency Opportunities (EEO) Program and undertake the following activities to improve energy use efficiency: <ul style="list-style-type: none"> <li>develop an EEO project and communication plan;</li> <li>evaluate energy use for the Project;</li> <li>identify and investigate potential EEO; and</li> <li>implement, track, communicate and report on EEO.</li> </ul>	Hybrid Excavator purchased – 2.4l/hr less than previous excavator used on site.  Currently in the process of replacing site generator and obtaining proposals to change weighbridge to solar. Noted that Hy-Tec have been implementing energy efficiency measures, including installation of solar systems at 5 concrete plants.	Compliant	
26	5.11.2	Hy-Tec will continue to improve on-site diesel use efficiency based on the range of measures outlined in Section 4.11	Hybrid Excavator purchased – Uses 2.4l/hr less diesel than previous excavator used on site.	Compliant	
27	5.11.3	Hy-Tec will explore the use of lower GHG emission energy sources as soon as practical based on the range of measures outlined in Section 4.11	Hybrid Excavator purchased – Uses 2.4l/hr less diesel than previous excavator used on site. Currently in the process of replacing site generator and obtaining proposals to change weighbridge to solar.	Compliant	
<b>Hazards</b>					
28	5.12.1	Hy-Tec will store all dangerous goods in accordance with dangerous goods storage requirements and relevant Australian Standards	Very small volumes of dangerous goods on site. Dedicated dangerous goods container provided. Diesel stored in self bunded container.	Compliant	
29	5.12.2	Hy-Tec will continue to implement the appropriate measures to reduce the risk of fire ignition and the spread of bushfire across the site in consultation with the Rural Fire Services (RFS).	The site had been maintained to minimise the risk of spread of bushfire across the site. Facilities provided to assist in firefighting activities.	Compliant	
<b>Rehabilitation and Closure</b>					
30	5.13.1	The revised EMP will detail the approach to rehabilitation of the Project, including the species to be used in revegetation works.	The Landscape Management Plan Section 4.0 provides the approach to rehabilitation of the site.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

<b>JHC Ref No</b>	<b>Condition No.</b>	<b>Condition</b>	<b>Finding and Recommendations</b>	<b>Compliance rating</b>	<b>Assessment Issue #</b>
31	5.13.2	Wherever possible, rehabilitation will be completed progressively as part of the ongoing development of the quarry	Minor rehabilitation had continued within Domain 4.	Compliant	
32	5.13.3	A detailed Quarry Closure Plan will be developed approximately three years prior to cessation of quarrying activities.		Not Triggered	



**Audit Checklist – EPBC Approval 2013/7028**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
<b>Tinda Creek Quarry (EPBC Approval 2013/7028)</b>					
1.	1	The approval holder must undertake the action within a maximum area of 46.8 hectares (ha) and only within the footprint of the action.	Extraction activities have been undertaken in Domain 6 and have not occurred outside approved extraction boundaries. The total disturbance was reported to be 12.4ha, well less than the 46.8ha approved by the EPBC approval.	Compliant	
2.	2	To minimise impacts to the Koala, the approval holder must clear no more than 25.4 ha of potential Koala habitat on the project site.	No clearing of potential Koala habitat has been undertaken.	Compliant	
3.	3	To minimise impacts to the Small-flower Grevillea, the approval holder must remove no more than 3 individuals of Small-flower Grevillea, located within the Revised Domain 3 extraction area and identified at Annexure 2.	No Small-flower Grevillea has been removed. Extraction activities have not commenced within the Revised Domain 3 extraction area.	Compliant	
4.	4	To reduce indirect impacts on Small-flower Grevillea, the approval holder must maintain a buffer distance of at least 40 metres (m) between the footprint and known locations of the species as identified at Annexure 2, except for the 3 individuals of Small-flower Grevillea, located within the Domain 3 extraction area.	It is noted that the 40m buffer applies predominantly to activities in Domain 7. Extraction activities have commenced in the southeast corner of Domain 7 (May 2022). Buffer zone has been maintained.	Compliant	
5.	5	To prevent impacts to Small-flower Grevillea, the 40 m buffer zones for Small-flower Grevillea must be clearly marked out by a suitably qualified person prior to any clearing occurring. Buffer zones must be maintained for the life of the approval.	The boundary of each extraction domain has been marked by a surveyor and in doing so have defined the disturbance footprint and 40 metre buffer zones. Boundary limits have been surveyed and pegged by Degotardi Smith and Partners 30/06/15. Submitted 30/11/16. Boundary markers were checked during monthly inspections. Pegs were verified during the site inspection on 14/07/2022.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
6.	6	To reduce indirect impacts on World and National Heritage values of the Greater Blue Mountains Area, the approval holder must maintain buffer zones between the impact area and the Greater Blue Mountains Area as identified at Annexure 1, and in accordance with the minimum buffer distances identified at Annexure 1, for the life of the approval.	Buffer zones have been maintained.	Compliant	
7.	7	To minimise impacts to the Small-flower Grevillea and the World and National Heritage values of the Greater Blue Mountains Area, the approval holder must not undertake activities other than conservation management activities within the buffer zones.	No extraction activities have occurred within the buffer zones to the Greater Blue Mountains World Heritage Area. Extraction has been undertaken in Domain 6.	Compliant	
8.	8	To minimise indirect impacts on World and National Heritage values of the Greater Blue Mountains Area, Small-flower Grevillea and the Koala, the approval holder must implement the Tinda Creek Quarry Final Landscape Management Plan dated August 2016 or as revised under condition 19.	Requirements of the Landscape Management Plan have been implemented. No non-compliances with the Landscape Management Plan were identified during the audit. Reporting on landscape and rehabilitation management was included in the Annual Review for the Quarry.	Compliant	
9.	9	In order to maintain the quantity and quality of water entering the Greater Blue Mountains Area, the approval holder must implement the Tinda Creek Quarry Final Water Management Plan dated August 2016 or as revised under condition 19.	A revised Water Management Plan was provided to DAWE on 8 August 2019 and notification that the plan satisfied condition 19 was received on 15 August 2019. Hy-Tec has continued the commitments of the 2019 Water Management Plan during 2021. Water management outcomes are reported in the Annual Review for the Quarry. It was reported that an update to the Water Management Plan will be undertaken in 2022 to incorporate additional measures relating to erosion and sediment controls and to update the water management system description in that plan. Records reviewed verify implementation of the Water Management Plan.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

<b>JHC Ref No</b>	<b>Cond. No.</b>	<b>Condition</b>	<b>Finding and Recommendations</b>	<b>Compliance rating</b>	<b>Assessment Issue #</b>
10.	10	To minimise impacts to water quantity and quality within the Greater Blue Mountains Area, the approval holder must comply with Operating Conditions provided by NSW approval condition 12.	Calculations for 1 in 100 year ARI storm event. Required to maintain at least 1 metre of freeboard in the dredge pond to maintain sufficient capacity. Based on 29 January 2017 LiDAR captured over the site, the closed water management system had an area of 20.6 ha or approximately 50% of the maximum allowed (see Figure 6.2 of WMP). Closed water management system had been modified, increased to 35.6 Ha as a result of extensions to the working area of Domain 6 and modifications to the diversion area. Controlled discharges have occurred on 3 occasions to maintain adequate freeboard. It was noted that overflow of the ponds had occurred on one occasion as the result of a significant rainfall event.	Compliant	
11.	11	In addition to complying with the rehabilitation objectives for the final void in NSW approval condition 17, the approval holder must ensure that water discharging from the project site into the Greater Blue Mountains Area is of equal or better quality to the quality of water upstream of the project site.	Water has been discharged from site on 6 occasions. Controlled discharge of water was undertaken in March 2021, March/ April 2022 and July 2022 in response to a significant rainfall event. Water quality in the receiving environment features high sediment loads and therefore the quality of water discharged was considered consistent with the receiving environment. Water quality monitoring conducted to verify water quality was consistent with surrounding environment.	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
12.	12	<p>In order to compensate for impacts on the Koala and Small-flower Grevillea, the approval holder must:</p> <p>a. Prior to commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2, provide written confirmation from the NSW Office of Environment and Heritage or the NSW National Parks and Wildlife Service (OEH/NPWS) to the Department that confirms their agreement to include the offset area, as identified at Annexure 3, within Yengo National Park. If this cannot be provided, then, prior to commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2, the approval holder must provide an alternative protection mechanism that provides an equal level of protection, including written confirmation from NSW OEH/NPWS that this protection mechanism will be accepted. The approval holder must not commence the action until the Minister has approved the use of the proposed mechanism in writing;</p> <p>Provide protection of the offset area, through registration on the title of the offset area of a mechanism in accordance with condition 12a, before commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2.</p>	<p>No activities have been undertaken within Domains 3, 1 or 2.</p> <p>Work commenced in Domain 7 in May 2022.</p> <p>Agreement in principle from NPWS that confirms their agreement to include the offset area, as identified at Annexure 3, within Yengo National Park</p>	Compliant	
13.	13	<p>The approval holder must provide the Department with details of the offset area as identified at Annexure 3, including offset attributes, shapefiles, textual descriptions and maps to clearly define the location and boundaries of the offset area, prior to the commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2.</p>	<p>No activities have been undertaken within Domains 3, 1 or 2 to date.</p> <p>Extraction commenced in Domain 7 – Offset area</p> <p>Agreement in principle from NPWS that confirms their agreement to include the offset area, as identified at Annexure 3, within Yengo National Park</p>	Compliant	
14.	14	<p>Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.</p>	<p>DoEE advised 6 October 2016 of the commencement of the action.</p>	Compliant	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
15.	15	The approval holder must maintain accurate records substantiating all activities and outcomes associated with or relevant to the conditions of approval, including measures taken to implement the management plans 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.	Records were available during the audit to verify implementation of the requirements of management plans.	Compliant	
16.	16	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The approval holder must continue to publish this report until such time as agreed to in writing by the Minister	The compliance reports has been published on the company's website ( <a href="http://www.hy-tec.com.au/quarry-documentation">www.hy-tec.com.au/quarry-documentation</a> ).	Compliant	
17.	17	The approval holder must notify any non-compliance with this approval to the Department in writing within five business days of becoming aware of the non-compliance.	No non-compliances with the EPBC conditions of approval have been identified.	Not Triggered	
18.	18	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 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.	The Commonwealth Minister for the EPBC Act has not directed that an independent audit of compliance be undertaken.	Not Triggered	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

JHC Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
19.	19	The approval holder may choose to revise a management plan approved by the Minister under conditions 8 and 9 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised management plan would not be likely to have a new or increased impact. If the approval holder makes this choice they must: i) notify the Department in writing that the approved management plan has been revised and provide the Department with an electronic copy of the revised management plan; ii) implement the revised management plan from the date that the management plan is submitted to the Department; and iii) for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised management plan would not be likely to have a new or increased impact.	Hy-Tec has finalised the Landscape Management Plan during the period covered by this audit.	Not Triggered	
20.	19a	The approval holder may revoke their choice under condition 19 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised management plan without approval under section 143A of the Act, the management plan approved by the Minister must be Implemented.	Hy-Tec have not revoked their choice under condition 19.	Not Triggered	
21.	19b	Condition 19 does not apply if the revisions to the approved management plan include changes to environmental offsets provided under the management plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management plan would, or would not, be likely to have new or increased impacts.		Not Triggered	

**AUDIT CHECKLIST: Statement of Commitments**  
**Company: Hy-Tec – Tinda Creek Quarry**

**James Hart Consulting**  
**Date: 5-6 July 2022**

<b>JHC Ref No</b>	<b>Cond. No.</b>	<b>Condition</b>	<b>Finding and Recommendations</b>	<b>Compliance rating</b>	<b>Assessment Issue #</b>
22.	19c	If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised management plan would be likely to have a new or increased impact, then: i) Condition 19 does not apply, or ceases to apply, in relation to the revised management plan; and ii) The person taking the action must implement the management plan approved by the Minister. To avoid any doubt, this condition does not affect any operation of conditions 19, 19A and 19B 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 that condition 19 does not apply for one or more specified management plans required under the approval.	No notices have been given to the approval holder by the Minister.	Not Triggered	
23.	19d	Conditions 19, 19A, 19B and 19C are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised management plan to the Minister for approval.		Not Triggered	
24.	20	If the Minister believes that it is necessary or convenient for the better protection of the World Heritage property, National Heritage place or listed threatened species and communities to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the approval holder must continue to implement the management plan originally approved, as specified in the conditions.	Landscape Management Plan has been reviewed and updated with comments for the Minister.	Compliant	

## Appendix D. Consultation Records



# Independent Environmental Audit – Tinda Creek Sand Quarry

Commercial in Confidence

---

## James Hart

---

**From:** Lisa Andrews <lisaandrews.ic@gmail.com>  
**Sent:** Friday, 1 July 2022 4:17 PM  
**To:** James Hart  
**Subject:** Re: Tinda Creek Sand Quarry IEA

Hi James

Just letting you know that there have been no issues or concerns raised by CCC members for inclusion in the IEA.

All the best with the audit.

Warm regards  
Lisa

Lisa Andrews  
Independent Chairperson &  
Director  
Articulate Solutions Pty Ltd  
t: 0401 609 693  
e: [lisaandrews.ic@gmail.com](mailto:lisaandrews.ic@gmail.com)

*The information contained in this email and attachments is confidential and may be subject to privilege and is intended for the exclusive use of the addressee. You may not disclose or use the information in the email and attachments without the prior consent of the sender. If you have received this email in error, please notify the sender and delete this email. The unauthorised use of this email may result in liability for breach of confidentiality, privilege or copyright. No warranties are provided that the email is computer virus or other defect free.*

On Mon, Jun 20, 2022 at 7:15 PM James Hart <[james\\_hart@bigpond.com](mailto:james_hart@bigpond.com)> wrote:

Hi Lisa

I have been engaged to undertake an Independent Environmental Audit of the Tinda Creek Sand Quarry. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies, including the CCC, in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

# Independent Environmental Audit – Tinda Creek Sand Quarry

Commercial in Confidence

---

## James Hart

**From:** Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>  
**Sent:** Thursday, 30 June 2022 11:54 AM  
**To:** James Hart  
**Subject:** RE: Tinda Creek Sand Quarry IEA

Hi James,

Thanks for emailing me. You have likely carried out the audit inspection of Tinda Creek Quarry by now.

The Department does not request any additional issues/concerns to be examined and included within the scope of the audit that are not already captured by Section 3.3 of the IAPAR.

I am happy to discuss as required.

Kind regards,

**Gabriel Peters Shaw**  
Senior Compliance Officer

Planning & Assessment | Department of Planning and Environment  
T 02 8837 6395 | M 0499421171 | E [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)  
Locked Bag 5022 | PARRAMATTA NSW 2124  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

---

**From:** James Hart <james\_hart@bigpond.com>  
**Sent:** Monday, 20 June 2022 7:17 PM  
**To:** Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>  
**Subject:** Tinda Creek Sand Quarry IEA

I have been engaged to undertake an Independent Environmental Audit of the Tinda Creek Sand Quarry. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

# Independent Environmental Audit – Tinda Creek Sand Quarry

Commercial in Confidence

---

## James Hart

---

**From:** James Hart <james\_hart@bigpond.com>  
**Sent:** Monday, 20 June 2022 7:23 PM  
**To:** 'info@epa.nsw.gov.au'  
**Subject:** Tinda Creek Sand Quarry

To whom it may concern,

I have been engaged to undertake an Independent Environmental Audit of the Tinda Creek Sand Quarry. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

Please note that the audit will be conducted on 29-30 June 2022.

Regards

James Hart | Management Consultant

James Hart Consulting

*Certified Exemplar Global Lead OHS Auditor  
Certified Exemplar Global Lead Environmental Auditor  
Certified Exemplar Global Lead Quality Management System Auditor*

Mobile: 0408 238 682

Email: [james\\_hart@bigpond.com](mailto:james_hart@bigpond.com)

# Independent Environmental Audit – Tinda Creek Sand Quarry

*Commercial in Confidence*

---

## **James Hart**

---

**From:** sophos@hawkesbury.nsw.gov.au  
**Sent:** Monday, 20 June 2022 7:19 PM  
**To:** james\_hart@bigpond.com  
**Subject:** Tinda Creek Sand Quarry

Thank you for contacting Hawkesbury City Council.

If required, Council will respond to your email within 10 Working days. Some complex enquiries may take longer than this.

If your request can not be replied to within this timeframe, a Council Officer will contact you to advise when your request is likely to be completed.

# Independent Environmental Audit – Tinda Creek Sand Quarry

Commercial in Confidence

---

## James Hart

---

**From:** James Hart <james\_hart@bigpond.com>  
**Sent:** Monday, 20 June 2022 7:35 PM  
**To:** 'Amanda.Herringe@waterNSW.com.au'  
**Subject:** Tinda Creek Sand Quarry

To whom it may concern,

I have been engaged to undertake an Independent Environmental Audit of the Tinda Creek Sand Quarry. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

Please note that the audit will be conducted on 29-30 June 2022.

Regards

James Hart | Management Consultant

James Hart Consulting

*Certified Exemplar Global Lead OHS Auditor  
Certified Exemplar Global Lead Environmental Auditor  
Certified Exemplar Global Lead Quality Management System Auditor*

Mobile: 0408 238 682

Email: [james\\_hart@bigpond.com](mailto:james_hart@bigpond.com)