



Cleary Bros Gerroa Sand Mine Independent Environmental Audit

Cleary Bros (Bombo) Pty Ltd

FINAL
0373007

December 2016

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| Position: | Project Manager |
| Signed: |  |
| Date: | <u>20 December, 2016</u> |
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| Date: | <u>20 December, 2016</u> |

Environmental Resources Management Australia Pty Ltd

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1 INTRODUCTION

1.1 BACKGROUND

Environmental Resources Management Australia Pty Ltd (ERM) was engaged by *Cleary Bros (Bombo) Pty Ltd* to undertake an independent environmental audit of the *Cleary Bros Gerroa Sandmine* off Beach Road, Gerroa, New South Wales (henceforth, the 'Site'). The purpose of the audit was to satisfy requirements of the *NSW Department of Planning and Infrastructure (DoPI)* now the *NSW Department of Planning and Environment (DP&E)* pursuant to the relevant Development Consent.

This report sets out the audit purpose, methodology, summary findings and detailed assessment. The Site visit was conducted on Wednesday 23 November 2016 and included extensive document review and a site visit. The Audit was completed with the issue of the Final Report.

1.2 AUDIT OBJECTIVES

The objectives of ERM's audit were to:

- a) satisfy Condition of Consent (Schedule 5, Condition No. 5) which requires an independent audit of the environmental performance of the development at Every 3 years;
- b) assess the various aspects of the environmental performance of Cleary Bros Gerroa Sand mine (the Site), and its effects on the surrounding environment;
- c) verify compliance with the relevant condition, standards, performance measures and statutory requirements;
- d) review the adequacy of site management plans and procedures against the conditions of the Environmental Protection Licence (EPL) 4146 and Development Application (DA 10801_2007) consent conditions; and
- e) recommend measures or actions to improve the environmental performance of the sand mine to meet the conditions of the development consent or EPL conditions.

1.3 DEPARTMENT OF PLANNING ORDER

As part of *Cleary Bros (Bombo) Pty Ltd* DA 10801-2007 Conditions of Consent (CoC) for operation, an independent environmental audit is to be conducted of the *Cleary Bros Gerroa Sandmine* every three years, with the last audit having been conducted in November 2013.

Schedule 5, Condition 5 of the DA 10801-2007 Conditions of Consent, which summarises the audit requirements is provided below:

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.

This audit must:

(a) be conducted by a suitably qualified, experienced, and independent person(s) whose appointment has been approved by the Director-General;

(b) include consultation with the Relevant Agencies;

(c) assess the environmental performance of the project, and its effects on the surrounding environment;

(d) assess whether the project is complying with the relevant standards, performance measures and statutory requirements;

(e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,

(f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

This report constitutes outcomes of the Independent Environmental Audit to comply with Condition 10.3 of the Conditions of Consent.

1.4

SCOPE OF WORKS

The audit applies to the sand mine and any other infrastructure specifically referenced in the Conditions of Consent. The Environmental Protection Licence 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;
- Terms of Approval;
- Limits on Approval;
- Surrender of Consents;
- Operation of Plant & Equipment;
- Section 94 Contributions;
- General Extraction and Processing Provisions;
- Noise;
- Air Quality;

- Meteorological Monitoring;
- Surface and Groundwater;
- Aboriginal Heritage;
- Traffic and Transport;
- Visual;
- Waste Management;
- Emergency and Hazards Management;
- Production Data;
- Notification of Landowners;
- Independent Review;
- Environmental Management Plan;
- Environmental Monitoring Programs;
- Incident Reporting;
- Annual Reporting;
- Independent Environmental Audit;
- Community Consultative Committee conditions; and
- Access to Information.

Aspects of the Development Consent relating to Landscape Management were separately audited by Kevin Mills and Associates with approval from the DP&E, and as such were outside the scope of this audit. For each Condition of Consent and Environment Protection Licence (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 are 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 has generally been limited to data collected between November 2013 and November 2016 (the most recent data available at the time of the site audit).

1.5 *PERSONNEL AND TIMING*

Mr. Robert Smith was approved by the DP&E to conduct the audit (refer to correspondence from the *Department of Planning and Environment in Annex A*).

The Site visit was conducted on 23 November 2016. The audit report was finalised in December 2016.

The following *Cleary Bros* personnel were interviewed during the course of the audit:

- **Mr. Mark Hammond** - Quality and Environment Co-ordinator; and
- **Mr. Ashley Mathie** - Gerroa Sand Mine Production Manager.

ERM would like to take this opportunity to thank the *Cleary Bros* management team for their assistance during the audit process. The audit was open and constructive, and ran smoothly throughout.

1.6 *LIMITATIONS*

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: (a) 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 (b) 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.

AUDIT PROCESS

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

- Off-site planning for the site audit;
- Collection of relevant background documentation;
- An opening meeting;
- Collecting audit evidence through information gathering, observations and interviews;
- Site inspections;
- Evaluating audit documentation;
- A closing meeting;
- Compiling this audit report;
- review of further supporting information; and
- liaison with regulatory authorities.

2.1

AUDIT TERMINOLOGY

Non-compliances were prioritised as:

1. **High** - for current non-compliance;
2. **Medium** - for potential non-compliance; and
3. **Low** - for an observation or recommendation relating to improvements to existing compliance management practices.

2.2

OPENING MEETING

The opening meeting was held at the Gerroa Sandmine site office on 23 November 2015. The opening meeting was attended by Mr Robert Smith (Lead Auditor) and *Cleary Bros* personnel Mr Mark Hammond and Mr Ashley Mathie.

An explanation of the independent audit process was provided and it was emphasised that the audit used a compliance sampling methodology whereby adherence to the approval conditions was audited. One implication of using this approach to auditing is that neither all compliances, nor all non-compliances, will be identified during the process.

It was also stated that the audit report would be based on objective evidence.

2.3 *AUDIT*

Interviews and discussions were held in accordance with the agreed audit schedule.

Site inspections were undertaken by Mr. Robert Smith, Mr. Mark Hammond and Mr. Ashley Mathie on 23 November 2016 and included observations of the following areas:

- the active sand mine face;
- sand dredging boat (not operational at the time of the site visit);
- the historical areas used for sand mining (still flooded with water);
- the wildlife corridors across the site;
- areas of vegetation rehabilitation;
- groundwater sampling areas;
- stormwater overflow area;
- wet sand sorting plant; and
- Aboriginal heritage areas.

Mr. Mark Hammond and Mr. Ashley Mathie provided assistance with collecting audit evidence by providing ERM with appropriate documentation for each approval condition.

2.4 *CLOSING MEETING*

The closing meeting was conducted on 30 November, 2016 via phone conference and included a discussion of preliminary audit findings. Mr. Robert Smith of ERM and Mr. Mark Hammond of *Cleary Bros* attended the meeting.

2.5 *AUDIT REPORT*

Cleary Bros is required to submit a copy of this independent audit report to the Secretary (formerly Director-General; NSW DP&E), together with its response to any recommendations contained in the independent audit report within one month of completion of the audit.

The submission is to include a detailed response from *Cleary Bros* to any of the recommendations contained in the Report (provided in a separate document).

SITE DESCRIPTION

The subject property is located in a rural area on the border of Kiama Municipal and Shoalhaven City Councils, near Berry, New South Wales, Australia. The subject property consists of two lots of land identified legally as Lot A DP185785 (the southern portion of the Site, located in Shoalhaven City Council) and part of Lot 2 DP1111012 (the remainder of the Site, located in Kiama Municipal Council area, which also includes adjacent farm land, which is outside of the scope of this audit).

The approved sand quarry operational area, including the extension, has a total area of approximately 27.5 hectares.

The quarry operates from Monday to Friday, 9am to 5 pm, and Saturdays 9am to 1pm.

3.1

SITE SURROUNDINGS

The site is located in a rural area near the coast, and immediate surroundings were comprised of the following land uses:

- North and west: agricultural land owned by Cleary Bros;
- Northeast: bushland, beyond which is a caravan park (from approximately 800 metres, then Gerroa (from approximately 1.5 kilometres);
- East: Crooked River Road, with the bushland of Seven Mile Beach National Park and the ocean beyond;
- South: Beach Road with large lot residential properties beyond.

3.2

CURRENT OPERATIONS

The Site is a sand mine 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 had 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".

Ancillary activities include:

- Groundwater monitoring wells;
- Surface water monitoring points;
- Meteorological station;
- Dust deposition monitoring locations;
- Stormwater control and collection infrastructure;
- Dust suppression via a water tanker truck;
- Various pumps for discharge of stormwater
- Vehicle and plant maintenance; and
- Analysis of acid sulphate soils.

4 *AUDIT FINDINGS*

4.1 *PREVIOUS INDEPENDENT AUDIT*

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 this Audit in 2013. The findings of the 2013 ERM report (as well as the DPE compliance audit report 2015) were reviewed and considered during the development of this report.

4.2 *COMPLIANCE WITH CONDITIONS OF CONSENT (COC)*

The conditions of Development 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.

Set out below in Table 4.1 are findings where complete compliance could not be demonstrated. The majority of these findings relate to administrative issues, late submissions of reports or missing documentation.

4.3 *COMPLIANCE WITH ENVIRONMENTAL PROTECTION LICENCE*

The Conditions of Consent did not specifically reference any compliance requirements relating to the Environmental Protection Licence; however the EPL conditions were reviewed as part of this assessment and no non-compliances were identified.

4.4 *COMPLAINTS SUMMARY*

A review of the annual returns to the EPA for the site from 2013 to 2016 indicates that the site has recorded no complaints within the scope of this audit.

Discussions with site management and review of the mine's complaints register also indicated that no complaints have been received by the mine during the last three years.

4.5 *CONSULTATION WITH REGULATORS*

ERM contacted the following regulatory bodies as part of this assessment to discuss the performance of the Site:

- Environmental Protection Authority;
- Shoalhaven Council;

- Kiama Council;
- Department of Planning and Environment; and
- Department of Primary Industry.

The Environmental Protection Authority provided the following feedback:

- The EPA last inspected the Gerroa site in October 2015 and has regular contact and discussions with the environmental staff at Cleary Bros through regulation of their Albion Park hard rock quarry;
- There have been no recent variations of the EPL. The EPA undertook a risk assessment at the site in September 2015 as part of a state wide program to risk assess and rank each licenced premises. The Gerroa site is ranked as Low risk (Environmental Risk Level 1) by the EPA;
- There have been no recent community complaints, dust issues, noise issues or concerns raised by community groups or neighbouring landowners;
- Annual Returns have been submitted on time and there have been no recent reported non-compliances with EPL conditions; and
- Cleary Bros has been reliable with regards to open communication and self-reporting any issues with their EPA regulated sites. The company seems to have established culture of openness with regards to liaising with regulators.

Shoalhaven Council reported that it had no reason to contact or liaise with the site regarding environmental issues or variations to the conditions of consent and had no concerns regarding the site operations (e.g. dust; noise; community issues etc.).

Feedback from Kiama Council included that the Community Consultation Committee included Kiama Councillor Sloan, who attended a full site inspection in early 2016 with no significant observations relevant to this assessment. The Council has had no reason to contact or liaise with the site regarding environmental issues or variations to the conditions of consent and had no concerns regarding the site operations (e.g. dust; noise; community issues etc.). The Council added that the mine has been open and effective relating to consultation.

The Department of Planning & Environment reported no negative feedback regarding the Site's operations or communication with the Department.

Feedback from the Department of Primary Industry was still pending at the time of issue of this Final Report.

4.6

SUMMARY OF FINDINGS

Table 4.1 below provides a summary of the findings identified during ERM's audit.

Table 4.1 Summary of Findings

| Condition Number | Description of Condition | Comment | Significance | 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 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>A minor leak of diesel fuel was observed adjacent to the diesel above ground storage tank which fuelled the dredged material sorting plant. Staining from the leak extended over <1m² and appeared to relate to disconnecting the hose from the tank to the plant (rather than an ongoing leak). It is noted that this represents a contractor management issue (i.e. CB did not cause the leak). The contractor fuel tank is not bunded, but is not required to be under law or the conditions of this consent.</p> <p>ERM notes that the minor spill is not likely to be causing material environmental harm. However, best practice would dictate that the spills should be cleaned up.</p> | Low | <p>Work with contractor to develop procedure to uncouple fuel lines from plant without causing spill. Refresh training regarding spill response with contractor.</p> <p>The diesel impacted sand should be excavated, classified in accordance with the NSW Waste Classification Guidelines, and disposed of using a suitably licenced contractor to an appropriately licenced facility.</p> |
| Terms of Approval | | | | |
| 2 | The Proponent shall carry out the development generally 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 conditions of approval. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--------------------------|--|---|----------------|----------------|
| 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. | Not Applicable | Not Applicable |
| 4 | The Proponent shall comply with any reasonable requirement/s of the Director-General 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. | ERM reviewed several items of correspondence between the Site and the Department including: <ul style="list-style-type: none"> • Correspondence with the Department regarding the movement of the Site's weather station after it was damaged in a storm; • Updates to the Quarry Environment Management Plan (e.g. regarding the location and use of a groundwater monitoring well; • Submission of AEMRs; • Relocation of a dust monitoring gauge due to suspected sabotage of results; • Dust monitoring exceedance records (see sabotaged results above); • Etc. No evidence that CB has not complied with requirements of the Director-General were identified during the course of the assessment. | Not Applicable | Not Applicable |
| Limits of Consent | | | | |
| 5 | Extraction and processing operations may take place until 31 July 2023 | A review of planned extraction activities and observations made during the site visit indicated that CB is undertaking operations from within the approved extraction area. Management reported that the economic life of the mine will likely be exhausted by 2023. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------------------|--|--|----------------|----------------|
| 5A | Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General. 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 unless Conditions 16 and 17 of this approval have been complied with. | Rehabilitation is outside the scope of ERM's assessment. As such, conditions 16 to 28 of the development approval were not assessed. Flora and fauna management on site and rehabilitation were assessed by Kevin Mills and Associates. | Not Applicable | Not Applicable |
| 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> | The total site production for the mine reported to the Department of Trade and Investment, Resources and Energy for the period included in the scope of this audit is summarised below: <ul style="list-style-type: none"> • 2014: 74,152 tonnes; and • 2015: 79,600 tonnes. 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. | Not Applicable | Not Applicable |
| Surrender of Consents | | | | |
| 7 | 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. <i>Note: This approval will apply to all phases and components of the quarry from the date of this approval.</i> | The Proponent did not surrender the existing development consents within 3 months of the date of the approval. This was historically identified in the Independent Environmental Audit conducted by GHD, dated 2010 and ERM dated 2013, and therefore has not been raised as a new finding in this report. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--------------------------------|--|---|----------------|----------------|
| 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. CB provided evidence of the preventative maintenance schedule for CB operated plant based on hours in operation or time in service. No evidence that plant is not being serviced in accordance with the schedule was observed.</p> <p>CB utilises Davidson Dredging to undertake dredging and dredge material separation activities.</p> <p>CB provided a copy of preventative maintenance documentation for all contractor plant on-site in August and May 2016.</p> <p>No evidence of poorly maintained plant was observed during the site visit.</p> <p>ERM considers that these controls are sufficient to demonstrate compliance with this condition.</p> | Not Applicable | Not Applicable |
| 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 Shoalhaven City Council; and</p> <p>(b) 20 cents per tonne of material hauled from the site to Kiama Council,</p> <p>For the maintenance/repair of public roads 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 the last three years.</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 Kiama: <ul style="list-style-type: none"> 2015-16 = 78,309 x 0.257 = \$20,125.49 (amount paid - \$20,125.49) 2014-15 = 74,152.65 x 0.257 = \$19,057.20 (amount paid - \$19,057.23) 2013-14 = 57,969.05 x 0.25 = \$14,492.26 (amount paid - \$14,492.26) | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--|--|---|----------------|----------------|
| | | <ul style="list-style-type: none"> Section 94 Contribution payment Shoalhaven: <ul style="list-style-type: none"> 2015-16 = $78,309.31 \times 0.364 = \\$28,504.59$ (amount paid - \$28,504.59) 2014-15 = $74,152.65 \times 0.36 = \\$26,694.95$ (amount paid - \$26,694) 2013-14 = $57,969.05 \times 0.35 = \\$20,289.17$ (amount paid - \$20,289.17) <p>ERM calculated the cents per tonne paid to the Councils based on the production over the period of the mine's annual returns. No significant variations in the payments per tonne were noted.</p> | | |
| SCHEDULE 3 - ENVIRONMENTAL PROCEDURES | | | | |
| General Extraction and Processing Process | | | | |
| Identification of Boundaries | | | | |
| 1 | <p>Within 3 months of the date of this approval, or as otherwise agreed by the Director-General, the Proponent shall</p> <p>(a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction;</p> <p>(b) submit a survey plan of these boundaries to the Director-General; 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>The survey plan from K.F Williams & Associates Pty Ltd Consulting Surveyors, Civil and Structural Engineers & Planners was provided, 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. Correspondence was provided from Perram & Partners to the Department of Planning dated 5 February 2009 Re: submitting the survey plan. This finding was raised historically during the Independent Environmental Audit conducted by GHD, dated 2010, and ERM Audit in 2013, therefore has not been raised as a new finding in this report.</p> <p>During the site visit, ERM observed several boundary markers (steel star pegs), indicating the extent of the permissible extraction zone. No evidence of extraction beyond the permissible zone was observed.</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation | | | | | | | | | | | | | | |
|-----------------------------------|--|---|--------------------------------|----------------|----|----------------|----|-------------------------------|----|------------------|----|---------------|----|---------------|----|--|--|--|
| Noise | | | | | | | | | | | | | | | | | | |
| Impact Assessment Criteria | | | | | | | | | | | | | | | | | | |
| 2 | The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in the Table 1 below: | <p>The sand mine has received no complaints regarding noise in the last three years.</p> <p>Renzo Tonin & Associates undertook a noise compliance, monitoring and modelling assessment of the CB sand mine in April 2009. The report stated that “Noise impact from the site activities upon the potentially most affected noise sensitive residential and recreational receivers, is expected to comply with Conditions 2 and 4 of Schedule 3 of the Conditions of Approval”. Additionally, the report stated that “No noise mitigation measures for on-site activities were deemed necessary for the proposed expansion.”</p> <p>A review of the scope and methodology of the Renzo Tonin & Associates report referenced above indicates compliance with the Notes of Schedule 3, Condition 2 (i.e. the computer modelling process used is approved by the regulator, the weather conditions were within acceptable tolerances and no agreements with relevant land owners are in place).</p> <p>Based on the lack of complaints during the last three years and the conclusions of the report referenced above, ERM considers Schedule 3, Condition 2 to be complied with.</p> | Not Applicable | Not Applicable | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Location</th> <th>L_{Aeq} (15min) dB(A)</th> </tr> </thead> <tbody> <tr> <td>670 Beach Rd</td> <td>41</td> </tr> <tr> <td>11 Bangarra St</td> <td>40</td> </tr> <tr> <td>Seven Mile Beach Holiday Park</td> <td>36</td> </tr> <tr> <td>Coralea Property</td> <td>43</td> </tr> <tr> <td>Picnic Area 1</td> <td>46</td> </tr> <tr> <td>Picnic Area 2</td> <td>43</td> </tr> </tbody> </table> | Location | L _{Aeq} (15min) dB(A) | 670 Beach Rd | 41 | 11 Bangarra St | 40 | Seven Mile Beach Holiday Park | 36 | Coralea Property | 43 | Picnic Area 1 | 46 | Picnic Area 2 | 43 | | | |
| Location | L _{Aeq} (15min) dB(A) | | | | | | | | | | | | | | | | | |
| 670 Beach Rd | 41 | | | | | | | | | | | | | | | | | |
| 11 Bangarra St | 40 | | | | | | | | | | | | | | | | | |
| Seven Mile Beach Holiday Park | 36 | | | | | | | | | | | | | | | | | |
| Coralea Property | 43 | | | | | | | | | | | | | | | | | |
| Picnic Area 1 | 46 | | | | | | | | | | | | | | | | | |
| Picnic Area 2 | 43 | | | | | | | | | | | | | | | | | |
| | <i>Table 1: Noise Impact Assessment Criteria</i> | | | | | | | | | | | | | | | | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|---------------------------|---|--|----------------|----------------|
| 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>Section 6.2.3 of QEMP identifies management procedures related to hours of operation, which aligns with this condition of consent. Work instructions reviewed; signage at the gate and on a sign in 'shed' near the entrance to the sand mine also all include the same business hours in the condition of consent.</p> <p>Employees may arrive on-site between 6.00am and 6:30am, however, plant and equipment does not start until 7am. Timesheets reviewed confirmed that work does not start until 7am.</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 in the last three years.</p> | Not Applicable | Not Applicable |
| Noise Monitoring | | | | |
| 4 | <p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program 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 DECC; and</p> <p>(c) include details of how the noise performance of the project would be monitored, and include a noise monitoring protocol for evaluating compliance with the relevant noise limits in this approval.</p> | <p>Correspondence regarding submission of the noise monitoring program for the project was observed, dated 12 June 2009 (i.e. beyond the three month limit outlined in the condition). This finding was raised historically during the Independent Environmental Audit conducted by GHD, dated 2010, and has not been raised as a new finding in this report.</p> <p>DECC (now the EPA) has confirmed that it does not review management plans as required by (b).</p> <p>The noise performance of the project is monitored as part of the QEMP.</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation | | | | | | | | |
|-----------------------------------|--|--|------------------------------------|--|------------------------------------|----------------|--------|---------------------------|---------------------------|---|----------------|----------------|
| Air Quality | | | | | | | | | | | | |
| Impact Assessment Criteria | | | | | | | | | | | | |
| 5 | <p>The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Table 2 (below) at any residence on privately owned land, or on more than 25 percent of any privately owned land.</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase deposited dust level in</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <p><i>Table 2: Long term impact assessment criteria for deposited dust</i></p> | Pollutant | Averaging period | Maximum increase deposited dust level in | Maximum total deposited dust level | Deposited dust | Annual | 2 g/m ² /month | 4 g/m ² /month | <p>Three dust deposition gauges are present across the site. Dust mitigation measures included in the QEMP include:</p> <ul style="list-style-type: none"> • Keep to a minimum the area of land disturbed for operational purposes at any one time. When a disturbed area is no longer to be used, revegetate it as soon as practicable. • Restrict the speed of vehicles operating within the site, particularly on unsealed areas. • Cover the loads of all loaded vehicles carrying materials to or from the site. • Keep unsealed internal roads and loading areas moist when in use to minimise vehicle-generated dust. • Regulate sand production to avoid excessive product stockpiling. <p>ERM reviewed dust deposition data for the last three years. No exceedances of the criteria outlined in the condition were identified, with the exception of two consecutive erroneous readings in a dust gauge located near a public road. This gauge was found to contain significant concentrations of sand (which is not consistent with any other data the site has recorded and maybe due to vandalism). The dust gauge was moved out of view from the public road and no subsequent exceedances have occurred. ERM reviewed correspondence between the Site and the DP&E (dated 5 July 2016) which confirmed that these readings were likely sabotage events and that the</p> | Not Applicable | Not Applicable |
| Pollutant | Averaging period | Maximum increase deposited dust level in | Maximum total deposited dust level | | | | | | | | | |
| Deposited dust | Annual | 2 g/m ² /month | 4 g/m ² /month | | | | | | | | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|-------------------------------|--|--|----------------|----------------|
| | | <p>Department was satisfied with the relocation of the gauge assuming relevant monitoring plans were updated to reflect this change (updated plans were reviewed during ERM's assessment).</p> <p>The two full time staff members who work at the quarry have been familiarised with the content of the QEMP through training, as evidence of implementation of the dust management processes.</p> | | |
| Operating Conditions | | | | |
| 6 | <p>The Proponent shall ensure any visible air pollution generated by the project is assessed regularly, and that quarrying operations are relocated, modified and/or stopped as required to minimise air quality impacts on privately owned land.</p> | <p>Section 6.3.3 of the QEMP states "continually monitor visual air pollution and if necessary to minimise dust generations by modifying operations such as closing the site for loading and transport in extreme weather conditions".</p> <p>No complaints have been received by the site relating to visual air pollution.</p> <p>Workplace inspections are undertaken on a monthly by Mr. Ashley Mathie, the scope of which includes water quality, sediment, dust, turbidity, noise etc.</p> | Not Applicable | Not Applicable |
| Air Quality Monitoring | | | | |
| 7 | <p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General within 3 months of this approval;</p> <p>(b) be prepared in consultation with DECC; and</p> | <p>The Air Quality Monitoring Program 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 the ERM Audit (2013), therefore this has not been raised as a new finding in this report.</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|----------------------------------|--|--|----------------|-----------------------------|
| | (c) include details on how the air quality performance of the project would be monitored, and include a protocol for evaluating compliance with the relevant air quality criteria in this approval | The noise performance of the project is monitored as part of the QEMP. | | |
| Meteorological Monitoring | | | | |
| 8 | During the project, the Proponent shall maintain a suitable meteorological station on (or in close proximity to) the site to the satisfaction of the DECC and the Director-General. This station must satisfy the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> publication. | ERM reviewed correspondence from DP&E confirming satisfaction of the department regarding movement and installation of a new weather station (dated 22 June 2016). CB provided a summary of the data and the raw data produced by the station for review. This raw data has historically also been provided as an Annex to the Annual Environmental Monitoring Report (AEMR). | Not Applicable | Not Applicable |
| Surface and Groundwater | | | | |
| Discharges | | | | |
| 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. | A 150mm overflow pipe was observed during the audit, discharging to a local drainage ditch. No evidence of overflow events at the discharge point was observed. Site management reported that the mine has never had an overflow event. | Not Applicable | Not Applicable |
| Water Quality Objectives | | | | |
| 10 | Unless otherwise approved by the Director-General, the Applicant shall aim to meet the water quality objectives in Table 3 for water in the dredge pond and in ground water adjacent the dredge pond. | A review of monitoring records indicates that the site is undertaking monitoring at a frequency that is in accordance with the Conditions of Consent. Section 4.2.3 of the 2015-16 AEMR describes the surface water monitoring results and it was found that nitrogen and algae levels (on average) exceeded the water quality | Not Applicable | No recommendation required. |

| Condition Number | Description of Condition | | | Comment | Significance | Recommendation |
|------------------|----------------------------|---------------------|-------------------------|---|--------------|----------------|
| | Pollutant | Unit of Measure | Water Quality Objective | | | |
| | Turbidity | NTU | 5-20 | <p>objectives outlined in Table 3. However the general condition of dredge pond is of adequate quality in regards to the ANZECC Guideline trigger levels for freshwater lakes and reservoirs.</p> <p>Groundwater monitoring results indicate that groundwater quality remained relatively stable during the current reporting period. Key observation includes the intrusion of seawater into a groundwater monitoring bore (MW1). This resulted in a number of water quality parameters exceeding the objectives at MW1. However the localised distribution of the incursion and the absence of evidence of seawater in the dredge pond suggest that the seawater incursion was due to natural factors and not that of the dredging operations at Gerroa.</p> <p>Significant fluctuations in pH were also identified within the groundwater monitoring results, however it was determined that they were most likely due to a combination of a significant rainfall event and the low alkalinity of the water in certain boreholes. A review of historical pH levels within the boreholes suggests that short-term fluctuations of pH are common and most likely due to natural phenomena.</p> <p>There were no non-compliances with conditions of the Development Consent or Environmental Protection Licence 4146 related to surface water and groundwater in the audit reporting period.</p> <p>ERM notes that beyond undertaking good practices relating to housekeeping, chemical management, acid sulfate soil management etc., the Site does not have significant control of the quality of water in the dredge</p> | | |
| | pH | pH | 6-8.5 | | | |
| | Salinity | µS/cm | <1,500 | | | |
| | Dissolved oxygen | mg/L saturation | >6 (>80-90%) | | | |
| | 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 | <5 | | | |
| | Ammonium ion | mg/L | <20 | | | |

Table 3: Water Quality Objectives

Notes:

The objectives for dissolved oxygen, turbidity and algae are relevant to surface water only.

The Department acknowledges that short term exceedances of these objectives may occur during natural events such as heavy rainfall or tidal saline water inflow.

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|----------------------------------|--|---|----------------|----------------|
| | | <p>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>In conclusion, whilst exceedances of the water quality objectives have occurred, these exceedances (with the exception of salinity in MW01) have generally been consistent with historical background levels and may therefore be considered representative of the local natural groundwater. ERM additionally notes that the information contained in Table 3 of the condition are objectives, rather than compliance limits.</p> | | |
| 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; 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 Sulphate 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 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 audit (2013) 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 Water Management Plan is provided at Section 6.4 of the QEMP; the Surface Water Monitoring Program is included at Section 8.5 of the QEMP; the Ground Water Monitoring Program is provided at Section 8.6 of the QEMP and the Acid Sulfate Soils Management</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|--|----------------|----------------|
| | | <p>Plan is provided as Appendix F of the QEMP; and</p> <p>Not currently applicable as the mine has not started backfilling the mine area.</p> | | |
| 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>(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>A review of the Erosion and Sediment Control Plan indicates that it does not specifically make reference to <i>Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004 (Landcom)</i>, however, the controls observed were broadly similar to its requirements. The only sediment controls that are currently required by the mine are silt stop fencing in the vicinity of the Aboriginal Heritage Conservation area, 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 and the scope of the Erosion and Sediment Control Plan is considered by ERM to be appropriate based on the operations observed.</p> <p>A review of the Erosion and Sediment Control Plan indicates that conditions (b) to (e) have been complied with.</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|---|----------------|----------------|
| 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>(a) Baseline data on surface water quality located Appendix E of the QEMP;</p> <p>(b) Surface water impact assessment criteria are discussed in Section 6.4.1 of the QEMP (water quality objectives);</p> <p>(c) Surface water monitoring is described in Section 8.5 of the QEMP</p> <p>(d) ERM reviewed a report by Kevin Mills and Associates (3rd quarter 2013), which described an inspection of bank stability. No significant issues were identified. Bank stability management is also discussed as Section 8.5 of the QEMP;</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 Annex C of the QEMP.</p> | Not Applicable | Not Applicable |
| 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 ensure that the hydraulic | <p>(a) baseline water study located within Appendix E of the QEMP;</p> <p>(b) Assessment criteria (objectives) outlines within Section 8.6 of the QEMP;</p> <p>(c) Outlined in Section 8.6 of the QEMP;</p> <p>(d) The Environmental Officer reviews all environmental monitoring, reports and any other documentation relating to compliance on a continuous 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</p> | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|---|--------------|----------------|
| | <p>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) include measures to mitigate, remediate and/or compensate any identified ground water impacts.</p> | <p>management procedures throughout the report. Evidence of review was sighted in the Environmental Officer's email account, and by updates to various tracking spreadsheets utilised by the Environmental Officer (section 3.2 of QEMP);</p> <p>(e) This is provided in Section 8.6 of the QEMP.</p> | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--|---|--|----------------|----------------|
| 15 | <p>The Acid Sulfate Soils Management Plan shall:</p> <p>(a) be prepared in accordance with the Acid Sulphate Soils Assessment and Management Guidelines;</p> <p>(b) describe the measures to manage acid sulfate soils;</p> <p>(c) include an acid sulfate soils sampling and monitoring program.</p> | <p>(a) Appendix F of the QEMP includes an Acid Sulfate Soils Management Plan which has been developed in accordance with the Acid Sulfate Soils Assessment and Management Guidelines.</p> <p>(b) The measures to manage acid sulfate soils are included in the management procedures throughout the QEMP (predominately in Section 6.6.3).</p> <p>The monitoring programme is outlined in Section 8.7 of the QEMP.</p> | Not Applicable | Not Applicable |
| Aboriginal Heritage | | | | |
| Aboriginal Site Conservation | | | | |
| 29 | <p>The Proponent shall protect and conserve Area A, as described in the EA (as shown on the plan in Appendix 8, to the satisfaction of the Director-General.</p> | <p>Area A was examined by ERM during the site inspection. The area was found to be protected in accordance with Condition 29 of the Conditions of Approval. Cross-reference with aerial photography indicates the area has remained protected and untouched, complying with this condition.</p> | Not Applicable | Not Applicable |
| 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 Director-General. This plan must:</p> <p>(a) be submitted to the Director-General 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 DECC and relevant Aboriginal communities; and</p> | <p>Compliance with each element of Schedule 3, Condition 30 is described below:</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</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|---|--------------|----------------|
| | <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 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 OEHL as part of this assessment. Both groups confirmed that they had been consulted with as required by the Condition of Consent;</p> <p>(c) Specifically, 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); • Addressed in Section 2.6.9, 4.1.8 and 6.11.3 of the QEMP and Section 7.1.2 of the AHMP: Areas mapped out for archaeological salvage excavation prior to disturbance were provided subsequent to the sub surface testing undertaken by Navin Officer (2006). In total, five areas were deemed archaeologically sensitive and required salvage prior to any disturbances. Biosis Pty Ltd (Biosis) is an ecological and cultural heritage consultation company employed by Cleary Bros to implement the requirements of the Gerroa Sand Mine Extension: Aboriginal Cultural Heritage Management Plan (AHMP) (Biosis 2009). As part of these requirements, Biosis have undertaken salvage excavations and archaeological monitoring of specific impact areas outlined in the AHMP. At the completion of archaeological works, Biosis will prepare a summary report outlining the results of excavations and monitoring, including the analysis of any artefacts collected and stored in the Biosis | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
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| | | <p>Wollongong offices. This report should be provided to all relevant Aboriginal stakeholders and the Office of Environment and Heritage. Four of these areas have so far been excavated by Biosis and Jerrinja Local Aboriginal Land Council (LALC). The remaining area has not yet been disturbed. ERM's review of documentation associated with the salvage excavations of aforementioned areas indicates that they were undertaken in accordance with the methodology provided in Section 7.2 of the AHMP.</p> <ul style="list-style-type: none"> • 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. Salvaged sites have been photographed, their location recorded and those artefacts collected are currently stored at the Biosis Research offices in Wollongong. The relevant reporting and AHIMS Site cards will be prepared and updated on completion of salvage and monitoring works. • 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 a spread sheet outlining the dates of works | | |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
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| | | and those in attendance, with reference to invoices from Jerrinja LALC confirming their presence during the works. The procedure for the discovery of previously unidentified Aboriginal objects during works is outlined in Section 6.11.3 of the QEMP. | | |
| 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. | Drivers are inducted when they first visit the site by the Site Manager. The induction materials had recently been updated and did not include details of the correct and legal routes to take for drivers. Instructions are posted in the site office, where trucks are required to sign in, which outline the correct routes for trucks to take. | Low | ERM recommends that the driver induction materials are amended to include details of the correct and legal routes to take for drivers under the conditions of consent. |
| 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. | Drivers are inducted when they first visit the site by the Site Manager. The induction materials had recently been updated and did not include details of the correct and legal routes to take for drivers. Instructions are posted in the gatehouse, where trucks are required to sign in, which outline the correct routes for trucks to take. | Low | ERM recommends that the driver induction materials are amended to include details of the correct and legal routes to take for drivers under the conditions of consent. |
| 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 | These works have been completed. A report was reviewed by KF Williams (dated 02/03/09) which confirms were works were completed in accordance with the requirements of the RTA. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------------|---|---|----------------|----------------|
| Road Haulage | | | | |
| 34 | <p>The Proponent shall ensure that:</p> <p>(a) all loaded vehicles entering or leaving the site are covered; and</p> <p>(b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road, before they leave the site.</p> | <p>ERM observed seven vehicles leaving the site with covers in place, following correct work procedures.</p> <p>Whilst there is not a wheel wash or truck wash for removing material from the outside of vehicles prior to exiting the site, no evidence of significant dust or sand accumulation along the haulage road was observed during the audit.</p> <p>Washing apparatus are available if required.</p> <p>No complaints related to vehicle movements or dust have been received in the last three years.</p> | Not Applicable | Not Applicable |
| Visual | | | | |
| Visual Amenity | | | | |
| 35 | <p>The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.</p> | <p>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.</p> <p>No complaints have been received regarding visual amenity.</p> | Not Applicable | Not Applicable |
| Light Emissions | | | | |
| 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 Director-General.</p> | <p>The Site does not operate during 'dark' hours and therefore does not create light impacts which would impact any nearby sensitive receptors.</p> <p>No complaints regarding light pollution have been received.</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--|---|---|----------------|----------------|
| Advertising | | | | |
| 37 | The Proponent shall not erect or display any advertising structure(s) or signs on the site without the written approval of the Director- General. Note: This does not include traffic management and safety or environmental signs | No advertising structures were visible at the mine at the time of the audit. | Not Applicable | Not Applicable |
| Waste Management | | | | |
| Waste Minimisation | | | | |
| 38 | The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Director-General. | Waste generated at the site is minimal e.g. minor amounts of domestic/office waste. Any by-products from production (shells, pebbles etc.) are returned to the excavation. | Not Applicable | Not Applicable |
| 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. | 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> . 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. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|----------------------------|--|---|----------------|----------------|
| Safety | | | | |
| 40 | The Proponent shall secure the project to ensure public safety to the satisfaction of the Director-General. | <p>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.</p> <p>Furthermore, CB informed ERM that installation of a 2 metre high cyclone fence was planned during December 2016.</p> | Not Applicable | Not Applicable |
| 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> | <p>A water truck, which is also used for dust mitigation was observed at the Site. Based on the scale of operations, ERM consider that such equipment is suitable to respond to fires on-site.</p> <p>The Work Instruction for Emergency Procedures was reviewed during the audit which covered response to bushfires. The instruction included the requirement for CB staff to “assist the rural fire service and emergency services as much as possible”.</p> | Not Applicable | Not Applicable |
| Production Data | | | | |
| 42 | <p>The Proponent shall:</p> <p>(a) provide annual production data to the DPI using the standard form for that purpose; and</p> <p>(b) include a copy of this data in the AEMR.</p> | Documentation associated with this condition was reviewed and no non-compliances were identified. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|---|--|---|----------------|----------------|
| Schedule 4 - Additional Procedures | | | | |
| Notification of Landholders | | | | |
| 1 | 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 Director- General 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. | There have been no exceedances reported to the Director-General and ERM saw no evidence in the record reviewed of exceedances that should have been reported. | Not Applicable | Not Applicable |
| Independent Review | | | | |
| 2 | 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 Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director - General advising that an independent review is warranted: (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, 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 | No independent review has been requested (verbally or in writing) by the Department of Planning which relates to the scope of this assessment. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|---|--|----------------|----------------|
| | (c) give the Director- General and landowner a copy of the independent review. | | | |
| 3 | 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 Director-General. | No independent review has been requested (verbally or in writing) by the Department of Planning which relates to the scope of this assessment. | Not Applicable | Not Applicable |
| 4 | 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: (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and (b) conduct further monitoring to determine whether these measures ensure compliance; or (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in Schedule 3, to the satisfaction of the Director-General. | No independent review has been requested (verbally or in writing) by the Department of Planning which relates to the scope of this assessment. | Not Applicable | Not Applicable |
| 5 | If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution. 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). | No independent review has been requested (verbally or in writing) by the Department of Planning which relates to the scope of this assessment. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|--|--|--|--------------|---|
| 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 Director-General. This plan must:</p> <p>(a) be submitted to the Director-General 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>(g) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the project.</p> | <p>ERM sighted correspondence from the Department of Planning to Cleary Bros dated 29 May 2009 Re: Gerroa Sand Quarry – Environmental Management Plan, approving the QEMP dated 21 May 2009 (indicating that the QEMP has been developed to the satisfaction of the Director-General as required by the Conditions of Consent). ERM also sighted correspondence from Perram & Partners to the Department of Planning, submitting the QEMP dated 5 February 2009 within 6 months of the date of the approval.</p> <p>ERM observed that the number in QEMP 24hr complaints line does not match number on website. CB informed ERM that the website was currently being redesigned, which will include the realignment of relevant contact numbers.</p> <p>A review of the relevant parts of the QEMP indicates that the remaining requirements of Schedule 5, Condition 1 have been complied with.</p> | Low | Ensure the complaints hotline number, the contact details on the gate and on the CB website are consistent. |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|---|---|---|----------------|----------------|
| Environmental Monitoring Program | | | | |
| 2 | The Proponent shall prepare an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General 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 Perram & Partners to Department of Planning, submitting the QEMP dated 5 February 2009 within 6 months of the date of the approval. Correspondence from the Department of Planning to Cleary Bros dated 29 May 2009 Re: Gerroa Sand Quarry – Environmental Management Plan, approving the QEMP dated 21 May 2009 following revision of the EMP in May 2009 (Department of Planning ref: W92/00173) was sighted by ERM. | Not Applicable | Not Applicable |
| 2A | <p>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:</p> <p>(a) responsible for reviewing the monitoring programs required under this consent; and</p> <p>(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.</p> <p>The Proponent shall notify the Director- General, 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.</p> | 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 the previous GHD Independent Environmental Audit in 2010 and ERM Audit (2013, and therefore this has not been raised as a new finding in this report. | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|---------------------------|---|---|----------------|----------------|
| Incident Reporting | | | | |
| 3 | <p>Within 7 days of detecting an exceedance of the goals/limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department and any Relevant Agencies.</p> <p>This report must:</p> <p>(a) describe the date, time, and nature of the exceedance/incident;</p> <p>(b) identify the cause (or likely cause) of the exceedance/incident;</p> <p>(c) describe what action has been taken to date; and</p> <p>(d) describe the proposed measures to address the exceedance/incident.</p> | <p>Two elevated dust readings were reported in the AEMR and to the Department. These readings were orders of magnitude higher than typical values and therefore caused an exceedance of the 12-month average limit. These elevated readings appeared to be the result of sabotage (as the make-up of the material in the dust gauge was unusually coarse and contained sand). The Department agreed that these readings were likely the result of sabotage. The dust gauge has been moved to a position away from the public highway and no further unusually elevated dust results have been recorded.</p> | Not Applicable | Not Applicable |
| Annual Reporting | | | | |
| 4 | <p>Within 12 months of the date of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General, Relevant Agencies and CCC.</p> <p>This report must:</p> <p>(a) identify the standards and performance measures that apply to the project;</p> <p>(b) describe the works carried out in the last 12 months;</p> <p>(c) describe the works that will be carried out in the next 12 months;</p> | <p>The AEMR has been provided to the relevant stakeholders (the CCC, the DoP and the local Councils) for each year included in the scope of this assessment (2013 to 2016) and copies are provided on the CB website.</p> <p>A summary of compliance with each element that the report must comply with is provided below:</p> <p>(a) Performance measures are summarised in Section 4 of the AEMR;</p> <p>(b) Provided in Section 3.3 of the AEMR;</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|---|----------------|----------------|
| | <p>(d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;</p> <p>(e) include a summary of the monitoring results for the project during the past year;</p> <p>(f) include an analysis of these monitoring results against the relevant:</p> <ul style="list-style-type: none"> • impact assessment criteria/limits; • monitoring results from previous years; and predictions in the EA; <p>(g) include an evaluation of the effectiveness of the environmental protection requirements and procedures in the AEMR;</p> <p>(h) identify any trends in the monitoring results over the life of the project;</p> <p>(i) identify any noncompliance during the previous year; and</p> <p>(j) describe what actions were, or are being, taken to ensure compliance.</p> | <p>(c) Provided in Section 3.4 of the AEMR;</p> <p>(d) Provided in Section 4.5 of the AEMR;</p> <p>(e) Provided in Sections 4 and 5 of the AEMR;</p> <p>(f) Provided in Section 4 of the AEMR;</p> <p>(g) Provided in Section 4 of the AEMR;</p> <p>(h) Provided in Section 4 of the AEMR;</p> <p>(i) Provided in Sections 4 and 5 of the AEMR; and</p> <p>(j) Provided in Sections 4 and 5 of the AEMR.</p> | | |
| 5 | <p>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.</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 Director-General;</p> <p>(b) include consultation with the Relevant Agencies;</p> | <p>The previous GHD Independent Environmental Audit was undertaken in March 2010, when GHD was engaged (however, the audit was due March 2009). This was reported in the previous GHD Independent Environmental Audit, therefore has not been raised as a separate finding in this report.</p> <p>ERM also undertook an Independent Environmental Audit within three calendar years from the previous audit (2013).</p> <p>ERM undertook an Independent Environmental Audit within three calendar years from the previous audit (2016).</p> | Not Applicable | Not Applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|--|---|-----------------------|--|
| | <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>All the criteria below was sufficiently met within the AEMR's and no non-compliances were identified</p> <p>(a) Approval of Mr Kane Winwood is provided as Annex A to this report;</p> <p>(b) Included through-out this report;</p> <p>(c) Included through-out this report;</p> <p>(d) Included through-out this report;</p> <p>(e) Included through-out this report; and</p> <p>Included through-out this report.</p> | | |
| 6 | <p>Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Director-General, Relevant Agencies and CCC, with a response to any of the recommendations in the audit report.</p> | <p>The site visit was conducted on 19 November 2013. The Final report was submitted on 07/01/14. The audit report was finalised and submitted to the department in January 2014.</p> | <p>Not Applicable</p> | <p>Not Applicable</p> |
| 7 | <p>Within 3 months of submitting a copy of the audit report to the Director-General, 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). 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 evidence of a review of audit findings by CB, carried out in January 2014. The review stated:</p> <p>A review of the audit findings and conclusions did not find any necessary changes to the environmental management and monitoring strategies / plans/ programs. As an improvement, Quarry Manager to be issued with a copy of the Environmental Inspection checklist to formalise the monthly enviro inspections.</p> <p>CB provided the basis of the bond calculations. This appeared to be in compliance with the requirements of the</p> | <p>Low</p> | <p>Ensure Gerroa bond calculation considers inflation when Albion Park bond calculation is undertaken in October 2017.</p> |

| Condition Number | Description of Condition | Comment | Significance | 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 Director-General | development consent. However, it is noted that correspondence from the DP&E stated the following regarding the bond: "For Gerroa, although the calculation accounts for the entire disturbance area, inflation has not been accounted for since this time. We request that at the time of the Albion Pk bond recalculation in Oct 2017; that a review of the Gerroa bond is also undertaken to account for the effects of inflation." | | |
| 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 Kiama Council and Shoalhaven Council (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 Director-General;</p> <p>(c) meet at least twice a year including one meeting shortly after submission of the AEMR under Condition 4 of Schedule 5;</p> <p>(d) review the Proponent's performance with respect to environmental management and community relations;</p> | <p>CB did not establish a CCC within 3 months of the date of the conditions of approval. Correspondence was sighted from Cleary Bros to the Department dated 6 February 2009 nominating a list of persons for approval for the CCC. This was raised as a finding in the 2010 GHD Independent Environmental Audit and ERM Audit 2013, and therefore has not been raised separately as a finding in this report.</p> <p>Both Mark Hammond (Environment Officer) and Ash Mathie (Site Manager) were observed as present in CCC minutes meeting and have been officially nominated and approved by the Department.</p> <p>Shoalhaven Council has stated that they will not be participating in the CCC. Kiama Council have nominated a representative, however, minutes suggest that attendance is rare.</p> <p>Terry Barratt, a member of the Gerroa Environment Protection Society is observed on multiple CCC minutes. Christopher Rowland and Kel Sekulic are representatives from the local community and are observed on the CCC minutes.</p> | Not applicable | Not applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|------------------|---|---|----------------|----------------|
| | <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>Brian Weir (independent chair-person) is observed as present on relevant minutes and an email from Mr Kane Winwood (15/09/13) confirms Mr Weir's approval as independent chair-person.</p> <p>A CCC meeting occurred on 28/07/16 to discuss the AEMR results.</p> <p>Minutes from CCC meetings during each year included in the scope of this audit have been published on the CB website at the frequency required by the condition of consent. The minutes indicate compliance with parts c) d), f) and g).</p> <p>Gerroa CCC minutes 16 December 2015 describes the CCC undertaking a site inspection of the mine.</p> | | |
| 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 AEMR;</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>(f) forward a copy of these minutes to the Director-General, and put a copy of these minutes on its website.</p> | <p>Summary of Schedule 5, Condition 9 compliance by CB provided below:</p> <p>(a) Cleary Bros representatives were noted as attendees in the minutes of all CCC meetings held during the period included in the scope of this audit;</p> <p>(b) Meeting minutes confirm that the CCC has been provided copies of monitoring data and the AEMR;</p> <p>(c) CB provides the venue for each meeting;</p> <p>(d) Site inspection details reported in CCC minutes 16 Dec 2015;</p> <p>(e) CB provides responses to recommendations, advice, questions etc. raised at the CCC as part of the minutes posted online;</p> | Not applicable | Not applicable |

| Condition Number | Description of Condition | Comment | Significance | Recommendation |
|---------------------------|--|---|----------------|----------------|
| | | (f) CB provided evidence within correspondence register that minutes had been provided to DPE on 8 th Aug 2016, meeting held 28 th Aug 2016. | | |
| 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 AEMR 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</p> <p>(b) ensure that a copy of the relevant document/s is made publicly available on its website and at the quarry.</p> | <p>CB provided ERM with a correspondence register providing evidence of the updated QEMP being sent off to the required stakeholders on 8th September 2016. Furthermore, a copy of the 28th July 2016 CCC minutes provides evidence of the AEMR being provided to CCC members as well as being available on the CB website.</p> | Not applicable | Not applicable |
| 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</p> <p>(b) update these results on a regular basis (at least every 3 months).</p> | <p>An up to date summary of the monitoring results was available on the CB website.</p> | Not applicable | Not applicable |

Annex A

Independent Environmental
Auditor Approval from the
DPE



Mr Mark Hammond
Environmental Officer
Cleary Brothers (Bombo) Pty Ltd
PO Box 210
PORT KEMBLA NSW 2505

Dear Mr Hammond

**Gerroa Sand Quarry (MP 05_0099)
Appointment of Independent Audit Team**

I refer to your letter dated 27 June 2016, seeking the Secretary's approval of suitably qualified, experienced and independent persons to undertake an independent environmental audit of the Gerroa Sand Quarry, in accordance with condition 5 of Schedule 5 of MP 05_0099.

The Department has reviewed the recommended auditors, and the Secretary has approved the following audit team:

- Mr Robert Smith, Environment Resource Management (ERM) – lead auditor and expert in quarry rehabilitation;
- Dr Kevin Mills, Kevin Mills & Associates – expert in flora and fauna assessment; and
- Mr Steven De Luzuriaga, ERM – supporting auditor.

Should you have any enquiries, please contact Genevieve Seed at the details listed above.

Yours sincerely,

Howard Reed 28.6.16
Director
Resource Assessments
As nominee of the Secretary