



Cleary Bros Gerroa Sand Quarry Independent Environmental Audit (IEA)

Conditions of Approval IEA

9 December 2022

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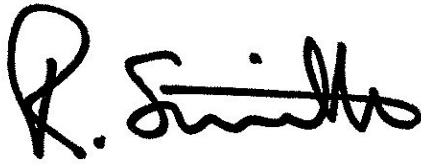
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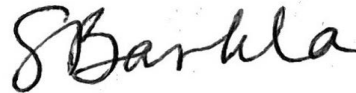
9 December 2022

Cleary Bros Gerroa Sand Quarry Independent Environmental Audit (IEA)

Conditions of Approval IEA



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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Gerroa Sand Quarry located approximately 3.5 km south west of Gerroa, NSW on behalf of Cleary Bros (Bombo) Pty Ltd (herein referred to as Cleary Bros). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DP&E) Ministers' Conditions of Approval (MCoA) Development Consent number 10801 of 2007 (referred to herein as "Ministers Conditions of Consent") which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 4 September 2019 through to 9 November 2022 (the date of the site visit completed as part of the audit).

The audit included a review of:

- DP&E, Ministers Conditions of Approval number 10801 of 2007;
- Environment Protection Licence (EPL) number 4146;
- Gerroa Sand Resource Quarry Environmental Management Plan (QEMP) 2017, developed as part of the Ministers Conditions of Consent; and
- Gerroa Sand Resource Quarry Environmental Management Plan (QEMP) 2022, developed as part of the Ministers Conditions of Consent.

In general, Cleary Bros has established management procedures required for the operation of the site in accordance with the Conditions of Consent. Staff interviewed demonstrated an understanding of the requirements and a commitment to the application of the requisite management systems and plans.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the Department of Planning & Environment publication "Independent Audit Guidelines" issued October 2015. The number of non-conformances with the statutory conditions and implementation of the management plans is summarised in Table E.1 below.

Table E.1 Summary of Audit Findings

Review	Non-compliance	Administrative non-compliance	Observation
Statutory Instruments	0	2	1
Implementation of Plans	0	0	0

An action table addressing all findings of the audit has been developed by Cleary Bros and will be issued separately to this report.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Gerroa Sand Quarry. The quarry is located 3.5 km south west of Gerroa, NSW on behalf of Cleary Bros (Bombo) Pty Ltd (herein referred to as Cleary Bros). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DP&E) Ministers' Conditions of Approval (MCoA) Development Consent number 10801 of 2007 (referred to herein as "Conditions of Consent") which requires completion of an independent audit every three years from the date of the approval. The period audited was 4 September 2019 through to 9 November 2022 (the date of the site visit completed as part of the audit). The requirements of the audit include the following:

- The audit must be conducted by a suitably qualified, experienced and independent person(s) whose appointment has been approved by the Secretary;
- The audit must include consultation with the relevant agencies;
- The audit must assess the environmental performance of the project and assess its effects on the surrounding environment;
- The audit must assess whether the project is complying with the relevant standards, performance measures and statutory requirements;
- The audit must review the adequacy of any strategy/plan/program required under this approval; and, if necessary; and
- The audit must recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

The Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report. An Independent Audit Certification Form is presented in *Appendix C*.

1.1 Overview of operations and approvals

The Site is a sand quarry which utilises dredging, pumping and sorting equipment and earthmoving equipment to move finished product. Since October 2014 the Site has utilised Davidson Dredging (Pty Ltd) to undertake the dredging, pumping and sorting activities. These products are transported from the site via Cleary Bros trucks.

Sand has been extracted from Cleary Bros sand quarry at Gerroa for approximately 50 years. The workings have been authorised by a number of Development Approvals. Extraction has been undertaken in accordance with a development consent granted by the Land and Environment Court in 1990 followed by a further development consent granted by the Minister for Infrastructure and Planning in 2003. These consents have since been surrendered as a condition of the current project approval. On 2 September 2008 the Land and Environment Court granted Project Approval to Cleary Bros (Bombo) Pty Ltd for "Extension and Continuation of Gerroa Sand Quarry".

The site holds an EPL, number 4146 for the fee-based activity of 'crushing, grinding or separating' of a scale >30000 – 10000 T annual processing capacity, and 'extractive activities' of a scale > 50000 – 10000 T annually extracted or processed.

Ancillary activities include:

- Groundwater monitoring wells;
- Surface water monitoring points;
- A meteorological monitoring station;
- Dust deposition monitoring points;

- Storm water control and collection infrastructure;
- Dust suppression via a water tanker truck;
- Various pumps for discharge of storm water;
- Vehicle and plant maintenance; and
- Analysis of acid sulphate soils.

1.2 Description of primary processes undertaken during the audit period

The site has been undertaking the following activities throughout the audit period:

- Sand dredging – material was extracted from the base and leading edge of the dredge pond using a floating suction dredge with the resulting slurry piped to the shore;
- Product screening – the dredged material was passed through various screens in the wet sorter and cyclone, as required. The wet sorter separates sand from stone and finer particles. Heavier materials may be further screened to grade into saleable size ranges to meet market requirements. Fine particles return directly to the dredge pond with the wash water and other processing returns are moved to the dredge pond using machinery;
- Load-out – a rubber-tyre loader was used to load products to transportation vehicles. All vehicles accessing and leaving the site utilise the sealed access road and report to the site office. Loaded vehicles must have covered loads and be cleaned of material which may fall on the road;
- Rehabilitation – dredge pond foreshores were shaped and rehabilitated progressively as extraction was completed in sections of the pond. Planting of native species and maintenance of existing rehabilitation areas was also undertaken;
- Environmental monitoring – various monitoring programs were undertaken including boundary fence, meteorological, noise, air quality (dust), surface water, groundwater, acid sulfate soils, rehabilitation and vegetation monitoring;
- Aboriginal cultural heritage – Aboriginal Cultural Heritage sites and objects were identified in the survey conducted of the MCoA Modification 1 – Extraction Area; and
- Waste management – excluding processing returns, the site generated minor quantities of waste such as used drums and general waste.

1.3 Audit objectives

The primary objectives of the audit were as follows:

- Satisfy Ministers Conditions of Consent (Schedule 5, Condition No. 5) which requires an independent audit of the environmental performance of the development every 3 years;
- Assess the various aspects of the environmental performance of Cleary Bros Gerroa Sand quarry and its effects on the surrounding environment;
- Verify compliance with the relevant condition, standards, performance measures and statutory requirements;
- Review the adequacy of site management plans and procedures against the conditions of EPL 4146 and Conditions of Consent; and
- Recommend measures or actions to improve the environmental performance of the sand quarry to meet the Conditions of Consent or EPL conditions.

1.4 Audit scope

The audit applies to the sand quarry and any other infrastructure specifically referenced in the Conditions of Consent. The EPL applies to the entire site, as such, the review of compliance with the EPL has addressed those areas covered by the Conditions of Consent.

ERM assessed the environmental compliance status for the following subject areas contained within the Development Consent:

- | | | |
|---|-------------------------------------|--|
| ■ Obligation to Minimise Harm to the Environment; | ■ Meteorological Monitoring; | ■ Independent Review; |
| ■ Terms of Approval; | ■ Surface and Groundwater; | ■ Environmental Management Plan; |
| ■ Limits on Approval; | ■ Landscape Management | ■ Environmental Monitoring Programs; |
| ■ Surrender of Consents; | ■ Aboriginal Heritage; | ■ Incident Reporting; |
| ■ Operation of Plant & Equipment; | ■ Traffic and Transport; | ■ Annual Reporting; |
| ■ Section 94 Contributions; | ■ Visual; | ■ Independent Environmental Audit; |
| ■ General Extraction and Processing Provisions; | ■ Waste Management; | ■ Community Consultative Committee conditions; and |
| ■ Noise; | ■ Emergency and Hazards Management; | ■ Access to Information. |
| ■ Air Quality; | ■ Production Data; | |
| | ■ Notification of Landowners; | |

For each Condition of Consent and EPL requirement audited, ERM undertook the following:

- Evaluated relevant data and reports to substantiate whether the condition has been met;
- Identified any data gaps, inconsistencies, errors, uncertainties and non-compliances;
- Assessed the reliability and quality of information provided;
- Conducted interviews with selected Cleary Bros employees;
- Assessed environmental management performance; and
- Completed a summary of findings and recommendations.

Issues relating to health and safety were outside the scope of the audit, except where they are directly related to environmental issues.

Where management plans had not been produced, environmental operations were reviewed in a general manner during a site inspection. The site visit concentrated on assessment of the effectiveness of environmental management and adequacy of performance.

Where actions had been previously assessed by a statutory authority, ERM relied on the findings of the authority and did not reassess the relevant sections of the condition (e.g. if a CoC required approval of a management plan by a statutory authority, ERM relied on the approval letter from the statutory authority that the plan was prepared in accordance with the detailed requirements of the CoC).

The review of environmental monitoring data was generally limited to data collected between November 2019 and November 2022 (the most recent data available at the time of the site audit). The audit covers the period 4 September 2019 to 9 November 2022 and is limited to assessing the activities completed during the audit period.

1.5 Audit criteria

The audit covered the following specifications and standards, with a particular focus on activities associated with the current stages of operation. The documents relevant to this audit included:

- DP&E, MCoA for DA 10801 of 2007, issued on 25 August 2008, Modification 1 approved 10 June 2022;
- EPL 4146;
- Management Plans developed as Part of the MCoA including:
 - Quarry Environment Management Plan (QEMP) (Sch. 5 Cond. 1 and several other conditions encompassed) with associated sub-plans and activities, including:
 - Noise Monitoring Program;
 - Air Quality Monitoring Program;
 - Boundary monitoring;
 - Meteorological monitoring; and
 - Water Management Plan, including the following:
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Program;
 - Groundwater Monitoring Program; and
 - Acid Sulfate Soils Management Plan;
 - Landscape and Rehabilitation Management Plan; and
 - Aboriginal Heritage Management Plan;
- Bushfire Management Plan (Sch. 3 Cond 42);
- monitoring results and trends;
- comparison of monitoring results against regulatory limits and MCoA limits (where applicable);
- community complaints with review completed for any trends and identifying the source of an established trend;
- confirmation of any additional monitoring required for identified trends;
- regulatory actions including any letters, penalty notices and prosecutions; and
- review of previous audit report to verify closeout of actions.

1.6 Limitations of this report

It was not possible, due to inclement weather conditions to visit Conservation Area A.

This disclaimer, together with any limitations specified in the report, apply to this report and its use.

This report was prepared in accordance with the contracted scope of services for the specific purpose stated and subject to the applicable cost, time and other constraints. In preparing this report, ERM relied on:

- client/third party information which was not verified by ERM except to the extent required by the scope of services, and ERM does not accept responsibility for omissions or inaccuracies in the client/third party information; and
- information taken at or under the particular times and conditions specified, and ERM does not accept responsibility for any subsequent changes.

This report has been prepared solely for use by, and is confidential to, the client and ERM accepts no responsibility for its use by other persons. This report is subject to copyright protection and the copyright owner reserves its rights. This report does not constitute legal or financial advice.

2. AUDIT METHODOLOGY AND PROCESS

The independent audit was conducted against each Condition of Consent (CoC) and the EPL. The independent audit process included:

- off-site planning for the site audit including logistics, audit personnel and health and safety planning;
- collection of relevant background documentation such as the previous independent environmental audit, the EPL, the MCoA and the updated QEMP;
- an opening meeting conducted on 9 November 2022 with Robert Smith (lead auditor, ERM), Sophie Barkla (assistant auditor, ERM) and Mark Hammond (Quality and Environment Manager, Cleary Bros);
- collecting audit evidence through information gathering, observations and interviews;
- site inspections;
- evaluating audit documentation;
- a closing meeting conducted on 9 November 2022 with Robert Smith, Sophie Barkla and Mark Hammond;
- compiling this audit report;
- review of further supporting information; and
- liaison with regulatory authorities.

2.1 Agency and community consultation

ERM contacted the following regulatory bodies as part of this assessment to discuss the performance of the Site and was provided with the feedback identified in Table 2.1 below.

Table 2.1 Summary of Agency and Community Consultation Feedback

Agency	Feedback
Environmental Protection Authority (EPA)	No specific concerns. Noted that there are no significant outstanding compliance or licensing matters that are not represented on the Public Register for the time period applicable to the IEA (4 September 2019 - 9 November 2022).
Shoalhaven City Council	No response
Kiama Municipal Council	No response
Department of Planning and Environment	No response
Department of Planning and Environment (Water)	No response
Department of Planning and Environment (Biodiversity and Conservation Division)	Vanessa Allen from DPIE replied on 8/11/2022, noting: <ul style="list-style-type: none"> ■ Cleary Bros recently consulted with us on the Landscape Rehabilitation Plan as part of the Mod 1 approval. We provided them with comments, and their response to our comments was satisfactory. It is noted that recommendations were described in Table 7 of the Plan (July 2022 Status and Recommendations) and we support those recommendations. Those recommendations are likely to be relevant to the Condition of Approval 5(f): recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval. ■ One of our main concerns during the pre-approval phase was protection of intact native vegetation with high environmental value which occurs adjacent to the development. We recommend the field inspection audit check that retained vegetation has not been impacted as a result of the development.
Community Consultative Committee (CCC)	Brian Weir (CCC Chair) replied on 14/11/2022. No questions or concerns. Noted that recent CCC meetings primarily focussed on site restoration and rehabilitation. The Community Members, in Chair's opinion, have been satisfied with the progress made.

2.2 Classification of audit findings

Findings resulting from an assessment of audit evidence were divided into six categories as follows:

- **Compliant (C):** the intent and all elements of the audit criteria requirements have been complied with within the scope of the audit;
- **Not Verified (NV):** insufficient verifiable evidence to demonstrate that the intent and all elements of the audit criteria have been complied with within the scope of the audit;
- **Non-compliant (NC):** Failure to meet the audit requirements, failure to achieve the field performance outcomes identified in documentation, or ineffective environmental management of the activity;
- **Administrative Non-compliance (ANC):** technical non-conformance with audit requirements that would not impact on performance and is considered minor in nature. This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval). ANC is only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions, failed monitor or late monitoring session);
- **Observation (O):** Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance;
- **Not Triggered (NT):** A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, and therefore a determination of compliance could not be made; and
- **Note:** A statement or fact, where no assessment of compliance is required.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the DP&E publication "Independent Audit Guidelines" issued October 2015.

The overall level of risk was estimated by combining the likelihood of harm occurring with the estimated level of harm associated with each finding. Risk levels were assigned as follows:

- **High** – Non-compliance with:
 - potential for significant environmental consequences, regardless of the likelihood of occurrence;
- **Medium** – Non-compliance with:
 - potential for serious environmental consequences, but is unlikely to occur; or
 - potential for moderate environmental consequences, but is likely to occur;
- **Low** – Non-compliance with:
 - potential for moderate environmental consequences, but is unlikely to occur; or
 - potential for low environmental consequences, but is likely to occur.

3. AUDIT FINDINGS

3.1 Previous audit follow up

Condition 5 of Schedule 5 of the Approval states:

'Within 12 months of the date of the commencement of the project and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project'.

ERM undertook the previous audit in 2019. The findings of the 2019 report were reviewed and considered during the development of this report. A summary of the 2019 findings with a summary of corrective actions is presented below in Table 3.1.

Table 3.1 Summary of 2019 Audit Findings

Item No	Assessment Requirement	Comments	2019 Audit Classification	Response/Action	2022 Status
<i>Minister's Conditions of Approval DA 8-1-2005</i>					
SCHEDULE 2 - ADMINISTRATIVE CONDITIONS					
Obligation to Minimise Harm to the Environment					
1	The Proponent shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and rehabilitation of the development.	Site management advised ERM that waste drums are being squashed with a front-end loader and recycled with scrap metal. Crushing used drums which have not been triple rinsed may result in minor quantities of waste oil products being released to ground.	O	Waste oil drums are no longer stored on site. Any oil changes occurring on site are directly pumped out of oil tanks and into servicing trucks, which are taken to Port Kembla and emptied into a waste oil tank.	C
6	The Proponent shall not transport more than 80,000 tonnes of products from the site in a year. <i>Note: This condition applies to the combined production of quarry products from the existing quarry and the quarry extension, and does not include the ancillary extractive material that would be imported onto the site and dispatched with the quarry's products</i>	Total site production is reported to the Department of Resources and Geoscience. The annual production volumes records presented by management are summarised below: <ul style="list-style-type: none"> ■ FY2017 – 80,020 t ■ FY 2018 – 49,128 t ■ FY 2019 – 55,790 t The exceedance for the FY2017 period was reported to the Department and a caution was issued in relation to this matter. ERM understands that the weight of product transported from the site is measured using calibrated scales on the site's loader. This weight is recorded on written consignment documentation and the weights are confirmed at the weigh bridges of the onwards CB distribution locations e.g. Albion Park.	NC	Environmental Officer undertakes monthly cumulative production quantity monitoring. No exceedances in annual production volumes has occurred during this audit period.	C
8	Operation of Plant and Equipment The Proponent shall ensure that all plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient condition.	During the site visit, ERM observed a drum suspended above a pump which appeared to be in use for oil storage. The drum appeared to be corroded, which suggests there is an increased likelihood of failure.	O	This drum has been replaced with an appropriate storage vessel.	C

Item No	Assessment Requirement	Comments	2019 Audit Classification	Response/Action	2022 Status
SCHEDULE 3 – ENVIRONMENTAL PROCEDURES					
Management and Monitoring					
11	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be submitted to the Director-General within 3 months of the date of this approval;</p> <p>(b) be prepared in consultation with the DWE and DECC;</p> <p>(c) include a:</p> <ul style="list-style-type: none"> Erosion and Sediment Control Plan; Surface Water Monitoring Plan; Ground Water Monitoring Plan; Acid Sulphate Soils Management Plan and; <p>(d) include a strategy for the placement of high hydraulic conductivity material progressively during the works.</p>	<p>In relation to part (d), the process is discussed in the OEMP in Section 6.5. This section details plans to conduct hydraulic conductivity testing in 20 m intervals. ERM understands that CB are not currently undertaking any hydraulic conductivity testing required by Section 6.5 of the QEMP.</p> <p>Site management advised ERM that the original objective of this design feature was to prevent low hydraulic conductivity material from being imported and placed on site, altering the conditions which were present prior to dredging. The site is currently only emplacing processing returns from the wash-plant screening process which has a high hydraulic conductivity. Given that no imported material is being emplaced at the site and the hydraulic conductivity would be expected to be similar to the surrounding material, this non-conformance is considered minor in nature.</p>	NC	CB reviewed the QEMP and revised the plan in consultation with the Department. Hydraulic conductivity of emplaced material has been tested and is consistent with the reference site.	C
LANDSCAPE MANAGEMENT					
Planning Agreement					
16	<p>Within 3 months of the date of this approval, the Proponent shall:</p> <p>(a) Enter into a Planning Agreement with the Minister under section 93F of the EP&A Act. This Agreement must be generally consistent with commitments in the terms of the offer made by the Proponent to the Minister on 1 May 2007 and must specifically provide for the:</p> <ul style="list-style-type: none"> a. Implementation of the Compensatory Planting shown in Appendix 3 [of the MCoA]; b. Protection of the vegetation in the area shown in Appendix 4 [of the MCoA] (Conservation Area) c. Identification by survey plan of the Conservation Area shown in the plan titled Vegetation Conservation Area (shown conceptually in Appendix 4 [of the MCoA]); d. Implementation of the Landscape and Rehabilitation Management Plan for the site; and e. Insurance of the Conservation Area against the impact of fire or vandalism; <p>Register the Planning Agreement on the title of the land in accordance with the Real Property Act 1900.</p>	ERM has reviewed correspondence from CB to the Department and the proposed Planning Agreement document. Management advised that the Department have not yet responded and therefore no agreement has been formally entered into, therefore this requirement has not been formally met.	ANC	CB has followed up with the Department and the VPA is currently in the process of being finalised.	ANC

3.2 Compliance with Conditions of Consent

The Conditions Consent granted to Cleary Bros by the DoPI were reviewed as part of the audit. There were no High or Medium non-compliances with the site's EPL or Conditions of Consent identified during the audit.

3.3 Compliance with Environment Protection Licence

The Conditions of Consent did not specifically reference any compliance requirements relating to the EPL; however the EPL conditions were reviewed as part of this assessment and no non-compliances were identified. A table summarising compliance with the EPL is available in Appendix A.

3.4 Complaints summary

Complaints are reported in the Annual Reviews (ARs) available online. No complaints were received during the auditing period.

3.5 Incident summary

Interview with the environmental officer and understanding of activities that have taken place on-site during the audit period identified that no incidents have occurred during the audit period.

3.6 Compliance with regulatory instruments

A compliance check of the MCoA, EPL and the QEMP has been completed and is provided in *Appendix A*. Administrative non-compliances and observations for each component are summarised in Table 3.2. The findings relate to some minor housekeeping issues regarding fuels management and administrative non-compliances regarding ongoing negotiations with the Department (relating to the Planning Agreement).

As discussed in *Section 2.2*, a qualitative risk assessment was also completed on the findings as follows:

- non-compliance assessed as 'high' have been colour coded red;
- non-compliance assessed as 'moderate' have been colour coded orange;
- non-compliance assessed as 'low' have been colour coded yellow; and
- administrative non-compliance have been colour coded blue.

Table 3.2 Summary of 2022 Audit Findings

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
<i>Minister's Conditions of Approval DA 8-1-2005</i>				
1	The Proponent shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and rehabilitation of the development.	<p>Based on the site visit, discussions with CB personnel and a review of relevant documentation, no evidence of poor practices that are likely to lead to material environmental harm were observed.</p> <p>There is an opportunity to improve housekeeping by cleaning up the areas affected by minor oil spill from dripping outlet.</p> <ul style="list-style-type: none"> - Incidental diesel spill around the booster pump near the dredge pond, visible floating on a puddle. Spill volume appeared <1L.No sheen was visible on the nearby dredge pond. - Soil beneath the bund water drainage tap near the sand cleaning plant and stockpile had a faint hydrocarbon odour. <p>Both spills appeared minor in nature and no evidence of environmental harm was observed.</p>	O	<p>ERM recommends that a tool box talk for on-site staff is undertaken which discusses spill and hydrocarbon impacted water management.</p> <p>Workers are to be reminded that bund water may be impacted with fuels and should not be discharged is any sheen or odours are visible.</p> <p>Workers should be reminded that even minor spills of fuels should be cleaned up immediately and impacted soils should be disposed of by a suitably licenced waste contractor.</p>
16	<p>Within 3 months of the date of the approval of Modification 1, the Proponent shall:</p> <p>(a) enter into a Planning Agreement with the Minister under section 93F of the EP&A Act. This Agreement must be generally consistent with commitments in the terms of the offer made by the Proponent to the Minister on 1 May 2007, and must specifically provide for the:</p> <ul style="list-style-type: none"> i. implementation of the Compensatory Planting shown in the plan in Appendix 3; ii. protection of the vegetation in the area shown in Appendix 4 (Conservation Area); iii. identification by survey plan of the Conservation Area shown in the plan titled Vegetation Conservation Area (shown conceptually in Appendix 4); iv. implementation of the Landscape and Rehabilitation Management Plan for the site; and v. submission of a Conservation Area Protection Bond, with the Department, in the form of a bank guarantee, to ensure the Conservation Area is being protected as required by condition 16 (a)(ii) of Schedule 3. The sum of the bond must be determined by a suitably qualified person, approved by the Planning Secretary, by calculating the full cost of reasonably protecting the Conservation Area against the threat of fire or vandalism up until 31 July 2038. Following 31 July 2038, the Conservation Area Protection Bond will be released, with the approval of the Planning Secretary; and <p>call in of all or part of the Conservation Area Protection Bond, with the approval of the Planning Secretary, to restore the Conservation Area if it is damaged by fire or vandalism, up until 31 July 2038.</p>	<p>CB submitted a draft planning agreement on 1 December 2008, which was agreed by the Department in principle. A final agreement was never executed with the department, despite CB raising the issue in 2009 and 2013.</p> <p>ERM reviewed correspondence from CB to the Department and the proposed Planning Agreement document in the previous audit (2019). At the time of the last audit, the Site was awaiting the Department's response.</p> <p>Since Modification 1 of the Planning Agreement (10/06/2022), the Site has resubmitted a draft Planning Agreement. CB management advised that the Department has provided feedback in October 2022. The Site will now move forward with incorporating feedback provided, mostly in relation to bond recalculation. CB are working with their legal counsel to provide a response to the Department.</p> <p>The Site is engaged with ongoing discussions with the Department and therefore no agreement has been formally entered into. Therefore this requirement has not been formally met.</p>	ANC	
16A	Within 3 months of the date of the parties signing the Planning Agreement it must be registered on the title of the land in accordance with the Real Property Act 1900	Ongoing. See above.	ANC	

4. CONCLUSION

An audit of MCoA, EPL and QEMP has been completed for the Cleary Bros Gerroa Sand Quarry.

Overall, compliance was generally achieved with the audit documents that were reviewed. The number of non-compliances with the statutory conditions and implementation of the management plans is summarised in Table 4.1 below.

Table 4.1 Summary of Audit Findings

Review	Non-compliances	Administrative non-compliance	Observations
Statutory Instruments	0	2	1
Implementation of Plans	0	0	0

An action response table has been developed by Cleary Bros addressing all audit findings and will be submitted separately to this report.

**APPENDIX A CONDITIONS OF CONSENT AND ENVIRONMENT
PROTECTION LICENCE COMPLIANCE TABLES**

Appendix A1 – Summary of Minister’s Conditions of Approval Findings – modified 10 June 2022

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
SCHEDULE 2 - ADMINISTRATIVE CONDITIONS				
Obligation to Minimise Harm to the Environment				
1	The Proponent shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and rehabilitation of the project.	<p>Based on the site visit, discussions with CB personnel and a review of relevant documentation, no evidence of poor practices that are likely to lead to material environmental harm were observed.</p> <p>There is an opportunity to improve housekeeping by cleaning up the areas affected by minor oil spill from dripping outlet.</p> <ul style="list-style-type: none"> - Minor diesel spill around the booster pump near the dredge pond, visible floating on a puddle. Spill volume appeared <1L. - Soil beneath the fill point pump tap near the sand cleaning plant and stockpile had a faint hydrocarbon odour. <p>Both spills appeared minor in nature and no evidence of environmental harm was observed.</p>	O	<p>ERM recommends that a tool box talk for on-site staff is undertaken which discusses spill and hydrocarbon impacted water management.</p> <p>Workers are to be reminded that bund water may be impacted with fuels and should not be discharged if any sheen or odours are visible.</p> <p>Workers should be reminded that even minor spills of fuels should be cleaned up immediately and impacted soils should be disposed of by a suitably licenced waste contractor.</p>
Terms of Approval				
2	The Proponent shall carry out the project in accordance with the: (a) EA; (b) Statement of Commitments; and (c) conditions of this approval.	The Site is being operated predominately in accordance with the EA, the Statement of Commitments and the Minister’s Conditions of Approval.	C	Minor non-compliance with relevant approvals are discussed throughout this report.
3	If there is any inconsistency between the EA, Statement of Commitments and conditions of this approval, the conditions shall prevail to the extent of the inconsistency.	No inconsistencies were identified.	C	N/A
4	The Proponent shall comply with any reasonable requirement/s of the Planning Secretary arising from the Department’s assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.	The Site has not received any requirements from the Planning Secretary during the audit period, and is therefore compliant with this condition.	NT	N/A
Limits of Consent				
5	Extraction and processing operations may take place until 31 July 2038.	With the recent modification of the MCoA on 10 June 2022, the Site has been approved to extract sand from a new area on the current lot. Sand extraction and major earthworks have yet to commence in this area. The Site is waiting for all management plans (MPs) to be approved by the Department. Following approvals of MPs, the Site will begin digging in the area. The extraction and processing operations end date has been extended to 2038 with the most recent modification.	Note	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
5A	Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Planning Secretary . Consequently this approval will continue to apply in all other respects other than the right to conduct extraction and processing operations until the site has been rehabilitated to a satisfactory standard. Inter alia, to avoid doubt, the site has not been rehabilitated to a satisfactory standard unless conditions 16 and 17 of Schedule 3 of this approval have been complied with.	<p>Based on discussions with Site management and review of the Gerroa Annual Monitoring Report, most of the plantings on the Site were completed at each zone early on in the monitoring program and are now in the maintenance phase. The most recent plantings that have occurred are in Zone 2B.1, 2D, 2C.2 and Zone 2C.1 to expand the vegetation buffer along Blue Angle Creek. These areas are now similarly in the maintenance phase and will require further plantings to replace any lost in the past year.</p> <p>The Site is not in closure phase and thus is not yet required to have completed rehabilitation of the Site. The rehabilitation efforts are ongoing, with some areas well established and others with new plantings. The Site has also installed a greenhouse nursery, to help plant growth prior to planting, to assist with planting success in heavy rain conditions.</p> <p>Based on the information and correspondence reviewed, ERM understands that the rehabilitation to date has met the requirements of the Department.</p>	C	N/A
6	<p>The Proponent shall not transport more than 80,000 tonnes of products from the site in a year.</p> <p><i>Note: This condition applies to the combined production of quarry products from the existing quarry and the quarry extension, and does not include the ancillary extractive material that would be imported onto the site and dispatched with the quarry's products.</i></p>	<p>No tonnage exceedances have occurred during the audit period.</p> <p>Total site production was reported to the Department of Trade and Investment, Resources and Energy (2019-2020) and the Department of Regional NSW (2020-2021, 2021-2022). The annual production volumes records presented by management are summarised below:</p> <p>FY2019/2020 – 54,178 tonnes FY 2020/2021 – 43,155 tonnes FY 2021/2022 – 31,291 tonnes</p> <p>These values are all under the licensed limit of 80,000 tonnes.</p>	C	N/A
Surrender of Consents				
7	<p>Within 3 months of the date of this approval, the Proponent shall surrender all existing development consents associated with the Gerroa Sand Quarry, in accordance with clause 97 of the EP&A Regulation.</p> <p><i>Note: This approval will apply to all phases and components of the quarry from the date of this approval.</i></p>	<p>The Proponent did not surrender the existing development consents within 3 months of the date of the approval.</p> <p>This was identified in the Independent Environmental Audits (IEAs) conducted by GHD, dated 2010 and ERM dated 2013 - 2019, and therefore has not been raised as a new finding in this report.</p>	C	N/A
8	<p>Operation of Plant and Equipment</p> <p>The Proponent shall ensure that all plant and equipment used at the site is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient condition.</p>	<p>CB utilises a pre-start checklist for all CB owned and operated mechanised plant on-site to ensure it is operational prior to beginning work. If anything major is noted during the pre-start checklist, the quarry manager is notified and will call the workshop to fix. Any minor preventative maintenance issues minor are reported through the pre-start checklist. Equipment is triaged as appropriate, and it is then decided what needs to be done for the next service.</p> <p>ERM reviewed a selection of pre-start checklists from multiple weeks in October 2022 that verify the Site is maintaining and operating plant and equipment in a proper and efficient condition.</p> <p>MEX Maintenance Software is used to store maintenance records of plant and machinery on site. MEX maintenance records were observed as part of this audit, for the following equipment: earthmoving equipment, tyre inspections, water carts, and a registration check for a heavy vehicle, dated 4/11/2022. There is no evidence that plant is not being serviced or maintained in accordance with the schedule was observed.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
		<p>CB utilises Davidson Dredging to undertake dredging and dredge material separation activities. CB provided a copy of preventative maintenance documentation for the contractor plant on-site including the dredge, the wash-plant and the booster pump.</p> <p>ERM considers that the controls and observations are sufficient to demonstrate compliance with this condition.</p>		
Section 94 Contribution				
9	<p>The Proponent shall pay a contribution of:</p> <p>(a) 30 cents per tonne of material hauled from the site to SCC; and (b) 20 cents per tonne of material hauled from the site to KMC,</p> <p>For the maintenance/repair of public roads to the satisfaction of the Planning Secretary.</p> <p><i>Note: These contribution rates shall be paid and indexed in accordance with the applicable Contributions Plan.</i></p> <p>in accordance with Shoalhaven City Council's <i>Section 94 Contributions Plan 1993 – Amendment No.71 Berry</i>, to the satisfaction of the Director-General.</p>	<p>CB provided records of payment to Kiama and Shoalhaven City Council for 2019, 2020 and 2021.</p> <p>The Section 94 contributions spreadsheet shows up to date calculations for the cost of payments to each council, taking into account latest CPI Index.</p> <p>Records of the amounts paid to Council compared to calculations based on tonnages in annual returns to DP&E are summarised below:</p> <ul style="list-style-type: none"> • Section 94 Contribution payment Shoalhaven: <ul style="list-style-type: none"> • 2019 = 68,718.18 x 0.3806 = \$26,151.92 (amount paid = \$26,151.92) • 2020 = 41159.7 x 0.3838 = \$15,798.85 (amount paid = \$15,798.85) • 2021 = 33160.2 x 0.3973 = \$13,173.58 (amount paid = \$13,173.58) • Section 94 Contribution payment Kiama:) <ul style="list-style-type: none"> • 2019 = 68,718.18 x 0.2537 = \$17,434.61 (amount paid = \$17,434.61) • 2020 = 41159.7 x 0.2559 = \$10,532.57 (amount paid = \$10,532.57) • 2021 = 33160.2 x 0.2648 = \$8,782.38 (amount paid = \$8,782.38) <p>ERM calculated the cents per tonne paid to the Councils based on the production values. No significant variations in the payments per tonne were noted.</p>	C	N/A
Notification of Commencement				
10.	<p>The Department must be notified in writing of the date of commencement of any of the following phases of the development, at least two weeks before that date:</p> <p>(a) extraction and processing operations associated with the Modification 1 – Extraction Area;</p> <p>(b) cessation of extraction and processing operations (i.e. quarry closure); and</p> <p>(c) any period of suspension of extraction and processing operations greater than 12 months (i.e. care and maintenance).</p>	<p>This condition is not triggered as the mine is still operating.</p>	NT	N/A
Staging, Combining and Updating Strategies, Plans or Programs				
11.	<p>With the approval of the Planning Secretary, the Proponent may:</p> <p>(a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</p> <p>(b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</p> <p>(c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a</p>	<p>The Site is in the process of submitting MPs to the Department, under the Modification 1 of the MCoA.</p> <p>The new Quarry Environmental Management Plan (QEMP) to be submitted to the Department contains all relevant MPs for the Site.</p> <p>Therefore, the Site is compliant with this condition.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	regular basis and incorporate additional measures or amendments to improve the environmental performance of the project); and (d) combine any strategy, plan or program required by this approval with any similar strategy, plan or program required by an adjoining quarrying consent or approval, in common ownership or management.			
12.	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.	Noted	Note	N/A
13.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.	Noted	Note	N/A
Application of Existing Strategies, Plans or Programs				
14.	The Proponent must continue to apply existing management plans, strategies or monitoring programs required under this approval prior to the approval, until the approval of a similar plan, strategy or program following the approval of Modification 1.	The Site is upholding the previously approved MPs until the new QEMP is approved and comes under effect.	C	N/A
Compliance				
15.	The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.	ERM reviewed site induction record for the load operator, outlining the controls required to comply with the conditions of this approval. This is applied to all site inductions for staff on site, and therefore staff are made aware of the practices relevant to their work that ensure compliance with the conditions of this approval.	C	N/A
Applicability of Guidelines				
16.	References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are as at the date of inclusion in the condition.	Noted	Note	N/A
17.	However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Noted	Note	N/A
SCHEDULE 3 – ENVIRONMENTAL PROCEDURES				
General Extraction and Processing Process				
Identification of Boundaries				
1	<p>Within 3 months of the date of this approval, and following any subsequent modification to this approval under the EP&A Act, or as otherwise agreed by the Planning Secretary, the Proponent shall</p> <p>(a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction shown in Appendix 1;</p> <p>(b) submit a survey plan of these boundaries and their GPS coordinates to the Planning Secretary; and</p> <p>(c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.</p> <p><i>Note: The limit of extraction, defined as the Extraction Area, is shown conceptually on the plans in Appendix 1.</i></p>	<p>The boundary survey plan from K.F Williams & Associates Pty Ltd Consulting Surveyors, Civil and Structural Engineers & Planners was provided for review by ERM, with the final revision to the plan dated 25 August 2008.</p> <p>The survey plan was not submitted within 3 months of the date of the conditions of approval. This finding was raised historically during the IEA conducted by GHD, dated 2010, and ERM Audits in 2013 - 2019, therefore has not been raised as a new finding in this report.</p> <p>In relation to (c), the Site confirmed that boundary checks are conducted quarterly to ensure the boundaries are clearly marked. ERM also observed some of the boundary markers during the site walkover, including demarcation of aboriginal heritage areas. No evidence of extraction outside of the approved extraction limit was observed.</p> <p>Site management provided the surveyor report for the Modification 1 area, conducted by CEH consulting on 5/9/22. GPS coordinates of heritage areas are provided on survey maps.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation																
Noise																				
Noise Impact Assessment Criteria																				
2	<p>The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land:</p> <p><i>Table 1: Noise impact assessment criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>LAeq (15min) dB(A)</th> </tr> </thead> <tbody> <tr> <td>670 Beach Rd</td> <td>41</td> </tr> <tr> <td>11 Bangarrai St</td> <td>40</td> </tr> <tr> <td>Seven Mile Beach Holiday Park</td> <td>36</td> </tr> <tr> <td>Picnic Area 1</td> <td>40</td> </tr> <tr> <td>Picnic Area 2</td> <td>40</td> </tr> <tr> <td>Athelstane 40</td> <td>40</td> </tr> <tr> <td>Any other residential receiver</td> <td>40</td> </tr> </tbody> </table>	Location	LAeq (15min) dB(A)	670 Beach Rd	41	11 Bangarrai St	40	Seven Mile Beach Holiday Park	36	Picnic Area 1	40	Picnic Area 2	40	Athelstane 40	40	Any other residential receiver	40	<p>The sand quarry has not received any complaints regarding noise for the duration of the audit period.</p> <p>There are no requirements to monitor noise unless the Site receives a complaint.</p> <p>Based on the lack of complaints during the audit period, ERM considers the Site to be compliant with this condition.</p>	C	N/A
Location	LAeq (15min) dB(A)																			
670 Beach Rd	41																			
11 Bangarrai St	40																			
Seven Mile Beach Holiday Park	36																			
Picnic Area 1	40																			
Picnic Area 2	40																			
Athelstane 40	40																			
Any other residential receiver	40																			
2A	<p>Noise generated by the project must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017).</p>	<p>There are no specific requirements for noise monitoring in the Site's EPL. The noise monitoring requirements from the Development Consent are included in the Site's QEMP. Section 8.3 of the QEMP details the noise testing requirements and specifies that noise testing is required within 3 months of commencement of operations on the extension Site. Subsequent noise monitoring will only be required if there are exceedances or a significant change to operations or machinery likely to have noise implications.</p>	C	N/A																
2B	<p>The noise criteria in Table 1 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	<p>Noted</p>	Note	N/A																
Hours of Operation																				
3	<p>The project shall only operate:</p> <p>(a) between 7:00am and 6:00pm Monday to Friday;</p> <p>(b) between 7:00am and 1:00pm on Saturday; and</p> <p>(c) at no time on Sundays and Public Holidays.</p>	<p>Timesheets and sign-in sheets near the entrance of the Site were reviewed by ERM.</p> <p>Employees may arrive on-site between 6:45 am and 7:00 am, however, plant and equipment does not start until 7:00 am. The Site sign-in sheets reviewed confirmed that work does not start until 7:00 am. Workers generally sign out between 2:30 pm and 5:00 pm.</p> <p>No evidence of work being undertaken on-site outside of permissible hours was observed during the Site visit or documentation review.</p> <p>No complaints regarding vehicle movements or noise outside of operating hours have been received by the Site during the audit period.</p>	C	N/A																
Noise Operating Conditions																				

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
4.	<p>The Proponent must:</p> <ul style="list-style-type: none"> (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the project; (b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas; (c) take all reasonable steps to minimise the noise impacts of the project during noise-enhancing meteorological conditions; (d) carry out regular attended noise monitoring to determine whether the project is complying with the relevant conditions of this approval; and (e) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this approval. 	<p>As per the Site's approved QEMP (last revised and approved 1/2/2017), noise monitoring is not required unless the Site receives a complaint pertaining to noise. The Site has not received complaints related to noise during the audit period. Therefore, the Site is compliant with this condition.</p>	C	N/A
Noise Management Plan				
4A.	<p>The Proponent must prepare a Noise Management Plan for the project and submit it to Planning Secretary for approval prior to extraction and processing operations within the Modification 1 – Extraction Area. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with EPA, by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) describe the noise management measures to be implemented to ensure: <ul style="list-style-type: none"> i. compliance with the noise criteria and operating conditions in this approval; ii. noise impacts of the project are minimised during noise-enhancing meteorological conditions; (c) include a monitoring program that: <ul style="list-style-type: none"> i. is capable of evaluating the performance of the project against the noise criteria; ii. monitors noise at the nearest and/or most affected residences or other representative monitoring locations set out in the Noise Management Plan; and iii. include a protocol for identifying any noise-related exceedance, incident or non-compliance and notifying the Department and the EPA of any such event; and (d) be implemented as approved by the Planning Secretary. 	<p>The Noise Management Plan (NMP) is included as Appendix C in the recently submitted QEMP, which is in the process of being approved. This recently updated QEMP is dated 11/11/2022, awaiting DPE review and approval.</p> <p>Based on ERM's review, we can confirm that this NMP:</p> <ul style="list-style-type: none"> (a) Has been prepared by Cleary Bros (CB), using an in-house resource who is an experienced environmental professional with over 10 years practical experience developing noise mitigation strategies and implementing noise management plans on mine and quarry sites. CB have also relied upon input from specialist acoustic consultants from SLR Consulting as part of the preparation of this plan. A copy of the NMP has been provided to EPA for input prior to the plan's finalisation. ERM sighted a letter from CB to the Department nominating Mark Hammond as Environmental Officer for the Gerroa Sand Quarry, thus qualifying Mark to develop Management Plans for the Site. (b) Describes the noise management measures to be implemented to ensure: <ul style="list-style-type: none"> (i) compliance with the noise criteria and operating conditions in this approval (as described in Section 5); (ii) noise impacts of the project are minimised during noise-enhancing meteorological conditions (as described in Section 6); (c) the noise monitoring program (Section 7): <ul style="list-style-type: none"> (i) is capable of evaluating the performance of the project against the noise criteria; (ii) noise is monitored at the nearest sensitive receptors as identified in Figure 1 of the NMP and include: 670 Beach Road, Seven Mile Beach Holiday Park, Athelstane (rural residence to the North), Seven Mile Beach National Park Picnic Area 1, Seven Mile Beach National Park Picnic Area 2, Any other residential receiver (in response to complaint or request), and (iii) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and notifying the Department and the EPA of any such event – as described in Section 8.4 of the NMP 'Corrective Actions and Improvement Measures'; and (d) is to be implemented when approved by the Planning Secretary. <p>As this is a new condition as part of Modification 1, the Site is progressing towards compliance with this condition at a satisfactory rate.</p>	C	N/A
Air Quality Criteria				

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation								
5.	<p>The Proponent must ensure that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 2 at any residence on privately-owned land.</p> <p><i>Table 2: Air quality criteria</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th colspan="2">Criterion</th> </tr> </thead> <tbody> <tr> <td>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p><i>Notes:</i> <i>a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources).</i> <i>b Incremental impact (i.e. incremental increase in concentrations due to the project on its own).</i> <i>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</i></p>	Pollutant	Averaging period	Criterion		^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	Air Quality monitoring was reviewed in the Annual Reviews (ARs) from reporting periods 2019-2020, 2020-2021, and 2021-2022. There have been no exceedances of air quality criteria during the audit period.	C	N/A
Pollutant	Averaging period	Criterion										
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month									
6.	The air quality criteria in Table 2 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Proponent has advised the Department in writing of the terms of this agreement.	Noted	Note	N/A								
7.	<p>The Proponent must:</p> <p>(a) take all reasonable steps to:</p> <p>i. minimise odour, fume and dust emissions of the project;</p> <p>ii. minimise visible off-site air pollution generated by the project; and</p> <p>iii. minimise the extent of potential dust generating surfaces exposed on the site;</p> <p>(b) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events; and</p> <p>(c) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this approval.</p>	The Site's air quality monitoring is described in Section 8.4 of the QEMP (both new QEMP 11/2022 and currently in force QEMP 19/01/2017). The Site takes all reasonable steps to minimise impacts to air. From review of ARs and the complaints register, the Site has not had non-compliances with air quality during the audit period.	C	N/A								
Air Quality Management Plan												
8.	<p>The Proponent must prepare an Air Quality Management Plan for the project and submit it to the Planning Secretary for approval prior to activities taking place in the Modification 1 - Extraction Area.</p> <p>The plan must:</p> <p>(a) be prepared in consultation with EPA and by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) describe the measures to be implemented to ensure:</p> <p>i. compliance with the air quality criteria and operating conditions in this approval; and</p> <p>ii. air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;</p> <p>(c) include air quality monitoring procedures that can:</p> <p>i. identify project related air quality- exceedance(s), incident or non-compliance; and</p> <p>ii. notify the Department the EPA of any such event detailed in condition 8 c) i., above; and</p> <p>(d) be implemented as approved by the Planning Secretary.</p>	<p>The new Air Quality Management Plan (AQMP) is included as Appendix D of the recently submitted QEMP, dated 11/11/2022. The new QEMP was submitted to the Department on 14/11/2022 as confirmed by Site staff during interviews.</p> <p>As the Site has yet to commence activities in the Modification 1 – Extraction Area, this condition is not yet triggered for the Site.</p>	NT	N/A								
Surface and Groundwater												
Discharges												

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation												
9	The Proponent shall not discharge any water from the quarry or its associated operations except for the purpose of restoring normal pond level after significant rainfall. Any such damage shall be in accordance with the EPL.	According to the relevant AR's and discussion with Site management, no water discharges have occurred during the audit period.	C	N/A												
Water Supply																
9A	The Proponent must ensure that it has sufficient water allocation for all stages of the project and if necessary, adjust the scale of its water extraction so its within its available water allocation.	As noted during the site visit, the water level on-site is currently high. There have been no issues with water supply during the audit period.	C	N/A												
9B	The Proponent must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence. <i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain all necessary water licences for the project.</i>	As noted from discussions with Site staff, reporting on water extractions has been recently implemented, as it is a new requirement with Modification 1. Water extraction is reported on in the Site's latest AR (1/7/2021 – 30/5/2022), including moisture of sand and tonnage. The main water use from the Site is water that remains in sand and is then transported off the Site. Water use is reported on in Section 4.4 of the 2021-2022.	C	N/A												
Flood Management																
9C	Prior to any construction or extraction and processing operations within the Modification 1 – Extraction Area, the Proponent must provide the Planning Secretary with the detailed design of the flood mitigation bunds shown conceptually in Appendix 10, to demonstrate that the flood mitigation bunds can prevent inundation of the Modification 1 – Extraction Area from a flood of 1% AEP with 0.5 m freeboard.	Activities have not commenced in the Modification 1 – Extraction Area. Therefore, this condition is not triggered for this audit period.	NT	N/A												
9D	Within three years of commencing extraction and processing operations within Modification 1 – Extraction Area, and every three years thereafter up until the year 2038, the Proponent must engage a suitably qualified person, approved by the Planning Secretary, to review the design of the bunds taking into consideration the on-site hydrological data, relevant metrological and climate data to determine if the heights of the bunds needed to be adjusted to prevent flood waters mixing with Modification 1 – Extraction Area pond water and discharging uncontrolled into the receiving environment.	Activities have not commenced in the Modification 1 – Extraction Area. Therefore, this condition is not triggered for this audit period.	NT	N/A												
9E	The Proponent must progressively construct the flood mitigation bunds detailed in condition 9C and shown in Appendix 10 and adjust the heights if required by condition 9D. The Proponent must regularly maintain and monitor the stability of the flood mitigation bunds throughout the extraction, rehabilitation and closure phases of quarry operations.	Activities have not commenced in the Modification 1 – Extraction Area. Therefore, this condition is not triggered for this audit period.	NT	N/A												
Water Quality Objectives																
10	Unless otherwise approved by the Planning Secretary, the Applicant shall aim to meet the water quality objectives in Table 3 for water in the Extraction Area dredge pond and in ground water adjacent the dredge pond. Table 3: Water Quality Objectives	A review of monitoring records indicates that the Site is undertaking monitoring for all analytes and at a frequency that is in accordance with the Conditions of Consent. Sections 4.2 and 4.3 of the ARs discuss groundwater and surface water monitoring results. 2019-2020: <u>Groundwater</u> Chlorophyll A, Faecal Coliforms, Enterococci, Potassium ion, Bicarbonate ion and Ammonium ion were all found to be within objective limits.	C	N/A												
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Unit of Measure</th> <th>Water Quality Objective</th> </tr> </thead> <tbody> <tr> <td>Turbidity</td> <td>NTU</td> <td>5-20</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>6-8.5</td> </tr> <tr> <td>Salinity</td> <td>µS/cm</td> <td><1,500</td> </tr> </tbody> </table>	Pollutant	Unit of Measure	Water Quality Objective	Turbidity	NTU	5-20	pH	pH	6-8.5	Salinity	µS/cm	<1,500			
Pollutant	Unit of Measure	Water Quality Objective														
Turbidity	NTU	5-20														
pH	pH	6-8.5														
Salinity	µS/cm	<1,500														

No	Assessment Requirement			Reference/Evidence	Compliance Status	Recommendation
	Dissolved oxygen	mg/L saturation	>6 (>80-90%)	<p>Monitoring Well 1 (MW1) showed results outside objectives for pH, Electrical Conductivity, Total Phosphorus, Total Nitrogen, Sodium, Magnesium Ion, Chloride Ion, Sulphate Ion and Soluble Iron Ion.</p> <p>The Total Phosphorus objective was exceeded at all monitoring wells.</p> <p><u>Surface water</u></p> <p>Total Algae, Cyanophyta, Total nitrogen and Chlorophyll-a were outside objective limits for surface water.</p> <p>pH, Total phosphorus, Faecal coliforms, Enterococci, Sodium, Potassium ion, Magnesium ion, Chloride, Sulphate ion, Bicarbonate ion, Soluble iron ion, Ammonium ion, Turbidity, and DO were found to be within objective limits.</p> <p>2020-2021:</p> <p><u>Groundwater</u></p> <p>Chlorophyll A, Faecal Coliforms, Enterococci, Potassium ion, Bicarbonate ion and Ammonium ion were all found to be within objective limits.</p> <p>MW1 showed results outside objectives for pH, Electrical Conductivity, Total Phosphorus, Total Nitrogen, Sodium, Magnesium ion, Chloride ion, Sulphate ion and Soluble Iron ion.</p> <p><u>Surface Water</u></p> <p>Total algae, Cyanophyta, Total nitrogen and Chlorophyll-a were found to be outside objective limits.</p> <p>Conductivity, pH, Total phosphorus, Faecal coliforms, Enterococci, Sodium, and Potassium ion were found to be within objective limits.</p> <p>2021-2022:</p> <p><u>Groundwater</u></p> <p>Chlorophyll-a, Faecal coliforms, Enterococci, Potassium ion and Bicarbonate ion were all found to be within objective limits.</p> <p>MW1 showed results outside objectives for pH, Electrical Conductivity, Total Phosphorus, Total Nitrogen, Sodium, Magnesium ion, Chloride ion, Sulphate ion, Soluble Iron ion and Ammonium ion.</p> <p><u>Surface water</u></p> <p>Total algae, Cyanophyta, Total nitrogen, Chlorophyll-a and Ammonium ion were found to be outside objective limits.</p>		
	Total phosphorous	µg/L	<30			
	Total nitrogen	µg/L	<350			
	Chlorophyll-a	µg/L	<5			
	Faecal coliforms	Median No/ 100mL	<1000			
	Enterococci	Median No/ 100ml	<230			
	Algae and blue-green algae	No. cells/mL	<15,000			
	Sodium	mg/L	<400			
	Potassium ion	mg/L	<50			
	Magnesium ion	mg/L	<50			
	Chloride ion	mg/L	<300			
	Sulphate ion	mg/L	<250			
	Bicarbonate ion	mg/L	<750			
	Soluble Iron ion	mg/L	<6			
	Total Ammonium-N	µg/L	<20			
	<p>Notes:</p> <p><i>The objectives for dissolved oxygen, turbidity and algae are relevant to surface water only.</i></p> <p><i>The Department acknowledges that short term exceedances of these objectives may occur during natural events such as heavy rainfall or tidal saline water inflow.</i></p>					

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
		<p>Conductivity, Total Phosphorus, Faecal coliforms, Enterococci, Sodium, Potassium ion, Magnesium ion, Chloride, Sulphate ion, Bicarbonate ion, Soluble iron ion, Turbidity and DO were found to be within objective limits.</p> <p>It was noted by CB that MW1 is connected to the Berry Siltstone aquifer, which is slightly brackish, with a deficiency of potassium, which is reflected in monitoring results. Additionally, CB note that historical monitoring of this bore shows higher salinity and major ion concentrations at various times since 1993, and suggest that many of the water quality objectives for this bore are not appropriate given the natural variability of analytes at the interface of the Berry Siltstone aquifer and alluvial aquifer.</p> <p>The bores that showed increases in ion concentrations during the audit period were located close to Blue Angle Creek, and it was deduced by CB that the tidal influence from the Crooked Estuary was the cause of this. CB also noted that there is a natural presence of iron sulphides in the local geology, which CB deduces to be a contributing factor in reoccurring low pH measurements below the objective range, and soluble iron concentrations above the objective value. The exceeding nitrogen and phosphorus levels are noted to be consistently observed at higher than objective levels, despite these substances not being used in any Site activities. CB notes that Nitrogen and phosphorus levels in the dredge pond are typically close to or below standard laboratory reporting limits, supporting CB determinations that extraction activities are not contributing to the observed high concentrations of these analytes in the groundwater. Additionally, CB note that the Nitrogen and Phosphorus exceedances are likely a result of agricultural activities surrounding the Site.</p>		
Management and Monitoring				
11	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be submitted to the Planning Secretary within 3 months of the date of this approval;</p> <p>(b) be prepared in consultation with the DPE Water and EPA; and</p> <p>(c) include a:</p> <ul style="list-style-type: none"> • Erosion and Sediment Control Plan; • Surface Water Monitoring Plan; • Ground Water Monitoring Plan; • Acid Sulfate Soils Management Plan; <p>(d) include a strategy for the placement of high hydraulic conductivity material progressively during the works.</p>	<p>A summary of compliance with each part of Schedule 3, Condition 11 is provided below:</p> <p>(a) The Water Management Plan (WMP) was not submitted within 3 months of the date of the conditions of approval. This finding was raised historically during the Independent Environmental Audit conducted by GHD, dated 2010, and ERM audits (2013 - 2019) and has therefore not been raised as a new finding in this report.</p> <p>(b) The EPA has confirmed that it does not review management plans as part of development applications, therefore point (b) is not applicable.</p> <p>(c) The newly developed QEMP (11/11/2022) includes a WMP in Appendix E, which details:</p> <ul style="list-style-type: none"> • an Erosion and Sediment Control Plan in Section 8.1; • Surface Water Monitoring in Section 11.1; • Groundwater Monitoring in Section 11.2; and • Acid Sulphate Soil Management Plan in Section 10. <p>(d) The process for the placement of high hydraulic conductivity material is discussed in the Appendix E of the QEMP (11/11/2022), Section 9 'Groundwater Management'. This section details plans to emplace high hydraulic conductivity material at 50m intervals along completed sections of the dredge pond foreshore.</p>	C	N/A
12	<p>The Erosion and Sediment Control Plan shall:</p> <p>(a) be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004 (Landcom)</i>;</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p>	<p>The Erosion and Sediment Control Plan is outlined in Section 8.1 of the WMP in QEMP (11/11/2022).</p> <p>The Erosion and Sediment Control Plan:</p> <p>(a) Is prepared with reference to and is consistent with the Landcom publication <i>Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004 (the 'Blue Book')</i>, as referenced at the beginning of the plan;</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>(c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</p> <p>(d) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to maintain (and if necessary decommission) the structures over time.</p>	<p>(b) Identifies activities that could cause soil erosion and generate sediment, including wind, vehicle movement, rainfall, wave action, sediment moving during initial disturbance for clearing and topsoil stripping, sediment movement around the periphery of the new dredge pond, erosion of final batters both within the foreshore zone and in the dry zone above;</p> <p>(c) Describes erosion and sediment control measures in sections 8.1.2 and 8.1.3;</p> <p>(d) Describes the location, function, and capacity of erosion and sediment control structures in sections 8.1.2 and 8.1.3; and</p> <p>describes what measures would be implemented to maintain (and if necessary decommission) the structures over time - completed sections of the dredge pond foreshore and batters are to be inspected at least quarterly and any erosion damage repaired; Sediment fencing is to be inspected at least monthly and after any significant rainfall event. Any necessary maintenance is to be undertaken whenever the need is apparent. Sediment shall not be allowed to build up in front of sediment fencing. □ Sediment controls observed during the site walkover included silt stop fencing in selected areas, wetting down roadways and the mining area using a water cart during dry conditions to prevent dust migrating off-site and revegetation and mulching of disturbed areas. These activities were observed to be competently undertaken during the site inspection.</p>		
13	<p>The Surface Water Monitoring Program shall include:</p> <p>(a) detailed baseline data on surface water quality in the main channel in Foys Swamp;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor surface water quality;</p> <p>(d) a program to monitor bank and bed stability of the dredge pond;</p> <p>(e) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and</p> <p>(f) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.</p>	<p>The Surface Water Monitoring Program (SWMP) is outlined in Section 8.5 of the QEMP (19/01/2017). The SWMP includes:</p> <p>(a) Baseline data on surface water quality located Appendix E of the QEMP;</p> <p>(b) Surface water impact assessment criteria are outline in Table 8.4 of the QEMP (water quality parameters), and Section 6.4 of the QEMP (water quality objectives);</p> <p>(c) Surface water monitoring is described in Section 8.5 of the QEMP;</p> <p>(d) Bank, Bed and Erosion monitoring is discussed in Table 8.4 of the QEMP - At three-monthly intervals the foreshores and batters around the full perimeter of the working area are to be inspected for evidence of instability, as well as the adequacy of the current sediment and erosion controls. The inspection will be undertaken on foot and the date of the inspection recorded;</p> <p>(e) A protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria is discussed in Section 8.5 of the QEMP;</p> <p>(f) Quarterly erosion monitoring is undertaken at the Site. Additionally, controls are discussed in the Erosion Sediment Control Plan located at Appendix C of the QEMP.</p>	C	N/A
14	<p>The Ground Water Monitoring Program shall include:</p> <p>(a) a statistical analysis of baseline ground water level and water quality data;</p> <p>(b) ground water impact assessment criteria, including criteria for assessing any impacts on ground water dependent ecosystems and vegetation;</p> <p>(c) a program to monitor:</p> <ul style="list-style-type: none"> • hydraulic conductivity upon the completion of the landscaping of each 20 metre wide extraction zone, tests shall be conducted to 	<p>The Groundwater Monitoring Program is discussed in Section 8.6 of the QEMP (19/01/2017), and includes:</p> <p>(a) statistical analysis of baseline groundwater level and water quality located within Appendix E;</p> <p>(b) groundwater impact assessment criteria (objectives) within Section 6.4.1 and Section 8.6;</p> <p>(c) a program to monitor hydraulic activity, impacts on groundwater dependent ecosystems and vegetation, water levels, in situ strata, and groundwater levels under the SSF in Section 8.6;</p> <p>(d) The Environmental Officer reviews all environmental monitoring, reports and any other documentation relating to compliance on a regular basis. The QEMP includes Table 3.1 which outlines roles and responsibilities for the Environmental Officer. The roles and responsibilities include review requirements. Monthly review of the various data is stated in the management procedures throughout the report. Evidence of review was sighted in the</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>ensure that the hydraulic conductivity following the placement of material is similar to the conditions prevailing prior to excavation commencing;</p> <ul style="list-style-type: none"> • impacts on ground water dependent ecosystems and vegetation (from at least 6 boreholes at the edge of the dredge pond); and • water levels (at no less than monthly intervals and taken on the same day) in the dredge pond, the drain at the flood gates, monitoring bores WM1, WM1A, WM2A, WM3A, WM4, WM5, 1/Aug07, 2/Aug07, 3/Aug07, 4/Aug07, 5/Aug07 and 6/Aug07 (locations shown on Drawing 6198/208bh Revision A prepared by KF Williams & Associates, 15/2/08), and any additional bores installed at the edge of the dredge pond; • the in situ strata at the perimeter of the edge of the dredge pond for its current hydraulic conductivity; and • groundwater levels under the SSF. <p>(d) monthly review of the results of ground water monitoring by the Proponent's Environmental Officer</p> <p>(e) a protocol for the investigation, notification and mitigation of any identified exceedances of the ground water impact assessment criteria. The protocol shall include the following measures to be undertaken in the event that the water level in any bore lies outside the range of two standard deviations from the mean for more than 6 months and does not follow a trend that can be attributed to climatic effects, as evident in other monitoring bores, undertake the following actions:</p> <ul style="list-style-type: none"> • sand extraction shall be halted immediately while further investigations and any necessary remedial action are undertaken; • additional water level measurements shall be taken in temporary bores in the vicinity of the affected bore to confirm the ground water levels in that locality; • a qualified hydrogeologist shall be engaged to assess the significance of the variance from expected ground water behaviour; • if the review of the hydrogeologist considers that it is necessary to maintain the pre-existing ground water regime in the vicinity of the SSF he/she shall be requested to recommend an appropriate remedial action plan. This plan may include the adjustment to the placement strategy for panels of high hydraulic conductivity material required by Condition 11(d); and • the recommended remedial action plan shall be submitted for the Planning Secretary's approval and subsequently implemented by the Proponent; <p>(f) include measures to mitigate, remediate and/or compensate any identified ground water impacts.</p>	<p>Environmental Officer's monthly monitoring reports. ERM reviewed the monthly reports for August, September and October 2022, which included groundwater monitoring results;</p> <p>(e) A protocol for investigation notification and mitigation of any identified exceedances of the groundwater impact assessment criteria is included in Section 8.6;</p> <p>(f) Measures to mitigate, remediate and/or compensate any identified groundwater impacts are discussed in Sections 6.5.3 and 8.6.</p>		
	Acid Sulfate Soils Management			
15.	<p>The Proponent must prepare an Acid Sulfate Soils Management Plan for the project. The plan must:</p> <p>(a) be prepared in consultation with EPA and DPE Water, and by a suitably qualified person whose appointment has been approved by the Planning Secretary;</p> <p>(b) describe the measures that would be implemented to avoid and mitigate acid sulfate soils being mobilised during extraction and processing operations, including but not limited to:</p> <p>i. a monitoring program that includes consideration of trace metals;</p>	<p>Appendix F of the QEMP includes an Acid Sulfate Soils Management Plan which has been developed in accordance with the Acid Sulphate Soils Assessment and Management Guidelines.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>ii. the deposition of acid sulfate fines beneath the average groundwater level; iii. a protocol for the investigation and mitigation of identified exceedances of the relevant impact assessment criteria set within the project approval including the Water Management Plan; (c) include the results from an acid sulfate soils sampling program analysing the extent of acid sulfate soils within the Modification 1 – Extraction Area, which may be staged in accordance with condition of approval 12 of Schedule 2; (d) when addressing clauses (b) and (c), reference the relevant sections of the: i. Douglas Partners (November 2018) Acid Sulfate Soil Management Plan, Proposed Sand Quarry Extension; ii. National Acid Sulfate Soils Guidance: National acid sulfate soils identification and laboratory methods manual (June 2018); iii. EPA’s Acid Sulfate Soils Manual (1998); and (e) be submitted for approval prior to commencing activities within the relevant stage of the Modification 1 – Extraction Area; and (f) be implemented as approved by the Planning Secretary.</p>	<p>The new Acid Sulfate Soils Management Plan for Modification 1 has been developed as part of the WMP (Appendix E) in the new QEMP (11/2022) for the Site, which has been submitted to the Department for approval.</p> <p>(a) The Acid Sulfate Soils Management Plan, as included as part of the QEMP (19/01/2017), was prepared in consultation with the Department, as evidence by the letter from Perram and Partners addressed to the Department including mention of the accompanying QEMP for consideration and approval (Appendix H of QEMP). Additionally, the document control register denotes revision of the QEMP after receiving feedback from DP&E. (b) The measures to manage acid sulfate soils are included in the management procedures throughout the QEMP (predominately in Section 6.6 and Section 8.7). (c) The monitoring programme is outlined in Section 8.7 of the QEMP..</p> <p>Conditions (d) and (e) are relevant to the newly developed Acid Sulfate Soils Management Plan for the Modification 1, which is included in the new QEMP, which is in the process of being approved by the Department.</p> <p>(f) The Site has appropriately implemented the Acid Sulfate Soils Management Plan, as approved with the QEMP (19/01/2017).</p> <p>Site management noted that weekly stockpile leachate testing is undertaken for acid sulfate soils. Acid sulfate soils testing requirements are included in the monthly monitoring reports prepared for the Site with results reviewed to confirm compliance.</p>		
15A	<p>The Proponent must prepare a Site Water Balance for the project and submit it to the Planning Secretary for approval prior to extraction and processing operations in the Modification 1 - Extraction Area. This plan must: (a) be prepared by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary; (b) be prepared in consultation with DPE Water; (c) includes details of: i. predicted annual inflows to and outflows from the site; ii. sources and security of water supply for the life of the project (including authorised entitlements and licences); iii. water storage capacity, use and management on the site; iv. reporting of annual water extraction and maximum instantaneous pumping rates to the Department; and v. procedures for the annual preparation of an updated site water balance; and (d) be implemented as approved by the Planning Secretary.</p>	<p>The Site has not begun extraction or processing operations in the Modification 1 – Extraction Area, therefore this condition is not triggered for this audit period.</p>	NT	N/A
LANDSCAPE MANAGEMENT				
Planning Agreement				
16	<p>Within 3 months of the date of the approval of Modification 1, the Proponent shall: (a) enter into a Planning Agreement with the Minister under section 93F of the EP&A Act. This Agreement must be generally consistent with commitments in the terms of the offer made by the Proponent to the Minister on 1 May 2007, and must specifically provide for the:</p>	<p>CB submitted a draft planning agreement on 1 December 2008, which was agreed by the Department in principle. A final agreement was never executed with the department, despite CB raising the issue in 2009 and 2013.</p> <p>ERM reviewed correspondence from CB to the Department and the proposed Planning Agreement document in the previous audit (2019). At the time of the last audit, the Site was awaiting the Department’s response.</p>	ANC	

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<ul style="list-style-type: none"> i. implementation of the Compensatory Planting shown in the plan in Appendix 3; ii. protection of the vegetation in the area shown in Appendix 4 (Conservation Area); iii. identification by survey plan of the Conservation Area shown in the plan titled Vegetation Conservation Area (shown conceptually in Appendix 4); iv. implementation of the Landscape and Rehabilitation Management Plan for the site; and v. submission of a Conservation Area Protection Bond, with the Department, in the form of a bank guarantee, to ensure the Conservation Area is being protected as required by condition 16 (a)(ii) of Schedule 3. The sum of the bond must be determined by a suitably qualified person, approved by the Planning Secretary, by calculating the full cost of reasonably protecting the Conservation Area against the threat of fire or vandalism up until 31 July 2038. Following 31 July 2038, the Conservation Area Protection Bond will be released, with the approval of the Planning Secretary; and vi. call in of all or part of the Conservation Area Protection Bond, with the approval of the Planning Secretary, to restore the Conservation Area if it is damaged by fire or vandalism, up until 31 July 2038. 	<p>Since Modification 1 of the Planning Agreement (10/06/2022), the Site has resubmitted a draft Planning Agreement. CB management advised that the Department has provided feedback in October 2022. The Site will now move forward with incorporating feedback provided, mostly in relation to bond recalculation. CB are working with their legal counsel to provide a response to the Department.</p> <p>The Site is engaged with ongoing discussions with the Department and therefore no agreement has been formally entered into. Therefore this requirement has not been formally met.</p>		
16A	<p>Within 3 months of the date of the parties signing the Planning Agreement it must be registered on the title of the land in accordance with the Real Property Act 1900.</p>	<p>Ongoing, see above.</p>	ANC	
Landscaping and Rehabilitation				
17	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) progressively rehabilitate the site in a manner that is generally consistent with the rehabilitation objectives in Chapter 3.8 of the EA (see Appendix 5); (b) ensure that within 4 years of the date of this approval, the additional plantings in the Northern Corridor and Southern Rehabilitation Area are comprised of at least 60% of the plant species recorded for the representative plant communities in the quarry extension area, such as Bangalay Sand Forest and Littoral Rainforest; (c) implement the Compensatory Planting in a manner that is consistent with the Landscape and Rehabilitation Management Plan referred to in Condition 21, including the: <ul style="list-style-type: none"> • establishment, conservation and maintenance of approximately 23.99 hectares of native vegetation; • enhance 5.25 hectares of the vegetation in Areas 4 and 5; and • conservation and maintenance of approximately 46.25 hectares of the remnant vegetation on the site (shown 	<ul style="list-style-type: none"> (a) CB has progressively rehabilitated the Site in a manner that is generally consistent with the rehabilitation objectives in Chapter 3.8 of the EA (see Appendix 5). This was confirmed by observations on site, where rehabilitation areas are clearly well established with native species. The main concern of the Site is management of invasive species including Lantana. The Annual Review – Vegetation Management Plan document, dated 5 July 2022, includes an assessment of individual zones. This section of the report states that most of the plantings have been completed at each zone on the monitoring report, and are now in the maintenance phase. (b) CB has ensured that within 4 years of the date of this approval, additional plantings in the Northern Corridor and Southern Rehabilitation Area are comprised of at least 60% of the plant species recorded for the representative plant communities in the quarry extension area, such as Bangalay Sand Forest and Littoral Rainforest. This is evidenced by the 2021-2022 AR, that denotes that the flora and fauna surveys over the first six years of this project (since the habitat establishment began in the Northern Corridor) found that the indigenous biota that inhabits and that traverses the corridor is equal to or greater than that recorded in the East-West Link. Additionally, the successful establishment of the Northern Corridor has been described extensively in previous report, and has been closed out in previous IEAs. 	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>conceptually in Appendix 3); and the best practice guidelines set out in:</p> <ul style="list-style-type: none"> a. Bringing the bush back to Western Sydney: Best practice guidelines for bush b. regeneration on the Cumberland Plain Department of Infrastructure, Planning and Natural Resources (2003) ("DIPNR (2003)"); and c. Recovering bushland on the Cumberland Plains: Best practice guidelines for the management and restoration of bushland Department of Environment and Conservation (2005) ("DEC (2005)"); to the satisfaction of the Planning Secretary. 	<p>(c) The Compensatory Planting program for all rehabilitation zones is completed and is now in a maintenance phase. The planting is in accordance with the Landscape and Rehabilitation Management Plan and there have been regular inspections and reports on each zone since project inception.</p>		
18	<p>Within 12 months of the date of this approval, the Proponent shall densely plant <i>Banksia Integrifolia</i> along the 5 metre setback zones to the Littoral Rainforest vegetation and these areas shall thereafter be planted with species as may be specified in the Landscape and Rehabilitation Management Plan.</p>	<p>The above plantings were carried out in the manner indicated and in the time frame required. Other plantings and self-colonisation has occurred on the adjacent pond foreshore.</p> <p>This condition has been closed out in the previous audit.</p>	C	N/A
19	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) clearly identify the boundary of the extension area and the Modification 1 – Extraction Area in consultation with a suitably qualified ecologist prior to the commencement of any construction works to ensure that an adequate buffer distance is maintained from the dredging activities/quarry operations to the Conservation Area and SSF and lands zoned as E2 – Environmental Conservation and E3 – Environmental Management under the Kiama Local Environmental Plan 2011 or the Shoalhaven Local Environment Plan 2014; (b) ensure that all dredging activities and associated quarry operations remain within the defined boundary of the Project Area (shown on the plan in Appendix 1); (c) develop a monitoring program and document it in the EMP to demonstrate that the defined boundary of the quarry extension area is maintained and not compromised during operations; and (d) revegetate the buffer area with appropriate native species and be subject to the Landscape and Rehabilitation Management Plan for inclusion in the EMP for its long term restoration and management and be not less than 5 metres wide. 	<p>The rehabilitation zones were identified and fenced where necessary within 12 months of the date of approval (2008). The quarry- rehabilitation zone boundary was pegged, from which a five metre set back from the habitat edge could be established. Regular inspections have ensured that the dredging activities are kept within the defined quarry boundary.</p> <p>Colonisation by native plants in the buffer areas has progressed well in most areas. Mostly, self colonisation is found to be more successful than plantings and control of Lantana in these areas is most important.</p> <p>ERM observed the dredging activities to be within the defined dredging boundaries and reviewed the June 2019 boundary inspection report which confirmed the boundaries are in place.</p> <p>This condition was closed out in the previous audit. Rehabilitation zones that were deemed established are still categorised as so.</p> <p>Boundary markers for the Modification 1 – Extraction Area were clearly identified during the Site visit on 9/11/2022. Dredging activities have not yet commenced in this area.</p>	C	N/A
20	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) commence the Compensatory Planting and the vegetation screen along the Crooked River Road frontage north of the east-west link (as shown conceptually in Appendix 3, within 12 months of the date of this approval or when sufficient propagation material has been collected; and (b) not sever the east-west link until it can be demonstrated to the satisfaction of the Director General Planning Secretary that the established communities represented in the Northern Corridor 	<p>Items (a) and (b) have been completed and addressed as part of previous reports. The plantings in all rehabilitation zones were completed by mid-2014.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>comprise at least 60% of the native flora species as set out in Appendix 6 and the Northern Corridor is successful according to the criteria in Condition 25;</p> <p>to the satisfaction of the Planning Secretary.</p> <p>In this Condition, "not sever" means that no works of clearing, tree removal or other habitat removal shall take place which will reduce or impede the function of the East-West Corridor to provide connectivity to the National Park from Zone 1.1 as measured by Condition 25(b).</p>			
Restriction on clearing of certain land				
20A	<p>Within the area marked "X" on Appendix 1, a person shall not clear any of the land of vegetation or trees without the consent of the Planning Secretary.</p>	<p>ERM inspected this area during the Site visit and confirmed that no clearing has taken place in the Area marked X. The Site confirmed that no land clearing has been conducted during the audit period.</p>	C	N/A
Landscape and Rehabilitation Management Plan				
21	<p>The Proponent shall prepare and implement a Landscape and Rehabilitation Management Plan for the project to the satisfaction of the Planning Secretary.</p> <p>This plan must:</p> <ul style="list-style-type: none"> (a) be submitted to the Planning Secretary for approval within 3 months of the date of this approval; (b) be generally in accordance with the draft Landscape and Rehabilitation Management Plan, dated 20 August 2008 prepared by Kevin Mills & Associates and accepted by the Land and Environment Court as appropriate; (c) be prepared in consultation with the BCD by suitably qualified expert/s approved by the Planning Secretary; (d) clearly identify the biological purpose of the linkage and describe how its design, dimensions and management will achieve this purpose; (e) collect baseline data for the Project Area including flora species, fauna species and ecological function parameters; (f) include a figure showing the location, extent and size of areas to be planted/regenerated for each community to be impacted; (g) identify strategies to use the natural resources of the impacted areas to their full potential, including: <ul style="list-style-type: none"> • all plant material to be used as a primary source for restoration and rehabilitation should be collected and propagated from relevant communities prior to clearing; • all areas proposed for replanting should be assessed initially for their regeneration potential appropriate restoration strategies should follow best practice guidelines as described in DIPNR (2003) and DEC (2005); 	<p>No non-compliances have been identified in relation to this item.</p> <p>The Landscape and Rehabilitation Management Plan was completed and approved by the then Department of Planning in their letter dated May 2009 and incorporated into the QEMP.</p> <p>The matter of a Long Term Management Plan is dealt with under Condition 26, below.</p> <ul style="list-style-type: none"> (a) Submitted as part of QEMP, Perram & Partners letter dated 5 Feb. 2009. It is acknowledge that this condition wasn't strictly complied with at the time, however no action is recommended as the LRMP was submitted no long after the due date and approved. The QEMP (incorporating the LRMP) has since been updated and approved by the Department (2016). (b) Plan in accordance with LRMP draft and approved by the Court. (c) The LRMP was approved by DoP on 29 May 2009. The letter to DoP dated 5 Feb. 2009 nominated Dr Kevin Mills of Kevin Mills and Associates as the expert nominated to prepare the LRMP. The QEMP was submitted to DECC for approval. (d) The biological measures for the link are set out in the LRMP and in the Site Work Instruction for Landscape, Rehabilitation and Conservation Management WIGSR12 Section 3.4. (e) Baseline data included in Clause 2.2 & 2.3 of the LRMP. (f) KFW Plan 106198/308 Revision K is the figure approved for this use and is included in the Conditions of Consent. (g) Plant material collection is included in the LRMP in Clause 6.6. Rehabilitation strategies are in accordance with best practice guidelines, referenced in LRMP, Section 10. (h) Included in LRMP Table 7. (i) Monitoring has occurred since 2009. The targets for each area are included in LRMP Table 7. Work Instruction 12 Clause 3.1.5 states that the areas are to be inspected every 3 months. (j) Included in LRMP Table 7. (k) Work Instruction 12 Clause 3.1.5 states that the areas are to be inspected every 3 months. The QEMP Clause 8.8 also states a qualified ecologist will monitor the entire area annually. 	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>(h) describe in general the short, medium and long-term measures that would be implemented to:</p> <ul style="list-style-type: none"> • rehabilitate the site; • implement the Compensatory Planting shown in Appendix 3; • manage the remnant vegetation and habitat on the site, including the areas of Bangalay Sand Forest to be retained (shown conceptually in Appendix 3); • landscape the site (including the bunds) to mitigate visual impacts of the project; and • Upgrade and protect the remaining area of Littoral Rainforest on the eastern side of the pond extension <p>(i) describe in detail the measures that would be implemented over the first 5 years and every subsequent 5 year period, to rehabilitate and manage the landscape and vegetation on the site, including:</p> <ul style="list-style-type: none"> • setting clear targets to the satisfaction of the Planning Secretary to determine the level of success and make timely changes to management strategies, as necessary; • monitoring each vegetation type separately; <p>(j) set completion criteria for the rehabilitation of the site (i.e. when plantings are self-sustaining);</p> <p>(k) describe how the performance of these measures would be monitored over time; and</p> <p>(l) include a Long Term Management Plan.</p>	<p>(l) Included in LRMP Table 7.</p> <p>A new Landscape and Rehabilitation Management Plan (LRMP) for the Modification 1 – Extraction Area has been submitted to the Department and Site is awaiting approval, as part of the new QEMP dated November 2022, included as Appendix F. LRMP submission records were viewed during the Site visit on 9/11/2022, providing sufficient proof that the Department has received the management plan. The previous LRMP is in use until the new MP is approved by the Department. As closed out in the previous audit, the LRMP approved in May 2009 meets the requirements of this condition.</p>		
21A	<p>The Proponent shall engage a qualified ecologist, bush regeneration or providence nursery group who will develop a program consistent with the objectives and procedures set out in the draft Landscape and Rehabilitation Management Plan and this program will address the following issues:</p> <ul style="list-style-type: none"> (a) soil testing; (b) on site collection of seed and other propagation material; (c) an assessment of the need to develop plants on the site; (d) a program of successional plantings and management that will achieve the agreed purposes of the planting; (e) targets for short term, medium term and long term planting and management; (f) monitoring requirements; (g) reporting frequency and methodology; (h) consultation with the relevant government agencies; (i) water quality monitoring; and (j) quantitative vegetation monitoring; <p>unless otherwise incorporated in the draft Landscape and Rehabilitation Management Plan.</p>	<p>The program has been developed to meet the requirements of this item. The landscape rehabilitation program has been largely completed and is now in a maintenance and monitoring phase, with occasional infill planting in accordance with the annual vegetation review recommendations.</p> <p>Items (a), (b), (c), (d) are therefore considered to have been addressed.</p> <p>In relation to the other items:</p> <ul style="list-style-type: none"> e) QEMP and Table 7; f) LRMP page 32, Monitoring Regime; g) LRMP Clause 6.20 refers to day to day monitoring by CB staff and annual reporting by an ecologist; h) LRMP notes where consultation with DECC (now OE&H) is required e.g. trial plots (reference Monitoring Regime, page 32); i) LRMP Clause 5.4 addresses the requirement to maintain the existing level of groundwater flow to the Swamp Sclerophyll Forest. This is addressed in the QEMP Clause 8.6; and j) LRMP Clause 6.20 refers to day to day monitoring by CB staff and annual reporting by an ecologist. In addition, Work Instruction 12 Clause 3.1.5 states that the areas are to be inspected every 3 months. <p>The AR's from the audit period include information on rehabilitation and vegetation management of the Site. They denote that a qualified ecologist from Niche Environment and Heritage</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
		conducted the 12 th , 13 th and 14 th annual surveys of the Site in 2020, 2021 and 2022, and are included as annexes in the reports.		
22	<p>The Landscape and Rehabilitation Management Plan must include:</p> <p>(a) the objectives for the rehabilitation of the site and implementation of the Compensatory Planting and the vegetation screen along the Crooked River Road frontage north of the east-west link;</p> <p>(b) a description of how the rehabilitation of the site and implementation of the Compensatory Planting and how the vegetation screen along the Crooked River Road frontage would be integrated with the surrounding vegetation to provide a comprehensive strategic framework for the restoration and enhancement of the landscape over time;</p> <p>(c) a description of the short, medium, and long-term measures that would be implemented to:</p> <ul style="list-style-type: none"> • rehabilitate the site; • implement the Compensatory Planting; • manage the remnant vegetation and habitat on the site; and • landscape the site (including the bunds) to mitigate visual impacts of the project; <p>(d) a detailed description of the performance and completion criteria for the rehabilitation of the site and implementation of the Compensatory Planting and the vegetation screen along the Crooked River Road frontage;</p> <p>(e) a detailed description of what measures would be implemented over the next 5 years to rehabilitate the site, and implement both the Compensatory Planting and the vegetation screen along the Crooked River Road frontage, including the procedures for:</p> <ul style="list-style-type: none"> • undertaking pre-clearance surveys; • conserving and reusing topsoil; • collecting and propagating seed for rehabilitation works; • salvaging and reusing material from the site for habitat enhancement, particularly tree hollows; • controlling weeds and feral pests; • controlling access; • bushfire management; • managing any potential conflicts between the proposed rehabilitation of the site and implementation of the Compensatory Planting and any Aboriginal cultural heritage values in those areas; • progressively rehabilitate the areas disturbed by sand extraction; • implementing revegetation and regeneration within the disturbed and compensatory planting areas, including the establishment of canopy, sub-canopy (if relevant), understorey and ground cover vegetation; • reducing the visual impacts of the project; and • protecting areas outside the disturbance areas; 	<p>The LRMP has not been updated since the previous audit and therefore still meets the requirements of this item (new LRMP is yet to be approved).</p> <p>The above matters are included in the approved Landscape and Rehabilitation Management Plan.</p> <p>(a) LRMP approval by DoP on 5 Feb. 2009. Objectives addressed in Clauses 3 and 4 of LRMP;</p> <p>(b) Addressed in Clause 6 of LRMP;</p> <p>(c) Addressed in LRMP, Table 7;</p> <p>(d) Addressed in LRMP, Table 7 and Clause 8.3;</p> <p>(e) Addressed in LRMP</p> <ul style="list-style-type: none"> • Clause 6.14; • QEMP 5.1.2 and LRMP page 22; • LRMP Cause 6.6; • QEMP 5.1.1 & LRMP 6.11; • LRMP 6.7, 6.16 and page 30; • LRMP page 22 and Clause 6.10; • LRMP page 22; • QEMP & Aboriginal Management Plan, LRMP Clause 8.5; • LRMP, page 29, Zone 6; • LRMP, Section 7; • LRMP, page 8 Zone 3; • pg 22 and 6.10 of LRMP <p>(i) Clause 8 of LRMP;</p> <p>(j) Clause 8.1 of LRMP;</p> <p>(k) Clause 1.3 of LRMP.</p> <p>A new Landscape and Rehabilitation Management Plan (LRMP) for the new modification area has been submitted to the Department, included as Appendix F as part of the new QEMP dated November 2022. The site is awaiting it's approval. LRMP submission records were viewed during the site visit on 9/11/2022, providing sufficient proof that the Department has received the management plan. The previous LRMP is in use until the new MP is approved by the Department. As closed out in the previous audit, the LRMP approved in May 2009 meets the requirements of this condition.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<ul style="list-style-type: none"> (i) a detailed program to monitor the performance of the rehabilitation of the site and implementation of the Compensatory Planting and the vegetation screen along the Crooked River Road frontage against the relevant objectives and performance and completion criteria (see above); (j) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and (k) details of who is responsible for monitoring, reviewing, and implementing the plan. 			
23	<p>Successful establishment of the Northern Corridor shall be measured by the following criteria:</p> <ul style="list-style-type: none"> (a) presence of native flora species; (b) a majority of the flora species recorded from the removed forest occur in the area; (e.g. 60% of flora species recorded in removed forest are present); (c) species from all four layers have been planted and at least 50% of the projected cover has been achieved for each of the shrub and ground cover layers; (d) self-sustaining native plant populations (e.g regeneration of a second generation); (e) no dominance by single flora species (e.g Bracken); (f) weeds are not significantly impacting on the native vegetation; (g) weeds do not represent a majority of the flora species or a higher percentage cover than the native flora species; and (h) impacts such as grazing are excluded from the area. 	<p>These criteria were achieved for the Northern Corridor in 2012; this was accepted by the then Department of Planning and Infrastructure by letter dated 28 November 2012. Detailed flora and fauna surveys within the Northern Corridor were abandoned in 2013, although regular inspections and reporting have been maintained after that date as part of the wider monitoring of the rehabilitation zones.</p> <p>ERM sighted this area as part of the Site walk, and vegetation appeared to be thriving. The requirements of this condition were closed out in previous audit, and thus the site is deemed compliant with this condition.</p>	C	N/A
24	<p>Successful establishment of fauna habitat in the Northern Corridor would be measured by:</p> <ul style="list-style-type: none"> (a) presence of species; (b) a majority of the resident species recorded from the removed forest occur in the area; (c) fauna populations are resident in the area; (d) pest animals are controlled and not impacting upon the fauna or its habitat; and (e) impacts such as grazing are excluded from the area. 	<p>These criteria were reported upon in the quarterly reports, the annual reports of survey results from 2008 to 2013 and in previous environmental audit reports. As noted above, the criteria were achieved for the Northern Corridor in 2012 and accepted by the Department in November 2012.</p> <p>ERM sighted this area as part of the Site walk, and vegetation appeared to be thriving. The requirements of this condition were closed out in previous audit, and thus the Site is deemed compliant with this condition.</p>	C	N/A
25	<p>Prior to the severance of the East-West Link the Proponent shall:</p> <ul style="list-style-type: none"> (a) determine the presence of species in both the east-west link and northern corridor by conducting standard animal survey techniques at least twice in the first year (eg. Eliot trapping for small mammals, pitfall trapping for reptiles, observational surveys for frogs and birds, and spotlighting transects for arboreal animals); (b) determine whether a majority of animal species (particularly those determined to be likely to be impacted by fragmentation) utilising the corridor in the east-west link are present in the 	<p>These items were completed prior to the Department granting permission to sever the east-west link in November 2012.</p> <p>Animal surveys were carried out in the East-West Link and Northern Corridor up to 2013. These surveys employed all of the above methods.</p> <p>The requirements of this condition were closed out in previous audit, and thus the Site is deemed compliant with this condition.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>conservation area and the northern corridor and the re-created link at the northern boundary; and</p> <p>(c) conduct genetic analysis for a number of key species for whom genetic markers have already been developed (e.g. Brown Antechinus, Bush Rat and at least two skink species) to establish that genetic relatedness exists between individuals within the two corridors, the Conservation Area and National Park).</p> <p>If no genetic relatedness exists between individuals in the Conservation Area, northern corridor, east-west link and the National Park, then this demonstrates that neither the east-west link nor the northern corridor is functional and therefore the east-west link can be severed without creating additional fragmentation to animal populations.</p> <p>If genetic relatedness exists between individuals in the northern corridor, Conservation Area and the National Park, but not in the east-west link, then this demonstrates that the east-west link is not functional, but the northern corridor is and therefore, the east-west link can be severed without creating additional fragmentation to animal populations.</p> <p>If genetic relatedness exists between individuals in the Conservation Area, the east-west link and the National Park, but not the northern corridor, then this demonstrates that the northern corridor is not functional and the east-west link cannot be severed until there is compliance with Conditions 23 and 24.</p>			
26	<p>The Long Term Management Strategy must be prepared in consultation with SCC, KMC, BCD, DPI-Fisheries, and must:</p> <p>(a) define the objectives and criteria for quarry closure and post-extraction management;</p> <p>(b) investigate options for the future use of the site;</p> <p>(c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and</p> <p>(d) describe how the performance of these measures would be monitored over time.</p> <p>Note: The Department accepts that the initial Long Term Management Strategy may not contain detailed information on post-extraction management.</p>	<p>The Long Term Management Strategy for the Gerroa Site is contained in the approved QEMP, Section 6.10. Table 1.1 identifies that EPA, Shoalhaven and Kiama Councils, DPI-Fisheries and the CCC were consulted as part of the preparation of this strategy.</p> <p>The Long Term Management Strategy for the Gerroa Site is also contained in the new QEMP dated November 2022, in Section 6.10. Table 1.1 highlights that EPA, Shoalhaven and Kiama Councils (SCC and KMC), DPIE-Fisheries and the CCC were consulted as part of the preparation of this strategy.</p> <p>The new QEMP is yet to be approved and thus, as per the previous IEA, the requirements of this condition are met by the Site with the previous QEMP and Long Term Management Strategy.</p>	C	N/A
26A	<p>The Proponent must implement the Landscape and Rehabilitation Management Plan and Long Term Management Strategy as approved by the Planning Secretary.</p>	<p>Submission records of the new QEMP (including the LRMP) were viewed during the site visit on 11/10/2022. The Site is awaiting its approval for the new QEMP. As compliance with the previous QEMP was confirmed in the last audit, this still stands until the new QEMP is approved.</p>	C	N/A
Landscape and Rehabilitation Bond				
27	<p>Within 6 months of the date of this approval, the Proponent shall lodge a rehabilitation bond for the project with the Planning Secretary. The sum of the bond shall be calculated at:</p>	<p>The calculations spreadsheet was viewed during the site visit, and calculations were input for each year of the audit period and calculated appropriately.</p> <p>The requirements of this condition were closed out in a previous audit, and thus the Site is deemed compliant with this condition.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	(a) \$2.50/m ² for the total area to be disturbed by the proposed dredge pond as shown in Appendix 1; and (b) \$1.00/m ² for the total area of land to be rehabilitated consisting of Zones 2A.1, 2A.2, 2A.3, 2B.1, 2B.2, 2C.1, 2C.2, 2D and 2E of Appendix 3; or as otherwise directed by the Planning Secretary .			
28A	The rehabilitation bond shall continue to be retained after completion of the Compensatory Planting, subject to the Planning Secretary's discretion in condition 28B below , to ensure that there shall be a continuation of the Planning Agreement; and	The calculations spreadsheet was viewed during the site visit, and calculations were input for each year of the audit period and calculated appropriately.	C	N/A
28B	The Planning Secretary may at his or her discretion and on advice from an independent environmental auditor release or vary the rehabilitation bond where conditions permit. If the rehabilitation is not completed to the satisfaction of the Planning Secretary , the Planning Secretary will call in all or part of the rehabilitation bond, and arrange for the satisfactory completion of the relevant works.	The requirements of this condition were closed out in a previous audit, and thus the Site is deemed compliant with this condition.	C	N/A
28C	The bond may be in the form of a Bank Guarantee or as directed by the Planning Secretary .	Correspondence with CB and Planning NSW was provided for review by ERM. A letter from CB to Planning NSW, dated 21/01/2020 details the request from CB to retain the current landscape and rehabilitation bond, as the proposed bond was less than the current bond value. Communications with CB and Planning NSW provided by the Site indicated that a new bank guarantee in line with the Department's approval for a reduced rehabilitation bond for the Gerroa Sand Resource was organised (emails from 5/4/2017).	C	N/A
Aboriginal Heritage				
Aboriginal Site Conservation				
29	The Proponent shall protect and conserve Areas A, B and C, as described in the EA (as shown on the plan in Appendix 8, to the satisfaction of the Planning Secretary).	During the site visit, auditors observed boundary demarcation of aboriginal site conservation areas. Conservation areas are not accessible and are therefore sufficiently protected for conservation. The new QEMP has not yet been approved by the Department, and includes Conservation Area C, as part of Modification 1. It also mentions that Conservation Area A and Conservation Area B will continue to be preserved under the previous Aboriginal Heritage Management Plan dated February 2009. No works have begun in the Modification 1 – Extraction Area and therefore Conservation Area C is not yet at any risk of disturbance, however it is considered in the new QEMP which must be approved prior to the commencement of works in the new modification area. The previous QEMP is approved by the Department, which is still in force until the new QEMP is approved, therefore satisfying the Director-General.	C	N/A
29A	The Proponent must ensure that the project does not cause any direct or indirect impact on any identified heritage items located outside the Extraction Area, beyond those predicted in the document/s listed in condition 2(a) of Schedule 2. <i>Note: Identified heritage items are shown in the figures in Appendix 8.</i>	During the site visit, auditors observed boundary demarcation of aboriginal site conservation areas. These areas are not accessible by workers and workers are trained in where these locations are and how they are demarcated. Therefore these areas are considered to be sufficiently protected for conservation.	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
29B	If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Proponent must immediately notify NSW Police Force, Heritage NSW, and the Department and work must not recommence in the area until authorised by NSW Police Force and the Planning Secretary.	No suspected human remains have been discovered on site.	NT	N/A
29C	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.	ERM reviewed the Archaeological Excavation Report, dated 29 October 2019, conducted by Biosis showing records of the Aboriginal objects and places in the Modification 1 – Extraction Area (Area C). Aboriginal sites are discussed in section 5.3.5 of the report and include AHIMS codes.	C	
Aboriginal Heritage Management Plan				
30	<p>The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be submitted to the Planning Secretary within 3 months of the date of this approval and prior to disturbance of any identified Aboriginal object;</p> <p>(b) be prepared in consultation with the Heritage NSW and relevant Aboriginal communities; and</p> <p>(c) include a:</p> <ul style="list-style-type: none"> • description of the measures that would be implemented to protect Area A and that part of Area B proposed to be conserved, as described in the EA (as shown on the plan in Appendix 8); • description of the measures that would be implemented for the mapping and salvage or relocation of the archaeological relics in the site including the shell midden deposit situated at the South Western corner of the Extraction Area (as shown on the plan in Appendix 8); • description of the measures that would be implemented if any new Aboriginal objects or relics are discovered during the project; and • protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on site. 	<p>Aboriginal Cultural Heritage Management Plan is provided in Appendix G of the QEMP.</p> <p>(a) The AHMP was not submitted within 3 months of the Court ordered Approval on 2 September 2008. This was identified as a finding in the GHD 2010 Independent Environmental Audit and has not been raised as a new finding in this report;</p> <p>(b) Consultation with DECC (now the Office of Environment and heritage (OEH)) and relevant Aboriginal communities is addressed in Section 4 and Annex 1 of the AHMP (AHMP provided as Annex G of the QEMP). ERM consulted with the Jerringa Local Aboriginal Land Council and the OEH as part of this assessment. Both groups confirmed that they had been consulted with as required by the Condition of Consent;</p> <p>In relation to item (c), compliance with each bullet point in the condition of consent is discussed below:</p> <ul style="list-style-type: none"> • Broadly addressed within Sections 6 and 7 of the AHMP and Section 6.11 of the QEMP (AHMP provided as Annex G of the QEMP); • An Aboriginal Archaeological Salvage Report prepared by Biosis in July 2016 was reviewed by ERM. The report detailed the salvage operations undertaken at the Site and made the following recommendations: <ul style="list-style-type: none"> ○ Salvage excavations have been completed and no further Aboriginal archaeological assessments are required. ○ The identified Conservation Area B that is located within the study area should remain undisturbed and be avoided by the sand mining operations. ○ All the artefacts recovered from salvage excavations should be reburied at a safe location on-site and as close as possible to the original location. This task should be undertaken in consultation with the Jerrinja Local Aboriginal Land Council. ○ Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must: <ul style="list-style-type: none"> ▪ Immediately cease all work at that location and not further move or disturb the remains ▪ Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and ▪ provide details of the remains and their location ▪ Not recommence work at that location unless authorised in writing by OEH. 	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
		<ul style="list-style-type: none"> ○ As per the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010), it is recommended that the proponent provides a copy of this draft report to the Aboriginal stakeholders and considers all comments received. The proponent should continue to inform these groups about the management of Aboriginal cultural heritage sites within the project area throughout the life of the project. ○ A copy of the final report should be sent to Jerrinja LALC and the AHIMS register. • Addressed in Section 6.11.3 of the QEMP and Section 7.1.3 of the AHMP: The Aboriginal objects collected during salvage and monitoring works to date have been collected by Aboriginal representatives and/or Biosis archaeologists according to the methodology outlined in Section 7.1.3 of the AHMP. <p>Addressed in Sections 6.11.1 and 6.11.3 of the QEMP and Section 7.1.4 of the AHMP: Section 6.11.3 of the QEMP states that Aboriginal representatives will be present for topsoil stripping and that an archaeologist will also be present for stripping in areas identified as archaeologically sensitive. Ongoing monitoring by Aboriginal representatives has been undertaken by the proponent. ERM examined records for this process including invoices from Jerrinja LALC. The procedure for the discovery of previously unidentified Aboriginal objects during works is outlined in Section 6.11.3 of the QEMP.</p>		
	Modification 1 – Extraction Area Aboriginal Cultural Heritage Management Plan			
30A	<p>The Proponent must prepare a Modification 1 – Extraction Area Aboriginal Cultural Heritage Management Plan for the project. This plan must:</p> <p>(a) be prepared:</p> <ul style="list-style-type: none"> i. by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; ii. in consultation with the Heritage NSW and Registered Aboriginal Parties and be submitted to the Planning Secretary for approval prior to disturbance of any Aboriginal heritage objects/items in the Modification 1– Extraction Area; iii. in general accordance with the Biosis (2019). Gerroa Sand Quarry modification: Aboriginal cultural heritage management plan. Report for Cleary Bros (Bombo) Pty Ltd. <p>(b) include a:</p> <ul style="list-style-type: none"> i. description of the measures that would be implemented to salvage sites within the Modification 1 – 1 Extraction Area (GCB-A1, GCB-A2 and GCB-A3, as shown in Appendix 8); ii. a description of the measures to be implemented on the site to comply with the heritagelated conditions of this approval; iii. description of measures to ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; iv. description of the measures that would be implemented to manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the project; v. description of the measures that would be implemented to maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the Modification 1 – Extraction Area); vi. protocol for the ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site including the long term management of salvaged items and objects; and vii. description of the measures to be implemented on the site to manage interactions with the Landscape and Rehabilitation Management Plan. 	<p>The Site has one consolidated Aboriginal Cultural Heritage Management Plan (ACHMP), which now includes the Modification 1 – Extraction Area. The site consulted with BCD and registered Aboriginal parties in the area during the development process of the ACHMP. The new ACHMP was submitted for approval on 30/8/22 to the Department, as confirmed by a receipt email from the Department reviewed during the site visit. The Site is therefore compliant with this new condition.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<i>Note: The Aboriginal Heritage Management Plan required by condition 30 above and the Modification 1 – Extraction Area Aboriginal Cultural Heritage required by condition 30A may be combined in accordance with condition 11 (b) of Schedule 2.</i>			
30B	The Proponent must implement the Modification 1 – Extraction Area Aboriginal Cultural Heritage Management Plan as approved by the Planning Secretary.	The new ACHMP was submitted for approval on 30/8/22 to the Department, as confirmed by a receipt email from the Department reviewed during the site visit. The ACHMP is under review by the Department. The Site therefore compliant with this new condition.	C	N/A
Traffic and Transport				
Transport Rules				
31	The Proponent shall ensure that all truck movements travelling to or originating from areas: (a) south of the site use the Princes Highway, via Beach Road (except as provided for by condition 32 below); and (b) north of the site use the Princes Highway, via Beach Road, Crooked River Road, Fern Street and Belinda Street.	Truck routes are a part of the Site induction, which were reviewed during the Site interviews. Additionally, there have been no community complaints in relation to incorrect truck movements traveling on unapproved truck routes.	C	N/A
32	The Proponent shall ensure that no trucks associated with the project use Gerroa Road, except where the destination lies along or adjacent to that road.	Truck routes are a part of the Site induction, which were reviewed during the Site interviews. Additionally, there have been no community complaints in relation to incorrect truck movements traveling on unapproved truck routes.	C	N/A
Haul Road				
33	Within 3 months of the date of this approval, the Proponent shall upgrade the internal haul road and Beach Road intersection to a sealed Type BAL left turn and sealed Type BAR right turn configuration, in accordance with the RTA's Road Design Guide	The Site was deemed compliant in a previous audit, and thus is still confirmed compliant.	C	N/A
Road Haulage				
34	The Proponent shall ensure that: (a) all loaded vehicles entering or leaving the site are covered; and (b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road, before they leave the site.	During the Site interviews, it was noted that no complaints have been received in relation to any materials falling off trucks leaving the Site. The Site staff also confirmed that trucks are cleaned with a small broom after loading to remove excess sand prior to leaving the Site. The process of covering trucks prior to departure is included as part of the training and induction of staff. Additionally, Section 6.3.3 of the QEMP details the requirements for truck loads to be covered prior to departing Site. ERM did not observe any truck movements on the day of the inspection. It is noted that no material was observed to be tracked out of the Site.	C	N/A
Visual				
Visual Amenity				
35	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Planning Secretary .	The Site has constructed a soil bund along the public roadway facing the mine and has planted native trees along the road way to minimise the visual impact of the mine. The active mine face is not easily observable from the road. No complaints have been received regarding visual amenity.	C	N/A
Light Emissions				

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
36	<p>The Proponent shall:</p> <p>(a) take all practicable measures to mitigate offsite lighting impacts from the project; and</p> <p>The Proponent shall:</p> <p>(b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Planning Secretary.</p>	<p>The Site only operates during daylight and does not create light impacts which would impact any nearby sensitive receptors.</p> <p>No complaints regarding light pollution have been received.</p>	C	N/A
Advertising				
37	<p>The Proponent shall not erect or display any advertising structure(s) or signs on the site without the written approval of the Planning Secretary.</p> <p>Note: This does not include traffic management and safety or environmental signs</p>	No advertising structures were visible at the mine at the time of the audit.	C	N/A
Waste Management				
Waste Minimisation				
38	The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Planning Secretary .	Waste generated at the Site is minimal e.g. minor amounts of domestic/office waste and waste drums. Any by-products from production (shells, pebbles etc.) are returned to the excavation.	C	N/A
Emergency and Hazard Management				
Dangerous Goods				
39	The Proponent shall ensure that the storage, handling, and transport of dangerous goods are conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.	<p>Section 6.14 of the QEMP outlines a performance objective relating to fuels and chemicals, in particular, the storage, handling and transport of dangerous goods, which is to be in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, along with the <i>Dangerous Goods Code</i>.</p> <p>Storage volumes of fuels on-site do not exceed the thresholds contained in Table 2.1 of AS1940 (i.e. storage comprises 'minor storage' under the Standard). No non-compliances with Section 2.3 (Precautions applying to minor storage) were observed during the Site visit.</p> <p>The only dangerous good kept on site is fuel. The volume of fuel kept on site is 2x2000L tanks (minor storage classification). One self-contained pump has 600L.</p>	C	N/A
Safety				
40	The Proponent shall secure the project to ensure public safety to the satisfaction of the Planning Secretary .	There is no public access to the Site. The Site is completely surrounded by chain link fence and both gates to the Site required security access code or keys when accessed out of hours.	C	N/A
Bushfire Management				
41	<p>The Proponent shall:</p> <p>(a) ensure that the project is suitably equipped to respond to any fires on-site; and</p> <p>(b) assist the rural fire service and emergency services as much as possible if there is a fire on-site.</p>	QEMP states that a weekly visual check and quarterly testing of bushfire equipment is undertaken. Equipment on Site for fighting fires includes a water cart, which undergoes daily pre-start checks and regular maintenance and fire extinguishers on Site. Additionally, the Site has fill points, which are a large water supply to assist Rural Fire Service. ERM reviewed the invoice for fire extinguisher servicing conducted by Chubb Fire & Security, dated 15/11/2022, which indicates that the on-site fire extinguishers have been tested in accordance with the Emergency Management Plan.	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
		<p>The Pollution Incident Response Management Plan (PIRMP) was reviewed during the site visit. It includes the instruction for CB staff to “assist the Rural Fire Service and emergency services as much as possible”.</p> <p>There have been no issues with bushfires on Site during the audit period.</p>		
Production Data				
42	<p>The Proponent shall:</p> <p>(a) provide annual production data to the MEG using the standard form for that purpose; and</p> <p>(b) include a copy of this data in the Annual Review.</p>	<p>No production exceedances have occurred during the audit period, stated in the ARs.</p> <p>Forms have not been sent back with annual production data for the last year. The site was informed that the Department is moving to a digital process, and that they would inform the site of the updated process when this is in place. Correspondence with NSW Government was sighted during site interviews, with an email on 1/11/22 advising CB that the 'Department is moving to an online portal for submission of extractive materials returns'. Therefore, the site is still in compliance with this condition and is awaiting further information on how to appropriately submit annual production data for the past year.</p>	C	N/A
Schedule 4 – Additional Procedures				
Notification of Landholders				
1	<p>If the results of monitoring required in Schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify the Planning Secretary and the affected landowners and/or existing or future tenants (including tenants of quarry owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.</p>	<p>No monitoring results have identified impacts greater than the impact assessment criteria, therefore, the site is not required to provide monitoring results.</p>	NT	N/A
Independent Review				
2	<p>If a landowner of privately owned land considers that the operations of the quarry are exceeding the impact assessment criteria in Schedule 3, then he/she may ask the Proponent in writing for an independent review of the impacts of the project on his/her land. If the Planning Secretary is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Planning Secretary advising that an independent review is warranted:</p> <p>(a) consult with the landowner to determine his/her concerns;</p> <p>(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to conduct monitoring on the land, to determine whether the project is complying with the relevant criteria in Schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and</p> <p>(c) give the Planning Secretary and landowner a copy of the independent review.</p>	<p>No independent review has been requested (verbally or in writing) by the Department, which relates to the scope of this assessment.</p>	NT	N/A
3	<p>If the independent review determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Planning Secretary.</p>	<p>No independent review has been requested (verbally or in writing) by the Department which relates to the scope of this assessment.</p>	NT	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
4	<p>If the independent review determines that the quarrying operations are not complying with the relevant criteria in Schedule 3, and that the quarry is primarily responsible for this noncompliance, then the Proponent shall:</p> <p>(a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in Schedule 3, to the satisfaction of the Planning Secretary.</p>	<p>No independent review has been requested (verbally or in writing) by the Department which relates to the scope of this assessment.</p>	NT	N/A
5	<p>If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Planning Secretary for resolution.</p> <p>If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 9).</p>	<p>No independent review has been requested (verbally or in writing) by the Department which relates to the scope of this assessment.</p>	NT	N/A
Schedule 5 - Environmental management, monitoring, reporting and auditing				
Environmental Management Plan				
1	<p>The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be submitted to the Planning Secretary within 6 months of the date of this approval;</p> <p>(b) be prepared in consultation with the Relevant Agencies;</p> <p>(c) provide the strategic context for environmental management of the project;</p> <p>(d) identify the statutory requirements that apply to the project;</p> <p>(e) describe in general how the environmental performance of the project would be monitored and managed;</p> <p>(f) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> • keep the local community and Relevant Agencies informed about the construction, operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the life of the project; • respond to any noncompliance; • manage cumulative impacts; and • respond to emergencies; and 	<p>ERM sighted correspondence from the Department of Planning to CB dated 1 February 2017 Re: Gerroa Sand Quarry – Environmental Management Plan, approving the QEMP dated 19 January 2017 (indicating that the QEMP has been developed to the satisfaction of the Director-General as required by the Conditions of Consent). The newly developed QEMP was submitted to the Department for review on 14/11/2022, as confirmed by Staff during interviews. Site management is awaiting feedback or approval.</p> <p>Items (c), (d) and (e) are addressed in the QEMP.</p> <p>In relation to item (f), the QEMP outlines procedures for community relations, complaints management, non-compliance contingencies, managing cumulative impacts and emergency response.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	(g) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the project.			
Environmental Monitoring Program				
2	The Proponent shall prepare an Environmental Monitoring Program for the project to the satisfaction of the Planning Secretary . This program must be submitted to the Planning Secretary within 6 months of the date of this approval, and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.	This program is included in the QEMP. ERM sighted correspondence from CB dated 25 January 2017 to Department of Planning and Environment submitting the QEMP. ERM sighted correspondence from the Department of Planning to CB dated 1 February 2017 Re: Gerroa Sand Quarry – Environmental Management Plan, approving the QEMP dated 19 January 2017 (indicating that the QEMP was submitted on 25 January 2017, and has been developed to the satisfaction of the Director-General as required by the Conditions of Consent). The statement that this is required within 6 months of the date of the approval is no longer valid in the context of the updated QEMP. An updated QEMP is currently in review with the Department.	C	N/A
2A	Within 3 months of the date of this approval, the Proponent shall nominate a suitably qualified and experienced Environmental Officer(s) to perform environmental management duties. The Environmental Officer(s) shall be: (a) responsible for reviewing the monitoring programs required under this consent; and (b) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development. The Proponent shall notify the Planning Secretary , and Relevant Agencies of the name and contact details of the Environmental Officer, and any changes to that appointment that may occur from time to time.	CB did not nominate an Environmental Officer within 3 months of the date of the conditions of approval. The Court ordered Approval on 2 September 2008. However, this was identified in a previous GHD Independent Environmental Audit in 2010 and ERM Audits (2013 and 2016) and therefore this has not been raised as a new finding in this report. ERM previously reviewed a letter from CB to the Department dated 22/06/2016 nominating Mark Hammond as Environmental Officer. Mr Hammond remains the Environmental Officer at the Site.	C	N/A
Revision of Strategies, Plans & Programs				
2B	Within 3 months of: (a) the submission of an incident notification under condition 3 below; (b) the submission of an Annual Review under condition 4 below; (c) the submission of an Independent Environmental Audit report under condition 5 below; and (d) the approval of any modifications to this approval (unless the conditions require otherwise), the Proponent must review the suitability of existing strategies, plans, and programs required under this approval. If necessary to either improve the environmental performance of the project, cater for a modification or comply with a direction, the strategies, plans, and programs required under this approval must be revised, to the satisfaction of the Planning Secretary and submitted to the Planning Secretary for approval within six weeks of the review. <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 project.</i>	All MP's under Modification 1 are new and awaiting approval. Therefore, this condition is not triggered as 3 months has not passed since submission and approval date.	NT	N/A
REPORTING				

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	Incident Notification			
3	The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing through the Department's Major Projects Website and identify the project (including the project number and name) and set out the location and nature of the incident.	No incidents have occurred during the audit period.	NT	N/A
	Non-Compliance Notification			
3A	Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing through the Department's Major Projects Website and identify the project (including the development application number and name), set out the condition of this approval that the project is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. <i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i>	No incidents have occurred during the audit period.	NT	N/A
	Regular Reporting			
3B	The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	Annual Reviews are publically available on the CB website.	C	N/A
	ANNUAL REVIEW			
4	By the end of September each year, or other timing as may be agreed by the Planning Secretary, the Proponent must review the environmental performance of the project to the satisfaction of the Planning Secretary. This review must: a) describe the activities associated with the project (including rehabilitation) that was carried out in the previous financial year, and the activities that are proposed to be carried out over the current financial year; b) include a comprehensive review of the monitoring results and complaints records of the project over the previous financial year, which includes a comparison of these results against: <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this approval; the monitoring results of previous years; and the relevant predictions in the documents listed in condition 2(a) of Schedule 2; c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid recurrence; d) evaluate and report on: <ul style="list-style-type: none"> the effectiveness of the acid sulfate soils, noise amenity and water quality management and mitigation; and compliance with the performance measures, criteria and operating conditions of this approval; e) identify any trends in the monitoring data over the life of the project;	The ARs have been provided to the relevant stakeholders (the CCC, the EPA, DPE and the local Councils) for each year included in the scope of this assessment (2019 to 2022) and copies are provided on the CB website. A summary of compliance with each element that the report must comply with is provided below: (a) Activities associated with the project (including rehabilitation) are summarised in Section 3.4 and 3.5 of the AR; (b) Monitoring results are provided in Section 4 of the AR, and are compared against the Site's objectives and limits where applicable, as well as historical results; (c) Non-compliances and incidents occurring in the previous financial year are provided in Section 1.1 (statement of compliance) of the AR (note that no non-compliances were identified during the audit, and therefore no details of actions to rectify non-compliances have been included in the relevant AR's); (d) Acid sulphate monitoring results and interpretation are provided in Section 4.8.3 and 4.8.4 of the 2019-2020 and 2020-2021 ARs, and Section 4.9.3 and 4.9.4 of the 2021-2022 AR; (e) Trends in monitoring data are provided in each section of monitoring results in the ARs; (f) Any discrepancies between predicted and actual impacts of the project are discussed in all sections of the AR where applicable, as well as analysing the cause of any significant discrepancies where relevant;	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and g) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p> <p>The Proponent must ensure that the Annual Review is submitted to the Planning Secretary and is available to the members of the CCC and any interested person on request.</p>	<p>(g) Provided in Section 4 and 5 of the AR;</p> <p>The ARs are publically available on the CB website for the past 5 years.</p>		
INDEPENDENT ENVIRONMENTAL AUDIT				
5	<p>Within 12 months of the date of the commencement of the project, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project.</p> <p>This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced, and independent person(s) whose appointment has been approved by the Planning Secretary;</p> <p>(b) include consultation with the Relevant Agencies;</p> <p>(c) assess the Environmental performance of the project, and its effects on the surrounding environment;</p> <p>(d) assess whether the project is complying with the relevant standards, performance measures and statutory requirements;</p> <p>(e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,</p> <p>(f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.</p> <p>Note: The person(s) conducting the audit must have expertise in flora and fauna assessment as well as quarry rehabilitation.</p>	<p>The previous Independent Environmental Audit was undertaken by ERM in 2019, within three calendar years from the previous audit, which was undertaken in 2016 by ERM.</p> <p>This current Independent Environmental Audit has been completed within three calendar years from the previous audit (2019).</p> <p>The criteria below was sufficiently met within the AR's and no non-compliances were identified:</p> <p>(a) Approval of Mr Robert Smith is provided as Appendix B to this report;</p> <p>(b) Details of consultation with relevant agencies is included in Section 2.1 of this report;</p> <p>(c) Assessment of environmental performance of the project and its effects on the surrounding environment is completed in person during the site visit, and throughout this report;</p> <p>(d) Assessment of whether the project is complying with relevant standards, performance measures and statutory requirements is detailed throughout this report;</p> <p>(e) Review of the adequacy of any strategy/plan/program is included throughout this report; and</p> <p>(f) Recommended measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval is included as a part of this report.</p>	C	N/A
6	<p>Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Planning Secretary, Relevant Agencies and CCC, with a response to any of the recommendations in the audit report.</p>	<p>The previous audit's site visit was conducted on 3/11/2019 and ERM requested subsequent information. The final report was issued to CB on 29/10/2019. CB submitted to the Planning Secretary on 18 /11/2019.</p>	C	N/A
7	<p>Within 3 months of submitting a copy of the audit report to the Planning Secretary, the Proponent shall review and if necessary revise:</p> <p>(a) each of the Environmental management and monitoring strategies/plans/programs in Schedules 3 and 5; and</p> <p>(b) the sum of the Landscape and Rehabilitation Bond (see Schedule 3).</p> <p>This review must consider:</p> <ul style="list-style-type: none"> the effects of inflation; any changes to the total area of disturbance; and 	<p>ERM reviewed the letter from CB to the Department dated 25/01/2017 providing a revised QEMP following the Independent Environmental Audit, which is within 3 months of the audit report being finalised.</p> <p>CB provided the basis of the bond calculations. This appeared to be in compliance with the requirements of the development consent.</p> <p>ERM reviewed correspondence from the Department dated 20/01/2017 confirming the bond recalculation. The correspondence stated that the proposed rate for rehabilitated areas of \$0.10/m² was considered insufficient by the Department and a rate of \$0.50/m² was identified as an appropriate rate.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<ul style="list-style-type: none"> the performance of the rehabilitation against the completion criteria of the Landscape and Rehabilitation Management Plan, to the satisfaction of the Planning Secretary. 			
Community Consultative Committee				
8	<p>Within 3 months of the date of this approval, the Proponent shall establish a Community Consultative Committee (CCC) for the project. The CCC shall:</p> <p>(a) be comprised of:</p> <ul style="list-style-type: none"> 2 representatives from the Proponent, one of which will be the Environmental Officer nominated under Condition 2A of Schedule 5; representatives of both KMC and SCC (if available); 1 representative of the Gerroa Environment Protection Society (if available); and at least 2 representatives from the local community, whose appointment has been approved by the Director- General <p>b) be chaired by an independent chairperson, whose appointment has been approved by the Planning Secretary;</p> <p>(c) meet at least twice a year including one meeting shortly after submission of the Annual Review under Condition 4 of Schedule 5;</p> <p>(d) review the Proponent's performance with respect to environmental management and community relations;</p> <p>(e) undertake regular inspections of the quarry operations;</p> <p>(f) review community concerns or complaints about the quarry operations, and the Proponent's complaints handling procedures; and</p> <p>(g) provide advice to:</p> <ul style="list-style-type: none"> the Proponent on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Proponent could contribute; the Department regarding the conditions of this approval; and the general community on the performance of the quarry with respect to environmental management and community 	<p>CB did not establish a CCC within 3 months of the date of the conditions of approval. However, this was raised in previous IEA reports, and is therefore not raised as a finding in this audit.</p> <p>In relation to the other points of this condition:</p> <p>(a) ERM reviewed the minutes for the CCC meeting held on 28 July 2022, which notes that participants from all required groups were present, except a member of the SCC, and the two community representatives.</p> <p>Community Representatives Mr Brazier and Mr Sekulic were not able to attend the meeting. Shoalhaven Council has stated that they will not be participating in the CCC.</p> <p>The following were in attendance:</p> <ol style="list-style-type: none"> Chairperson - Brian Weir GEPS Representative – W Holder Kiama Council Representative – Cr Croxford Cleary Bros Environmental Specialist – M Hammond Cleary Bros Representative – T Kalajzich Cleary Bros Stakeholder Relations Manager – P Jackson <p>(b) ERM reviewed correspondence from the Department, dated 16/02/2014, approving Mr Brian Weir as Chairperson of the CCC.</p> <p>(c) Meeting minutes from CCC meetings are published on the CB website at the frequency required by this condition.</p> <p>(d) Review of the CCC minutes showed compliance with parts d), e), f) and g).</p> <p>Gerroa CCC minutes from 2 December 2021 identify that a site inspection preceded the CCC meeting. During the site visit, staff confirmed that site inspections are generally conducted once per year.</p>	C	N/A
9	<p>At its own expense, the Proponent shall:</p> <p>(a) ensure that 2 of its representatives attend CCC meetings;</p> <p>(b) provide the CCC with regular information on the environmental performance of the project, including a copy of the Annual Review;</p> <p>(c) provide meeting facilities for the CCC</p> <p>(d) arrange site inspections for the CCC, if necessary;</p> <p>(e) respond to any advice or recommendations the CCC may have in relation to the environmental management or community relations; take minutes of the CCC meetings; and</p>	<p>From review of the CCC minutes, the Proponent has sufficiently:</p> <p>(a) ensured that 2 of its representatives have attended CCC meetings during the audit period;</p> <p>(b) provided the CCC with regular information on the environmental performance of the project, including a copy of the Annual Review (which is also publically available on the CB website);</p> <p>(c) provided meeting facilities for the CCC;</p> <p>(d) arranged site inspections for the CCC, if necessary (December 2020 and December 2021);</p> <p>(e) responded to any advice or recommendations the CCC had in relation to environmental management or community relations; taken minutes of the CCC meetings; and</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<p>(f) forward a copy of these minutes to the Director-General, and put a copy of these minutes on its website. (g) forward a copy of these minutes to the Planning Secretary, and put a copy of these minutes on its website.</p>	<p>(f) forwarded a copy of these minutes to the Director-General, and has put copies of all CCC meeting minutes on the CB website – confirmed by submission receipts sighted by ERM. (g) forwarded a copy of these minutes to the Planning Secretary, and put a copy of these minutes on its website – confirmed by submission receipts sighted by ERM.</p>		
	Access Information			
10	<p>Within 1 month of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or Annual Review required under this approval, the Proponent shall:</p> <p>(a) provide a copy of the relevant document/s to the Relevant Agencies and the CCC; and (b) ensure that a copy of the relevant document/s is made publicly available on its website and at the quarry.</p>	<p>There have been no updates to the QEMP since the last audit (the new QEMP is not yet approved or in force). Therefore, as per the last audit, ERM viewed the CB correspondence register, which included representatives from the EPA, DPI, CCC Members, Kiama and Shoalhaven councils on 08/02/2017 for the updated QEMP which was revised on 19/01/2017.</p>	C	N/A
11	<p>During the project, the Proponent shall:</p> <p>(a) make a summary of monitoring results required under this approval publicly available on its website and at the quarry; and (b) update these results on a regular basis (at least every 3 months).</p>	<p>The summary of monitoring results is provided under the 'Environmental Monitoring Records' tab on the CB website, which is collated as 3-monthly.</p>	C	N/A

Appendix A2 – Summary of EPL Findings

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation									
1	Administrative Conditions												
A1	What the licence authorises and regulates												
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Crushing, grinding or separating</td> <td>Crushing, grinding or separating</td> <td>> 30,000 – 100,000 T annual processing capacity</td> </tr> <tr> <td>Extractive activities</td> <td>Extractive activities</td> <td>>50000 – 100000 T annually extracted or processed</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Crushing, grinding or separating	Crushing, grinding or separating	> 30,000 – 100,000 T annual processing capacity	Extractive activities	Extractive activities	>50000 – 100000 T annually extracted or processed	<p>No non-compliances were identified with this condition during the audit period.</p> <p>Total site production volumes are reported to the Department of Trade and Investment, Resources and Energy and are included as an annex in the AEMRs. The annual production volumes records presented by management are summarised below:</p> <ul style="list-style-type: none"> FY2019/2020 – 54,178 tonnes. FY2020/2021 – 43,155 tonnes. FY2021/2022 – 31,291 tonnes. <p>Annual production quantities did not exceed the maximum scale specified in this condition.</p>	C	N/A
Scheduled Activity	Fee Based Activity	Scale											
Crushing, grinding or separating	Crushing, grinding or separating	> 30,000 – 100,000 T annual processing capacity											
Extractive activities	Extractive activities	>50000 – 100000 T annually extracted or processed											
A2	Premises or plant to which this licence applies												
A2.1	<p>The licence applies to the following premises:</p> <p>Premises Details:</p> <p>SOUTHERN EXTRACTION AREA</p> <p>BERRY BEACH ROAD</p> <p>GERROA</p> <p>NSW 2534</p> <p>LOT A DP 185785, PART LOT 2 DP 1111012</p> <p>THE AREA BORDERED IN BLUE ON THE BELOW MAP TITLED "CLEARY BROS GERROA SAND QUARRY EPL4146 OPERATIONAL AREA AND DISCHARGE POINT" AND DATED 16/09/2022. SAVED ON FILE AS CM9</p> <p>DOC22/842623.</p>	<p>No non-compliances with this condition were identified for the audit period.</p>	C	N/A									
A3	Information supplied to the EPA												
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p>	<p>No non-compliances with this condition were identified.</p>	C	N/A									

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation								
	In this condition the reference to "the licence application" includes a reference to: <ul style="list-style-type: none"> a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence. 											
2	Discharges to Air and Water and Applications to Land											
P1	Location of monitoring/discharge points and areas											
P1.1	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	Noted.	Noted	N/A								
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area. <table border="1" data-bbox="270 877 1430 1178"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>Discharge to waters</td> <td>The end of the "Overflow Pipe" from the dredge pond as labelled on the map titled "Cleary Bros Gerroa Sand Quarry EPL4146 Operational Area and Discharge Point" and dated 16.09.2022 (saved on file as CM9 DOC22/842623).</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1		Discharge to waters	The end of the "Overflow Pipe" from the dredge pond as labelled on the map titled "Cleary Bros Gerroa Sand Quarry EPL4146 Operational Area and Discharge Point" and dated 16.09.2022 (saved on file as CM9 DOC22/842623).	No discharges occurred during the audit period.	N/A	N/A
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description									
1		Discharge to waters	The end of the "Overflow Pipe" from the dredge pond as labelled on the map titled "Cleary Bros Gerroa Sand Quarry EPL4146 Operational Area and Discharge Point" and dated 16.09.2022 (saved on file as CM9 DOC22/842623).									
3	Limit Conditions											
L1	Pollution of waters											
L1.1	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.	<p>There were no non-compliances with conditions of the Development Consent or Environmental Protection Licence 4146 related to surface water or groundwater during the audit period.</p> <p>ERM notes that beyond undertaking good practices relating to housekeeping, chemical management, acid sulphate soil management etc., the Site does not have significant control over the quality of water in the dredge pond. Therefore, the Site reported that they aim to meet the water quality objectives contained in this condition of consent through implementing good management practice relating to site run-off into the pond.</p> <p>Whilst exceedances of the water quality objectives have occurred during the audit period, these exceedances have generally been consistent with historical background levels and may therefore be considered representative of the local natural groundwater qualities. ERM additionally notes that the water quality objectives are not strict compliance limits.</p> <p>Surface water and groundwater monitoring results are discussed further in the review of the Conditions of Consent.</p>	C	N/A								
4	Operating Conditions											

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
O1	Activities must be carried out in a competent manner			
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	No non-compliances were identified with this condition for the audit period.	C	N/A
O2	Maintenance of plant and equipment			
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.	<p>CB utilises a pre-start checklist for all CB owned and operated mechanised plant on-site to ensure it is operational prior to beginning work. If anything major is noted during the pre-start checklist, the quarry manager is notified and will call the workshop to fix. Any minor preventative maintenance issues minor are reported through the pre-start checklist. Equipment is triaged as appropriate, and it is then decided what needs to be done for the next service.</p> <p>ERM reviewed a selection of pre-start checklists from multiple weeks in October 2022 that verify the Site is maintaining and operating plant and equipment in a proper and efficient condition.</p> <p>MEX Maintenance Software is used to store maintenance records of plant and machinery on site. MEX maintenance records were observed as part of this audit, for the following equipment: earthmoving equipment, tyre inspections, water carts, and a registration check for a heavy vehicle, dated 4/11/2022. There is no evidence that plant is not being serviced or maintained in accordance with the schedule was observed.</p> <p>CB utilises Davidson Dredging to undertake dredging and dredge material separation activities. CB provided a copy of preventative maintenance documentation for the contractor plant on-site including the dredge, the wash-plant and the booster pump.</p> <p>ERM considers that the controls and observations are sufficient to demonstrate compliance with this condition.</p>	C	N/A
5	Monitoring and Recording Conditions			
M1	Monitoring Records			
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.	No non-compliances with this condition were identified. The EPL does not require any monitoring to be undertaken.	NT	N/A
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.	No non-compliances with this condition were identified. The EPL does not require any monitoring to be undertaken.	NT	N/A
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	No non-compliances with this condition were identified. The EPL does not require any monitoring to be undertaken.	NT	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	d) the name of the person who collected the sample.			
M2	Recording of pollution complaints			
M2.1	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.	Site management reported that no complaints have been received during the audit period.	NT	N/A
M2.2	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.	Site management reported that no complaints have been received during the audit period.	NT	N/A
M2.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Site management reported that no complaints have been received during the audit period.	NT	N/A
M2.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Site management reported that no complaints have been received during the audit period and no request to review the complaints records has been received from the EPA.	NT	N/A
M3	Telephone complaints line			
M3.1	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.	The QEMP outlines procedures for community relations, complaints management, non-compliance contingencies, managing cumulative impacts and emergency response. The phone number listed on the CB website is a general CB contact number. The process for receiving complaints is as follows: a message would be received by a staff member answering the main CB telephone line ((02) 4275 1000) and passed on to the Site's Environmental Officer Mark Hammond, who would formally process the complaint. This process was tested as a part of the IEA.	C	N/A
M3.2	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.	ERM observed the complaints line on the CB website.	C	N/A
M3.3	The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Noted.	Note	N/A
6	Reporting Conditions			
R1	Annual return documents			
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:	ERM reviewed the Annual Returns for the three years of the audit period and information available on EPA Public Registers. Information reviewed by ERM indicated that the three	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
	<ol style="list-style-type: none"> 1. a Statement of Compliance; 2. 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. <p>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.</p>	<p>Annual Returns for the audit period had been submitted and no non-compliances were reported.</p> <p>CB management reported that no complaints have been received during the audit period. ERM notes that no routine monitoring is required under the EPL.</p>		
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	ERM reviewed emails dated 11/02/2020, 11/02/2021, and 09/02/2022 from the EPA, confirming successful submission of Annual Returns from those years.	C	N/A
R1.3	Where this licence is transferred from the licensee to a new licensee: <ol style="list-style-type: none"> 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. 	The CB EPL has not been transferred during the audit period.	NT	N/A
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: <ol style="list-style-type: none"> 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. 	The CB EPL has not been surrendered or revoked during the audit period.	NT	N/A
R1.5	The Annual Return for the reporting period must be supplied to the EPA 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').	ERM reviewed emails from 09/11/02/2020, 11/02/2021, and 09/02/2022 from the EPA confirming successful submission of the Annual Return for those respective years. In each case, the Annual Returns were submitted within 60 days of the end of the reporting period.	C	N/A
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.	CB provided records for Annual Returns for 2018-2019, 2019-2020, 2020-2021, and 2021-2022.	C	N/A
R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: <ol style="list-style-type: none"> a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. 	ERM reviewed the three annual returns submitted during the audit period. The Signature and Certification section was completed and signed by CB Directors who are the EPL licence holders.	C	N/A
	<p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Noted	Noted	N/A
R2	Notification of environmental harm			

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	No environmental harm incidents were reported to the EPA during the audit period. No requirement to report environmental harm was identified by ERM.	NT	N/A
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.	No environmental harm incidents were reported to the EPA during the audit period. No requirement to report environmental harm was identified by ERM.	NT	N/A
note	The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	No environmental harm incidents were reported to the EPA during the audit period. No requirement to report environmental harm was identified by ERM.	NT	N/A
R3	Written report			
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.	No requests for written reports have been made by the EPA during the audit period.	NT	N/A
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.	No requests for written reports have been made by the EPA during the audit period.	NT	N/A
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.	No requests for written reports have been made by the EPA during the audit period.	NT	N/A
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	No requests for written reports have been made by the EPA during the audit period.	NT	N/A
7	General Conditions			
G1	Copy of licence kept at the premises or plant			
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	ERM observed a copy of the EPL on Site during the Site visit. The EPL is also available on the CB website.	C	N/A

No	Assessment Requirement	Reference/Evidence	Compliance Status	Recommendation
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	CB management reported that no requests to view the EPL have been received from the EPA during the audit period.	NT	N/A
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	ERM observed a copy of the EPL on Site during the Site visit, available for inspection by any employee of CB.	C	N/A

APPENDIX B AUDITOR APPROVAL FROM THE DEPARTMENT

Mr Mark Hammond
Quality and Environment Manager
CLEARY BROS (BOMBO) PTY LTD
39 FIVE ISLANDS ROAD
PORT KEMBLA NSW 2505
10/10/2022

Dear Mr Hammond

**Gerroa Quarry - (DA264/01)
Independent Auditor Nomination**

I refer to your request (DA264/01-PA-20) for the Secretary's approval of suitably qualified persons to undertake the Independent Environmental Audit (Audit) and prepare the Audit report for the Gerroa Quarry (DA264/01).

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, in accordance with Condition 4.9 of DA264/01 (the 'Consent') and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team:

- Mr Robert Smith; and
- Ms Sophie Barkla.

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the 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 Claire McQueeney on 8837 6393 or compliance@planning.nsw.gov.au

Yours sincerely



Katrina O'Reilly
Team Leader - Compliance
Compliance
As nominee of the Planning Secretary

APPENDIX C INDEPENDENT AUDIT CERTIFICATION FORM

Independent Audit Certification Form

Independent Audit Certification Form

Project Name Cleary Bros Gerroa Sand Quarry

Project Consent No. MP 05_0099

Description of Project Sand Quarry

Project Address Beach Road, Gerroa, NSW 2534

Proponent Cleary Broa Pty Limited

Proponent Address 39 Five Islands Road, Port Kembla, NSW, Australia 2505

Independent Audit

Title of Audit **Cleary Bros Gerroa Sand Quarry Independent Environmental Audit 2022**

Date 9/12/2022

I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:

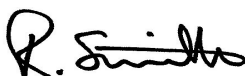
- The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2018 and Post Approval Requirements – Independent Audits*
- The findings of the audit are reported truthfully, accurately and completely;*
- I have exercised due diligence and professional judgement in conducting the audit;*
- I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;*
- I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;*
- I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);*
- Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and*
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.*

Note.

a) *The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.*

b) *The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).*

Signature



Name of Lead / Principal Auditor Robert Smith

Address Level 14, 207 Kent Street, Sydney NSW 2000

Email Address Robert.Smith@erm.com

Auditor Certification (if relevant) Qualified through >18 years experience

Date 9/12/2022

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