



Independent Environmental Audit 2023

Karuah East Quarry

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Independent Environmental Audit 2023

Karuah East Quarry IEA 2023

0704272



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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Karuah East Quarry ('KEQ' or the 'Site') on behalf of Karuah East Quarry Pty Limited ('KEQPL'). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Project Approval number PA 09_0175, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 28 April 2020 through 26 October 2023 (the date of the site visit).

The audit included a review of:

- Conditions of Project Approval PA 09_0175;
- Conditions of Environment Protection Licence (EPL) 20611;
- Adequacy and implementation of the Karuah Quarry Pollution Response Management Plan; and
- Adequacy of project management plans in meeting relevant approval requirements and the effectiveness of their implementation.

A qualitative risk assessment was also completed on the findings, consistent with ISO 31000 - Risk Management and as described in the Department of Planning & Environment publication "Post Approval Requirements – Independent Audit" issued May 2020. The number of non-conformances with the statutory conditions and implementation of the management plans is summarised in Table E1 below.

TABLE E-1 SUMMARY OF AUDIT FINDINGS

Review	Non-Compliant (NC)*	Observations (Obs NC)	Observations (Obs C)
Statutory Instruments	15 (+ 7 Duplicates)	Nil	Nil
Implementation of Plans	8	Nil	2

* The count of non-compliances in the table above includes conditions which have been identified as a duplicate non-compliance i.e. a single event or incident which is assessed as non-compliant against 2 or more conditions.

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

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Karuah East Quarry ('KEQ' or the 'Site') on behalf of Karuah East Quarry Pty Limited (KEQPL). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Project Approval number PA 09_0175, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 28 April 2020 through 26 October 2023 (the date the prior to the Site visit undertaken as part of this audit).

In accordance with the Conditions of Approval, the audit must:

- be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- include consultation with the relevant agencies;
- assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);
- review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate; and
- recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

The IEA consisted of a detailed desktop review of project documentation and a site inspection undertaken on 25 and 26 October 2023 and contributions from key KEQ staff, Scott Ellerton (Environment & Development Manager) and Kristen McMahon (Environment Advisor).

The Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

1.1 OVERVIEW OF OPERATIONS AND APPROVALS

KEQ quarries andesite rock materials and produces aggregates, specialty rock, general fill, road base, manufactured sand and other materials. KEQPL supplies Newcastle, Hunter Valley, Mid North Coast and Greater Sydney regions.

Operations consist of drilling and blasting, loading and hauling of extracted material, crushing, screening (sizing) and stockpiling of andesite rock products.

KEQ is located off the Pacific Highway on Blue Rock Close, approximately 3 km north-east of Karuah, NSW. The area approved for the development of KEQ covers approximately 33 hectares within Lots 12 and 13 of DP 1024564.

Operations at KEQ commenced under the current Project Approval for the site, which is the subject of this IEA (PA 09_0175). It was originally granted on 17 June 2014 by the Department of Planning and Environment (DPE) and has been modified 3 times within the audit period as follows:

- Mod 8 (December 2020) amended operational noise criteria;
- Mod 9 (November 2021) extended operating hours; and

- Mod 10 (May 2023) increased disturbance area. It is noted that MOD10 approval is still awaiting Commonwealth Approval under EPBC Act 1999 (EPBC 2022/9164).

The Site holds Environment Protection Licence (EPL) 20611 which was originally issued on 26 August 2015. The EPL has been varied by notice twice within the audit period as follows:

- 02 September 2022; and
- 07 November 2022.

1.1.1 KEY PROJECT ELEMENTS

The approved development includes the following key elements:

- Staged extraction of approximately 29 million tonnes of “andesite” over a 20 year timeframe;
- Extraction of up to 1.5 million tonnes of andesite material per year;
- Removal and stockpiling of an estimated 380,000 m³ of overburden (approximately 750,000 tonnes) from the quarry extraction area. Removal of overburden is not included in the proposed annual extraction rate of 1.5 million tonnes of andesite;
- Haulage of up to 1.5 million tonnes of andesite per year from the site to market by 25 to 30 tonne haul trucks via the Pacific Highway;
- Up to 216 truckloads per day (at maximum production);
- Implementation of erosion and sediment and water management control works to ensure no loss of sediment, minimise dust generation and control discharges from the site to ensure that all discharges are within acceptable volumetric and water quality criteria;
- Roadworks to secure access to the site including upgrade and extension of Blue Rock Lane, realignment of Andersite Road and Blue Rock Lane intersection, and adjust road markings at Branch Lane and Andersite Road intersection;
- Employment of up to 28 onsite staff;
- Construction of a new haul road and access through adjoining Roads and Maritime Services (RMS) land;
- Staged clearing;
- Drilling and blasting activities;
- Loading and hauling of extracted material;
- Crushing and screening of extracted material;
- Stockpiling of material onsite; and
- Location of plant on Lot 13 comprised of office buildings, workshops, parking areas, crushing plant, wash plant, weigh bridge and product storage areas.

1.2 AUDIT OBJECTIVES

The primary objectives of the audit include:

- assessment of the environmental performance of the project and whether it is compliant with the requirements of the CoA and EPL (including any assessment, plan or program required under these approvals);
- review of the adequacy of any approved strategy, plan, or program required under the abovementioned consents / approvals; and

- recommendations of appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

1.3 AUDIT SCOPE

The scope of works to complete the Audit included the following:

- the audit was carried out in accordance with DPE's Guidelines for Independent Audits and AS/NZS ISO 19011:2018: Guidelines for auditing management systems;
- the documentation has been reviewed for compliance against the requirements identified in the CoA (as it relates to the current activities of KEQ) which include:
 - a document review of compliance against the conditions of the CoA and EPL;
 - a site inspection to assess compliance against field implementation of the active CoA; and
 - a review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental management.
- a review of monitoring results and trends with comparison of monitoring results against regulatory limits and CoA limits (where applicable);
- confirmation of any additional monitoring required for identified trends;
- review of any regulatory actions including any letters, penalty notices and prosecutions;
- review of previous IEA report to verify close-out of actions (Refer Section 3.1);
- in-field inspection to verify findings of the desktop audit;
- draft report with results of compliance assessment issued for comment to KEQPL; and
- final report issued for submission to the DPE.

The audit covers the period 28 April 2020 through 26 October 2023 and is limited to assessing the activities completed during the audit period.

1.4 AUDIT CRITERIA

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

- Conditions of Approval PA 09_0175;
- EPL 20611; and
- Implementation of approved Management Plans:
 - Environmental Management Strategy;
 - Air Quality Management Plan;
 - Blast Management Plan;
 - Noise Management Plan;
 - Heritage Management Plan;
 - Water Management Plan;
 - Traffic Management Plan;
 - Tetratheca Juncea Translocation Plan;

- Biodiversity Offset Strategy;
- Landscape and Rehabilitation Management Plan;
- Biodiversity Offset Area Management Plan; and
- Pollution Incident Response Management Plan.

1.5 LIMITATIONS OF THIS REPORT

This disclaimer, together with any limitations specified in the report, applies 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 do 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 do not accept responsibility for any subsequent changes.

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2. AUDIT METHODOLOGY

The audit comprised a site inspection during the dates 25 and 26 October 2023, interviews with key personnel, and review of records and other related documentation.

The proposed audit team consisted of the lead and support auditors, Partner / technical review and specialist to advise the auditors (as necessary), endorsed by the Secretary were as follows:

- Andrew Lewis – Lead Auditor;
- Lucas Wilson – Support Auditor;
- Robert Smith – ERM Partner and Technical Review;
- Joanne Woodhouse – Ecology Specialist;
- Keshav Dhayam – Noise Specialist; and
- James Grieve – Air Quality Specialist.

The Technical Specialists endorsed by the Planning Secretary for this IEA were available to provide subject matter expertise to the auditors throughout the duration of the audit if required. Advice from the Ecology Specialist (Joanne Woodhouse) in undertaking the assessment of compliance was utilised by the auditors, however, other proposed Technical Specialists (ie Noise and Air Quality) were not required to provide subject matter expertise for this IEA. Updated Independent Audit Report Declaration Forms have been signed by those involved with the audit, including the Lead and Support Auditors, Technical Reviewer and Ecology Specialist (refer to Appendix E).

The audit process included the following primary components:

- Development of a Terms of Reference, which included:
 - audit scope and objectives;
 - date and location of audit;
 - members of audit team;
 - list of people to be audited; and
 - list of reference documents and audit criteria.
- A project inception meeting was held on 25 September 2023 to confirm details of the Terms of Reference, site inspection logistics and request for documentation required prior to the site inspection component of the audit.
- An opening meeting was held on 25 October 2023 to confirm the audit objectives and scope of the audit. It should be noted that the opening and closing meetings were not attended by the Technical Reviewer or Specialists as their role for the IEA was to provide subject matter advice to the auditors during the desktop audit if required. Attendees of the opening meeting were:
 - Andrew Lewis (ERM Lead Auditor);
 - Lucas Wilson (ERM Support Auditor);
 - Scott Ellerton (Environment & Development Manager); and
 - Kristen McMahon (Environment Advisor).

- A debrief/closeout meeting was held at the Site on 26 October 2023 to discuss initial findings and recommendations. Attendees were:
 - Andrew Lewis (ERM Lead Auditor);
 - Lucas Wilson (ERM Support Auditor);
 - Scott Ellerton (Environment & Development Manager); and
 - Kristen McMahon (Environment Advisor).
- Preparation of the draft audit report; and
- Preparation of the final audit report.

2.1 CLASSIFICATION OF AUDIT FINDINGS

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

- **Compliant (C):** The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
- **Non-compliant (NC):** The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
- **Not Triggered (NT):** A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.
- **Note:** A statement or fact, where no assessment of compliance is required.
- **Observation (Obs):** Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance.

A qualitative risk assessment was also completed on the findings, consistent with ISO 31000:2018 - Risk Management and as described in the DPE publication "Post Approval Requirements – Independent Audit" issued May 2020.

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

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

2.2 CONSULTATION

ERM consulted with the agencies and stakeholders as required including Department of Planning and Environment (DPE), New South Wales Environment Protection Authority (NSW EPA), Mid Coast Council and the Community Consultative Committee (CCC).

Emails were issued on 11 October 2023. The request for consultation emailed to stakeholders is summarised below:

Consultation email: *This email invites you to raise any questions or concerns regarding this project (Karuah East Quarry, PA_09_0175) from an environmental management aspect.*

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

Responses received are outlined in Table 2.1.

TABLE 2-1 AGENCY AND STAKEHOLDER CONSULTATION SUMMARY

Agency / Stakeholder	Responses	Location Addressed in Report
Department of Planning and Environment (DPE)	<p>NSW Planning considers that this audit should include a focus on the following:</p> <ul style="list-style-type: none"> • The implementation of measures set out in the Landscape and Rehabilitation Management Plan • Review and submission of LRMP for the Secretary's approval in accordance with the consent • Assessment of whether the Surface Water Management Plan meets the requirements of Schedule 3 Condition 21 of the consent • Compliance with the conditions introduced to the consent in Modification 10 that relate to biodiversity, including the implementation of the biodiversity offset strategy and long term security of offset areas • Compliance with operating hours. <p>During the audit period, NSW Planning undertook the following enforcement action:</p> <ul style="list-style-type: none"> • issued a warning letter for the late submission of the 2021 Annual Review (14 April 2023) • issued a warning letter for undertaking blasting within 500m of land outside the site not owned by KEQPL, without written agreement with the relevant landowner/s (2 March 2022) • recorded a breach of Schedule 3 Condition 35 of the consent for failing to review and revise the sum of the conservation and rehabilitation bond in July 2016 following the Secretary's approval of the Landscape and Rehabilitation Management Plan and again in November 2020 following submission of the 2020 Independent Environmental Audit (26 August 2022) 	The areas of focus as raised by the DPE are discussed within the respective conditions under the Schedule Tables (refer to Appendix A) and <i>Table 5.1</i> .

Agency / Stakeholder	Responses	Location Addressed in Report
	<p>During the audit period, NSW Planning received the following complaints relating to Karuah East Quarry:</p> <ul style="list-style-type: none"> • 7 February 2023, blast impacts (dust, notification of blasts). • 26 April, 27 April, 11 May 2023, blast impacts (dust, noise) 	
<p>New South Wales Environment Protection Authority (NSW EPA)</p>	<p>Karuah East Quarry Pty Limited (the licensee) holds EPL No. 20611 for the premises issued under the Protection of the Environment Operations Act 1997 (the Act). The licence was issued on 26 August 2015. Please note that records of compliance and licensing matters for the Premises which may be relevant to the IEA are publicly available on the Public Register.</p> <p>The EPA would appreciate an electronic copy of the 2023 audit report for our reference.</p> <p>In no order of priority, the EPA requests that the Audit includes:</p> <ul style="list-style-type: none"> • Dust management including monitoring and reporting • Blast notification and management • Complaints register • Water management particularly in terms of discharges from control structures • Noise monitoring (frequency, location, and noise level) • Chemical storage (bundling, fuel dispensing) 	<p>The areas of focus as raised by the EPA are discussed within the respective conditions under the Schedule Tables (refer to Appendix A) and <i>Table 5.1</i>.</p>
<p>Mid Coast Council</p>	<p>No response was received from the Mid Coast Council.</p>	<p>N/A</p>
<p>Community Consultative Committee (CCC)</p>	<p>No Response was received from the CCC.</p>	<p>N/A</p>

3. ENVIRONMENTAL PERFORMANCE

3.1 COMPLAINTS SUMMARY

Complaints registers for the auditing period are summarised online and within the AEMRs. Complaints over the reporting period include:

- 2020/2021 - 1 complaint received, relating to vibration;
- 2021/2022 – No complaints received;
- 2022/2023 - 1 complaint received, regarding air quality and water pollution; and
- 2023 – 4 complaints received, including three relating to blasting and one relating to a traffic incident.

Evidence was provided that all complaints were investigated and actioned to the satisfaction of the DPE (where required).

3.2 INCIDENT SUMMARY

A review of the incidents was undertaken via the Hunter Quarries incident register which included a total of 15 registered 'incidents' were reported in 2021, 2022 and 2023. The majority of incidents reported relate to uncontrolled surface water discharges where exceedances of permitted limits occurred, minor oils spills, air quality monitoring issues and identification of Koalas within the development. Incidents for 2020 are reported in the 2020 Annual Review which includes uncontrolled discharges in October 2020 and a broken dust deposition gauge in May 2020. Further details in relation to the air quality incidents and uncontrolled discharges are discussed in Appendix A.

3.3 ENVIRONMENTAL SUMMARY

Sections 3.3.1 to 3.3.3 summarise environmental monitoring results for water, air and noise. Additional environmental topics are covered within the respective sections of Appendix A1 and A2.

3.3.1 WATER

According to the Discharge Register, the following discharges were recorded which exceeded the concentration limits defined in EPL 20611:

2020: a total of 11 discharges non-compliant with the EPL concentration limits including:

- 5 uncontrolled discharges occurring on successive days from 26 to 30 October 2020 exceeded the TSS limit, ranging from 71mg/L to 5380mg/L. The uncontrolled discharge on 28 October 2020 was outside the pH limits, measuring pH 6.4.
- LDP002: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 296mg/L to 915mg/L.
- LDP003: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 507mg/L to 1250mg/L.

2021: a total of 18 discharges non-compliant with the EPL concentration limits including:

- LDP001: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 385mg/L to 1260mg/L.
- LDP002: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 92mg/L to 636mg/L.
- LDP003: 6 uncontrolled discharges occurring 18 to 23 March 2021 exceeded the TSS limit, ranging from 184mg/L to 592mg/L.

2022: a total of 29 non-compliant discharges including:

- LDP001: 20 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 110mg/L to 3200mg/L.
- LDP002: 4 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 210mg/L to 1300mg/L.
- LDP003: 5 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 100mg/L to 500mg/L.

All discharges exceeding the concentration criteria have been reported within the Annual Reviews and Returns. Recommendations have been made by the auditors in relation to a review of the effectiveness of the Water Management Plan and response procedures (refer Appendix A1 and A2).

3.3.2 AIR

In summary, the Short-term impact assessment criteria for particulate matter was exceeded on one occasion during the audit period and there were two "failure to monitor" events which ERM consider having been appropriately responded to. The auditors have recommended to continue the monitoring per the Air Quality Management Plan (AQMP) as only one low-range exceedance was recorded. Should additional exceedances reoccur, it is recommended that additional mitigation measures are examined in conjunction with a review of the AQMP.

3.3.3 NOISE

Noise Monitoring Reports prepared for the development were carried out by subcontracted noise consultants. The criteria of assessment for attended Noise Monitoring was carried out until April 2022 at Location F and Location G, however, following a variation to licence conditions these are now excluded from the noise monitoring requirements. On review of the Noise Monitoring Reports, operational noise levels measured within the audit period were compliant with the limits of the Project Approval.

Determination of the operational noise levels via monitoring was conducted in accordance with the approved methods described within the 2015 NMP and 2022 NMP. This includes applying the noise criteria under all meteorological conditions except during periods of rain or hail, or wind speeds greater than 3 m/s measured at 10 m above ground level. No non-compliances were noted from the review.

3.3.4 HAZARDOUS MATERIALS

Hydrocarbon storage at site was observed to not be in accordance with the storage requirements under the Project Approval / EPL or AS1940 and AS1596.

There are two aboveground storage tanks (ASTs) containing diesel onsite, one of which is self-bunded and one with a single-skinned steel construction. The single-skinned AST has a 52,400L capacity and was observed to be located approximately 30m north and upgradient of "Dam 1". The single-skinned AST was observed to not contained within bunding of at least 110% of its volume, nor was it situated on a sealed surface. The AST constitutes a dangerous good and is non-compliant with relevant Australian Standards. Neither of the Diesel ASTs are included on the Hazard Substances Register.

4. AUDIT FINDINGS

4.1 PREVIOUS AUDIT FOLLOW-UP

The last audit was conducted by Hansen Bailey Environmental Consultants for the period 28 April 2017 through 27 April 2020. A summary of the 2020 audit findings and their status is summarised below in *Table 4-1*.

TABLE 4-1 FOLLOW-UP OF 2020 AUDIT ACTIONS

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
Sch 2-2a	The Applicant must carry out the development: (a) in compliance with the conditions of this consent;	Non-compliances against the conditions of PA 09_0175 were identified as discussed below.	NC	Responses to condition NC's below.	Condition was " Noted " during the audit. Compliance with this condition is as reported within this report.
Sch 2-8	The Applicant must ensure that any new buildings and structures, and any alterations, or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	Evidence was not available at the time of audit to confirm that construction and occupation certificates were obtained for infrastructure constructed during the audit period.	NC	KEQPL have engaged BCA Certifiers Australia Pty Ltd to undertake an assessment of structures at Karuah East Quarry and associated design documents, with the ultimate goal to have all relevant structures certified. Stated Completion date: 31/01/2021.	Deemed as Compliant during the audit.

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
Sch 2-11	The Applicant must pay Council, in accordance with Council's Great Lakes Wide Development Contributions Plan (November 2007) – Amended: (a) a one-off Headquarters Building contribution of \$1.00 per \$1,000.00 of capital value of the development; and (b) annual road maintenance contributions of \$.037 per tonne per km, for every tonne of quarry products transported from the site on local roads in accordance with Council's Great Lakes Wide Development Contributions Plan (November 2007) – Amended. Each payment must be: (i) paid to Council at the end of each calendar year; i. based on weighbridge records of the quantity of quarry products transported from the site; and ii. increased annually over the life of the development in accordance with the CPI.	(a) Records of one-off contribution to Council for Headquarters Building were not available at the time of audit. (b) Records of annual contributions to Council for road maintenance in the 2019/20 Financial Year were not available at the time of audit.	NC	KEQ are investigating payments made to MidCoast Council to ensure that all required developer contribution payments have been made. If payments have not been made, KEQ will consult with Council to establish a payment plan. Stated Completion date: 31/01/2021.	Deemed as Non-Compliant during the audit.
Sch 2-14	The Applicant must: (a) provide annual quarry production data to MEG using the standard form for that purpose; and	(a) Evidence of reporting for the 2017/18 period was not available at the time of audit. However, it is noted that this data was reported in the audit period Annual Reviews and the Regulator did not raise any issues in relation to this requirement.	NC	No recommendation made.	Deemed as Compliant during the audit.

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
Sch 3-3	Except for the carrying out of construction works, the Applicant must ensure that the operational noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.	Noise levels exceeded the noise criteria on three occasions during the period: - 14/02/18 at Loc G: an estimated quarry noise level of 43 LAeq,15min exceeded the 38 LAeq,15min criterion; - 17/05/18 at Loc G: an estimated quarry noise level of 46 LAeq,15min exceeded the 38 LAeq,15min criterion; and - 14/08/18 at Loc G: an estimated quarry noise level of 47 LAeq,15min exceeded the 38 LAeq,15min criterion.	NC	KEQ have been working in consultation with the Department and EPA towards a modification of the Project Approval. Draft conditions were issued 13/10/20. Upon approval of this acoustic modification, KEQ will seek a variation of the EPL to ensure that commitments between the two documents (Project Approval and EPL) are aligned. At this stage, KEQ will additionally review and where necessary revise the NMP. This will include measures for noise monitoring reports to includes details recommended by the auditor. Stated Completion Date: 30/04/2021.	Deemed as Compliant during the audit.

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
Sch 3-4	The Applicant must take all reasonable and feasible measures to ensure that the traffic noise generated by the development does not cause additional exceedances of the criteria in Table 3 at any residence on privately-owned land.	Noise consultants' reports appended to the Annual Reviews include noise measurements at the quarry weighbridge representing receptors A and B only for the period September 2018 to June 2020, however not for other noise surveys during the audit period.		As discussed above, following approval of the acoustic medication, KEQ will review the NMP and revise where necessary to reflect changes in the Consent conditions and EPL (post variation). Stated Completion Date: 30/04/2021	Deemed as Compliant during the audit.
Sch 3-6	The Applicant must: (c) operate a comprehensive noise management system commensurate with the risk of impact;	(c) Site operations did not comply with the noise criterion at Location G in February, May and August 2018 and site operations were stopped at the end of August 2018 to address noise issues. Since that time, there is no evidence of regular assessment, however quarterly monitoring has not identified the need to modify or stop	NC	KEQ are committed to operating in a compliant manner. When specialist/technical reports are prepared, they are reviewed as soon as practical then lodged with the ARA. KEQ will take this recommendation into consideration in the process of reviewing management plans	Deemed as Compliant during the audit.

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
		operations to ensure compliance with noise criteria.		and associated procedures. Stated Completion Date: N/A	
Sch 3-7	<p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with the EPA; (c) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> (i) compliance with the noise criteria and operating conditions in this consent; (ii) best practice management is being employed; (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI); (d) describe the noise management system in detail; and (e) include a monitoring program that: <ul style="list-style-type: none"> (i) is capable of evaluating the performance of the development; (ii) monitors noise at the nearest and/or most affected residences; (iii) adequately supports the noise management system; (iv) includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and 	There is no evidence that reported exceedances of the noise criteria in Q1 to Q3 2018 triggered an evaluation of the noise management system or any changes to noise management measures.	NC	As discussed above, following approval of the acoustic medication, KEQ will review the NMP and revise where necessary to reflect changes in the Consent conditions and EPL (post variation). Stated Completion Date: 30/04/2021	Deemed as Compliant during the audit.

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	(v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.				
Sch 3-11	<p>The Applicant must:</p> <p>(a) implement best blast management practice to:</p> <ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect public or private infrastructure/property in the surrounding area from any damage; and • minimise the dust and fume emissions of any blast; <p>(b) schedule blasts to avoid the blasting schedule of any nearby quarrying operation;</p> <p>(c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on the site, and</p> <p>(d) not undertake blasting within 500 metres of:</p> <p>(i) any public road without the approval of the relevant road authority; or</p> <p>(ii) any land outside the site not owned by the Applicant, unless:</p> <ul style="list-style-type: none"> • the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or • the Applicant has: <ul style="list-style-type: none"> - demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the land without 	Evidence that written agreements with landholders within 500 m of project blasting was not available at the time of audit.	NC	KEQ have operated in accordance with the approved Blast Management Plan (2015) which identifies that there are no residents/receivers within 500 metres from the potentially nearest blasting areas. Refer to Section 3.4 – Sensitive Receivers of the Karuah East Quarry Blast Management Plan for further details. KEQ have never received a community complaint regarding blasting undertaken at the Quarry. KEQ will consult with the Department to determine if any action is required.	Deemed as Non-Compliant during the audit. It is considered that blasting activities during the audit period would have occurred within 500m of privately owned land without a written agreement. Sale of the subject property has since taken place and thus there are no further actions required in relation to this. Further detail is available in Appendix A1.

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	<p>compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and</p> <p>- updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land,</p> <p>to the satisfaction of the Planning Secretary.</p>			<p>Stated Completion Date: 31/01/2021</p>	
Sch 3-16	<p>The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>e) Include a monitoring program that:</p> <ul style="list-style-type: none"> • Can evaluate the performance of the development. • Includes a protocol for determining any exceedances of the relevant conditions of consent. • Effectively supports the air quality management system; and • Evaluates and reports on the adequacy of the air quality management system. • The applicant must implement the plan as approved by the Planning Secretary 	<p>In June and December of 2017, HVAS monitor filters were not changed at the correct time leading to an overrun of the sample. Filters were changed as soon as errors were identified.</p>	NC	<p>No recommendation made.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>Whilst ERM consider KEQ are generally compliant with conditions (a) to (e), implementation of the plan requires a period review in accordance with Schedule 5 Condition 5 meaning that the 2019 version of the AQMP is now outdated.</p>
Sch 3-19	<p>The Applicant must comply with the discharge limits in any EPL, or with Section 120 of the POEO Act.</p>	<p>Uncontrolled and controlled discharges from sediment dams in exceedance of discharge limits occurred during the audit period in</p>	NC	<p>Responses to condition NC's below (in Sch 3-21).</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>Non-compliant discharges were recorded within the audit period. This is discussed in further detail in Condition 19,</p>

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		2017, 2018 and 2019.			Schedule 3 of Appendix A1.
Sch 3-21	<p>The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> (ii) a Surface Water Management Plan, that includes: <ul style="list-style-type: none"> • a program to monitor: <ul style="list-style-type: none"> - ecosystem health of local watercourses. 	<p>The surface water monitoring does not include a program for the monitoring of stream ecosystem health.</p> <p>A non-compliance with the WMP was recorded in 2017 due to frequency of groundwater level monitoring (as reported in Section 7.4.2 of the 2017 Annual Review). Quarterly monitoring commenced in accordance with the required frequency in October 2017; prior to this date monitoring had been undertaken on a six-monthly basis.</p>	NC	<p>KEQ agree with this recommendation and will consult with the Department during the next review of the WMP. KEQ will consult with the Department during the next review of the WMP and BOAMP to determine whether additional monitoring is required to monitor the health of local watercourses. However, let it be noted that local watercourses are monitored and reported on in the annual Biodiversity Offset Area Monitoring Report; this is in line with the approved BOAMP.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>There was no evidence to confirm a review has taken place due to exceedances in surface water discharge limits (refer Section 3 Condition 19).</p>

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				Stated Completion Date: 30/04/2021	
Sch 3-23	The Applicant must keep accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publish a summary of records on its website every 6 months and in the Annual Review.	(a) Production records are reported in the audit period Annual Reviews, however the transportation of product from site per calendar month and the number of laden truck movements is not reported. (b) Viewed KEQ website on 17/8/20 and quarterly truck movement records were not available.	NC	KEQ agree with this recommendation. Future environmental monitoring reports will include information on the factors identified in mentioned conditions. State Completion Date: 31/01/2021	Deemed as Non-Compliant during the audit. Laden truck movements are not recorded within the KEQ Annual Reviews.
Sch 3-27	The Applicant must develop a translocation program for <i>Tetratheca juncea</i> to the satisfaction of the Planning Secretary. This program must: (a) be prepared in consultation with BCD, by a suitably qualified and experienced ecologist whose appointment has been approved by the Planning Secretary; (f) provide for the transfer of information obtained as a result of implementing the program to BCD and the Department.	(e) <i>Tetratheca Juncea</i> Management Plan (TJMP) Table 8 indicates this condition is addressed within Section 8, however the section does not contain any performance	NC	The TJTMP ceases after 2020. KEQ will take this into consideration when reviewing the TJTMP. Firebird ecoSultants Pty Ltd were engaged to conduct the TJ monitoring for 2020, however;	Deemed as Compliant during the audit. <i>Whilst the auditors have collected sufficient evidence to demonstrate KEQPL are compliant with the scope and intent of this condition, due to the low survival rate of <i>T. juncea</i> following</i>

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		<p>criteria. The previous IEA indicated administrative non-compliance due to the absence of performance criteria. The previous audit recommended an update to the plan, however no updates appear to have been made. (f) No comments on general plant health, individual identification, photo point monitoring are included in the TJMP monitoring reports.</p>		<p>after attending site and undertaking an inspection, the monitoring was postponed due to a lack of flowering. Monitoring of the TJ has typically been done during it's flowering period, which varies dependant on climatic conditions. The auditor's recommendation will be taken into consideration when a review of the TJTMP is undertaken. Stated Completion Date: 30/04/2021</p>	<p><i>translocation (less than the 25% target), a review of the T. juncea Translocation Program should be undertaken by a suitably qualified ecologist in consultation with BCS. This review will identify if the approved methodologies and performance criteria were applicable to the site conditions. A Trigger Action Response Plan should also be considered in any future translocation plans to support the targeted short term and long term success rate goals. In the event any future translocations of T. juncea are triggered, the results of this current translocation event must be considered and amendments made to the site selection criteria (including soil type, slope and aspect). The</i></p>

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					<i>requirement for long term weed control, reduced grazing pressures and any prescribed burns, or other measures to stimulate seed germination, should be clearly identified as part of the adaptive management measures. Any future translocation plan will need to be prepared in consultation with BCS and approved by the Planning Secretary.</i>
Sch 3-28	The Applicant must, prior to the commencement of vegetation clearing activities for Modification 10, finalise the Biodiversity Offset Strategy, as described in documents listed in condition 2 of Schedule 2, summarised in Table 10 and Table 11 and shown conceptually in Figure 1 of Appendix 4, in consultation with BCD and Council, and to the satisfaction of the Planning Secretary.	The Biodiversity Offset Strategy Finalisation letter (as referenced in Section 2.2 and Appendix 2 in the BOAMP) and evidence of consultation with OEH (now BCD) and Council was not available for review at the time of audit.	NC	Officers of the Biodiversity Conservation Trust are attending site in November to assess the Biodiversity Area and consult on the progress of the Biodiversity Offset Strategy. KEQ will consult with the Department and seek extension to the timeframe required if required.	Deemed as Non-Compliant during the audit. The Biodiversity Offset Strategy should have been updated within 3 months of any modification to the conditions of this consent. It is noted that latest version of the BOS is dated July 2013.

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				Stated Completion Date: 31/01/2021	
Sch 3-29	The long-term security of the offset area listed in Table 10 and the retirement of the credits listed in Table 11 must be carried out prior to the commencement of vegetation clearing activities for Modification 10, in consultation with BCD and in accordance with the Biodiversity Offset Scheme of the BC Act, or other agreed security mechanism, to the satisfaction of the BCT.	Arrangements for the Biodiversity Offset Strategy long-term securities were not agreed and approved by DPIE within 12 months of the strategy being finalised.	NC	Officers of the Biodiversity Conservation Trust are attending site in November to assess the Biodiversity Area and consult on the progress of the Biodiversity Offset Strategy. KEQ will consult with the Department and seek extension to the timeframe required if required. Stated Completion Date: 31/01/2021	Deemed as “Not Triggered” during the audit.
Sch 3-32	Within 6 months of the date of approval of Modification 1, the Applicant must prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the quarry and all perimeter lands. This plan must: (f) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following	The revisions detailed in Table 2 of the Landscape and Rehabilitation Management Plan (LRMP) do not describe updating the measures to implemented over the three year period. The	NC	KEQ agree with the recommendation made by the auditor and will conduct a revision of the LRMP in the near future. The revisions describe here will be made.	Deemed as Non-Compliant during the audit. The LRMP has not been updated within a 3 year period as required by clause (f) of this condition. Further details are discussed in Appendix A1.

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	initial preparation of the plan), including the procedures to be implemented	condition requires update every three years following initial preparation of the plan, in this case being November 2018. Chapters 6-9 of the LRMP detail management measures, however the plan does not specify which activities will occur over the next three years of the plan.		During the revision of the LRMP, KEQ will ensure all procedures to record, and report are examined and responsible employees are made aware of their obligations. Stated Completion Date: 30/04/2021	
Sch 3-33	The Applicant must prepare a Biodiversity Offset Area Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the Biodiversity Offset Area required in these conditions. This plan must: (h) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan), including the procedures to be implemented	Chapter 3 of the BOAMP details management measures, and some timing details are provided in Chapter 4; however, the plan does not specify which activities will occur over the next three years of the plan. Cumberland Ecology recommends that the BOAMP be	NC	KEQ agree with this recommendation by the auditor. KEQ have already engaged Kleinfelder to revise the BOAMP to reflect changes to the Project Approval. While this revision is taking place, KEQPL will request Kleinfelder to make these recommended changes.	Deemed as Non-Compliant during the audit. A number of outstanding actions recommended within the latest Ecological Monitoring Report (included within the 2022 Annual Review) have not been closed out and constitutes a non-compliance against clause (h) of this condition. Further details are discussed in Appendix A1.

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		updated to include a three year management schedule for the period November 2018 – November 2021.		Stated Completion Date: 30/04/2021	
Sch 3-35	Within 3 months of each Independent Environmental Audit (see condition 9 of Schedule 5), the Applicant must review, and if necessary, revise the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Planning Secretary.	No evidence was available at the time of audit to confirm that the Conservation and Rehabilitation Bond was reviewed within three months of the previous IEA.	NC	No recommendation made.	Deemed as Compliant during the audit.
Sch 4-1	As soon as practicable and no longer than 7 days after obtaining monitoring results showing an: (a) exceedance of any noise, blasting and air quality criteria in Schedule 3, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants; and (b) an exceedance of the relevant air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land.	(a) Correspondence was not provided to affected landholders regarding exceedances of Project Approval impact criteria during the audit period. (b) "Mine Dust and You" fact sheets were not provided to landholders	NC	KEQ are committed to operating in a compliant manner and maintaining positive relations with community. Over recent years, this positive relationship can be demonstrated by the lack of complaints received from community and positive feedback received at Community	Deemed as Compliant during the audit.

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		where exceedances of air quality criteria were identified during the audit period.		Consultation Committee meetings. KEQ will review and where necessary revise the notification procedures followed when notifying landholders of pollution incidents. Stated Completion Date: 30/04/2021	
Sch 5-2	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p>	Evidence was not available at the time of audit to confirm that reports were provided to DPIE which reviewed control measures and remedial actions required following identified exceedances.	NC	KEQ are in the process of reviewing and where necessary revising the PIRMP. During this process KEQ will review all communication and notification procedures for reporting of pollution exceedances to ARAs. Stated Completion Date: 30/04/2021	<p>Deemed as Non-Compliant during the audit.</p> <p>During the audit period, there have been multiple exceedances of the surface water discharge limits, however it is not clear to the auditors whether feasible measures (including a review of appropriate Management Plans) have been taken to ensure the exceedance ceases.</p>

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	(c) implement remediation measures as directed by the Planning Secretary.				
Sch 5-5	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 4 above;</p> <p>(b) the submission of an incident report under Condition 7 below;</p> <p>(c) the submission of an audit report under Condition 9 below; or</p> <p>(d) any modification to the conditions of this consent, (unless the conditions require otherwise),</p> <p>the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Planning Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Planning Secretary.</p>	(a – d) No evidence was available at the time of audit to confirm that KEQ had reviewed strategies, plans and programs required under the approval following audit period Annual Reviews, incidents, audit reports and modifications.	NC	KEQ agree with this recommendation. A controlled templates will be prepared for use when reviewing documents (such as procedures or management plans). Stated Completion Date: 30/04/2021	Deemed as Non-Compliant during the audit. Multiple plans and programs required under this consent have not been reviewed within the requirements of this condition. This is discussed in further detail in Appendix A1.
Sch 5-7	The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.	Evidence was not available at the time of audit to confirm that KEQ had notified DPIE and other relevant regulatory agencies of all environmental incidents.	NC	No recommendation made.	Deemed as Compliant during the audit.
Sch 5-7A	Within seven days of becoming aware of a non-compliance, The Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development	Evidence was not available at the time of audit to confirm that KEQ had notified DPIE	NC	No recommendation made.	Deemed as Compliant during the audit.

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	(including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	and other relevant regulatory agencies of all environmental non-compliances that occurred during the audit period (see Schedule 3, Conditions 3, 4, 6, 7, 19, 21 above).			
Sch 5-11	<p>The Applicant must:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • the documents referred to in condition 2(d) of Schedule 2 of this consent; • any statutory approvals for the development; • approved strategies, plans and/ programs; • a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent; • a complaints register, updated quarterly; • minutes of CCC meetings; • annual reviews; • any independent environmental audit, and the Applicant’s response to the recommendations in any audit; and • any other matter required by the Planning Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Planning Secretary</p>	The response to the previous IEA recommendations was not available on the KEQ website at the time of audit.	NC	KEQ agree with this recommendation. Future environmental monitoring reports will include information on the factors identified in mentioned conditions. Stated Completion Date: 30/01/2021	Deemed as Compliant during the audit.

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PA 09-0175 Statement of Commitments (SoC)

Note: SoC was removed from the May 2023 update to the Project Approval

SoC 3.1 3.3

The following will be undertaken:
 i) Topsoil will be stripped in accordance with the recommended stripping depth for each soil type, together with area of land and calculated volume which are provided in the table below

Table 1 - Recommended Stripping Depths

Soil Type	Project Soil Name	Soil Layer	Recommended Stripping Depth (m)	Area (ha)	Volume (m ³)
1	Brown Chromosols	Topsoil	0.30	8.63	25,890
		Subsoil	0.90	8.63	77,670
2	Red Dermosols	Topsoil	0.10	4.55	4,550
		Subsoil	1.10	4.55	50,050
3	Leptic Tenosols	Topsoil	0.0	16.4	0
		Subsoil	0.0	16.4	0
Total Volume					158,140
Total Volume (10% handling loss allowance)					142,344

ii) Topsoil disturbance resulting from the excavation of the open cut pit will not be stripped. Areas to be disturbed within the infrastructure boundary will be stripped and stockpiled for re-use in rehabilitation for the area from where it was stripped;

Where topsoil stripping and transportation is required, the following topsoil handling techniques will be implemented to prevent excessive soil deterioration, note this also applies to subsoil stripping: i) Strip material to the

Evidence was not available to confirm that topsoil was stripped to the recommended depths under this SoC.

NC

Recommendation
 It is recommended that topsoil stripping depths and associated stockpile locations are recorded during future clearing works to assist with site rehabilitation.

It is also recommended that KEQ develop an internal topsoil stripping and stockpiling procedure to ensure that the information under this SoC is retained on site to assist in site rehabilitation.

KEQ Action
 KEQPL agree with the recommendations. During revision of the LRMP, this

Non-Compliant
 No evidence has been provided to confirm top soil stripping procedures were developed.

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	depths stated in the table above, subject to further investigation as required; ii) Topsoil will be maintained in a slightly moist condition during stripping. Material will not be stripped in either an excessively dry or wet condition; iii) Place stripped material directly onto reshaped overburden and spread immediately to avoid the requirement for stockpiling; iv) Clay material will be applied first to create an intermediate layer. The loam topsoil will then be spread to overlie this layer; v) The surface of soil stockpiles will be left in as coarsely structured a condition as possible in order to promote infiltration and minimise erosion until vegetation is established, and to prevent anaerobic zones forming; vi) Maintain a maximum stockpile height of 3m; vii) If long-term stockpiling is planned (i.e. greater than 12 months), stockpiles will be seeded and fertilised as soon as possible; and viii) Prior to re-spreading stockpiled topsoil onto reshaped overburden an assessment of weed infestation on stockpiles will be undertaken to determine if individual stockpiles require herbicide application and/or "scalping" of weed species prior to topsoil spreading. ix) An inventory of available soil will be maintained to ensure adequate topsoil materials are available for planned rehabilitation activities. x) The respread topsoil surface will be scarified prior to, or during seeding, to reduce run-off and increase infiltration.			recommendation will be taken into consideration and if necessary, a procedure will be prepared to ensure future stripping works record critical information (such as stripping depths and stockpile locations).	
SoC 4.1 (Vegetation Clearing Management)	A report detailing the methods and results of the pre-clearing surveys will be prepared and submitted to OEH immediately prior to the commencement of the clearing operations.	Chain wire exclusion fencing was seen to be in place along the southern boundary	NC	Recommendation Recommend that KEQ review the process for salvage of large	Non-Compliant As the LRMP in the required revision timeframe, no evidence has been

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		and sections of the site adjacent to quarry haulage and infrastructure areas, however it does not encompass the entire quarry footprint.		logs during clearing and whether any further emplacement of additional material would be beneficial in Lots 12 and 13. KEQ Action KEQPL currently use fallen trees to create natural wooden bunding around the boundary of the disturbance area. Additionally, KEQPL have had approximately 300 nest boxes installed through the Biodiversity Offset area. These nest boxes are monitored and maintained yearly by trained ecologists. Albeit, KEPLQ will take this recommendation into consideration when revising the LRMP.	provided to determine whether this action was taken.

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EPL 20611					
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Some discharges during the audit period exceeded the concentration limits prescribed by Condition L2.4, thereby contravening Section 120 of the POEO Act (see Condition L2.1 below).	NC	No recommendation made.	Deemed as Non-Compliant during the audit. There have been reoccurrences of exceedances of surface water discharge concentration limits within this audit period. Further details available in Appendix A2 – EPL Table.
L2.1, L2.2	For each monitoring\discharge point or utilisation area specified in the table\s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table (L1.1). Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges (L2.2).	Uncontrolled and controlled discharges from sediment dams in exceedance of EPL discharge limits occurred during the audit period in 2017, 2018 and 2019. KEQ self-reported the June 2019 discharge exceedances to EPA on 26/06/19 and EPA provided an associated 'Show Cause Notice' on 27/06/19. KEQ provided a	NC	No recommendation made.	Deemed as Non-Compliant during the audit. There have been reoccurrences of exceedances of surface water discharge concentration limits within this audit period. Further details available in Appendix A2 – EPL Table.

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		response to the Show Cause/notice on 02/08/19. EPA issued a Penalty Infringement Notice for the 24 June 2019 discharge and Formal Warning regarding the other discharge events of 24 - 27 June 2019 via letter dated 15/08/19.			
L4.1	Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated in Table 2: Operational Noise Criteria, and Figure 1 of the document titled Project Approval 09_0175 Modification 9 (MOD 9) Department of Planning, Industry& Environment - which has been filed on EPA file Doc22/715570-1.	<p>Quarry noise levels exceeded the noise criteria on three occasions during the audit period.</p> <p>Monthly monitoring reports and the Annual Reviews do not report quarry noise levels at the weighbridge and calculated levels at receptors A and B for any quarters.</p>	NC	No recommendation made.	Deemed as Compliant during the audit.
O7.1	The licensee must implement all necessary procedural controls to all mobile plant to limit engine RPM (revolutions per minute) so as to	Acoustic bunding for site infrastructure	NC	No recommendation made.	Deemed as Non-Compliant during the audit.

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	reduce noise in order to achieve compliance with the noise limits specified in this licence.	identified in the EA (ADW Johnson, 2013) was not constructed prior to the commencement of quarrying operations. See Schedule 3, Condition 7 of PA 09_0175.			Acoustic bunding not installed during audit period. The condition though was varied during the audit period which removed the condition as another control was implement. Further detail is available in Appendix A2 – EPL Table.
M8.1	To assess compliance with the noise limits for this premises attended noise monitoring must be undertaken in accordance with all noise conditions and: b) at each one of the locations listed in the noise limits table of this licence;	(b) Noise monitoring results are reported for Residences F and G, however not for the other residences. Consultant reports for the period September 2018 to May 2019 included a noise monitoring location representative of these receptors, however that time period did not include	NC	No recommendation made.	Deemed as Compliant during the audit.

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		quarry operation.			
R2	<p>The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p> <p>R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.</p> <p>R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.</p>	Evidence was not available at the time of audit to confirm that incidents which occurred during the audit period were reported to EPA as required under this condition.	NC	No recommendation made.	Condition was "Noted" during the audit.
R4.3	<p>A quarterly noise monitoring report must be submitted to the EPA within 30 days of completion of each round of quarterly noise monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:</p> <ul style="list-style-type: none"> a) a description of the plant in operation and activities being undertaken on the premises during each noise monitoring assessment; b) an assessment of compliance with noise limits presented in this licence; and c) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in this licence. 	<p>The noise consultants reports and KEQ monthly monitoring reports include assessment of compliance with the noise limits, however they do not include:</p> <ul style="list-style-type: none"> (a) description of the plant in operation and activities during each noise monitoring assessment; and 	NC	No recommendation made.	Condition now removed from EPL.

PA 09_0175					
Item No	Assessment Requirement	2020 Comment	2020 Audit Classification	KEQPL Response/Action	2023 Status
		(c) an outline of any management actions taken to address any exceedances."			

5. COMPLIANCE WITH REGULATORY INSTRUMENTS

A compliance check of the CoA and EPL conditions as well as management plan review has been completed and is provided in Appendix A. Non-compliances and observations for each component are summarised in *Table 3.2*.

As discussed in *Section 2.3*, a qualitative risk assessment was also completed on the findings as follows:

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

5.1 COMPLIANCE ASSESSMENT

Findings of the 2023 IEA are presented in *Table 5-1* below.

TABLE 5-1 SUMMARY OF 2023 AUDIT FINDINGS

No	Assessment Requirement	Comments	Compliance Status	Recommendations
PA 09_0175				
Sch. 2-11	<p>The Applicant must pay Council, in accordance with Council’s Great Lakes Wide Development Contributions Plan (November 2007) – Amended:</p> <ul style="list-style-type: none"> a) a one-off Headquarters Building contribution of \$1.00 per \$1,000.00 of capital value of the development; and b) Annual road maintenance contributions of \$.037 per tonne per km, for every tonne of quarry products transported from the site on local roads in accordance with Council’s Great Lakes Wide Development Contributions Plan (November 2007) – Amended. Each payment must be: (i) paid to Council at the end of each calendar year. <ul style="list-style-type: none"> i. Based on weighbridge records of the quantity of quarry products transported from the site; and ii. Increased annually over the life of the development in accordance with the CPI. <p><i>Note: If the parties are not able to agree on any aspect of the road maintenance contributions, either party may refer the matter to the Planning Secretary for resolution.</i></p>	<ul style="list-style-type: none"> a) An invoice for payment was issued by MidCoast Council to “Branch Land Pty Ltd” in relation to Application No. DA-09-0175 on 11 April 2022 for a value of \$5,000. Remittance Advice for the same amount with the matching supplier invoice reference number (20221212) was provided from MidCoast Council on 10 June 2022. ERM has not been provided with evidence to determine how this contribution amount was calculated and thus cannot verify that compliance with this condition has been met. b) Road Maintenance Contributions were provided in one invoice to Mid Coast Council, with remittance advice prepared on 30 June 2023 for the following amounts: <ul style="list-style-type: none"> • FY2018: \$3,438.77; • FY2019: \$14,876.66; • FY2020: \$112,797.25; • FY2021: \$65,794.58; and • FY2022: \$130,498.26. 	NC	<p>It is recommended that KEQPL provide further evidence (e.g. a cost calculation and/or evidence of Council acceptance) that the payments made:</p> <ul style="list-style-type: none"> • Correctly represent the value of the Headquarters Building contribution; and • Are based on weighbridge records and increased annually over the life of the development in accordance with the CPI. <p>Should any contribution shortfalls be identified, it is recommended that KEQPL make an</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>A letter to MidCoast Council from Hunter Quarries addressed dated 30 June 2023 states that the invoice covered back-payments of these contributions and that to compensate for the delayed payments, cost escalation has been included in line with the annual indexation up to present rates for the 2023 Financial Year. ERM has not been provided with payment calculations or an alternative means of verification (e.g. Council acceptance) to verify that this payment is based on weighbridge records and increased annually over the life of the development in accordance with the CPI.</p>		<p>additional payment to cover this amount as soon as practicable.</p>
Sch. 3-11	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) Implement best blast management practice to: <ul style="list-style-type: none"> • Protect the safety of people and livestock in the surrounding area. • Protect public or private infrastructure/property in the surrounding area from any damage; and • Minimise the dust and fume emissions of any blast. b) Schedule blasts to avoid the blasting schedule of any nearby quarrying operation. c) Operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on the site, and d) Not undertake blasting within 500 metres of: <ul style="list-style-type: none"> (i) Any public road without the approval of the relevant road authority; or (ii) Any land outside the site not owned by the Applicant, unless: <ul style="list-style-type: none"> • The Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or 	<p>ERM review the Blast Management Plan (BMP) prepared by SLR Consulting Ltd in May 2019. The following potential non-compliance in the BMP was observed:</p> <ul style="list-style-type: none"> d) (ii) A property is situated approximately 340m north-northwest to the closest perimeter of the quarry. It is understood that the property is unoccupied, however the land is privately owned. As a result, it is considered that blasting activities during the audit period would have occurred within 500m of privately owned land without a written agreement or as to the satisfaction of the 	NC	<p>It was confirmed that the sale of the property within 500m of the Site quarry pit took place. Therefore, no further actions are required in relation to this non-compliance.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> • the Applicant has: <ul style="list-style-type: none"> ◦ Demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and ◦ Updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land, to the satisfaction of the Planning Secretary. 	<p>Planning Secretary.</p>		
<p>Sch. 3-12</p>	<p>The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary; b) Be prepared in consultation with Council and EPA, and submitted to the Planning Secretary for approval prior to the commencement of construction activities. c) Describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • best management practice is being employed; and • Compliance with the relevant conditions of this consent; d) Include a road closure protocol if blasting occurs within 500 metres of a public road e) Include a specific blast fume management protocol, to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated; and f) Include a monitoring program for evaluating the performance of the development including: <ul style="list-style-type: none"> • Compliance with the applicable criteria; and • Minimising fume emissions from the site. <p>The Applicant must implement the plan as approved by the Planning Secretary.</p>	<p>ERM reviewed the Blast Management Plan (BMP) prepared by SLR Consulting Ltd in May 2019. The following potential non-compliance in the BMP was observed:</p> <ol style="list-style-type: none"> b) The BMP includes evidence of consultation with the EPA and Council and DPE approval occurring in 2015. There is no evidence of consultation provided for the May 2019 update. c) Best management and control measures are discussed in section 6 of the BMP including operating conditions, blast design, public safety, road closure management, monitoring of meteorological conditions, avoidance of concurrent blasts with nearby quarrying operations, and consultation with neighbouring residences. <p>For most conditions of this consent, the BMP describes</p>	<p>NC</p>	<p>The BMP is recommended to be updated to account for control measures carried out in order to meet compliance with Condition 11 d) ii and approved by the Planning Secretary.</p> <p>The BMP is recommended to be updated in consultation with the Council and EPA and be submitted to the Planning Secretary.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations															
		<p>measures to be implemented to ensure compliance is met, however in relation to condition 11 (d), the BMP does not describe the details of measures implemented to ensure a blast is not carried out within 500m of land outside the site not owned by the Applicant.</p>																	
Sch. 3-13	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the criteria in Tables 7 to 9 at any residence on privately-owned land.</p> <p><i>Table 7: Long-term impact assessment criteria for particulate matter</i></p> <table border="1" data-bbox="248 743 1128 983"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulates (TSP)</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter <10µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> <p><i>Table 8: Short-term impact assessment criteria for particulate matter</i></p> <table border="1" data-bbox="248 1066 1128 1214"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter <10µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 9: Long-term Impact Assessment Criteria for Deposited Dust</i></p>	Pollutant	Averaging Period	^d Criterion	Total suspended particulates (TSP)	Annual	^a 90 µg/m ³	Particulate matter <10µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging Period	^d Criterion	Particulate matter <10µm (PM ₁₀)	24 hour	^a 50 µg/m ³	<p>Annual reviews report the measured particulate matter (PM) and depositional dust (DD) results against the approved criteria of this condition. The Short-term impact assessment criteria for particulate matter was exceeded on one occasion during the audit period and there were two “failure to monitor” events which ERM consider having been appropriately responded to. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	NC	<p>It is recommended to continue the monitoring per the AQMP as only one low-range exceedance was recorded during the audit period. Should additional exceedances reoccur, examine additional mitigation measures in conjunction with a review of the AQMP.</p>
Pollutant	Averaging Period	^d Criterion																	
Total suspended particulates (TSP)	Annual	^a 90 µg/m ³																	
Particulate matter <10µm (PM ₁₀)	Annual	^a 30 µg/m ³																	
Pollutant	Averaging Period	^d Criterion																	
Particulate matter <10µm (PM ₁₀)	24 hour	^a 50 µg/m ³																	

No	Assessment Requirement				Comments	Compliance Status	Recommendations
	<p><i>Pollutant</i></p>	<p><i>Averaging period</i></p>	<p><i>Maximum increase in deposited dust level</i></p>	<p><i>Maximum total deposited dust level</i></p>			
	<p>^c Deposited Dust</p>	<p>Annual</p>	<p>^b 2 g/m² /month</p>	<p>^a 4 g/m² /month</p>			
	<p>^{a.} Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);</p> <p>^{b.} Incremental impact (ie incremental increase in concentrations due to the development on its own);</p> <p>^{c.} Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p> <p>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Planning Secretary in consultation with EPA.</p>						
<p>Sch. 3-16</p>	<p>The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary.</p> <p>b) Be prepared in consultation with Council and EPA and submitted for approval to the Planning Secretary prior to the commencement of construction activities.</p> <p>c) Describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> • Compliance with the relevant air quality conditions of this consent; • best management practice is employed; and • The air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events. <p>d) Describe the proposed air quality management system; and</p>				<p>The AQMP was most recently updated in May 2019 by SLR Consulting. Whilst ERM consider KEQPL are generally compliant with conditions (a) to (e), implementation of the plan requires a period review in accordance with Schedule 5 Condition 5 meaning that the 2019 version of the AQMP is now outdated. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	<p>NC</p>	<p>Refer to recommendation under Schedule 5 Condition 4 in relation to updates of strategies, plans and programs required under this consent.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<p>e) Include a monitoring program that:</p> <ul style="list-style-type: none"> ◦ Can evaluate the performance of the development. ◦ Includes a protocol for determining any exceedances of the relevant conditions of consent. ◦ Effectively supports the air quality management system; and ◦ Evaluates and reports on the adequacy of the air quality management system. <p>The applicant must implement the plan as approved by the Planning Secretary</p>			
Sch. 3-19	<p>The Applicant must comply with the discharge limits in any EPL, or with Section 120 of the POEO Act.</p>	<p>There are three Licenced Discharge Points (LDP) associated with the site. This includes LDP001 (Dam 1), LDP002 (Dam 2) and LDP003 (Dam 3). Discharge results are recorded within the KEQ Discharge Register.</p> <p>Heavy rainfall, particularly in 2021 and 2022 resulted in multiple uncontrolled and non-compliant discharges during the audit period. A review of the WMP has not been carried out as required following the multiple exceedances of the discharge limits. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	NC	<p>Conduct a review the effectiveness of the WMP and TARP to ensure that the response plans can be effectively implemented to prevent exceedances of relevant water quality assessment criteria and ensure sufficient capacity is available in dams. The review should consider the multiple surface water discharge exceedances which took place in 2020, 2021 and 2022 and the effectiveness of associated response procedures. The review should be conducted by a suitable qualified specialist and recommendations</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
				should be reflected within an update to the WMP.
Sch. 3-21	<p>The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> a) Be prepared in consultation with the EPA and DPE Water by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary. b) Be submitted to the Planning Secretary for approval prior to the commencement of construction activities. c) Include: <ul style="list-style-type: none"> i) A Site Water Balance that includes details of: <ul style="list-style-type: none"> • Sources and security of water supply, including contingency planning; • Water use on site; and • Measures that would be implemented to minimise use of clean water and maximise recycling of dirty water on the site. ii) A Surface Water Management Plan, that includes: <ul style="list-style-type: none"> • Baseline data on surface water flows and quality in the watercourses that could be affected by the development. • A detailed description of the surface water management system on the site, including the design objectives and performance criteria for the: - clean water diversions; - erosion and sediment controls; - water storages (including Maximum Harvestable Rights requirements); and - control of water pollution from areas of the site that have been rehabilitated. • Surface water impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse surface water quality impacts. • A program to monitor: <ul style="list-style-type: none"> - any surface water discharges; - the effectiveness of the water management system; 	<p>The KEQ Water Management Plan (WMP) was prepared by SLR Consulting Ltd and most recently updated in May 2019. There is no evidence to confirm a review has taken place due to exceedances in surface water discharge limits (refer Section 3 Condition 19). Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	<p style="text-align: center;">NC</p>	<p>The following recommendations are made in relation the WMP:</p> <ul style="list-style-type: none"> • Updates to the WMP should include details of a contingency plan; • It is recommended that KEQPL implement a framework to log all steps and actions to be taken in accordance with the TARP, in particular when a 'Condition Amber' or 'Condition Red' Trigger Response is enacted. • WMP updates are to be undertaken in consultation with the EPA and DPE Water and be submitted to the Planning Secretary.

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> - surface water flows and quality in local watercourses; and - ecosystem health of local watercourses; and • An assessment of appropriate options to improve storage and retention times in accordance with Managing Urban Stormwater: Soils and Construction (Landcom); <ul style="list-style-type: none"> iii) A Groundwater Monitoring Program that includes: <ul style="list-style-type: none"> • Baseline data of groundwater levels surrounding the site. • Groundwater impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse groundwater impacts; and • A program to monitor and/or validate the impacts of the development on groundwater resources; and iv) A Surface and Ground Water Response Plan that describes the measures and/or procedures that would be implemented to: <ul style="list-style-type: none"> • Respond to any exceedances of the surface water impact assessment criteria and groundwater impact assessment criteria; and • Mitigate and/or offset any adverse impacts on surface water and groundwater resources located within and adjacent to the site. <p>The Applicant must implement the plan as approved by the Planning Secretary</p>			Additional recommendations which are applicable to this condition are made in relation to Adaptive Management (refer Schedule 5 Condition 2).
Sch. 3-23	The Applicant must keep accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publish a summary of records on its website every 6 months and in the Annual Review.	Monitoring of product transport is recorded and uploaded to Hunter Quarry's website under Karuah East Quarry. The monitoring data includes hourly truck movements for every day of each calendar year. Laden truck movements are not recorded within the Annual Reviews.	NC	It is recommended to publish a summary of laden truck movements to and from site in future Annual Reviews.
Sch. 3-28	The Applicant must, prior to the commencement of vegetation clearing activities for Modification 10, finalise the Biodiversity Offset Strategy, as described in documents listed in condition 2 of Schedule 2, summarised in Table 10 and Table 11 and shown conceptually in	As Table 10 pre-existed Modification 10, in accordance with Condition 5 of Schedule 5, the Biodiversity	NC	Consultation with the BCD and Council in relation to this condition is

No	Assessment Requirement	Comments	Compliance Status	Recommendations																				
	<p>Figure 1 of Appendix 4, in consultation with BCD and Council, and to the satisfaction of the Planning Secretary.</p> <p><i>Table 10: Biodiversity Offset Strategy – land-based offset</i></p> <table border="1" data-bbox="248 389 768 659"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size (ha)</th> </tr> </thead> <tbody> <tr> <td>Offset area</td> <td>Existing vegetation to be managed and enhanced</td> <td>130.36</td> </tr> </tbody> </table> <p><i>Table 11: Biodiversity Offset Strategy – ecosystem and credit requirements</i></p> <table border="1" data-bbox="248 772 1097 1339"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2">Ecosystem credits</td> </tr> <tr> <td>PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands</td> <td>188</td> </tr> <tr> <td>PCT 695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion</td> <td>7</td> </tr> <tr> <td style="text-align: right;">Total</td> <td>195</td> </tr> <tr> <td colspan="2">Species Credits</td> </tr> <tr> <td><i>Terathea Junea</i> (Black eyed Susan)</td> <td>260</td> </tr> </tbody> </table>	Area	Offset Type	Minimum Size (ha)	Offset area	Existing vegetation to be managed and enhanced	130.36	Credit Type	Credits Required	Ecosystem credits		PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	188	PCT 695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	7	Total	195	Species Credits		<i>Terathea Junea</i> (Black eyed Susan)	260	<p>Offset Strategy should have been updated within 3 months of any modification to the conditions of this consent. It is noted that latest version of the BOS is dated July 2013.</p> <p>At the time of writing, as confirmed by Site Management, the updated Biodiversity Offset Strategy is pending Commonwealth EPBC Approval.</p> <p>It was confirmed by Site Management and observed by the auditors during the site visit that no vegetation clearing activities have taken place for Modification 10 and thus an assessment of compliance against Table 11 of this condition is Not Triggered.</p>		<p>recommended to be published in the latest Biodiversity Offset Strategy and uploaded to the Hunter Quarries website.</p> <p>Review and update the BOS when the consent is modified.</p>
Area	Offset Type	Minimum Size (ha)																						
Offset area	Existing vegetation to be managed and enhanced	130.36																						
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Total	887											
Sch. 3-32	<p data-bbox="248 983 1133 1129">Within 6 months of the date of approval of Modification 1, the Applicant must prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the quarry and all perimeter lands. This plan must:</p> <ol data-bbox="248 1142 1133 1374" style="list-style-type: none"> Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary Be prepared in consultation with BCD and Council, and submitted to the Planning Secretary for approval prior to the commencement of construction activities; Describe how the implementation of the <i>Tetratheca juncea</i> Translocation Program would be integrated with the overall rehabilitation of the site; 	<p data-bbox="1160 983 1592 1246">The Landscape and Rehabilitation Management Plan (LRMP) was most recently updated in March 2020. The LRMP has not been updated within a 3 year period as required by clause (f) of this condition. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	NC	<p data-bbox="1821 983 2074 1246">Ensure the LRMP is updated every 3 years and that implementation of measures detailed in the plan have been reviewed and updated where required.</p> <p data-bbox="1821 1270 2074 1374">Scheduled reminders should be implemented to ensure that future</p>								

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<p>d) Describe the short, medium and long-term measures that would be implemented to:</p> <ul style="list-style-type: none"> • Manage remnant vegetation and habitat on the site; and • Ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent. • include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggers for any remedial action; <p>e) Include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan), including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • Ensuring compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent; • Enhancing the quality of remnant vegetation and fauna habitat; • Restoring native endemic vegetation and fauna habitat within the rehabilitation area, including details of the target revegetation communities of the rehabilitated landform; • Coordinating the relocation of native fauna to protected habitats associated with preclearing fauna surveys; • Maximising the salvage of environmental resources within the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the rehabilitation area; • Collecting and propagating seed; • Ensuring minimal environmental consequences for threatened species, populations and habitats; • Minimising the impacts on native fauna on site, including the details and implementation of appropriate pre-clearance surveys; • Minimising the impacts on fauna movement between undisturbed areas of the site and nearby vegetation (including potential fauna crossings); • Controlling weeds and feral pests; • Controlling erosion; • Controlling access and providing for management trails; and • Bushfire management and implementation of ecologically appropriate bushfire intervals. 			<p>updates of the LRMP are undertaken within the required 3 year period. Where required, update associated monitoring programs to ensure the effectiveness of the procedures can be effectively measured.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> a) Include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria. b) Identify the potential risks to successful implementation of the Tetratheca juncea Translocation Program and rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks. c) Include details as to how the rehabilitated land would be permanently conserved and managed as part of the broader Biodiversity Offset Area approved in these conditions. d) Include details of who would be responsible for monitoring, reviewing, and implementing the plan; and e) Include details as to the timing of actions set out in the plan <p>The Applicant must implement the plan as approved by the Planning Secretary.</p>			
Sch. 3-33	<p>The Applicant must prepare a Biodiversity Offset Area Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the Biodiversity Offset Area required in these conditions. This plan must:</p> <ul style="list-style-type: none"> a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary b) Be prepared in consultation with BCD and Council c) Describe how the implementation of the Tetratheca juncea Translocation Program would be integrated with the Biodiversity Offset Area management. d) Describe the short, medium and long-term measures that would be implemented to manage remnant vegetation and habitat on the Biodiversity Offset Area e) Include detailed performance and completion criteria for evaluating the performance of the conservation, restoration and management of the Biodiversity Offset Area, including triggers for any remedial action. f) Providing for the transfer of environmental resources from the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the Biodiversity Offset Area 	<p>The Biodiversity Offset Area Management Plan (BOAMP) was most recently updated in April 2021. A number of outstanding actions recommended within the latest Ecological Monitoring Report (included within the 2022 Annual Review) have not been closed out and constitutes a non-compliance against clause (h) of this condition. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	NC	<p>ERM notes that KEQPL have implemented a "BOA Completion Status and Action Plan" and recommends that the status of actions be reviewed and updated as soon as practicable.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<p>g) Providing for the incorporation of the final rehabilitated landform into the Biodiversity Offset Area and its management.</p> <p>h) Include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3-year period following initial preparation of the plan), including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • Enhancing the quality of remnant vegetation and fauna habitat • Restoring native endemic vegetation and fauna habitat within the parts of the Biodiversity Offset Area that are cleared or modified, including details of the target revegetation communities of the restored landform. • Coordinating the relocation of native fauna to protected habitats associated with preclearing fauna surveys. • Collecting and propagating seed • Maximising the protection and restoration of threatened species, populations and habitats in the Biodiversity Offset Area • Maximising fauna movement between the Biodiversity Offset Area and adjacent habitats. • Controlling weeds and feral pests • Controlling erosion • Controlling access and providing for management trails; and • Bushfire management and implementation of ecologically appropriate bushfire intervals. <p>i) Include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria.</p> <p>j) Identify the potential risks to successful implementation of the Biodiversity Offset program and include a description of the contingency measures that would be implemented to mitigate these risks.</p> <p>k) Include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>l) Include details of the indicative costs of management actions; and Include details as to the timing of actions set out in the plan.</p>			
Sch. 3-39	The Applicant must ensure that the storage, handling, and transport of dangerous goods and hazardous materials is conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.	KEQPL have developed a Hazardous Substances (SDS) Register, most recently updated in December 2022, which describes	NC	The hazardous materials storage container should be repaired (to ensure

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>the list of products, quantities, location on site, type of application, SDS issue and expiry dates, and "stability and reactivities" classification. Based on a review of tank compliance plates, tank brochures and site observations, the auditors are satisfied that dangerous goods and hazardous materials are stored in accordance with AS1940, AS1596 and the Dangerous Goods Code.</p> <p>It is noted that neither of the Diesel ASTs are included on the Hazard Substances Register.</p>		<p>it does not allow rainfall to fill the bund – making it inoperable) to ensure it complies with (AS)1940. It is recommended to update the Hazardous Substances Register to ensure it includes both diesel ASTs.</p>
Sch. 5-1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ol style="list-style-type: none"> a) Be submitted to the Planning Secretary for approval prior to the commencement of construction activities b) Provide the strategic framework for environmental management of the development. c) Identify the statutory approvals that apply to the development. d) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development. e) Describe the procedures that would be implemented to: <ul style="list-style-type: none"> • Keep the local community and relevant agencies informed about the operation and environmental performance of the development. • Receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; and • Respond to emergencies; and f) Include: 	<p>The latest version of the Environmental Management Strategy (EMS) was prepared in December 2015. It is noted that there are references to management plans within the EMS which are now superseded, therefore the version is not considered up to date as required by clause (f) of this condition. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p>	NC	<p>It is recommended that a review of the EMS be undertaken and updated where required to ensure it is current. This includes but not limited to updates in statutory requirements and references to updated management plans and monitoring programs.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> Copies of any strategies, plans and programs approved under the conditions of this consent; and Clear plan depicting all the monitoring required to be carried out under the conditions of this consent. <p>The Applicant must implement the strategy as approved by the Planning Secretary.</p>			
Sch. 5-2	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ol style="list-style-type: none"> Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur. Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and <p>Implement remediation measures as directed by the Planning Secretary.</p>	<ol style="list-style-type: none"> During the audit period, there have been multiple exceedances of the surface water discharge limits, however it is not clear to the auditors whether feasible measures (including a review of appropriate Management Plans) have been taken to ensure the exceedance ceases Example incident reports have been issued to the DPE and reviewed by ERM. Some incident reports have not been issued to the Department immediately after an incident occurred. <p>There have been no specific remediation measures directed by the Planning Secretary within this audit period.</p>	NC	<p>Conduct a review of short term adaptive management processes to consider whether temporary solutions such as pumping and storage of water to enable short term provisioning of additional capacity is recommended.</p> <p>The above recommendations should be incorporated within an update to the Water Management Plan.</p>
Sch. 5-4	<p>By the end of March each year, the Applicant must review the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:</p> <ol style="list-style-type: none"> describe the development (including rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year. include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against: 	<p>The Annual Reviews which are applicable within this audit period are for the years 2020, 2021 and 2022. The auditors reviewed the Annual Reviews and confirm each contain the required details as listed within (a) to (f) of this condition.</p> <p>Following consultation with the Planning Secretary and as captured</p>	NC	<p>It is recommended that all Annual Reviews are submitted to the Planning Secretary by the end of March each year.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> • The relevant statutory requirements, limits or performance measures/criteria; • The monitoring results of previous years; and • The relevant predictions in the documents referred to in condition 2(d) of Schedule 2 of this consent. <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance.</p> <p>d) identify any trends in the monitoring data over the life of the development;</p> <p>e) identify any discrepancies between the predicted and actual impacts of the development and analyse the potential cause of any significant discrepancies; and</p> <p>describe the measures that would be implemented over the current calendar year to improve the environmental performance of the development.</p>	<p>within the 2022 Annual Review and “Post Approval Document Received” email notification, the 2021 Annual Review was identified to have been lodged in October 2022 therefore considered a late submission in accordance with this condition.</p>		
Sch. 5-5	<p>Within 3 months of:</p> <p>a) The submission of an annual review under Condition 4 above.</p> <p>b) The submission of an incident report under Condition 7 below.</p> <p>c) The submission of an audit report under Condition 9 below; or</p> <p>d) Any modification to the conditions of this consent, (unless the conditions require otherwise),</p> <p>the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Planning Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Planning Secretary</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</i></p>	<p>The management plans and strategies which are applicable to this condition are as follows:</p> <ul style="list-style-type: none"> • Environmental Management Strategy – dated Dec 2015 • Air Quality Management Plan – dated May 2019 • Blast Management Plan – dated May 2019 • Noise Management Plan – dated April 2022 • Heritage Management Plan – dated December 2015 • Water Management Plan – dated May 2019 • Traffic Management Plan – dated December 2015 • Tetratheca Juncea Translocation Plan – dated January 2019 • Biodiversity Offset Strategy – dated July 2013 	NC	<p>Ensure that all strategies, plans and programs required under this consent are updated to include a document control or similar so that revision dates are clear to the reader.</p> <p>Opportunities to improve notification systems are recommended to be reviewed to ensure programs are revised within the timeframes as required under this consent.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> • Landscape and Rehabilitation Management Plan – dated March 2020 • Biodiversity Offset Area Management Plan – dated April 2021 <p>There is no evidence within the respective strategies, plans and programs required under this consent to demonstrate that a review has taken place within the requirements of this condition.</p>		

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
L1.1	<p>Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	<p>From the review of the Annual Returns and Surface Water Monitoring Discharge Register it is noted that numerous reoccurring uncontrolled discharges of surface waters that exceed the concentration limits have occurred during the audit period.</p> <p>According to the Discharge Register, the following discharges were recorded which exceeded the concentration limits defined in EPL 20611:</p> <p>2020 – a total of 11 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> • 5 uncontrolled discharges occurring on successive days from 26 to 30 October 2020 exceeded the TSS limit, ranging from 71mg/L to 5380mg/L. The uncontrolled discharge on 28 October 2020 was outside the pH limits, measuring pH 6.4. • LDP002: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 296mg/L to 915mg/L. • LDP003: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS 	NC	<p>Conduct a detailed review the effectiveness of the WMP, inclusive of the TARP to ensure that management measure are appropriate to ensure sufficient storage capacity of the Site dams is effectively maintained, such that uncontrolled discharges do not occur.</p> <p>The review should consider the multiple surface water discharge exceedances which took place in 2020, 2021 and 2022 and the effectiveness of associated preventative measures and procedures, such as scheduling of dam de-sedimentation works prior to forecast rainfall events.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>limit, ranging from 507mg/L to 1250mg/L.</p> <p>2021: a total of 18 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> • LDP001: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 385mg/L to 1260mg/L. • LDP002: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 92mg/L to 636mg/L. • LDP003: 6 uncontrolled discharges occurring 18 to 23 March 2021 exceeded the TSS limit, ranging from 184mg/L to 592mg/L. <p>2022: a total of 29 non-compliant discharges including:</p> <ul style="list-style-type: none"> • LDP001: 20 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 110mg/L to 3200mg/L. • LDP002: 4 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 210mg/L to 1300mg/L. • LDP003: 5 uncontrolled discharges during 2022 occurring 		<p>The review should be conducted by a suitably qualified specialist and recommendations should be reflected within an update to the WMP.</p> <p>It is recommended that KEQPL implement a framework to log all steps and actions to be taken in accordance with the TARP, in particular when a 'Condition Amber' or 'Condition Red' Trigger Response is enacted.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>in March, April and July exceeded the TSS limit, ranging from 100mg/L to 500mg/L.</p> <p>All discharges exceeding the concentration criteria have been reported within the Annual Returns. Heavy rainfall, particularly in 2021 and 2022 resulted in multiple uncontrolled and non-compliant discharges during the audit period. A review of the WMP has not been carried out as required following the multiple exceedances of the discharge limits. It is not clear whether the response procedures described in the WMP are effective in preventing non-compliant discharges during heavy rainfall.</p>		

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
L2.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	As above	NC (Duplicate with L1.1)	
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	As above	NC (Duplicate with L1.1)	
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Lubricants and associated materials were stored within a hazardous materials storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, thus considered non-compliant with this condition.	NC (Duplicate with O5.1)	As per O5.1
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Central control room to manage dust suppression sprays at each transfer point and stockpile within crushing and screening plant. Water spray truck actively wets internal roads and product stockpiles. Biggest observable issue during the site visit was noted to be from main drop point to boot – jaw crusher.	NC	As only a single incident of a low-range exceedance occurred during the audit period, no specific recommendations are made beyond continuing to monitor for exceedances as per the requirement of the EPL.

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
		<p>Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below:</p> <p>Short term PM: One exceedance of the short-term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³. This result is considered a low-range exceedance with the PM₁₀ limit of 50 µg/m³ and as this is the only exceedance recorded within this audit period, no further actions are recommended at this stage.</p>		<p>If exceedances reoccur examine additional measure to manage.</p>
O3.2	<p>Any activity carried out in or on the premises must be carried out by such practical means as to prevent dust or minimise the emission of dust to the air.</p>	<p>Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below:</p> <p>Short term PM: One exceedance of the short-term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³.</p>	<p>NC (Duplicate with O3.1)</p>	

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
O3.3	Any plant operated in or on the premises must be operated by such practical means to prevent or minimise dust or other air pollutants.	Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below: Short term PM: One exceedance of the short-term criteria for PM ₁₀ , occurring on 16 June 2023 with a PM ₁₀ monitoring value of 51 µg/m ³ .	NC (Duplicate with O3.1)	
O5.1	All tanks and storage areas for drums containing material that has potential to cause environmental harm must be bunded or have an alternative spill containment system in-place. The bunding and/or spill containment systems must be properly designed, engineered, and constructed to be suitable for the material types and quantities stored therein in accordance with all appropriate standards, including Australian Standards (AS)1940 and AS1596.	Lubricants and associated materials were stored within a hazardous materials storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, thus considered non-compliant with this condition. There are two aboveground storage tanks (ASTs) containing diesel onsite, both of which comprise a double walled construction. The primary storage area has been constructed with a drainage system to sump, but the sump was noted to be under-sized and it would	NC	The hazardous materials storage container should be repaired (to ensure it does not allow rainfall to fill the bund – making it inoperable) to ensure it complies with (AS)1940.

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
		offer limited containment in the event of a spill.		
O5.2	<p>Bunds must:</p> <ul style="list-style-type: none"> a) have walls and floors constructed of impervious materials; b) Be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); c) Have floors graded to a collection sump; d) Not have a drain valve incorporated in the bund structure; <p>or be constructed and operated in a manner that achieves the same environmental outcome.</p>	As above.	NC (Duplicate with O5.1)	As above.
O7.1 (Prior to 02-09-2022)	All acoustic bunds necessary to achieve compliance with the noise limits specified in this licence must be constructed prior to the commencement of quarrying activities and be maintained throughout the operational life of the premises to the height and location described in the Noise Management Plan.	It was noted in the Annual return for the reporting period 26-08-2020 to 25-08-2021 that acoustic bunding was not constructed as required by condition O7.1 as it was deemed to be ineffective. Enclosures were built around the crushers which meets noise limit protection requirements. The EPL was varied on 02/09/2022, removing the requirement for bunding and amending condition O7.1. The non-compliance noted for this condition was limited to the previous version of the EPL. The site is compliant as at the close of the audit period.	NC	As the original requirement has been removed from the EPL condition, no further action is recommended.

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
M2.1	<p>For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.</p>	<p>Monitoring of discharges is outlined in Section 8.1.3 of the WMP. The monitoring frequency is generally conducted in accordance with Condition M2.1.</p> <p>Examples of air quality monitoring for deposited dust, TSP and PM10 during the audit period were viewed. Sampling from reports reviewed is undertaken in accordance with the stated methods.</p> <p>A review of the Annual Returns noted 2 separate non-compliances against condition M2.1.</p> <p>The first was reported as being due to a HVAS sample jar being shattered twice (03/06/2021 and 05/07/2021) at the laboratory prior to analysis. KEQPL stated the action taken was to instruct laboratory / field technicians to take greater care when handling sample jars.</p> <p>The second was reported as a failure of HVAS equipment failing during periods of extreme rainstorms (22/03/2021, 28/03/2021 and 03/04/2021) resulting in</p>	NC	<p>Ensure monitoring is undertaken in accordance with requirements of M2 conditions.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
		scheduled runs not being able to be undertaken. Make up runs were subsequently undertaken to make up for the missed runs.		
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ul style="list-style-type: none"> a) Any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) If no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) If no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. <p><i>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</i></p>	<p>A review of the Annual Returns noted 2 separate non-compliances against condition M3.1.</p> <p>The first was reported as being due to a HVAS sample jar being shattered twice (03/06/2021 and 05/07/2021) at the laboratory prior to analysis. KEQPL stated the action taken was to instruct laboratory / field technicians to take greater care when handling sample jars.</p> <p>The second was reported as a failure of HVAS equipment failing during periods of extreme rainstorms (22/03/2021, 28/03/2021 and 03/04/2021) resulting in scheduled runs not being able to be undertaken. Make up runs were subsequently undertaken to make up for the missed runs.</p> <p>Beyond the above noted issues, air quality monitoring is undertaken as per the methodology prescribed by</p>	<p>NC (Duplicate with M2.1)</p>	<p>As per recommendation for M2.1</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
		the NSW Environment Protection Authority (EPA) in their document, Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (2022) (Approved Methods).		
M8.1	<p>To assess compliance with the noise limits for this premises attended noise monitoring must be undertaken in accordance with all noise condition and:</p> <ul style="list-style-type: none"> a) During a period of normal quarry operations. b) at each one of the locations listed in the noise limits table of this licence c) Occur quarterly in the reporting period. d) Occur during each day period as defined in the NSW Noise Policy for Industry. <p><i>Note: Quarterly attended noise monitoring must be completed (unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent. The frequency of noise monitoring will be reviewed, upon request.</i></p>	<p>A review of the Quarterly Monitoring Reports, prepared by EMM Consulting, across the audit period identified the methodology includes the requirements of this condition.</p> <p>Recorded Weather and Operating Conditions as reported stated monitoring was conducted in accordance with the stated criteria a), b) and d).</p> <p>A review of the Annual Returns noted 1 non-compliance for c) Noise monitoring not undertaken during the 26-08-2020 to 25-08-2021 reporting period. KEQPL stated due to statistically wet year, monitoring under the required meteorological conditions proved difficult and therefore the last</p>	NC	<p>Following the incident KEQPL amended quarterly monitoring planning and the failure to conduct quarterly monitoring has not reoccurred.</p> <p>Therefore, no further action is recommended.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
EPL 20611				
		<p>quarter monitoring was not conducted in time.</p> <p>KEQPL stated in response to the failure to monitor they were amending the process of planning for quarterly monitoring to account for weather impacts. It is noted that the incident has not reoccurred during the audit period.</p>		
R1.5	<p>The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').</p>	<p>A review of the submission dates of the Annual Returns noted that the Annual Return for the reporting period 26-08-21 to 25-08-2022 was submitted on 26-10-2022, 2 days after the due date of 24-10-2022.</p> <p>All other Annual returns for the audit period were noted to have been submitted within the required time period.</p>	NC	<p>Ensure Annual Returns are submitted within the 60 days and the due date as notified by the EPA.</p>

TABLE 5-2 ADDITIONAL ENVIRONMENTAL MANAGEMENT OPPORTUNITIES FOR IMPROVEMENT

No	Assessment Requirement	Comments	Compliance Status	Recommendations
PA 09_0175				
Sch 3-27.	<p>The Applicant must develop a translocation program for <i>Tetratheca juncea</i> to the satisfaction of the Planning Secretary. This program must:</p> <ol style="list-style-type: none"> Be prepared in consultation with BCD, by a suitably qualified and experienced ecologist whose appointment has been approved by the Planning Secretary. Be submitted to the Planning Secretary for approval prior to the commencement of construction activities that involve clearing of or potential harm to <i>Tetratheca juncea</i>; Include measures for the translocation of all <i>Tetratheca juncea</i> stems in the area of disturbance to nearby areas with similar physical and biological habitat features. Include a monitoring program to study the <i>Tetratheca juncea</i> stems before and after translocation. Include short and long-term goals and performance criteria to measure the effectiveness of the program; and <p>Provide for the transfer of information obtained as a result of implementing the program to BCD and the Department.</p>	<p>The <i>Tetratheca juncea</i> Translocation Management Plan (TjTMP) was most recently updated in January 2019. Whilst no non-compliances have been identified specific to this condition, recommendations are made in relation to the success of the program.</p> <ol style="list-style-type: none"> The TjTMP was prepared in consultation with the Office of Environment and Heritage (OEH) with evidence of the consultation attached to Appendix B of the TjTMP. Evidence is provided within Appendix A of the TjTMP confirming a suitably qualified expert was approved by the Planning Secretary to prepare the TjTMP. A letter from the DPE provided confirms the TjTMP was approved in accordance with the Project Approval. Section 6 and Section 7 of the TjTMP describe measures for the translocation of <i>Tetratheca juncea</i> (<i>T. juncea</i>) stems in the area of disturbance to nearby areas. More 	Obs C	<p>Whilst the auditors have collected sufficient evidence to demonstrate KEQPL are compliant with the scope and intent of this condition, due to the low survival rate of <i>T. juncea</i> following translocation (less than the 25% target), a review of the <i>T. juncea</i> Translocation Program should be undertaken by a suitably qualified ecologist in consultation with BCS. This review will identify if the approved methodologies and performance criteria were applicable to the site conditions. A Trigger Action Response Plan should also be considered in any</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>specifically, the TjTMP describes that all clumps of T. juncea identified during the original Project Approval had already been translocated to the translocated area. The translocation of additional T. juncea identified within "Site 2" as part of the modification to the original "Part 3A approval" was scheduled to take place in 2018 to 2020. Further details in Section 7 of the TjTMP describes the translocation process, ecological inspection requirements and after planting care.</p> <p>d) The TjTMP describes a monitoring program in Section 9, including for the Original Development Approval and for "Site 2". Monitoring Actions are listed in the monitoring program and include a timing for completion of each action. Examples of actions to be undertaken include:</p> <ul style="list-style-type: none"> • Count flowers; • Count fruits; • Observe general plant health; and • Photo point. <p>The most recent T. juncea Monitoring Report was prepared in February 2021 by Firebird ecoSultants following a site visit undertaken in October 2020. The</p>		<p>future translocation plans to support the targeted short term and long term success rate goals.</p> <p>In the event any future translocations of T. juncea are triggered, the results of this current translocation event must be considered and amendments made to the site selection criteria (including soil type, slope and aspect). The requirement for long term weed control, reduced grazing pressures and any prescribed burns, or other measures to stimulate seed germination, should be clearly identified as part of the adaptive management measures. Any future translocation plan will need to be</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>Report confirms that <i>"the year 2020 was to be the final year of monitoring of the translocation project"</i> and states <i>"the translocation site does not represent suitable habitat"</i>, due to the low level of success of the translocation project at the Site. Additional contributing factors have been raised in relation to the low survival rate of <i>T. juncea</i> following translocation, such as lower long term average rainfall, however the primary factor being the translocation site is not representative of the habitat that <i>T. juncea</i> typically occur in.</p> <p>e) Short Term and Long Term goals are described in Section 8 of the TJTMP, including references to performance criteria described in Section 9.</p> <p>Section 9 lists the monitoring actions for translocation and states that this information <i>"will be used to report and measure the general health and success of the translocated T. juncea sections"</i> and that <i>"reports should be provided annually to OEH and DPE on the success of translocation methods and recommendations made to assist in future translocation efforts"</i>.</p>		<p>prepared in consultation with BCS and approved by the Planning Secretary.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
41.	<p>The Applicant must:</p> <p>a) Ensure that the development is suitably equipped to respond to any fires on site;</p> <p>b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area; and</p> <p>Ensure new construction complies with Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015); and the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.</p>	<p>a) KEQPL have a Bushfire Evacuation Plan (undated) which describes the procedures in relation to notifications to site personnel and contractors, communication methods, and evacuation and assembly. The plan also describes the allocation of responsibilities and response instructions for quarry supervisors and personnel. An Emergency Contacts sheet document lists the contact information of local Emergency Services such as Police, Fire Brigade, Ambulance, Hospitals, EPA, SES and Mines Rescue, as well as the names and numbers of internal emergency contacts.</p> <p>First Aid Kits, Fire Extinguishers and Water Carts were all observed to be available during the site audit.</p> <p>The Emergency Management Flip Chart describes the site evacuation procedures for a range of emergencies including fire, explosion, persons trapped and major trauma. The Flip Chart provides further details of the responsibilities of site Emergency Controllers (which are allocated at</p>	Obs C	<p>Whilst this condition is deemed compliant, it is recommended that the Bushfire Evacuation Plan is updated with a version control including date of review to ensure it is current and can be periodically reviewed.</p>

No	Assessment Requirement	Comments	Compliance Status	Recommendations
		<p>each daily toolbox meeting) as well as maps and procedures which identify the Emergency Assembly procedures and locations.</p> <p>b) Based on review of the NPWS Fire History - Wildfires and Prescribed Burns, no bushfires have occurred in the near vicinity of the Site during the audit period, thus not triggering compliance with Condition 41(b). It was confirmed by Site Management that no new construction has occurred during the audit period.</p>		

6. CONCLUSION

The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Project Approval number PA 09_0175, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 28 April 2020 through 26 October 2023 (the date of the site visit).

The audit included a review of:

- Conditions of Project Approval PA 09_0175;
- Conditions of Environment Protection Licence (EPL) 20611;
- Adequacy and implementation of the Karuah Quarry Pollution Response Management Plan; and
- Adequacy of project management plans in meeting relevant approval requirements and the effectiveness of their implementation.

A qualitative risk assessment was also completed on the findings, consistent with ISO 31000 - Risk Management and as described in the Department of Planning & Environment publication "Post Approval Requirements – Independent Audit" issued May 2020. The number of non-conformances with the statutory conditions and implementation of the management plans is summarised in Table 6-1 below.

TABLE 6-1 SUMMARY OF AUDIT FINDINGS

Review	Non-Compliant (NC)*	Observations (Obs NC)	Observations (Obs C)
Statutory Instruments	15 (+ 7 duplicates)	Nil	Nil
Implementation of Plans	8	Nil	2

* The count of non-compliances in the table above excludes conditions which have been identified as a duplicate non-compliance.

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



APPENDIX A SCHEDULE TABLES

DOCUMENT DETAILS

DOCUMENT TITLE	Appendix A1 – Project Approval
DOCUMENT SUBTITLE	Compliance with Project Approval 09_0175
PROJECT NUMBER	0704272
Date	22 July 2024
Version	03
Author	Andrew Lewis, Lucas Wilson
Client name	Karuah East Quarry Pty Ltd

APPENDIX A1 – COMPLIANCE WITH PROJECT APPROVAL 09_0175

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
SCHEDULE 2 – ADMINISTRATIVE CONDITIONS					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
1.	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Note	Noted	Note	N/A
Terms of Approval					
2.	The Applicant must carry out the development: a) In compliance with the conditions of this consent. b) In accordance with the statement of commitments in Appendix 6. c) In accordance with all written directions of the Planning Secretary; and Generally, in accordance with the EA, EA (MOD1), EA (MOD 2), SEE (MOD 8), MR (MOD 9) and MR (MOD 10).	Note	Compliance with this condition is as reported within this report.	Note	N/A
3.	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: a) The content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and The implementation of any actions or measures contained in any such document referred to in condition 3(a).	Note	Noted	Note	N/A
4.	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(d). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Note	Noted	Note	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
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LIMITS ON APPROVAL

Quarrying Operations

5.	<p>The Applicant may carry out quarrying operations on the site until 31 December 2034.</p> <p><i>Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Planning Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard</i></p>	ERM Audit Terms of Reference – KEQ.	This audit covers the period of 28 April 2020 to 26 October 2023, thus the Applicant is compliant with this condition.	C	N/A
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Production Limit

6.	The Applicant must not extract, process and transport more than 1.5 million tonnes of quarry products from the site in any calendar year.	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, 2022; 2023 YTD Production Data (January 2023 to September 2023) 	<p>The following quarry production totals were reported for each calendar year within this audit period:</p> <p>2020: 836,269 T</p> <p>2021: 836,775 T</p> <p>2022: 938,277 T</p> <p>2023 YTD (January to September): 681,672 T</p>	C	N/A
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Hours of Operation

7.	<p>The Applicant must comply with the operating hours in Table 1.</p> <p>Table 1: Operating hours</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Operating Hours</th> </tr> </thead> <tbody> <tr> <td>Quarry operations</td> <td> <p>7:00 am to 9:00 pm, Monday to Friday.</p> <p>7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00 am to 6:00 pm, Saturday.</p> <p>No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.</p> </td> </tr> </tbody> </table>	Activity	Operating Hours	Quarry operations	<p>7:00 am to 9:00 pm, Monday to Friday.</p> <p>7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00 am to 6:00 pm, Saturday.</p> <p>No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.</p>	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, 2022 Blast Monitoring Data KEQ Blast Monitoring.xlsx Community Complaints Register 2020, 2021, 2022, YTD 2023 Interviews with Site Management 	<p>KEQPL Management confirmed that all quarrying operations, product loading and dispatch, and maintenance activities occurred within the prescribed operating hours.</p> <p>It was confirmed by Site Management that shifts of site personnel on Saturdays typically end at midday, ensuring that no operations are performed past 1:00pm.</p> <p>Further review of the blast data captured within the Site’s Annual Reviews and Blast Monitoring Data tracker describe that all blasting activities within the Audit Period</p>	C	N/A
Activity	Operating Hours								
Quarry operations	<p>7:00 am to 9:00 pm, Monday to Friday.</p> <p>7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00 am to 6:00 pm, Saturday.</p> <p>No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.</p>								

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments								
	<table border="1"> <tr> <td></td> <td>No quarrying operations on Sundays or Public Holidays.</td> </tr> <tr> <td>Product loading and dispatch</td> <td>5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays</td> </tr> <tr> <td>Construction Activities</td> <td>7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq(15 min) at any privately-owned residence.</td> </tr> <tr> <td>Maintenance activities</td> <td>24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence</td> </tr> </table>		No quarrying operations on Sundays or Public Holidays.	Product loading and dispatch	5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays	Construction Activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq(15 min) at any privately-owned residence.	Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence		<p>took place within the prescribed operating hours.</p> <p>According to the site's Community Complaint Register, there are no complaints to indicate the site has been operating outside the prescribed Operating Hours during the Audit Period.</p>		
	No quarrying operations on Sundays or Public Holidays.												
Product loading and dispatch	5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays												
Construction Activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq(15 min) at any privately-owned residence.												
Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence												

STRUCTURAL ADEQUACY

8.	<p>The Applicant must ensure that any new buildings and structures, and any alterations, or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any proposed building works. <p>Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.</p>	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, 2022 Interviews with Site Management Site Observations 	<p>According to Annual Reviews for 2020, 2021 and 2022, there have been no construction activities that have taken place for each respective year, including the erection of new buildings or structures or the alterations and additions of existing buildings and structures during the audit period. Site Management confirmed that this is also the case for the 2023 YTD.</p>	NT	N/A
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DEMOLITION

9.	<p>The Applicant must ensure that all demolition work on site is carried out in accordance with AS 2601- 2001: The Demolition of Structures, or its latest version.</p>	<ul style="list-style-type: none"> Interviews with Site Management Site Observations 	<p>Site Management confirmed during interviews with the auditors that there have been no demolition activities which have been carried during the Audit Period. During the Site visit, there was no indication of demolition activities taking place or having recently taken place.</p>	NT	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
PROTECTION OF PUBLIC INFRASTRUCTURE					
10.	The Applicant must: a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	<ul style="list-style-type: none"> Interviews with Site Management Community Complaints Register 2020, 2021, 2022, YTD 2023 	Site Management confirmed during interviews with the auditors that there have been no instances where public infrastructure had been damaged by the development during the Audit Period.	NT	N/A
DEVELOPER CONTRIBUTION					
11.	The Applicant must pay Council, in accordance with Council's Great Lakes Wide Development Contributions Plan (November 2007) – Amended: a) a one-off Headquarters Building contribution of \$1.00 per \$1,000.00 of capital value of the development; and b) Annual road maintenance contributions of \$.037 per tonne per km, for every tonne of quarry products transported from the site on local roads in accordance with Council's Great Lakes Wide Development Contributions Plan (November 2007) – Amended. Each payment must be: (i) paid to Council at the end of each calendar year. i. Based on weighbridge records of the quantity of quarry products transported from the site; and ii. Increased annually over the life of the development in accordance with the CPI. <i>Note: If the parties are not able to agree on any aspect of the road maintenance contributions, either party may refer the matter to the Planning Secretary for resolution.</i>	<ul style="list-style-type: none"> Headquarters Building Contribution Remittance – 10/06/2022 KEQPL Remittance Advice – Developer Contributions for MidCoast Council – 30/06/2022 Letter to the General Manager at MidCoast Council dated 30 June 2023, from Hunter Quarries, subject line "Karuah East Quarry – Developer Contributions" 	<p>a) An invoice for payment was issued by MidCoast Council to "Branch Land Pty Ltd" in relation to Application No. DA-09-0175 on 11 April 2022 for a value of \$5,000. Remittance Advice for the same amount with the matching supplier invoice reference number (20221212) was provided from MidCoast Council on 10 June 2022. ERM have not been provided with evidence to determine how this contribution amount was calculated and thus cannot verify that compliance with this condition has been met.</p> <p>b) Road Maintenance Contributions were provided in one invoice to Mid Coast Council, with remittance advice prepared on 30 June 2023 for the following amounts:</p> <ul style="list-style-type: none"> FY2018: \$3,438.77; FY2019: \$14,876.66; FY2020: \$112,797.25; FY2021: \$65,794.58; and FY2022: \$130,498.26. <p>A letter to MidCoast Council from Hunter Quarries addressed dated 30 June 2023 states that the invoice covered back-payments of these contributions and that to compensate for the delayed payments, cost escalation has been included in line with the annual indexation up to present rates for the 2023 Financial Year. ERM have not been provided with payment calculations or an alternative means of verification (e.g.</p>	NC	<p>It is recommended that KEQPL provide further evidence (e.g. a cost calculation and/or evidence of Council acceptance) that the payments made:</p> <ul style="list-style-type: none"> Correctly represent the value of the Headquarters Building contribution; and Are based on weighbridge records and increased annually over the life of the development in accordance with the CPI. <p>Should any contribution shortfalls be identified, it is recommended that KEQPL make an additional payment to cover this amount as soon as practicable.</p>

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			Council acceptance) to verify that this payment is based on weighbridge records and increased annually over the life of the development in accordance with the CPI.		
OPERATION OF PLANT AND EQUIPMENT					
12.	<p>All plant and equipment used on site, or to monitor the performance of the development, must be:</p> <p>(a) Maintained in a proper and efficient condition; and Operated in a proper and efficient manner.</p>	<ul style="list-style-type: none"> ■ Service & Maintenance Registers for 2020, 2021, 2022 and 2023 ■ Sample Verification of Competency certificates ■ Sample of Training Register ■ Site Observations 	<p>Hunter Quarries maintain a Service and Maintenance Register of all plant and equipment on site. The register details the date, plant and equipment name, description of the service or maintenance carried out, job code, servicing company and further comments including details of any inspections or parts replaced. Work orders are raised in accordance with the Register. Sample service records were reviewed to verify dates entered in the Service and Maintenance Register were correct. ERM did not observe examples of plant and equipment not being maintained in a proper and efficient condition or any lapsed maintenance requirements.</p> <p>The site maintains a Training Register for all personnel who hold verification of competencies for the operation of plant and equipment (e.g. excavators, water carts, dumps), or completed NSW Government led training courses (e.g. Cert 111 or Cert IV) in the operation of surface extractors. The Register logs the dates of completion and expiry for the relevant training courses or certificates held for site personnel. A sample of training certificates were provided for site personnel to demonstrate completion of Rigid haul truck operations training had been carried out.</p> <p>In addition, sample daily pre-start checks were reviewed during the audit primary and secondary plant.</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			ERM did not observed any site personnel not operating equipment in a proper and efficient manner.		
STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM					
13.	In the event that the Proponent and the Council or a Government agency, other than the Department, cannot agree on the specification or requirements of this approval, the matter may be referred by either party to the Director-General for resolution, whose determination of the disagreement shall be final and binding on the parties.	<ul style="list-style-type: none"> Interviews with Site Management 	Site Management confirmed that during the audit period, this condition was not triggered.	NT	N/A
PRODUCTION DATA					
14.	The Applicant must: <ul style="list-style-type: none"> a) Provide annual quarry production data to MEG using the standard form for that purpose; and Report this data in the Annual Review (see condition 4 of Schedule 5)	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, 2022 Extractive Material Return for 2020, 2021, 2022 	<p>Completed Extractive Materials Return forms were provided confirming annual production data in tonnes during each financial year including 2019, 2020, 2021 and 2022.</p> <p>An example of the form submitted to council via email was provided for the FY2023 submission.</p> <p>Annual reviews for 2020 – 2022 provide production data in tonnes on a monthly basis for the respective calendar year.</p> <p>Annual reviews provide production data in tonnes on a monthly basis for the respective calendar year, whereas the Extractive Materials Return forms provide the data for the financial year.</p>	C	N/A
COMPLIANCE					
15.	The Applicant must ensure that all employees, contractors and sub-contractors are made aware of, and instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	<ul style="list-style-type: none"> Karuah East Quarry Site Induction Interviews with Site Management Site Observations 	The site provides a Site Induction for employees, contractors and sub-contractors which requires them to comply with strict conditions on site entry. The agenda of the site induction includes health and safety, general site rules covering areas where only authorised personnel are permitted to enter, the site's environmental management strategy, identification of environmental aspects and control measures. In addition,	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>the Site Induction includes a section on environmental management and compliance, including the Project Approval.</p> <p>Site Management advised during the audit that training is provided for all employees as well as toolboxes on a range of environmental topics. Examples of environmental toolboxes provided by KEQPL include:</p> <ul style="list-style-type: none"> ■ Dust Management; ■ Pollution Incident Response; ■ Blast Monitoring; ■ Fuel and Oil Spill Control; ■ Waste Management; and Desilting. 		

APPLICABILITY OF GUIDELINES

16.	<p>References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this consent.</p> <p>However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.</p>	<ul style="list-style-type: none"> ■ Interviews with Site Management 	<p>It was advised by Site Management that the Planning Secretary has not issued directions under this consent in respect of ongoing monitoring and management obligations during the Audit Period.</p>	NT	N/A
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EVIDENCE OF CONSULTATION

17.	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ol style="list-style-type: none"> a) Consult with the relevant party prior to submitting the subject document. b) Provide details of the consultation undertaken including: <ol style="list-style-type: none"> i. The outcome of that consultation, matters resolved and unresolved; and 	<ul style="list-style-type: none"> ■ Schedules 3 to 5 of this IEA. 	<p>Compliance with this condition is referenced throughout relevant conditions within Schedules 3 to 5 which require evidence of consultation with relevant parties.</p>	N/A	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	Details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved				

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS					
Identification of Approved Limits of Extraction					
1.	The Applicant shall, prior to carrying out quarrying operations on the site: a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the Extraction Area; and Submit a survey plan of the extraction boundaries, to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> 2017 Independent Environmental Audit prepared by EMM Consulting, 11 July 2017 	This condition has been previously identified as compliant within the 2017 and 2020 IEAs.	C	N/A
2.	The Applicant must ensure that the extraction boundaries are clearly marked at all times while quarrying operations are being carried out, in a manner that allows the limits of extraction to be clearly identified.	<ul style="list-style-type: none"> Site observations 	During the site visit of this audit, ERM observed survey markers which were installed to identify the boundaries of the extraction areas.	C	N/A

NOISE**Operations Noise Criteria**

3.	<p>Except for the carrying out of construction works, the Applicant must ensure that the operational noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p><i>Table 2: Operations noise criteria dB</i></p> <table border="1"> <thead> <tr> <th>Noise Assessment Location^a</th> <th>Morning Shoulder LAeq (15mins)</th> <th>Morning Shoulder L_{MAX}</th> <th>Day LAeq (15mins)</th> <th>Evening LAeq (15mins)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>35</td> <td>52</td> <td>42</td> <td>40</td> </tr> <tr> <td>B</td> <td>35</td> <td>52</td> <td>40</td> <td>40</td> </tr> <tr> <td>G</td> <td>35</td> <td>52</td> <td>43</td> <td>39</td> </tr> <tr> <td>H</td> <td>35</td> <td>52</td> <td>44</td> <td>46</td> </tr> <tr> <td>I</td> <td>35</td> <td>52</td> <td>40</td> <td>37</td> </tr> <tr> <td>All other residence</td> <td>35</td> <td>52</td> <td>40</td> <td>35</td> </tr> </tbody> </table> <p>^a Noise Assessment Locations referred to in Table 2 are shown in Appendix 2</p>	Noise Assessment Location ^a	Morning Shoulder LAeq (15mins)	Morning Shoulder L _{MAX}	Day LAeq (15mins)	Evening LAeq (15mins)	A	35	52	42	40	B	35	52	40	40	G	35	52	43	39	H	35	52	44	46	I	35	52	40	37	All other residence	35	52	40	35	<ul style="list-style-type: none"> Noise Monitoring Program (EMM Consulting, April 2022) Noise Monitoring Program (SLR Consulting, October 2015) Quarterly Noise Monitoring Reports (Q2 2020 to Q3 2023) Annual Reviews 2020, 2021 and 2022 	ERM reviewed copies of Noise Monitoring Reports prepared during the audit period as well as the Noise Management Plans (NMP) which are considered applicable for this Audit Period. This includes the Noise Management Plans dating October 2015 (prepared by SLR Consulting) and dating April 2022 (prepared by EMM Consulting). Noise Monitoring Reports prepared for the development were carried out by subcontracted noise consultants. The criteria of assessment for attended Noise Monitoring was carried out until April 2022 at Location F and Location G, however are now excluded from this condition. On review of the Noise Monitoring Reports, operational noise levels measured within the audit period were compliant with the limits of the Project Approval. Determination of the operational noise levels via monitoring was conducted in accordance with the approved methods described within	C	N/A
Noise Assessment Location ^a	Morning Shoulder LAeq (15mins)	Morning Shoulder L _{MAX}	Day LAeq (15mins)	Evening LAeq (15mins)																																				
A	35	52	42	40																																				
B	35	52	40	40																																				
G	35	52	43	39																																				
H	35	52	44	46																																				
I	35	52	40	37																																				
All other residence	35	52	40	35																																				

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	Noise generated by the development must be monitored and measured in accordance with the relevant procedures and modifications (including certain meteorological conditions) of the NPfI.		the 2015 NMP and 2022 NMP. This includes applying the noise criteria under all meteorological conditions except during periods of rain or hail, or wind speeds greater than 3 m/s measured at 10 m above ground level.		
3A.	The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	<ul style="list-style-type: none"> Interviews with Site Management 	Site Management advised that there are no agreements in place with owner/s of the relevant residence or land to exceed the noise criteria.	NT	N/A

Road Traffic Noise Criteria

4.	<p>The Applicant must take all reasonable and feasible measures to ensure that the traffic noise generated by the development does not cause additional exceedances of the criteria in Table 3 at any residence on privately-owned land.</p> <p><i>Table 3: Road traffic noise criteria</i></p> <table border="1"> <thead> <tr> <th>Road</th> <th>Criteria (Day^a)</th> </tr> </thead> <tbody> <tr> <td>Pacific Highway</td> <td>60dB(A) L_{Aeq} (15 hour)</td> </tr> <tr> <td>Local Roads</td> <td>55dB(A) L_{Aeq} (1 hour)</td> </tr> </tbody> </table> <p>^a Day is the period from 7am to 10pm every day in accordance with the EPA's NSW Road Noise Policy (2011).</p>	Road	Criteria (Day ^a)	Pacific Highway	60dB(A) L _{Aeq} (15 hour)	Local Roads	55dB(A) L _{Aeq} (1 hour)	<ul style="list-style-type: none"> Noise Monitoring Program (EMM Consulting, April 2022) Noise Monitoring Program (SLR Consulting, October 2015) Quarterly Noise Monitoring Reports (Q2 2020 to Q3 2023) Annual Reviews 2020, 2021 and 2022 	<p>This condition was deemed NC in the previous IEA (October 2020) on the basis that unattended noise monitoring was not completed at receptors close to the highway to determine the impact of potential traffic noise generated by the development.</p> <p>Within the 2022 NMP, the total vehicle movements and hourly traffic flow is considered. It is reported that traffic flow arising from the development does not pass directly by any residences between the site entrance and the Pacific Highway. On the basis this and Traffic volume data obtained from the Roads and Maritime Services (RMS) website, road traffic arising from KEQPL production would represent less than 2% of daily traffic on the Pacific Highway (representative of 2021 production data to estimate vehicle movements). As such, it was deemed unlikely that road traffic noise monitoring would be beneficial or effective, and thus road traffic noise monitoring has not been included as part of the KEQ noise monitoring program.</p>	C	N/A
Road	Criteria (Day ^a)										
Pacific Highway	60dB(A) L _{Aeq} (15 hour)										
Local Roads	55dB(A) L _{Aeq} (1 hour)										

Noise Operating Conditions

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
6.	<p>The Applicant must:</p> <p>a) Take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, associated with the development.</p> <p>b) Implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas.</p> <p>c) Operate a comprehensive noise management system commensurate with the risk of impact.</p> <p>d) Take all reasonable steps to minimise the noise impacts of the development during noise enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);</p> <p>e) Carry out quarterly attended noise monitoring (unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>f) Regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.</p>	<ul style="list-style-type: none"> ■ Noise Monitoring Program (EMM Consulting, April 2022) ■ Noise Monitoring Program (SLR Consulting, October 2015) ■ Quarterly Noise Monitoring Reports (Q2 2020 to Q3 2023) ■ Annual Reviews 2020, 2021 and 2022 ■ Site Observations 	<p>KEQPL have implemented the following processes and mitigation measures to ensure noise is minimised from construction and operational activities:</p> <ul style="list-style-type: none"> ■ The Karuah East Quarry and Hunter Quarries Site Induction informs staff, contractors and visitors of adherence to the approved operating hours for the development including for quarrying operations, construction activities and maintenance activities as well as identification of noise nuisance impacts on nearby sensitive receivers. ■ Regular training for staff and contractors are carried out including toolboxes for the use of equipment in ways to minimise noise. ■ The development operates a Noise Monitoring Program, most recently updated in April 2022, prepared by EMM Consulting by suitably qualified persons and endorsed by the Planning Secretary. This includes carrying out routine noise compliance monitoring in accordance with the conditions of consent and the Noise Management Plan. ■ Design and operational controls implemented for fixed plant and equipment which have been identified as sources of higher noise levels within the development. This includes operating the Jaw Crusher, Cone Crushers and generators within separate enclosures installed with acoustically attenuation materials. ■ Quarterly attended noise monitoring reports are available for all respective quarters within the Audit Period. The noise monitoring reports have been prepared by suitably qualified persons. Detailed noise monitoring data is provided within the Noise Monitoring Reports, accounting for both temperature inversion conditions and wind speed in accordance with the Noise Policy for Industry (NSW EPA, 2017). 	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>Noise monitoring reports provide data total noise levels, site contribution noise levels, EPL/PA limits, whether meteorological limits apply, exceedances and further commentary in relation to audible characteristics of the location of each attended monitoring location.</p> <ul style="list-style-type: none"> Operation of an Automatic Weather Station (AWS) to conduct continuous monitoring of meteorological variables including wind speed, wind direction, temperature, precipitation, pressure and relative humidity. <p>ERM's observations made during the site audit concluded that KEQPL are taking reasonable steps to ensure that operations are conducted in a manner which minimises noise impact to receptors, and thus compliant with (a) to (f) of this condition.</p>		

Noise Management Plan

7.	<p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> Be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; Be prepared in consultation with the EPA; Describe the measures to be implemented to ensure: <ol style="list-style-type: none"> Compliance with the noise criteria and operating conditions in this consent Best practice management is being employed; Noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI); describe the noise management system in detail; and include a monitoring program that: <ol style="list-style-type: none"> Can evaluate the performance of the development. Monitors noise at the nearest and/or most affected residences. Adequately supports the noise management system. Includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and 	<ul style="list-style-type: none"> Noise Monitoring Program (EMM Consulting, April 2022) Noise Monitoring Program (SLR Consulting, October 2015) Quarterly Noise Monitoring Reports (Q2 2020 to Q3 2023) Annual Reviews 2020, 2021 and 2022 	<p>The Noise Management Plan (NMP) was reviewed for the development.</p> <ol style="list-style-type: none"> The most recent update to the NMP was prepared by EMM Consulting, Revision 2, dated April 2022. The NMP was prepared by two suitably qualified consultants whose appointment was endorsed by the Planning Secretary on 23 February 2022. The NMP was subsequently approved by the Planning Secretary on 26 April 2022. The NMP was prepared in consultation with the EPA as per correspondence attached to Appendix B of the NMP (EPA ref: DOC22/196401-2, 16 March 2022). Measures implemented in the NMP are described below. <ol style="list-style-type: none"> The NMP describes methods used to ensure compliance with noise criteria and operating conditions. This includes direct measurement of ambient noise levels, operator estimated $LA_{eq-15\text{minute}}$ 	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	Includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event		<p>contribution, analysis of operator attended noise monitoring results, calculation from near-field measurements, post analysis of audio recordings, measurement at a representative location and/or a combination of these.</p> <p>ii. The NMP describes the overview of standards and guidelines in which the noise monitoring is undertaken. This includes:</p> <ul style="list-style-type: none"> • Noise Policy for Industry (NPfI, EPA 2017); • Australian Standard AS 1055-2018 Acoustics - Description and measurement of environmental noise; and • AS/NZS IEC 61672.1-2019 Electroacoustics - Sound level meters, Part 1: Specifications. <p>iii. Operational noise limits set for the development apply under standard and noise-enhancing conditions as described by the NPfI..</p> <p>d) The Noise Management System is defined by the details contained within the NMP. This includes the requirements, mitigation and management measures, noise limits, monitoring program, community consultation, review, and reporting and record keeping requirements.</p> <p>e) Section 6 of the NMP describes the Noise Monitoring Program including:</p> <ul style="list-style-type: none"> • Attended noise monitoring methodology; • Noise monitoring locations and frequency of monitoring – these have been identified at the nearest noise-sensitive receptors; • Meteorological monitoring; • Determination of compliance; 		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> • Overview of road traffic noise impacts; • Corrective actions and modifications; • Community consultation; and Reporting and record keeping requirements including incident notification.		
7A	The Applicant must implement the plan as to approved by the Planning Secretary	<ul style="list-style-type: none"> ■ Monthly Environmental Monitoring Reports (2020 – 2023) ■ Annual Reviews 2020, 2021 and 2022 ■ Noise monitoring reports (Thearle Acoustics – 2020 to Q2 2021 and EMM Consulting Q3 2021 to Q3 2023) 	During the Audit Period, the NMP has been implemented on the basis of the following: <ul style="list-style-type: none"> ■ Carrying out attended and unattended noise monitoring at the nearest residential receivers to the quarry as defined in the NMP. Noise monitoring reports are available for each quarter during the audit period. ■ Operator estimated LAeq-15minute contributions are measured and reported as required by the NMP. ■ Meteorological monitoring via the AWS has been operational throughout the audit period, allowing for the inclusion of noise-enhancing monitoring conditions. ■ Noise monitoring results are published within the 2020, 2021 and 2022 Annual Reviews and the monthly Environmental Monitoring Reports. ■ Only one noise related complaint was raised during the audit period. The complaint was investigated however site personnel could not confirm whether the source of noise arose from site activities or major roadworks undertaken at a nearby location. No further actions were taken and no further issues have been raised from the complainant. ■ Further to review of the Annual reviews and noise monitoring reports. it is considered that the noise monitoring program was implemented as defined within the NMP for the development, for reasons described above as well in condition 7. ■ Quarterly noise monitoring has been carried throughout all other quarters 	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>within this audit period as required by both the 2015 and 2022 NMP.</p> <p>No further issues have been identified in relation to the development implementing the Noise Management Plan.</p>		

BLASTING

Blasting Criteria

8.	<p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.</p> <p><i>Table 4: Blasting Criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately-owned land</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> </tbody> </table> <p>However, the blasting criteria in Table 5 do not apply if the Applicant has a written agreement with the relevant landowner or infrastructure provider/owner, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately-owned land	120	10	0%	115	5	5% of the total number of blasts over a period of 12 months	<ul style="list-style-type: none"> KEQ Blast Monitoring.xlsx (Blast Monitoring Records) Blast Monitoring Reports 2020, 2021 and 2022 Annual Reviews 2020, 2021 and 2022 	<p>Blast monitoring results are captured within a spreadsheet titled "KEQ Blast Monitoring.xlsx" and reported within the Annual Reviews.</p> <p>In accordance with the Blasting Criteria defined within this condition, no exceedances have been recorded as per the Annual Review reports for 2020, 2021 and 2022. During 2023 year-to-date outside of the reporting periods for the 2022 Annual Return, no blast events were measured to have exceeded the airblast overpressure or corresponding ground vibration limits.</p>	C	
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance													
Residence on privately-owned land	120	10	0%													
	115	5	5% of the total number of blasts over a period of 12 months													

Blasting Hours

10.	<p>The Applicant must ensure that blasting on site is only carried out during the hours in Table 5.</p> <p><i>Table 5: Blasting hours.</i></p> <table border="1"> <thead> <tr> <th>Day</th> <th>Blasting Hours</th> </tr> </thead> <tbody> <tr> <td>Monday – Friday</td> <td>9:00am to 4:00pm</td> </tr> <tr> <td>Saturdays, Sundays and Public Holidays</td> <td>No blasting</td> </tr> </tbody> </table>	Day	Blasting Hours	Monday – Friday	9:00am to 4:00pm	Saturdays, Sundays and Public Holidays	No blasting	<ul style="list-style-type: none"> KEQ Blast Monitoring.xlsx (Blast Monitoring Records) Blast Monitoring Reports 2020, 2021 and 2022 Annual Reviews 2020, 2021 and 2022 KEQ Community Complaints Register (2020, 2021, 2022, YTD 2023) 	<p>According to the Annual Reviews and Blast Monitoring Reports and records, all blasting activities which occurred during this audit period were carried out during the approved Blasting Hours as defined within this condition.</p> <p>According to the complaints register, one blast-related complaint was raised within this audit period, occurring on 14 August 2023. It is noted according to the 2023 Blast Monitoring data, this blast occurred</p>	C	N/A
Day	Blasting Hours										
Monday – Friday	9:00am to 4:00pm										
Saturdays, Sundays and Public Holidays	No blasting										

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			within the approved Blasting Hours nor were any exceedances of overpressure or corresponding vibration recorded as defined in Condition 8.		
Blasting Frequency					
10.	<p>The Applicant must not carry out more than 2 blasts a week on the site, unless an additional blast is required following a blast misfire.</p> <p><i>Note: A blast may involve a number of explosions within a short period, typically less than two minutes</i></p>	<ul style="list-style-type: none"> ■ KEQ Blast Monitoring.xlsx (Blast Monitoring Records) ■ Blast Monitoring Reports 2020, 2021 and 2022 ■ Annual Reviews 2020, 2021 and 2022 	According to the Annual Reviews and Blast Monitoring Reports and Blast Monitoring Records, no more than two blasts a week on the site have been carried out during this audit period.	C	N/A
Operating Conditions					
11.	<p>The Applicant must:</p> <p>a) Implement best blast management practice to:</p> <ul style="list-style-type: none"> • Protect the safety of people and livestock in the surrounding area. • Protect public or private infrastructure/property in the surrounding area from any damage; and • Minimise the dust and fume emissions of any blast. <p>b) Schedule blasts to avoid the blasting schedule of any nearby quarrying operation.</p> <p>c) Operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on the site, and</p> <p>d) Not undertake blasting within 500 metres of:</p> <ol style="list-style-type: none"> i. Any public road without the approval of the relevant road authority; or ii. Any land outside the site not owned by the Applicant, unless: <ul style="list-style-type: none"> • The Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or • the Applicant has: <ul style="list-style-type: none"> ○ Demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and 	<ul style="list-style-type: none"> ■ Karuah East Blast Management Plan (SLR Consulting, May 2019) ■ KEQ Management Interviews ■ Karuah East Blast Management Plan (SLR Consulting, May 2019) ■ KEQ Management Interviews ■ KEQ Management responses to ERM's requests for information 	<p>ERM review the Blast Management Plan (BMP) prepared by SLR Consulting Ltd in May 2019.</p> <p>a) The BMP describes how KEQ implement the following practises for public safety, infrastructure and minimisation of dust and fume emissions:</p> <ul style="list-style-type: none"> • A blast exclusion zone prepared in accordance with the Drill and Blast Safe Work Procedure; • Pre-blast inspections; • Sentries posted at all points to prevent access to the exclusion zone; • Notification of blasting time to registered residences; • No blasting to be performed within 500 m of a public road; • Monitoring of meteorological conditions and their effect on potential dust and fume emissions as a result of air-blasting; and • All blasts at the site are monitored by a licenced blasting contractor. <p>b) As described in the BMP and confirmed by Site Management, no blasting is</p>	NC	It was confirmed that the sale of the property within 500m of the Site quarry pit took place. Therefore no further actions are required in relation to this non-compliance.

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	Updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land, to the satisfaction of the Planning Secretary.		<p>scheduled on the same day as that of nearby quarrying operations. Hunter Quarries, who are the operators of both Karuah East Quarry and neighbouring Karuah Quarry, operate a combined blasting schedules for both sites to ensure blasting does not occur on the same day.</p> <p>c) A blasting notification register is operated by the quarry which was observed during the audit. Registered individuals are notified of upcoming blasting operations at the site.</p> <p>d)</p> <p>i. The location of the Site quarry pit is over 600m from the nearest public road, thus no blasting activities have occurred within 500m of a public road.</p> <p>ii. A property is situated approximately 340m north-northwest to the closest perimeter of the quarry. It is understood that the property is unoccupied, however the land is privately owned. As a result, it is considered that blasting activities during the audit period would have occurred within 500m of privately owned land without a written agreement or as to the satisfaction of the Planning Secretary.</p> <p>It was confirmed by KEQPL management that KEQPL and the landowner agreed on the sale of the private land which took place on 13 October 2023.</p>		
Blast Management Plan					
12.	<p>The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;</p>	<ul style="list-style-type: none"> Karuah East Blast Management Plan (SLR Consulting, May 2019) 	ERM reviewed the Blast Management Plan (BMP) prepared by SLR Consulting Ltd in May 2019.	NC	The BMP is recommended to be updated to account for control measures carried out in order to meet compliance with Condition

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>b) Be prepared in consultation with Council and EPA, and submitted to the Planning Secretary for approval prior to the commencement of construction activities.</p> <p>c) Describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> • best management practice is being employed; and • Compliance with the relevant conditions of this consent; <p>d) Include a road closure protocol if blasting occurs within 500 metres of a public road</p> <p>e) Include a specific blast fume management protocol, to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated; and</p> <p>f) Include a monitoring program for evaluating the performance of the development including:</p> <ul style="list-style-type: none"> • Compliance with the applicable criteria; and • Minimising fume emissions from the site. <p>The Applicant must implement the plan as approved by the Planning Secretary.</p>	<ul style="list-style-type: none"> ■ KEQPL Management Interviews 	<p>a) The BMP was prepared by a suitably qualified expert whose appointment was approved by the Planning Secretary.</p> <p>b) The BMP includes evidence of consultation with the EPA and Council and DPE approval occurring in 2015. There is no evidence of consultation provided for the May 2019 update.</p> <p>c) Best management and control measures are discussed in section 6 of the BMP including operating conditions, blast design, public safety, road closure management, monitoring of meteorological conditions, avoidance of concurrent blasts with nearby quarrying operations, and consultation with neighbouring residences.</p> <p>For most conditions of this consent, the BMP describes measures to be implemented to ensure compliance is met, however in relation to condition 11 (d), the BMP does not describe the details of measures implemented to ensure a blast is not carried out within 500m of land outside the site not owned by the Applicant.</p> <p>d) The BMP states that “No blasting will be undertaken within 500 m of a public road, therefore road closures will not be required for the project.”</p> <p>e) Descriptions of blast fume management is discussed in the BMP in relation to monitoring of meteorological conditions. The BMP contains descriptions of the Blast Monitoring Program which is in reference to AS 2187.2-2006 and “Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration”, September 1990.”</p>		<p>11 d) ii and approved by the Planning Secretary.</p> <p>The BMP is recommended to be updated in consultation with the Council and EPA and be submitted to the Planning Secretary.</p>

AIR QUALITY

Air Quality Criteria



No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments																							
13.	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the criteria in Tables 7 to 9 at any residence on privately-owned land.</p> <p><i>Table 7: Long-term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulates (TSP)</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter <10µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> <p><i>Table 8: Short-term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter <10µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 9: Long-term Impact Assessment Criteria for Deposited Dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^c Deposited Dust</td> <td>Annual</td> <td>^b 2 g/m² /month</td> <td>^a 4 g/m² /month</td> </tr> </tbody> </table> <p>^{a.} Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);</p> <p>^{b.} Incremental impact (ie incremental increase in concentrations due to the development on its own);</p> <p>^{c.} Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p> <p>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Planning Secretary in consultation with EPA.</p>	Pollutant	Averaging Period	^d Criterion	Total suspended particulates (TSP)	Annual	^a 90 µg/m ³	Particulate matter <10µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging Period	^d Criterion	Particulate matter <10µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited Dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	<ul style="list-style-type: none"> Air Quality Management Plan (SLR Consulting, May 2019) Annual Reviews 2020, 2021 and 2022 Monthly Dust Monitoring provided by RCA Laboratories Environmental Monitoring Reports 2023 	<p>Annual reviews report the measured particulate matter (PM) and depositional dust (DD) results against the approved criteria of this condition. A summary of the measured PM and DD results recorded during the audit period is described below:</p> <p>2020:</p> <ul style="list-style-type: none"> Long term PM: Both TSP and PM₁₀ below criteria. Short term PM: PM₁₀ below criteria below criteria. Long term DD: All DD gauge locations below the annual average of 4 g/m²/month. <p>2021</p> <ul style="list-style-type: none"> Long term PM: Both TSP and PM₁₀ below criteria. Short term PM: PM₁₀ below criteria. Long term DD: All DD gauge locations below the annual average of 4 g/m²/month. <p>2022:</p> <ul style="list-style-type: none"> Long term PM: Both TSP and PM₁₀ below criteria. Short term PM: PM₁₀ below criteria below criteria. Long term DD All DD gauge locations below the annual average of 4 g/m²/month. <p>2023 (January to September):</p> <ul style="list-style-type: none"> Long term PM: According to the 2023 Environmental Monitoring Reports, the progressive annual averages for TSP and PM₁₀ have been below the criteria for all months in 2023. Short term PM: One exceedance of the short term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³. This result is considered a low-range exceedance with the PM₁₀ limit of 51 µg/m³ and as this is the only exceedance recorded within this 	NC	<p>It is recommended to continue the monitoring per the AQMP as only one low-range exceedance was recorded during the audit period. Should additional exceedances reoccur, examine additional mitigation measures in conjunction with a review of the AQMP.</p>
Pollutant	Averaging Period	^d Criterion																										
Total suspended particulates (TSP)	Annual	^a 90 µg/m ³																										
Particulate matter <10µm (PM ₁₀)	Annual	^a 30 µg/m ³																										
Pollutant	Averaging Period	^d Criterion																										
Particulate matter <10µm (PM ₁₀)	24 hour	^a 50 µg/m ³																										
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																									
^c Deposited Dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																									

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>audit period, no further actions are recommended at this stage.</p> <ul style="list-style-type: none"> Long term DD: Up to September 2023, all monthly results are below the 4gm²/month according to the monthly Environmental Monitoring Reports. Significant dust events were recorded at depositional dust gauges (DDG) including DDG 4 and DDG 5 in June 2023. Further investigation of the results confirmed that this was a result of likely contamination of samples associated with the presence of grass vegetation at the monitoring locations and discounted from the long term averaging. This was raised as a “failure to monitor event” and reported to the DPE, EPA and surrounding landholders. <p>In summary, the Short-term impact assessment criteria for particulate matter was exceeded on one occasion during the audit period and there were two “failure to monitor” events which ERM consider having been appropriately responded to.</p>		
Greenhouse Gas Emissions					
14.	The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.	<ul style="list-style-type: none"> Air Quality Management Plan (SLR Consulting, May 2019) Site Observations Interviews with Site Management 	<p>As outlined in the Air Quality Management Plan (AQMP), the following mitigation measures are in place to minimise the release of greenhouse gas emissions from the site:</p> <ul style="list-style-type: none"> Emissions from transportation vehicles and on site machinery comply with the relevant Australian Standards; Vehicles and machinery are regularly maintained to ensure proper and efficient working order; Maintaining optimum vehicle and equipment tire pressures; No excessive engine use is required based on finished site topography and optimisation of incline/decline of roads within the construction area; and 	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> Efficient use of electric construction equipment technology and continued monitoring of consumption and review of techniques where possible. <p>Based on observations taken during the site audit, review of maintenance logs and interviews with Site Management, ERM considers KEQPL are compliant with this condition.</p>		

Operating Conditions

15.	<p>The Applicant must:</p> <p>a) implement best management practice to minimise dust emissions by the development.</p> <p>b) Regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the air quality criteria in this consent.</p> <p>c) Minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Tables 7-9); and</p> <p>d) Minimise surface disturbance of the site, other than as permitted under this consent.</p>	<ul style="list-style-type: none"> Air Quality Management Plan (SLR Consulting, May 2019) Site Observations Interviews with Site Management 	<p>Based on discussions with management, observations taken during the site audit and review of the AQMP, the following measures are in place:</p> <p>a) KEQPL has committed to undertaking air quality monitoring is prepared in accordance with the conditions of this consent and carried out by a suitably qualified expert. Additional commitments include sealed haul roads from the site to the Pacific Highway, watering of unsealed, crushing and screening activities undertaken within an enclosure and stockpiles subject to water spraying.</p> <p>Additional air quality measures considered best management practise are described in the AQMP which reflect observations taken during ERM's site audit. This includes performing regular inspections of weather conditions including continuous monitoring via the AWS, maintaining trafficable areas on the premises in a condition which minimises dust emissions, trucks to have their loads covered when entering and leaving the premises and contingency planning where dust levels exceed the relevant air quality criteria at monitoring locations.</p>	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>b) High Volume Air Sampling is monitored and assessed every six days to ensure ongoing compliance with the air quality criteria. Dust deposition monitoring is carried out monthly.</p> <p>c) As previously described, the operation of the AWS allows KEQPL to conduct continuous monitoring of meteorological variables including wind speed, wind direction, temperature, precipitation, pressure and relative humidity. According to the AQMP, "the station has been installed and situated in compliance with AS 3580.14-2011 Method for sampling and analysis of ambient air - Meteorological monitoring for ambient air quality monitoring applications." The AWS has been operational throughout the audit period.</p> <p>d) According to the AQMP: "all trafficable areas and vehicle manoeuvring areas in or on the premises will be maintained, at all times, in a condition that will minimise the emission of dust to the air, or emission from the premises of wind-blown or traffic generated dust". ERM did not sight evidence of any surface disturbances of significance during the site audit.</p>		

Air Quality Management Plan

16.	<p>The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary.</p> <p>b) Be prepared in consultation with Council and EPA and submitted for approval to the Planning Secretary prior to the commencement of construction activities.</p> <p>c) Describe the measures that would be implemented to ensure:</p>	<ul style="list-style-type: none"> ■ Air Quality Management Plan (SLR Consulting, May 2019) ■ Site Observations ■ Interviews with Site Management 	<p>The AQMP was most recently updated in May 2019 by SLR Consulting. Whilst ERM consider KEQPL are generally compliant with conditions (a) to (e), implementation of the plan requires a period review in accordance with Schedule 5 Condition 5 meaning that the 2019 version of the AQMP is now outdated.</p> <p>a) The AQMP was prepared by a suitably qualified expert whose appointment was</p>	<p>NC</p>	<p>Refer to recommendation under Schedule 5 Condition 4 in relation to updates of strategies, plans and programs required under this consent.</p>
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> • Compliance with the relevant air quality conditions of this consent; • best management practice is employed; and • The air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events. <p>d) Describe the proposed air quality management system; and</p> <p>e) Include a monitoring program that:</p> <ul style="list-style-type: none"> • Can evaluate the performance of the development. • Includes a protocol for determining any exceedances of the relevant conditions of consent. • Effectively supports the air quality management system; and • Evaluates and reports on the adequacy of the air quality management system. <p>The applicant must implement the plan as approved by the Planning Secretary</p>		<p>approved by the Planning Secretary on 22 July 2015.</p> <p>b) The AQMP includes evidence of consultation with the EPA and Council and DPE submission in 2015. It is stated in the AQMP that <i>"the AQMP was submitted to the DPE for review on 16 October 2015. The AQMP has been updated to incorporate all comments received."</i></p> <p>c) The AQMP describes measures implemented including:</p> <ul style="list-style-type: none"> • The collection of data from air quality monitoring including PM₁₀, TSP and meteorological conditions to determine the compliance status of the Project; • Statement of commitments, additional control measures implemented and contingency planning (refer ERM comments against Schedule 3 Condition 15 (a) for further details); • KEQPL perform regular inspections of weather conditions to identify conditions which would be unfavourable in terms of dust levels and carry out additional remedial actions where necessary, including deploying dust suppression and water cart spraying; <p>d) The Air Quality Management System is defined by the details contained within the AQMP. This includes statutory requirements, project description, sensitive receivers, operating hours, impact assessment criteria, baseline air quality data, mitigation measures, air quality and greenhouse gas monitoring program, reporting requirements and processes involving consultation and complaints.</p> <p>e) According to the Air Quality and Greenhouse Gas Monitoring Program, all monitoring is conducted in accordance with <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (2007)</i>.</p>		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> Performance is evaluated via measurements against performance indicators. This includes compliance with criteria at monitoring locations, compliance with relevant Australian Standards, review of complaints raised relating to air quality emissions, awareness training for staff and contractors via inductions and toolboxes, and statutory reporting. Further, the Air Quality Monitoring Program includes requirements associated with sampling conditions and instrument calibration requirements. A protocol for managing complaints and/or exceedances describes the complaints handling and non-compliance response procedures. This includes "Within 7 days of the incident, the appropriate Karuah East personnel shall provide the Planning Secretary and any relevant agencies with a detailed report of the incident.". KEQPL issued an "Exceedance of Compliance Limit Notification" to the Planning Secretary on 18 July 2023 in relation to a PM₁₀ exceedance recorded on 16 June 2023, which is outside the required 7-day response period as defined in the AQMP. According to the AQMP, the Karuah East management team will discuss and review the status of all management plans on an annual basis, but unless required all site environmental management plans will be reviewed and updated every three years. 		

METEOROLOGICAL MONITORING

17.	For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	<ul style="list-style-type: none"> Site Observations Annual Reviews 2020, 2021 and 2022 Monthly Weather Summaries Field Calibration Reports 	<p>The AWS was observed on site by the auditors. According to the Annual Reviews, the AWS was installed in August 2016 which is used by both the Karuah Quarry and Karuah East Quarry.</p> <p>Meteorological data has been published in all Annual Reviews and complete datasets have been provided to ERM for all months within</p>	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>this audit period up to end of September 2023.</p> <p>AWS calibration is carried out by Envirodata and Field Calibration Reports have been provided for August 2020, March 2022 and March 2023.</p>		

SOIL & WATER**Water Supply**

18.	The Applicant must ensure it has sufficient water during all stages of the development, and if necessary, adjust the scale of quarrying operations on site to match its available supply.	<ul style="list-style-type: none"> ■ Water Management Plan (SLR Consulting, May 2019) ■ Site Observations ■ Interviews with Site Management 	<p>ERM reviewed the Water Management Plan prepared for the site, which states that “the water balance has been designed to ensure sufficient water capacity for the Project”. The Water Management Plan includes a predicted annual and daily water usage for the different uses on site (i.e. road dust suppression, stockpile sprays, crushing plant, pug mill and wash plant). Following this, the results of the water balance model prepared within the Water Management Plan states that runoff captured in sediment basins on-site will provide for the majority of water demand however, a small amount of water may be required from external sources.</p> <p>Site Management advised that they perform routine checks of dam levels and rarely top up water levels from mains supply if required. There have been no instances where water supply has been insufficient during audit period. The three dams were inspected by the auditors and were observed to be holding sufficient water.</p>	C	N/A
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Surface water discharge

19.	The Applicant must comply with the discharge limits in any EPL, or with Section 120 of the POEO Act.	<ul style="list-style-type: none"> ■ Annual Reviews 2020, 2021 and 2022 ■ KEQ – SWM Discharge Register.xlsx 	<p>There are three Licenced Discharge Points (LDP) associated with the site. This includes LDP001 (Dam 1), LDP002 (Dam 2) and LDP003 (Dam 3). Discharge results are recorded within the “KEQ - SWM Discharge Register”.</p>	NC	Conduct a review the effectiveness of the WMP and TARP to ensure that the response plans can be effectively implemented to prevent exceedances of relevant
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>According to the Discharge Register, the following discharges were recorded which exceeded the concentration limits defined in EPL 20611:</p> <p>2020 – a total of 11 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> ■ 5 uncontrolled discharges occurring on successive days from 26 to 30 October 2020 exceeded the TSS limit, ranging from 71mg/L to 5380mg/L. The uncontrolled discharge on 28 October 2020 was outside the pH limits, measuring pH 6.4. ■ LDP002: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 296mg/L to 915mg/L. ■ LDP003: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 507mg/L to 1250mg/L. <p>2021: a total of 18 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> ■ LDP001: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 385mg/L to 1260mg/L. ■ LDP002: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 92mg/L to 636mg/L. ■ LDP003: 6 uncontrolled discharges occurring 18 to 23 March 2021 exceeded the TSS limit, ranging from 184mg/L to 592mg/L. <p>2022: a total of 29 non-compliant discharges including:</p> <ul style="list-style-type: none"> ■ LDP001: 20 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 110mg/L to 3200mg/L. 		<p>water quality assessment criteria and ensure sufficient capacity is available in dams. The review should consider the multiple surface water discharge exceedances which took place in 2020, 2021 and 2022 and the effectiveness of associated response procedures. The review should be conducted by a suitable qualified specialist and recommendations should be reflected within an update to the WMP.</p>

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> LDP002: 4 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 210mg/L to 1300mg/L. LDP003: 5 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 100mg/L to 500mg/L. All discharges exceeding the concentration criteria have been reported within the 2020, 2021 and 2022 Annual Reviews. <p>Heavy rainfall, particularly in 2021 and 2022 resulted in multiple uncontrolled and non-compliant discharges during the audit period. A review of the WMP has not been carried out as required following the multiple exceedances of the discharge limits. It is not clear whether the response procedures described in the WMP are effective in preventing non-compliant discharges during heavy rainfall.</p>		
Effluent Management					
20.	<p>The Applicant must:</p> <ul style="list-style-type: none"> Not irrigate, discharge or dispose of sewage or bathroom effluent from the site; and operate and maintain a suitable effluent storage facility, to the satisfaction of Council and EPA. 	<ul style="list-style-type: none"> Interviews with Site Management MYOB Septic Services Payment Records 	<p>Site Management confirmed that all effluent is collected by a licenced contractor (MYOB) and is not irrigated, discharged, or disposed from the site. Copies of Septic Services Payment Records confirmed that septic collection services have taken place typically on a once per month frequency throughout the audit period.</p> <p>The auditors were informed by Site Management that there is an on-site septic system which has been approved by MidCoast Council.</p>	C	N/A
Water Management Plan					
21.	The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	<ul style="list-style-type: none"> Water Management Plan (SLR Consulting, May 2019) 	The KEQ Water Management Plan (WMP) was prepared by SLR Consulting Ltd and most recently updated in May 2019. There is no evidence to confirm a review has taken	NC	The following recommendations are made in relation the WMP:

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>a) Be prepared in consultation with the EPA and DPE Water by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary.</p> <p>b) Be submitted to the Planning Secretary for approval prior to the commencement of construction activities.</p> <p>c) Include:</p> <p>i. A Site Water Balance that includes details of:</p> <ul style="list-style-type: none"> • Sources and security of water supply, including contingency planning; • Water use on site; and • Measures that would be implemented to minimise use of clean water and maximise recycling of dirty water on the site. <p>ii. A Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> • Baseline data on surface water flows and quality in the watercourses that could be affected by the development. • A detailed description of the surface water management system on the site, including the design objectives and performance criteria for the: - clean water diversions; - erosion and sediment controls; - water storages (including Maximum Harvestable Rights requirements); and - control of water pollution from areas of the site that have been rehabilitated. • Surface water impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse surface water quality impacts. • A program to monitor: <ul style="list-style-type: none"> - any surface water discharges; - the effectiveness of the water management system; - surface water flows and quality in local watercourses; and - ecosystem health of local watercourses; and • An assessment of appropriate options to improve storage and retention times in accordance with Managing Urban Stormwater: Soils and Construction (Landcom); <p>iii. A Groundwater Monitoring Program that includes:</p> <ul style="list-style-type: none"> • Baseline data of groundwater levels surrounding the site. 	<ul style="list-style-type: none"> ■ Annual Reviews 2020, 2021 and 2022 ■ Samples of evidence of Incident Notification to EPA and DPE and associated Incident or Non-Compliance Reports during March 2021, and March & April 2022 	<p>place due to exceedances in surface water discharge limits (refer Section 3 Condition 19).</p> <p>a) The WMP was prepared by a suitably qualified expert whose appointment was approved by the Planning Secretary on 22 July 2015. Evidence of consultation with the EPA and DPE Water occurring in 2015 are included in the WMP.</p> <p>b) Appendix A3 of the WMP includes DPE comments on the Draft WMP including review comments and further actions. It is stated in the Water Management Plan that <i>"The WMP was submitted to the DP&E for review on 16 October 2015. The WMP has been updated to incorporate all comments received."</i></p> <p>c) The WMP describes the following:</p> <p>i. A section covering Site Water Balance including a model developed for 110 years of available data. The water balance accounts for water use sources and predicted volumes (including estimates of recycled water), and the storages capacities of dirty water dams (sediment basins).</p> <p>ii. A Surface Water Management System describing how baseline data obtained on existing surface water quality in 2010 at the site will be used for comparison as part of the surface water monitoring undertaken during quarrying operations. Baseline data is published in the WMP.</p> <p>The Surface Water Management System includes detailed descriptions of the discharge criteria, objectives of the monitoring program, surface water monitoring frequency, and monitoring requirements. The recorded values for the parameters measured are assessed as a</p>		<ul style="list-style-type: none"> ■ Updates to the WMP should include details of a contingency plan; ■ It is recommended that KEQPL implement a framework to log all steps and actions to be taken in accordance with the TARP, in particular when a 'Condition Amber' or 'Condition Red' Trigger Response is enacted. ■ WMP updates are to be undertaken in consultation with the EPA and DPE Water and be submitted to the Planning Secretary. <p>Additional recommendations which are applicable to this condition are made in relation to Adaptive Management (refer Schedule 5 Condition 2).</p>

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> • Groundwater impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse groundwater impacts; and • A program to monitor and/or validate the impacts of the development on groundwater resources; and <p>iv. A Surface and Ground Water Response Plan that describes the measures and/or procedures that would be implemented to:</p> <ul style="list-style-type: none"> • Respond to any exceedances of the surface water impact assessment criteria and groundwater impact assessment criteria; and • Mitigate and/or offset any adverse impacts on surface water and groundwater resources located within and adjacent to the site. <p>The Applicant must implement the plan as approved by the Planning Secretary</p>		<p>minimum against baseline water quality results as well as the ANZECC trigger values.</p> <p>The WMP describes:</p> <ul style="list-style-type: none"> • Details of surface water monitoring locations and frequencies at the three dams and at drainage lines upstream and downstream of the quarry; • Monitoring of the effectiveness of the WMP by plotting water quality results sampled over time and identification of trends. The range of parameters measured will be reviewed following the first 12 months of monitoring. • Methods of performance monitoring and continual improvement. There are no details on what best practice principles should be applied to improve on environmental performance. • A baseline ecological health condition assessment of Yalimbah Creek was undertaken prior to commencement of operations, and monitoring of Yalimbah Creek will continue as part of the annual ecological monitoring of offset areas. • The WMP states that Sediment basins sizing calculations have been carried out in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 and Volume 2E, Mines and Quarries (Blue Book). <p>iii. The WMP includes a Groundwater Monitoring Program which includes:</p>		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> • Published baseline groundwater quality data collected prior to the commencement of quarry operations across the existing bores. • Impact assessment criteria measured against the baseline and includes ANZECC trigger values. • Frequencies of onsite monitoring for groundwater levels and quality, including requirements of sampling and record keeping. <p>iv. Multi-tiered surface and groundwater Trigger Action Response Plans (TARPs) have are included in the WMP which details response actions and mitigation and/or offset of adverse impacts. Evidence has been provided of notifications to DPE and EPA following uncontrolled discharges exceeding the concentration limits during the audit period. Whilst this the notifications are an example of a Response Step of the TARP, there is no documented evidence to demonstrate how the TARP has been enacted following exceedances of the discharge concentration limits. There is also no evidence to confirm a review of the Site Water Management Plan has taken place as required.</p>		

TRANSPORT

Roadworks

22.	The Applicant must, at its own cost, complete the following roadworks shown conceptually in Figure 2 of Appendix 1, prior to transporting quarry products from the site:	<ul style="list-style-type: none"> ■ Work-As-Executed Drawings - Pacific Highway, Karuah – Proposed Road Upgrade 	It should be noted that this condition was previously deemed compliant in the 2020 IEA with no issues raised.	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>a) Extending Blue Rock Close, with tar seal and appropriate pavement, road markings and advance warning signage, to the satisfaction of Council and TfNSW;</p> <p>b) Realigning and upgrading the Blue Rock Close/Andersite Road intersection with appropriate road markings, pavement thickening and advance warning signage, to the satisfaction of Council;</p> <p>c) Upgrading the Branch Lane/Andersite Road intersection with appropriate road markings and advance warning signage, to the satisfaction of Council.</p> <p>d) Constructing the site access road on Lots 12 and 13 DP 1024564 with appropriate pavement and advance warning signage, to the satisfaction of Council; and</p> <p>e) Installing a wheel-wash facility on the site.</p>	<p>and Extension (RMS Plan Registration No. DS2015/002929)</p> <ul style="list-style-type: none"> Site Observations 	<p>A copy of a drawing set of the Blue Rock Lane – Proposed Road Upgrade and Extension was reviewed. The drawings include general arrangement plans, plan sheets, section views, elevations and other schedules and drawings have been stamped by the Transport Roads & Maritime Services (RMS) in December 2016 and include a “Work-As-Executed” certification by a registered surveyor in November 2011 and addresses all roadworks described in sub-conditions (a) to (d) of this condition.</p> <p>No issues were observed by the auditors during the site visit in relation to the roadworks listed within this condition.</p> <p>The wheel-wash facility was also observed by the auditors to be in a working condition. ERM consider KEQPL are therefore compliant with this condition.</p>		
Monitoring of Product Transport					
23.	The Applicant must keep accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publish a summary of records on its website every 6 months and in the Annual Review.	<ul style="list-style-type: none"> Monitoring of Product Transport Data (2020, 2021, 2022 and 2023 YTD). Annual Reviews 2020, 2021 and 2022 	<p>Monitoring of product transport is recorded and uploaded to Hunter Quarry’s website under Karuah East Quarry. The monitoring data includes hourly truck movements for every day of each calendar year.</p> <p>Laden truck movements are not recorded within the Annual Reviews.</p>	NC	It is recommended to publish a summary of laden truck movements to and from site in future Annual Reviews.
Parking					
24.	The Applicant must provide sufficient parking on-site for all development-related traffic, in accordance with Council’s parking codes, to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Site Observations Transport Management Plan & Driver’s Code of Conduct (StreetWise Road Safety & Traffic Services, December 2015) 	<p>The Transport Management Plan was prepared by a suitably qualified expert and endorsed by the Planning Secretary. The Transport Management Plan describes 28 carparking spaces are provided and has considered relevance of the Council’s DCP in relation to determining parking ratios.</p> <p>Adequate parking onsite was observed by the auditors to be consistent with the Transport Management Plan. There was no</p>	C	

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			evidence of insufficient parking for development-related traffic.		
Operating Conditions					
25.	The Applicant must ensure that all development-related heavy vehicles: a) Enter and exit the site in a forward direction; and b) Exit the site with loads covered.	<ul style="list-style-type: none"> ■ Transport Management Plan & Driver's Code of Conduct (StreetWise Road Safety & Traffic Services, December 2015) ■ Site observations ■ Incident register ■ Community Complaints Register 2020, 2021, 2022, YTD 2023. 	<p>The TMP details conditions of vehicle departure and arrival which cover the requirements of this condition. The Transport Management Plan and Driver's Code of Conduct (TMP) is to be signed by individual drivers and authorised by a KEQPL representative upon completion of site induction by heavy vehicle haulage drivers.</p> <p>The auditors observed development-related heavy vehicles entering and exiting the site in a forward direction, and exiting the site with loads covered.</p> <p>No complaints or incidents have been raised in relation to development-related heavy vehicles during the audit period.</p>	C	N/A
Transport Management Plan					
26.	The Applicant must prepare a Transport Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: a) Be prepared by a suitably qualified traffic consultant whose appointment has been approved by the Planning Secretary. b) Be prepared in consultation with TfNSW and Council, and submitted to the Planning Secretary for approval prior to the commencement of construction activities. c) Include a Driver Code of Conduct. d) Describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • Compliance with the relevant conditions of this consent. • That drivers of development-related heavy vehicles are aware of potential safety issues along the haulage routes; and • That drivers of development-related heavy vehicles comply with the Driver Code of Conduct; and • Include a program to monitor the effectiveness of these measures. The Applicant must implement the plan as approved by the Planning Secretary. 	<ul style="list-style-type: none"> ■ Transport Management Plan & Driver's Code of Conduct (StreetWise Road Safety & Traffic Services, December 2015) 	<p>The TMP was reviewed and includes the following details demonstrating compliance with this condition:</p> <p>a) The Planning Secretary's approval of suitably qualified persons to prepare the TMP is appended to the TMP, dated 22 July 2015.</p> <p>b) The TMP was prepared in consultation with the Roads and Maritime Services (RMS) and Great Lakes Council.</p> <p>c) The Truck Driver Code of Conduct is covered in the TMP and includes requirements on heavy vehicle speeds, driver fatigue, compression braking, noise, hours of operation, load covering and other associated emergency and safety considerations.</p> <p>d) Compliance measures and monitoring includes requirements of incident registers, and formal observations /</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>review of compliance during three monthly intervals. The TMP is to be signed by individual drivers and authorised by a KEQPL representative upon completion of site induction by heavy vehicle haulage drivers.</p> <p>e) Effectiveness of the Driver's Code of Conduct is quantified by monitoring community feedback and incidents or accidents.</p> <p>As there have been no recorded incidents, accidents or community feedback in relation to the Driver's Code of Conduct during the audit period, ERM considers KEQPL are compliant with this condition.</p>		

LANDSCAPE

Tetratheca Juncea Translocation

27.	<p>The Applicant must develop a translocation program for <i>Tetratheca juncea</i> to the satisfaction of the Planning Secretary. This program must:</p> <p>a) Be prepared in consultation with BCD, by a suitably qualified and experienced ecologist whose appointment has been approved by the Planning Secretary.</p> <p>b) Be submitted to the Planning Secretary for approval prior to the commencement of construction activities that involve clearing of or potential harm to <i>Tetratheca juncea</i>;</p> <p>c) Include measures for the translocation of all <i>Tetratheca juncea</i> stems in the area of disturbance to nearby areas with similar physical and biological habitat features.</p> <p>d) Include a monitoring program to study the <i>Tetratheca juncea</i> stems before and after translocation.</p> <p>e) Include short and long-term goals and performance criteria to measure the effectiveness of the program; and</p> <p>f) Provide for the transfer of information obtained as a result of implementing the program to BCD and the Department.</p>	<ul style="list-style-type: none"> ■ <i>Tetratheca juncea</i> Translocation Management Plan (Firebird ecoSultants Pty Ltd, January 2019) ■ <i>Tetratheca juncea</i> Translocation Management Plan (Firebird ecoSultants Pty Ltd, January 2019) ■ "Approval of Management Plans" letter from the DPE, dated 14 March 2019 ■ Annual Reviews 2020, 2021 and 2022 ■ Biodiversity Offset Area Monitoring Report – Wedgetail Project Consulting, March 2023 	<p>The <i>Tetratheca juncea</i> Translocation Management Plan (TjTMP) was most recently updated in January 2019. Whilst no non-compliances have been identified specific to this condition, recommendations are made in relation to the success of the program.</p> <p>a) The TjTMP was prepared in consultation with the Office of Environment and Heritage (OEH) with evidence of the consultation attached to Appendix B of the TjTMP. Evidence is provided within Appendix A of the TjTMP confirming a suitably qualified expert was approved by the Planning Secretary to prepare the TjTMP.</p> <p>b) A letter from the DPE provided confirms the TjTMP was approved in accordance with the Project Approval.</p> <p>c) Section 6 and Section 7 of the TjTMP describe measures for the translocation of <i>Tetratheca juncea</i> (<i>T. juncea</i>) stems in the area of disturbance to nearby areas. More specifically, the TjTMP describes that all clumps of <i>T. juncea</i></p>	Obs C	<p>Whilst the auditors have collected sufficient evidence to demonstrate KEQPL are compliant with the scope and intent of this condition, due to the low survival rate of <i>T. juncea</i> following translocation (less than the 25% target), a review of the <i>T. juncea</i> Translocation Program should be undertaken by a suitably qualified ecologist in consultation with BCS. This review will identify if the approved methodologies and performance criteria were applicable to the site conditions. A Trigger Action Response Plan should also be considered in any future translocation plans to support the targeted short term and long term success rate goals.</p>
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>identified during the original Project Approval had already been translocated to the translocated area. The translocation of additional <i>T. juncea</i> identified within "Site 2" as part of the modification to the original "Part 3A approval" was scheduled to take place in 2018 to 2020. Further details in Section 7 of the TJTMP describes the translocation process, ecological inspection requirements and after planting care.</p> <p>d) The TJTMP describes a monitoring program in Section 9, including for the Original Development Approval and for "Site 2". Monitoring Actions are listed in the monitoring program and include a timing for completion of each action. Examples of actions to be undertaken include:</p> <ul style="list-style-type: none"> • Count flowers; • Count fruits; • Observe general plant health; and • Photo point. <p>The most recent <i>T. juncea</i> Monitoring Report was prepared in February 2021 by Firebird ecoSultants following a site visit undertaken in October 2020. The Report confirms that "<i>the year 2020 was to be the final year of monitoring of the translocation project</i>" and states "<i>the translocation site does not represent suitable habitat</i>", due to the low level of success of the translocation project at the Site. Additional contributing factors have been raised in relation to the low survival rate of <i>T. juncea</i> following translocation, such as lower long term average rainfall, however the primary factor being the translocation site is not representative of the habitat that <i>T. juncea</i> typically occur in.</p> <p>e) Short Term and Long Term goals are described in Section 8 of the TJTMP, including references to performance criteria described in Section 9.</p>		<p>In the event any future translocations of <i>T. juncea</i> are triggered, the results of this current translocation event must be considered and amendments made to the site selection criteria (including soil type, slope and aspect). The requirement for long term weed control, reduced grazing pressures and any prescribed burns, or other measures to stimulate seed germination, should be clearly identified as part of the adaptive management measures. Any future translocation plan will need to be prepared in consultation with BCS and approved by the Planning Secretary.</p>

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			Section 9 lists the monitoring actions for translocation and states that this information "will be used to report and measure the general health and success of the translocated <i>T. juncea</i> sections" and that "reports should be provided annually to OEH and DPE on the success of translocation methods and recommendations made to assist in future translocation efforts".		

BIODIVERSITY OFFSET STRATEGY

28.	<p>The Applicant must, prior to the commencement of vegetation clearing activities for Modification 10, finalise the Biodiversity Offset Strategy, as described in documents listed in condition 2 of Schedule 2, summarised in Table 10 and Table 11 and shown conceptually in Figure 1 of Appendix 4, in consultation with BCD and Council, and to the satisfaction of the Planning Secretary.</p> <p><i>Table 10: Biodiversity Offset Strategy – land-based offset</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size (ha)</th> </tr> </thead> <tbody> <tr> <td>Offset area</td> <td>Existing vegetation to be managed and enhanced</td> <td>130.36</td> </tr> </tbody> </table> <p><i>Table 11: Biodiversity Offset Strategy – ecosystem and credit requirements</i></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2">Ecosystem credits</td> </tr> <tr> <td>PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands</td> <td>188</td> </tr> <tr> <td>PCT 695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion</td> <td>7</td> </tr> <tr> <td style="text-align: right;">Total</td> <td>195</td> </tr> <tr> <td colspan="2">Species Credits</td> </tr> <tr> <td><i>Terathea Juncea</i> (Black eyed Susan)</td> <td>260</td> </tr> </tbody> </table>	Area	Offset Type	Minimum Size (ha)	Offset area	Existing vegetation to be managed and enhanced	130.36	Credit Type	Credits Required	Ecosystem credits		PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	188	PCT 695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	7	Total	195	Species Credits		<i>Terathea Juncea</i> (Black eyed Susan)	260	<ul style="list-style-type: none"> Biodiversity Offset Strategy, Eco Logical Australia, July 2013 Interviews with Site Management Site observations 	<p>As Table 10 pre-existed Modification 10, in accordance with Condition 5 of Schedule 5, the Biodiversity Offset Strategy should have been updated within 3 months of any modification to the conditions of this consent. It is noted that latest version of the BOS is dated July 2013.</p> <p>At the time of writing, as confirmed by Site Management, the updated Biodiversity Offset Strategy is pending Commonwealth EPBC Approval.</p> <p>It was confirmed by Site Management and observed by the auditors during the site visit that no vegetation clearing activities have taken place for Modification 10 and thus an assessment of compliance against Table 11 of this condition is Not Triggered.</p>	NC	<p>Consultation with the BCD and Council in relation to this condition is recommended to be published in the latest Biodiversity Offset Strategy and uploaded to the Hunter Quarries website.</p> <p>Review and update the BOS when the consent is modified.</p>
Area	Offset Type	Minimum Size (ha)																							
Offset area	Existing vegetation to be managed and enhanced	130.36																							
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	<table border="1"> <tr> <td>Grevillea Parviflora Subsp. Parviflora (Small-flower Grevillea)</td> <td>250</td> </tr> <tr> <td>Squirrel Glider (<i>Petaurus norfolcensis</i>)</td> <td>260</td> </tr> <tr> <td>Southern Myotis (<i>Myotis macropus</i>)</td> <td>107</td> </tr> <tr> <td>Total</td> <td>887</td> </tr> </table> <p>Notes:</p> <ol style="list-style-type: none"> The Biodiversity Offset Strategy must direct that the land proposed as the Offset Area must be free of any dwelling-houses and associated sheds, bushfire asset protection zones and other related utilities or structures so as to preserve the integrity and function of that offset area. The Biodiversity Offset Strategy must also provide details of the revegetation of any parts of the offset area that are cleared of native vegetation or are in an otherwise substantially modified state, other than required management trails and boundary fencing buffer distances. Credits required for impacts to EPBC Act listed species and associated habitats must be like-for-like. <p>The Applicant must implement the strategy as approved by the Planning Secretary</p>	Grevillea Parviflora Subsp. Parviflora (Small-flower Grevillea)	250	Squirrel Glider (<i>Petaurus norfolcensis</i>)	260	Southern Myotis (<i>Myotis macropus</i>)	107	Total	887				
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LONG TERM SECURITY OF OFFSETS													
29.	The long-term security of the offset area listed in Table 10 and the retirement of the credits listed in Table 11 must be carried out prior to the commencement of vegetation clearing activities for Modification 10, in consultation with BCD and in accordance with the Biodiversity Offset Scheme of the BC Act, or other agreed security mechanism, to the satisfaction of the BCT.	<ul style="list-style-type: none"> Application to Retire Biodiversity Credits (BCF Quote Number Q00079, 9 January 2023) Site Management Responses to ERM's Request for Information (November 2023) Email correspondence between KEQ, Wedgetail and NSW Environment and Heritage Group (November 2023) 	<p>It is noted that vegetation clearing activities for Modification 10 had not commenced during the audit period, thus this condition has not been triggered. Below is a summary of the status of KEQPL's pursuit of long-term security.</p> <p>Long Term Security of Offset Area (Table 10)</p> <p>At the time of writing, no long-term security of the offset area has been carried out. The status of this is not known.</p> <p>Ecosystem Credits (Table 11)</p> <p>At the time of writing, remittance advice confirms a payment of \$1,443,536.13 was made to the Biodiversity Conservation Trust on 24 October 2023, matching the total charge for 188 Ecosystem Credits calculated</p>	NT	N/A								

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>within the provided Application to Retire Biodiversity Credits.</p> <p>It was confirmed by Site Management that remaining Ecosystem Credits had not yet been acquired.</p> <p>Species Credits (Table 11)</p> <p>At the time of writing, no species credits have been purchased. Email correspondence dating November 2023 has been provided between the NSW Environment and Heritage Group, Wedgetail Project Consulting in relation to opportunities for KEQPL to purchase the species credits.</p>		

REHABILITATION OBJECTIVES

30.	<p>The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must:</p> <p>a) Be consistent with the rehabilitation strategy as described in the EA and shown conceptually in Figure 1 in Appendix 5; and</p> <p>b) Comply with the objectives in Table 11.</p> <p>Table 11: <i>Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Site (as a whole)</td> <td>Safe, stable and non-polluting</td> </tr> <tr> <td>Surface infrastructure</td> <td>To be decommissioned and removed, unless the Planning Secretary agrees otherwise.</td> </tr> <tr> <td></td> <td>Landscaped and revegetated utilising native tree and understorey species, ensuring that the tree canopy is restored and integrated with the surrounding tree canopy.</td> </tr> <tr> <td></td> <td>Landscaped and revegetated with wetland vegetation.</td> </tr> <tr> <td>Other land affected by the development</td> <td>Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of:</td> </tr> </tbody> </table>	Feature	Objective	Site (as a whole)	Safe, stable and non-polluting	Surface infrastructure	To be decommissioned and removed, unless the Planning Secretary agrees otherwise.		Landscaped and revegetated utilising native tree and understorey species, ensuring that the tree canopy is restored and integrated with the surrounding tree canopy.		Landscaped and revegetated with wetland vegetation.	Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of:	<ul style="list-style-type: none"> Annual Reviews 2020, 2021 and 2022 	<p>As per the Annual Reviews, no rehabilitation of the site has taken place during the audit period, thus this condition has not been triggered.</p>	NT	N/A
Feature	Objective																
Site (as a whole)	Safe, stable and non-polluting																
Surface infrastructure	To be decommissioned and removed, unless the Planning Secretary agrees otherwise.																
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Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of:																

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> Native endemic species; and a landform consistent with the surrounding environment. 				
	Community	Ensure public safety. Minimise the adverse socio-economic effects associated with quarry closure.			

PROGRESSIVE REHABILITATION

31.	<p>The Applicant must:</p> <p>a) Rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance;</p> <p>b) Take all reasonable and feasible measures to minimise the total area of the site exposed at any time; and</p> <p>c) Implement interim rehabilitation strategies where areas prone to dust generation cannot yet be permanently rehabilitated.</p>	<ul style="list-style-type: none"> Annual Reviews 2020, 2021 and 2022 Site Management Responses to ERM's Request for Information (November 2023) 	<p>As per the Annual Reviews, no progressive rehabilitation of the site has taken place during the audit period.</p> <p>It was confirmed by Site Management that due to ongoing quarrying operations and access requirements provided by the benches, the disturbed areas of the site have not reached a stable non-operation phase allowing for progressive rehabilitation to commence.</p>	NT	N/A
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LANDSCAPE AND REHABILITATION MANAGEMENT PLAN

32.	<p>Within 6 months of the date of approval of Modification 1, the Applicant must prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the quarry and all perimeter lands. This plan must:</p> <p>a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary</p> <p>b) Be prepared in consultation with BCD and Council, and submitted to the Planning Secretary for approval prior to the commencement of construction activities;</p> <p>c) Describe how the implementation of the Tetratheca juncea Translocation Program would be integrated with the overall rehabilitation of the site;</p> <p>d) Describe the short, medium and long-term measures that would be implemented to:</p> <ul style="list-style-type: none"> Manage remnant vegetation and habitat on the site; and Ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent. 	<ul style="list-style-type: none"> Landscape and Rehabilitation Plan (SLR Consulting, March 2020) Vegetation clearance surveys Annual Reviews 2020, 2021 and 2022 	<p>The Landscape and Rehabilitation Management Plan (LRMP) was most recently updated in March 2020. The LRMP has not been updated within a 3 year period as required by clause (f) of this condition.</p> <p>ERM reviewed Ecological Monitoring Reports which are available within the Annual Reviews for 2020, 2021 and 2022. The reports are prepared to address the monitoring requirements of the BOAMP. According to the Ecological Monitoring Report dated March 2023, the BOAMP Performance Criteria is summarised by action and current status, indicating several 'Outstanding Actions' including:</p> <ul style="list-style-type: none"> Ongoing installation of boundary fencing; Repair of boundary fencing, gates and signage; Areas requiring erosion repair; 	NC	<p>Ensure the LRMP is updated every 3 years and that implementation of measures detailed in the plan have been reviewed and updated where required.</p> <p>Scheduled reminders should be implemented to ensure that future updates of the LRMP are undertaken within the required 3 year period. Where required, update associated monitoring programs to ensure the effectiveness of the procedures can be effectively measured.</p>
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggers for any remedial action;</p> <p>f) Include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan), including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • Ensuring compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent; • Enhancing the quality of remnant vegetation and fauna habitat; • Restoring native endemic vegetation and fauna habitat within the rehabilitation area, including details of the target revegetation communities of the rehabilitated landform; • Coordinating the relocation of native fauna to protected habitats associated with preclearing fauna surveys; • Maximising the salvage of environmental resources within the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the rehabilitation area; • Collecting and propagating seed; • Ensuring minimal environmental consequences for threatened species, populations and habitats; • Minimising the impacts on native fauna on site, including the details and implementation of appropriate pre-clearance surveys; • Minimising the impacts on fauna movement between undisturbed areas of the site and nearby vegetation (including potential fauna crossings); • Controlling weeds and feral pests; • Controlling erosion; • Controlling access and providing for management trails; and • Bushfire management and implementation of ecologically appropriate bushfire intervals. <p>g) Include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria.</p> <p>h) Identify the potential risks to successful implementation of the <i>Tetratheca juncea</i> Translocation Program and rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks.</p>		<ul style="list-style-type: none"> ■ Weed control required due to the identified presence of the exotic <i>Lantana camara</i> in the BOA; and ■ Biennial vertebrate pest monitoring required. <p>According to the KEQ BOA Completion Status and Action Plan, a number of actions are identified as incomplete including vertebrate pest monitoring which was required in 2022, and evidence of completion for access track repairs.</p> <p>a) The LRMP was prepared by a suitably qualified expert whose appointment was approved by the Planning Secretary.</p> <p>b) Consultation with MidCoast Council and the Office of Environment and Heritage (OEH) is documented in Section 1.2 of the LRMP. A confirmation letter from the DPE is attached to the LRMP, dated 1 June 2020, confirming the LRMP was submitted in accordance with Condition 32 of Schedule 3.</p> <p>c) <i>Tetratheca juncea</i> Translocation is described in Section 6.2.5.</p> <p>d) Rehabilitation objectives and measures are described throughout the LRMP including:</p> <ul style="list-style-type: none"> • An overall objective of protecting and enhancing the quality of remnant vegetation to be retained within the Project Area; • Ensuring operations do not have a negative impact on remnant vegetation; and • Measures implemented to ensure landscape and biodiversity management is compliant with the objectives of the LRMP. <p>e) Description of the Rehabilitation Success Criteria (Section 13) which includes a performance matrix describing indicators and criteria for a range of rehabilitation elements.</p>		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>i) Include details as to how the rehabilitated land would be permanently conserved and managed as part of the broader Biodiversity Offset Area approved in these conditions.</p> <p>j) Include details of who would be responsible for monitoring, reviewing, and implementing the plan; and</p> <p>k) Include details as to the timing of actions set out in the plan</p> <p>The Applicant must implement the plan as approved by the Planning Secretary.</p>		<p>f) Detailed landscape and biodiversity management measures which are to be implemented for the duration of the current LRMP (ie a 3 year period) in Sections 6 to 8. This includes:</p> <ul style="list-style-type: none"> • General management measures; • Construction and post-construction management; • Rehabilitation and offset area management; • Details involving the management and monitoring of weeds and pests in areas of remnant vegetation; • A procedure to encourage self-relocation during vegetation clearing; • A clearing protocol and salvage of resources; • A vegetation clearing protocol including collection of native seed or plant material for spreading in rehabilitation or target offset areas; • An ecological monitoring program which includes measures to facilitate fauna movement across the site; • Additional measures for threatened species and fauna protection; • A pre-clearing survey protocol (pre-clearance surveys were provided); • Mitigation of potential impacts from erosion and sedimentation; • Details for controlling site access; and • Bushfire management details such as the separation distance between stockpiles of combustible material and remnant vegetation, references to the emergency action plan, firefighting measures and requirements of ecological burning. • Example habitat tree felling supervision statements were provided for June 2021, October 2021 and May 2022. 		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> • Ecological Monitoring Reports were reviewed by ERM which are contained within the Annual Reviews for 2020, 2021 and 2022 and have been undertaken in accordance with the LRMP. The latest Ecological Monitoring Report (Wedgetail, March 2023) includes a Performance Criteria Table of relevant actions and their current status for the LRMP and the BOAMP. No outstanding actions have been reported specific to the LRMP performance criteria in the latest report. • It is noted that the specified 3 year period of the LRMP has lapsed during this audit period thus considered non-compliant with this condition. <p>g) A detailed monitoring program which includes requirements involving ecological and rehabilitation monitoring, reporting and how they are measured against a performance criterion. It is noted that as no rehabilitation activities have taken place, implementation of the associated monitoring program has not yet been triggered.</p> <p>h) References to the T. juncea Translocation Program which considers risks associated with the implementation of the program and contingency measures.</p> <p>i) Section 6.5 describes at a high level the rehabilitation and offset area management and references the Biodiversity Offset Area Management Plan for further details.</p> <p>j) Section 17 lists the accountable tasks of the Quarry Manager, Environmental Officer and Equipment Operators to ensure the LRMP is successfully implemented.</p> <p>Section 16 includes an indicative rehabilitation and closure schedule which conceptualises the timeframe for completion</p>		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			of actions in the five years leading up to closure and ten year post-closure.		
BIODIVERSITY OFFSET AREA MANAGEMENT PLAN					
33.	<p>The Applicant must prepare a Biodiversity Offset Area Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the Biodiversity Offset Area required in these conditions. This plan must:</p> <p>a) Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary</p> <p>b) Be prepared in consultation with BCD and Council</p> <p>1. Describe how the implementation of the <i>Tetratheca juncea</i> Translocation Program would be integrated with the Biodiversity Offset Area management.</p> <p>2. Describe the short, medium and long-term measures that would be implemented to manage remnant vegetation and habitat on the Biodiversity Offset Area</p> <p>3. Include detailed performance and completion criteria for evaluating the performance of the conservation, restoration and management of the Biodiversity Offset Area, including triggers for any remedial action.</p> <p>c) Providing for the transfer of environmental resources from the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the Biodiversity Offset Area</p> <p>d) Providing for the incorporation of the final rehabilitated landform into the Biodiversity Offset Area and its management.</p> <p>e) Include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3-year period following initial preparation of the plan), including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • Enhancing the quality of remnant vegetation and fauna habitat • Restoring native endemic vegetation and fauna habitat within the parts of the Biodiversity Offset Area that are cleared or modified, including details of the target revegetation communities of the restored landform. • Coordinating the relocation of native fauna to protected habitats associated with preclearing fauna surveys. • Collecting and propagating seed 	<ul style="list-style-type: none"> ■ Biodiversity Offset Area Management Plan (Kleinfelder, April 2021) ■ Annual Reviews 2020, 2021 and 2022 ■ Ecological Monitoring Reports 2020, 2021, 2022 available in Annual Reviews ■ Ecological Monitoring Report dated March 2023 ■ KEQ BOA Completion Status and Action Plan.xlsx 	<p>The Biodiversity Offset Area Management Plan (BOAMP) was most recently updated in April 2021. A number of outstanding actions recommended within the latest Ecological Monitoring Report (included within the 2022 Annual Review) have not been closed out and constitutes a non-compliance against clause (h) of this condition.</p> <p>a) The BOAMP was prepared by suitably qualified experts whose appointment was approved by the Planning Secretary.</p> <p>b) Evidence of consultation with the OEH and Great Lakes Council is included in Appendix 2 of the BOAMP, noting that the consultation took place in 2015.</p> <p>c) State offset calculations are included for <i>T. juncea</i> including an assessment of both direct and indirect impacts and the generated species credits. Section 3.9 describes measures implemented to ensure the TjTP is effectively integrated as part of the biodiversity management of the biodiversity offset area. This includes delineation of access tracks to the translocation site, weed control and management actions in the BOAMP are to be excluded from the translocation site.</p> <p>d) Section 3 describes measures implemented to manage remnant vegetation including actions, timing and reporting requirements.</p> <p>e) Section 4 describes performance and completion criteria for all management actions. Performance criteria is split across timeframes from Year 1, Year 4 and Years 5-20 and includes a specific</p>	<p>NC</p>	<p>ERM notes that KEQPL have implemented a "BOA Completion Status and Action Plan" and recommends that the status of actions be reviewed and updated as soon as practicable.</p>

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> • Maximising the protection and restoration of threatened species, populations and habitats in the Biodiversity Offset Area • Maximising fauna movement between the Biodiversity Offset Area and adjacent habitats. • Controlling weeds and feral pests • Controlling erosion • Controlling access and providing for management trails; and • Bushfire management and implementation of ecologically appropriate bushfire intervals. <p>i) Include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria.</p> <p>j) Identify the potential risks to successful implementation of the Biodiversity Offset program and include a description of the contingency measures that would be implemented to mitigate these risks.</p> <p>k) Include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>l) Include details of the indicative costs of management actions; and</p> <p>m) Include details as to the timing of actions set out in the plan.</p>		<p>completion criteria covering each action. The BOAMP states “where performance criteria are not achieved, potential causes will be investigated; corrective actions required to achieve the criteria and/or justification why criteria have not been achieved must then be provided as part of annual reporting.”</p> <p>f) Section 3.8 describes management approach and procedures for salvage and redistribution of habitat resources. There is also reference to Section 6.3 of the LRMP which addresses this condition.</p> <p>g) The BOAMP references Section 6.5 of the LRMP in relation to incorporating the final rehabilitated landform. The LRMP describes the ultimate goal of final rehabilitation to create a fauna corridor between rehabilitation and offset areas.</p> <p>h) A detailed description of measures implemented in during the 3 year period are described in Section 3 of the BOAMP, including:</p> <ul style="list-style-type: none"> • Enhancing the condition of remnant and regrowth vegetation in the BOA (Section 3.7) enhancement of habitat in the BOA (Section 3.8); • Procedures associated with collection and propagation, revegetation and regeneration and habitat augmentation which broadly cover restoration of native endemic vegetation and fauna habitats; • Procedures involving relocation of native fauna habitats are described in Section 3.8; • Section 3.6 lists the detailed approach involving seed collection and propagation; 		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> • Maximising protection of restoration of threatened species is broadly covered throughout Section 3; • Comprehensive steps involving weed control is covered in Section 3.10; • Section 3.4 lists specific actions to be taken involving erosion, sedimentation and soil management, including annual monitoring inspections; • Section 3.3 lists the procedures and actions for access tracks including mapping, repairs, rehabilitation of redundant tracks, inspections and maintenance; and • Fire Management including the description of the Fire Management Strategy and bushfire mitigation are included in Section 3.12. <p>i) Section 3 and 4 of the BOAMP include details involving both monitoring and performance criteria respectively.</p> <p>j) Section 7 of the BOAMP includes a detailed Risk Assessment and contingency measures for the implementation of the management plan.</p> <p>k) Roles and responsibilities are outlined in Table 5 of Section 1.6 for the implementation of the BOAMP.</p> <p>l) Costs associated with management actions are not included in this BOAMP. References to the baseline addendum report are included in relation to this.</p> <p>m) All management measures implemented within the BOAMP include a timeframe for each action to be completed within.</p>		
CONSERVATION & REHABILITATION BOND					
34.	The Applicant must lodge a Conservation and Rehabilitation Bond with the Department to ensure that the Biodiversity Offset Strategy and the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Landscape and	<ul style="list-style-type: none"> ■ Open Cut Summary Rehabilitation Cost Estimate (dated 15 July 2022) 	The LRMP confirms that the Conservation and Rehabilitation Bond for the Project has been lodged with the Department of	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>Rehabilitation Management Plan. The sum of the bond must be determined by:</p> <ol style="list-style-type: none"> Calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years. Calculating the cost of rehabilitating disturbed areas of the site, considering the likely surface disturbance over the next 3 years of quarrying operations; and Employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Planning Secretary. <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>If capital and other expenditure required by the Landscape and Rehabilitation Management Plan is largely complete, the Planning Secretary may waive the requirement for the lodgement of a bond in respect of the remaining expenditure.</i> <i>If the Biodiversity Offset Strategy and rehabilitation of the site area are completed to the satisfaction of the Planning Secretary, then the Planning Secretary will release the bond. If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Planning Secretary, then the Planning Secretary will call in all or part of the bond and arrange for the completion of the relevant works.</i> <p><i>The component of the bond relating to the implementation of the Biodiversity Offset Strategy may be waived, if a separate arrangement is entered into between the Applicant and BCD which satisfactorily replaces that component, to the satisfaction of the Planning Secretary.</i></p>	<ul style="list-style-type: none"> Landscape and Rehabilitation Plan (SLR Consulting, March 2020) 	<p>Planning. ERM reviewed Rehabilitation Cost Estimate (RCE) worksheets.</p> <ol style="list-style-type: none"> The cost of implementing the Biodiversity Offset Strategy has been considered in accordance with the cost breakdowns provided within the RCE. This includes references to the rehabilitation elements and criteria defined in the LRMP, for example landform stability, water quality, topdressing material, vegetation and safety. A worksheet of the Rehabilitation Cost Estimate has been provided and indicates that the costs have considered potential surface disturbance over the course of the subsequent three years of quarrying operation. <p>Evidence has been provided to confirm that a suitably qualified expert has been employed to verify calculated costs, including a copy of the expert's CV.</p>		
35.	<p>Within 3 months of each Independent Environmental Audit (see condition 9 of Schedule 5), the Applicant must review, and if necessary, revise the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Planning Secretary. This review must:</p> <ol style="list-style-type: none"> Consider the performance of the implementation of the Biodiversity Offset Strategy and rehabilitation of the site to date. Consider the effects of inflation; and Calculate the cost of implementing the Biodiversity Offset Strategy and rehabilitating the disturbed areas of the site (considering the likely surface disturbance over the next 3 years of quarrying operations) 	<ul style="list-style-type: none"> Open Cut Summary Rehabilitation Cost Estimate (dated 15 July 2022) 	<ol style="list-style-type: none"> The provided RCE report describes activities associated with each management precinct and an assessment of performance by comparing 2021 and 2015 activities. The NSW RCE was used to determine the Rehabilitation Bond. The tool considers the effects of inflation to reflect current construction costs. The RCE includes a "basis for cost estimation" for each activity and which 	C	

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			align with the rehabilitation elements and criteria defined in the LRMP.		
HERITAGE					
HERITAGE MANAGEMENT PLAN					
36.	<p>The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;</p> <p>b) be prepared in consultation with the local Aboriginal community and BCD, and submitted to the Planning Secretary for approval prior to the commencement of construction activities;</p> <p>c) describe the measures that would be implemented to:</p> <ol style="list-style-type: none"> monitor initial surface disturbance on site for Aboriginal cultural heritage sites or objects; manage the discovery of Aboriginal cultural heritage sites, objects or human remains on site; and ensure ongoing consultation with Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage values on site. 	<ul style="list-style-type: none"> ■ Heritage Management Plan (RPS Australia, December 2015) ■ Annual Reviews for 2020, 2021, 2022 	<p>The Heritage Management Plan (HMP) which is current for the Site was prepared in December 2015 by RPS Australia. This condition was deemed compliant in the 2017 and 2020 IEAs. No unexpected Aboriginal sites/objects have been reported during the audit period.</p> <p>a) The Heritage Management Plan was prepared by a suitably qualified expert and approved by the Department of Planning in December 2015.</p> <p>b) The Heritage Management Plan was prepared in consultation with the local Aboriginal community as per Appendix 1. No objectives were raised.</p> <p>c) The HMP describes measures implemented including:</p> <ul style="list-style-type: none"> • Methodology for the monitoring of surface disturbances of the discover of unexpected and unrecorded Aboriginal cultural heritage sites or objects; • Identification of Aboriginal sites / objects by site personnel; • If, during the course of development works undertaken over the life of the quarry, unexpected Aboriginal object should be identified the Karuah Local Aboriginal Land Council will be contacted. 	C	N/A
VISUAL					
37.	The Applicant must:	<ul style="list-style-type: none"> ■ Site Observations 	It was advised that the ridgeline located on the western perimeter of the upper quarry benches are locations which are subject to	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>a) Ensure that clearing vegetation from any visually prominent ridgeline is undertaken in a progressive manner, to provide for a maximum of 6 months of future quarrying operations; and</p> <p>b) Mitigate the visual impact of the development through the progressive and early rehabilitation of the upper quarry benches in accordance with the objectives in Table 11, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> Interviews with Site Management 	ongoing active quarrying operations including provision for roadway access to the northern mining areas. The ridgeline was observed during the site visit to have minimal visual prominence. It was advised that the expected operations along the upper quarry benches will be complete by 2025.		
ADVERTISING SIGNAGE					
38.	<p>The Applicant must not erect or display any advertising structure or sign on the site without the written approval of the Planning Secretary.</p> <p><i>Note: This condition does not apply to business identification, traffic management, and/or safety or environmental signs</i></p>	<ul style="list-style-type: none"> Site Observations 	ERM did not observe advertising signage erected or on display during the site audit.	C	N/A
EMERGENCY AND HAZARDS MANAGEMENT					
DANGEROUS GOODS AND HAZARDOUS MATERIALS					
39.	The Applicant must ensure that the storage, handling, and transport of dangerous goods and hazardous materials is conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.	<ul style="list-style-type: none"> Site Observations Waste Management Plan (August 2023) Hazardous Substances Register (Dec 2022) WrapTank Brochure 	<p>Lubricants and associated materials were stored within a hazardous materials storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, thus considered non-compliant with this condition.</p> <p>KEQPL have developed a Hazardous Substances Register, most recently updated in December 2022, which describes the list of products, quantities, location on site, type of application, issue and expiry dates, and "stability and reactivities" classification.</p> <p>There are two aboveground storage tanks (ASTs) containing diesel onsite, both of which comprise a double walled construction.</p> <p>Neither of the Diesel ASTs are included on the Hazard Substances Register.</p>	NC	<p>The hazardous materials storage container should be repaired (to ensure it does not allow rainfall to fill the bund – making it inoperable) to ensure it complies with (AS)1940.</p> <p>It is recommended to update the Hazardous Substances Register to ensure it includes both diesel ASTs.</p>
SAFETY					
40.	The Applicant must secure the site to ensure public safety at all times, to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Site Observations 	The site access was observed to include appropriate secure fencing installed to	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			prevent public access outside operational hours. During operational hours, the office adjacent to the weighbridge is staffed at all times. Clear signage is erected at the quarry entrance to warn of "Authorised Personnel Only". ERM have not sighted any concerns raised during the audit period within the Incident or Complaints registers in relation to public safety and considers KEQPL is compliant with this condition.		
BUSHFIRE MANAGEMENT					
41.	<p>The Applicant must:</p> <p>a) Ensure that the development is suitably equipped to respond to any fires on site;</p> <p>b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area; and</p> <p>c) Ensure new construction complies with Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015); and the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.</p>	<ul style="list-style-type: none"> ■ Bushfire Evacuation Plan ■ Emergency Contacts - June 2023 ■ Emergency Management Flip Chart - June 2023 ■ Interviews with Site Management ■ NPWS Fire History - Wildfires and Prescribed Burns 	<p>a) KEQPL have a Bushfire Evacuation Plan (undated) which describes the procedures in relation to notifications to site personnel and contractors, communication methods, and evacuation and assembly. The plan also describes the allocation of responsibilities and response instructions for quarry supervisors and personnel. An Emergency Contacts sheet document lists the contact information of local Emergency Services such as Police, Fire Brigade, Ambulance, Hospitals, EPA, SES and Mines Rescue, as well as the names and numbers of internal emergency contacts.</p> <p>First Aid Kits, Fire Extinguishers and Water Carts were all observed to be available during the site audit.</p> <p>The Emergency Management Flip Chart describes the site evacuation procedures for a range of emergencies including fire, explosion, persons trapped and major trauma. The Flip Chart provides further details of the responsibilities of site Emergency Controllers (which are allocated at each daily toolbox meeting) as well as maps and procedures which identify the Emergency Assembly procedures and locations.</p>	Obs C	Whilst this condition is deemed compliant, it is recommended that the Bushfire Evacuation Plan is updated with a version control including date of review to ensure it is current and can be periodically reviewed.

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>b) Based on review of the NPWS Fire History - Wildfires and Prescribed Burns, no bushfires have occurred in the near vicinity of the Site during the audit period, thus not triggering compliance with Condition 41(b).</p> <p>c) It was confirmed by Site Management that no new construction has occurred during the audit period.</p>		
WASTE					
42.	<p>The Applicant must:</p> <p>a) Minimise the waste generated by the development; and</p> <p>b) Ensure that the waste generated by the development is appropriately stored, handled, and disposed of, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> ■ Waste Management Plan (August 2023) ■ Annual Reviews for 2020, 2021, 2022 ■ Hunter Quarries Waste Register ■ Site Observations ■ Interviews with Site Management 	<p>a) A Waste Management Plan (Waste MP) for the Site has been prepared by IEMA, and most recently updated in August 2023. The Waste MP describes environmental management controls implemented to minimise waste generation and ensure that waste is appropriately managed and disposed of offsite for general solid waste, construction & quarrying waste and hazardous waste. Annual Reviews describe the general waste management practices implemented at the Site as well as reporting of the quantities of waste removed from the site during each reporting period.</p> <p>b) In accordance with the Waste MP, all waste is to be collected by a waste contractor and transported offsite. A Waste Register is regularly updated to collect data from waste contract invoices, capturing details such as the type of waste collected, waste quantities, collection dates, disposal contractor used, cost of disposal and whether the waste was recycled or not. The types of waste logged on the Waste Register reflect the categorised waste streams described in the Waste MP, which have been classified in accordance with the EPA Waste Classification Guidelines. Waste segregation was observed to have</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			been conducted in an appropriate manner during the site visit.		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
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SCHEDULE 4 – ADDITIONAL RESOURCES

NOTIFICATION OF LANDOWNERS

1.	<p>As soon as practicable and no longer than 7 days after obtaining monitoring results showing an:</p> <p>a) Exceedance of any noise, blasting and air quality criteria in Schedule 3, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants; and</p> <p>b) An exceedance of the relevant air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land</p>	<ul style="list-style-type: none"> ■ 20230718 KEQ AQ Exceedance Notification ■ Notification to affected landholder, 21 July 2023 	<p>During the audit period, the following exceedances were experienced in relation to the noise, blasting and air quality criteria:</p> <ul style="list-style-type: none"> ■ Noise: No exceedances of the criteria ■ Blasting: No exceedances of the criteria ■ Air Quality (PM₁₀): One exceedance of the PM₁₀ criteria occurring on 16 June 2023. ■ Air Quality (depositional dust): "Failure to monitor" event was recorded due to identified contaminants within the HVAS causing significantly elevated results at dust deposition gauges (DDG) 4 & 5 occurring in June 2023. <p>a) A copy of a notification issued to the Planning Secretary on 18 July 2023 in relation to the air quality exceedance was provided which states that: <i>"notification of this exceedance will also be made to other relevant stakeholders including:</i></p> <ul style="list-style-type: none"> • NSW EPA; • Karuah East Quarry Community Consultative Committee (CCC); and • Affected landholders (or tenants) neighbouring the quarry site." <p>A consolidation of notifications to affected landholders was also provided, dated 21 July 2023.</p>	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<p>b) Within the affected landholder notifications, the cover letter states that NSW Health Fact Sheets "Mine Dust and You" are provided as an attachment to the notification email.</p> <p>According to the AQMP, HVAS monitoring is undertaken "every 6 days", ie, 24 hours on a 6 day basis. It is understood that due to the sampling and analysis process for HVAS, monitoring results are received between a week and a month after the sample period and it is not necessarily feasible to confirm whether an exceedance has occurred within this timeframe. It is considered that KEQPL have notified the landowners as soon as reasonably practicable is therefore compliant with this condition.</p>		

INDEPENDENT REVIEW

2.	If a landowner considers the development to be exceeding any noise, blasting or air quality criterion in Schedule 3 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their land.	<ul style="list-style-type: none"> Interviews with Site Management 	It was confirmed by KEQPL Management that no requests from landowners have been made to the Planning Secretary during the audit period to warrant an independent review of impact. This condition is therefore deemed not triggered.	NT	N/A
3.	If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.	<ul style="list-style-type: none"> Interviews with Site Management 	For the reasons described in Schedule 4, Condition 2, this condition is deemed not triggered for this audit period.	NT	N/A
4.	<p>If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:</p> <p>a) Commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:</p> <p>i. Consult with the landowner to determine their concerns.</p>	<ul style="list-style-type: none"> Interviews with Site Management 	For the reasons described in Schedule 4, Condition 2, this condition is deemed not triggered for this audit period	NT	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	ii. Conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3 of this consent; and iii. If the development is not complying with that criterion, identify measures that could be implemented to ensure compliance with the relevant criteria b) Give the Planning Secretary and landowner a copy of the independent review; and Comply with any written requests made by the Planning Secretary to implement any findings of the review.				

MITIGATION UPON REQUEST

5.	<p>Upon receiving a written request for mitigation from the owner of any residence on privately-owned land listed in Table 12, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government, 2014). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of quarrying operations.</p> <p><i>Table 12: Land subject to additional mitigation upon request</i></p> <table border="1"> <thead> <tr> <th>Mitigation Bases</th> <th>Land^a</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>H</td> </tr> </tbody> </table> <p>^a The location of the land referred to in Table 21 is shown in Appendix 2.</p>	Mitigation Bases	Land ^a	Noise	H	<ul style="list-style-type: none"> Interviews with Site Management 	It was confirmed by site management that this condition has not been triggered during the audit period.	NT	N/A
Mitigation Bases	Land ^a								
Noise	H								

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
ENVIRONMENTAL MANAGEMENT					
Environmental Management Strategy					
1.	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ol style="list-style-type: none"> Be submitted to the Planning Secretary for approval prior to the commencement of construction activities Provide the strategic framework for environmental management of the development. Identify the statutory approvals that apply to the development. Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development. Describe the procedures that would be implemented to: <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the development. receive, handle, respond to, and record complaints; resolve any disputes that may arise during the course of the development; respond to any non-compliance; and respond to emergencies; and Include: <ul style="list-style-type: none"> copies of any strategies, plans and programs approved under the conditions of this consent; and a clear plan depicting all the monitoring required to be carried out under the conditions of this consent. <p>The Applicant must implement the strategy as approved by the Planning Secretary.</p>	<ul style="list-style-type: none"> Environmental Management Strategy (SLR Consulting, December 2015) 	<p>The latest version of the Environmental Management Strategy (EMS) was prepared in December 2015. It is noted that there are references to management plans within the EMS which are now superseded, therefore the version is not considered up to date as required by clause (f) of this condition.</p> <ol style="list-style-type: none"> The EMS was submitted to the Planning Secretary for approval prior to commencement of construction activities in October 2015. The EMS has been prepared in reference to ISO 14001:2015 Environmental management systems and includes environmental policies, procedures, legislation and guidance to allow for best practice environmental management on site. Statutory requirements are listed in the EMS in Section 2. Describes Resources, Roles, Responsibility & Authority in Section 5.1. The following procedures are described in the EMP: <ul style="list-style-type: none"> Keeping local community and agencies informed including the role of KEQPL's Community Consultative Committee (Section 5.3.3), and communication with nearby residents for blasting (Section 5.3.4); Complaints management procedures (Section 5.3.5); Non-compliance, corrective and preventative actions (Section 6.3); and 	NC	It is recommended that a review of the EMS be undertaken and updated where required to ensure it is current. This includes but not limited to updates in statutory requirements and references to updated management plans and monitoring programs.

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> Emergency preparedness and response including minor, moderate and serious environmental incidents. <p>f) The EMS includes strategies, plans and programs approved under the conditions of this consent including a summary of Management Plan Requirements under Section 2.1.</p> <p>A summary of Environmental Monitoring in accordance with approved management plans is provided Table 6 of Section 7.</p>		
Adaptive Management					
2.	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>a) Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur.</p> <p>b) Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>c) Implement remediation measures as directed by the Planning Secretary.</p>	<ul style="list-style-type: none"> Example non-compliance notifications for uncontrolled discharges and AQ exceedance issued to the DPE Example Environmental Incident Reports 	<p>a) During the audit period, there have been multiple exceedances of the surface water discharge limits, however it is not clear to the auditors whether feasible measures (including a review of appropriate Management Plans) have been taken to ensure the exceedance ceases.</p> <p>b) Example incident reports have been issued to the DPE and reviewed by ERM. Some incident reports have not been issued to the Department immediately after an incident occurred.</p> <p>c) There have been no specific remediation measures directed by the Planning Secretary within this audit period.</p>	NC	<p>Conduct a review of short term adaptive management processes to consider whether temporary solutions such as pumping and storage of water to enable short term provisioning of additional capacity is recommended.</p> <p>The above recommendations should be incorporated within an update to the Water Management Plan.</p>
Management Plan Requirements					
3.	<p>The Applicant must ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>a) Detailed baseline data.</p> <p>b) a description of:</p>	<ul style="list-style-type: none"> Air Quality Management Plan Blast Management Plan Noise Management Plan Heritage Management Plan 	<p>Following a review of the Management Plans required under this consent, the auditors are satisfied that they have been prepared in accordance with relevant guidelines and include the requirements of (a) to (h) of this condition. In addition,</p>	C	N/A

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> The relevant statutory requirements (including any relevant approval, licence or lease conditions); Any relevant commitments or recommendations identified in the documents listed in condition 2(d) of Schedule 2 Any relevant limits or performance measures/criteria; and The specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures. <p>c) A description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria.</p> <p>d) A program to monitor and report on the:</p> <ul style="list-style-type: none"> Impacts and environmental performance of the development; and Effectiveness of any management measures (see (c) above); <p>e) A contingency plan to manage any unpredicted impacts and their consequences.</p> <p>f) A program to investigate and implement ways to improve the environmental performance of the development over time.</p> <p>g) A protocol for managing and reporting any:</p> <ul style="list-style-type: none"> Incidents; Complaints; Non-compliances with statutory requirements; and Exceedances of the impact assessment criteria and/or performance criteria; and <p>h) A protocol for periodic review of the plan.</p> <p>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	<ul style="list-style-type: none"> Water Management Plan Traffic Management Plan Tetratheca Juncea Translocation Plan Biodiversity Offset Strategy Landscape and Rehabilitation Management Plan Biodiversity Offset Area Management Plan 	<p>assessment of compliance of individual management plans is discussed in further detail against the relevant conditions of Schedule 3.</p>		

Annual Review

4.	<p>By the end of March each year, the Applicant must review the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:</p> <p>a) describe the development (including rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year.</p> <p>b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:</p>	<ul style="list-style-type: none"> DPE pre-audit consultation on 17 October 2023 Annual Reviews 2020, 2021 and 2022 “Post Approval Document Received” email notifications from the DPE 	<p>The Annual Reviews which are applicable within this audit period are for the years 2020, 2021 and 2022. The auditors reviewed the Annual Reviews and confirm each contain the required details as listed within (a) to (f) of this condition.</p> <p>d) Following consultation with the Planning Secretary and as captured within the 2022 Annual Review and “Post Approval Document Received” email notification,</p>	<p>NC</p>	<p>It is recommended that all Annual Reviews are submitted to the Planning Secretary by the end of March each year.</p>
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> • The relevant statutory requirements, limits or performance measures/criteria; • The monitoring results of previous years; and • The relevant predictions in the documents referred to in condition 2(d) of Schedule 2 of this consent. <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance.</p> <p>d) identify any trends in the monitoring data over the life of the development;</p> <p>e) identify any discrepancies between the predicted and actual impacts of the development and analyse the potential cause of any significant discrepancies; and</p> <p>describe the measures that would be implemented over the current calendar year to improve the environmental performance of the development.</p>		<p>the 2021 Annual Review was identified to have been lodged in October 2022 therefore considered a late submission in accordance with this condition.</p>		

REVISION OF STRATEGIES, PLANS AND PROGRAMS

5.	<p>Within 3 months of:</p> <p>a) The submission of an annual review under Condition 4 above.</p> <p>b) The submission of an incident report under Condition 7 below.</p> <p>c) The submission of an audit report under Condition 9 below; or</p> <p>d) Any modification to the conditions of this consent, (unless the conditions require otherwise),</p> <p>the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Planning Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Planning Secretary</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</i></p>	<ul style="list-style-type: none"> ■ Air Quality Management Plan ■ Blast Management Plan ■ Noise Management Plan ■ Heritage Management Plan ■ Water Management Plan ■ Traffic Management Plan ■ Tetratheca Juncea Translocation Plan ■ Biodiversity Offset Strategy ■ Landscape and Rehabilitation Management Plan ■ Biodiversity Offset Area Management Plan 	<p>The management plans and strategies which are applicable to this condition are as follows:</p> <ul style="list-style-type: none"> ■ Environmental Management Strategy – dated Dec 2015; ■ Air Quality Management Plan – dated May 2019; ■ Blast Management Plan – dated May 2019; ■ Noise Management Plan – dated April 2022; ■ Heritage Management Plan – dated December 2015; ■ Water Management Plan – dated May 2019; ■ Traffic Management Plan – dated December 2015; ■ Tetratheca Juncea Translocation Plan – dated January 2019; ■ Biodiversity Offset Strategy – dated July 2013; ■ Landscape and Rehabilitation Management Plan – dated March 2020; and 	NC	<p>Ensure that all strategies, plans and programs required under this consent are updated to include a document control or similar so that revision dates are clear to the reader.</p> <p>Opportunities to improve notification systems are recommended to be reviewed to ensure programs are revised within the timeframes as required under this consent.</p>
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			<ul style="list-style-type: none"> Biodiversity Offset Area Management Plan – dated April 2021. <p>There is no evidence within the respective strategies, plans and programs required under this consent to demonstrate that a review has taken place within the requirements of this condition.</p>		

Community Consultative Committee

6.	<p>The Applicant must establish and operate a Community Consultative Committee (CCC) for the development. The CCC must:</p> <p>a) Be established and operated in general accordance with the Community Consultative Committees Guidelines for State Significant Projects (Department of Planning and Environment, 2016); and</p> <p>b) Be established prior to the commencement of construction activities, to the satisfaction of the Planning Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. <p>In accordance with the guideline, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.</p>	<ul style="list-style-type: none"> CCC Meeting Minutes 2020, 2021, 2022 and 2023. 	<p>The CCC is currently established and meeting minutes are uploaded to the Hunter Quarries website.</p> <p>Meeting minutes reviewed state that the CCC operate under the 'Community Consultative Committee Guidelines for State Significant Projects'. The role of the CCC is advisory and the purpose is for members to relay project information to the broader local community.</p> <p>Meetings are chaired by an independent representative and attended by KEQPL management, community representatives and other stakeholders within the local area.</p> <p>No issues have been identified in relation to this condition.</p>	C	
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REPORTING

Incident Notification

7.	<p>The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.</p>	<ul style="list-style-type: none"> Uncontrolled discharge incident notifications and post approval emails and dating October 2020, March 2021, July 2021, March 2022, July 2022 AQ exceedance (HVAS) notifications and post approval emails dating July 2023 	<p>A sample of incident notifications in relation to AQ were reviewed including:</p> <ul style="list-style-type: none"> Incident notification in relation to AQ exceedance, dated 16 June 2023. A letter was issued to the Planning Secretary in writing and submitted to the Major Projects Website on 18 July 2023. 	C	Refer to recommendations made in Schedule 4 Condition 1.
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
		<ul style="list-style-type: none"> AQ Failure to Monitor incident notifications and post approval emails dating August 2021 and July 2023 	<ul style="list-style-type: none"> Failure to Monitor notification in June 2023, submitted to the Major Projects Website on 18 July 2023. <p>ERM have discussed the use of the HVAS monitoring equipment and constraints in relation to collection of monitoring data within Schedule 4 Condition 1. ERM considers that KEQPL have been compliant for the above incidents.</p> <p>Additional incident notifications involving uncontrolled discharges were reviewed including:</p> <ul style="list-style-type: none"> Uncontrolled discharge occurring on 18 March 2021, submitted to the Major Project Website on 23 March 2021. Uncontrolled discharges and water quality monitoring exceedances occurring in March and July 2022, with associated incident reports prepared and submitted on the day of or within 48 hours of the incident occurring. <p>The sample of incidents reviewed indicate that KEQPL have been immediately notifying the Department as soon as the incident is made known. It is noted that only a sample of incident notifications have been reviewed, however no instances of non-compliance have been identified by the auditors.</p> <p>Opportunities to improve real time monitoring for HVAS are discussed in Schedule 4 Condition 1.</p>		

Non-Compliance Notification

7A	<p>Within seven days of becoming aware of a non-compliance, The Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions</p>	<ul style="list-style-type: none"> Uncontrolled discharge incident notifications and post approval emails and dating October 2020, March 2021, July 2021, March 2022, July 2022 	<p>The incidents discussed in Schedule 5 Condition 7 are reported non-compliance notifications.</p> <p>Notifications have been in writing and include incident reports which describe the nature of the incident, actions undertaken</p>	C	
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	have been, or will be, undertaken to address the non-compliance. Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	<ul style="list-style-type: none"> AQ exceedance (HVAS) notifications and post approval emails dating July 2023 AQ Failure to Monitor incident notifications and post approval emails dating August 2021 and July 2023 	<p>and further actions to be taken to address the non-compliance.</p> <p>ERM considers that KEQPL are compliant with this condition on the basis of the sample of non-compliance notifications reviewed and as discussed in Condition 7.</p>		

Regular Reporting

8.	The Applicant must regularly report on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	<ul style="list-style-type: none"> Hunter Quarries website 	<p>ERM reviewed the Hunter Quarries website and reviewed reports uploaded under the Karuah East Quarry page. Under the Environmental Monitoring Reports Sections, monthly monitoring reports are uploaded covering each month from May 2016 through to September 2023. The Environmental Monitoring Reports comprise monitoring data for the following:</p> <ul style="list-style-type: none"> Air quality including deposited dust and high volume air sampling; Blast monitoring; Noise monitoring; Surface water monitoring; Weather station monitoring; Production data; Environmental incidents; Reportable non-compliances; and Community complaints. <p>KEQPL are considered compliant with this condition.</p>	C	
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Independent Environmental Audit

9.	Within 12 months of the commencement of development on the site, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:	<ul style="list-style-type: none"> Independent Environmental Audit by Hansen Baily, October 2020 	<p>This Audit was conducted in 2023 and commenced within three years of the previous IEA in October 2020.</p> <p>a) The audit team consists of suitably qualified experts whose appointment</p>	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<p>a) Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary.</p> <p>b) Include consultation with the relevant agencies.</p> <p>c) Assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals)</p> <p>d) Review the adequacy of any approved strategy, plan or program required under these approvals; and</p> <p>e) Recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals. Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.</p>	<ul style="list-style-type: none"> ■ Independent Environmental Audit by EMM Consulting, July 2017 ■ DPE letter of appointment, reference MP09_0175-PA-29, dated 29 September 2023 	<p>has been endorsed by the Planning Secretary;</p> <p>b) Consultation with relevant agencies, including the Department of Planning, EPA, MidCoast Council and Community Consultation Committee (CCC) Chairperson as discussed in the Main Report;</p> <p>c) This report assesses the environmental performance of the development and compliance against relevant requirements within the Project Approval and EPL;</p> <p>d) The Report reviews the adequacy of approved strategies, plans or programs required under the Project Approval and EPL; and</p> <p>e) Recommendations have been provided for non-compliances or observations if deemed required by the auditors.</p>		
10.	<p>Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> ■ Independent Environmental Audit by Hansen Baily, October 2020 ■ Karuah East Quarry 2020 Response to Independent Environmental Audit ■ DPE Submission Receipt including Post Approval form, dated 2 November 2020 	<p>The previous Independent Environmental Audit is dated 30 October 2020. The stakeholder consultation of the audit took place on 17 August 2020 and the audit report was submitted to the Planning Secretary within 3 months of this timeframe. The response to audit recommendations was provided and is published on the Hunter Quarries website, which includes a timetable for implementation.</p>	C	N/A

ACCESS TO INFORMATION

11	<p>The Applicant must:</p> <p>a) Make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • The documents referred to in condition 2(d) of Schedule 2 of this consent; • Any statutory approvals for the development. • Approved strategies, plans and/ programs. 	<ul style="list-style-type: none"> ■ Hunter Quarries website 	<p>a) The Hunter Quarries website includes the following publicly available information in relation to the Site:</p> <ul style="list-style-type: none"> • All documents referred to in condition 2(d) of Schedule 2 of this consent. This includes EA, EA (MOD 1), 	C	N/A
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No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
	<ul style="list-style-type: none"> • A summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent. • Complaints register, updated quarterly; • minutes of CCC meetings; • annual reviews. • Any independent environmental audit, and the Applicant’s response to the recommendations in any audit; and • Any other matter required by the Planning Secretary; and <p>Keep this information up to date, to the satisfaction of the Planning Secretary</p>		<p>EA (MOD 2), SEE (MOD 8), MR (MOD 9) and MR (MOD 10).</p> <ul style="list-style-type: none"> • Statutory Approvals including the Karuah East Project Approval (MP09-0175 Modification 10) and the Environmental Protection License (EPL 20611). • Management plans and strategies which are the most recently approved, including: <ul style="list-style-type: none"> • Environmental Management Strategy; • Air Quality Management Plan; • Blast Management Plan; • Noise Management Plan; • Heritage Management Plan; • Water Management Plan; • Traffic Management Plan; • Tetratheca Juncea Translocation Plan; • Biodiversity Offset Strategy; • Landscape and Rehabilitation Management Plan; and • Biodiversity Offset Area Management Plan. • Monitoring data including Monthly Environmental Monitoring Reports dating for all months applicable to this audit period, EPBC approval and annual compliance reports and Annual Product Transport Data. • Community complaints register which is available for each year and updated quarterly. • Copies of all CCC minutes which have been recorded during the audit period. • Annual Reviews from 2016 to 2022. • All previous Independent Environmental Audits including the Applicant’s responses to recommendations. <p>b) All information published is considered up to date on the basis that all</p>		

No	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Comments
			management plans and other information listed in Condition 11 (a) of Schedule 5 are the latest approved versions.		

DOCUMENT DETAILS

DOCUMENT TITLE	Appendix A2 – Environment Protection Licence
DOCUMENT SUBTITLE	Compliance with EPL 20611
PROJECT NUMBER	0704272
Date	22 July 2024
Version	03
Author	Andrew Lewis, Lucas Wilson
Client name	Karuah East Quarry Pty Ltd

APPENDIX A2 – COMPLIANCE WITH EPL 20611

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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1 – ADMINISTRATIVE CONDITIONS

A1 What the licence authorizes and regulates

A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Crushing, grinding or spalling</td> <td>Crushing, grinding or separating</td> <td>> 500,000 -2 000,000 T annual handing capacity</td> </tr> <tr> <td>Extractive activities</td> <td>Extractive activities</td> <td>> 500,000 – 2 000,000T of annual extracted or processed</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Crushing, grinding or spalling	Crushing, grinding or separating	> 500,000 -2 000,000 T annual handing capacity	Extractive activities	Extractive activities	> 500,000 – 2 000,000T of annual extracted or processed	<ul style="list-style-type: none"> Production Summaries Annual Reviews, 2020 - 2022 	<p>Production amounts across for the years within the audit period are as follows:</p> <ul style="list-style-type: none"> 2020 = 836,269t 2021 = 836,775t 2022 = 938,277t 2023 = 681,672t (up to September) 	C	N/A
Scheduled Activity	Fee Based Activity	Scale												
Crushing, grinding or spalling	Crushing, grinding or separating	> 500,000 -2 000,000 T annual handing capacity												
Extractive activities	Extractive activities	> 500,000 – 2 000,000T of annual extracted or processed												

A2 Premises or plant to which this licence applies

A2.1	<p>The licence applies to the following premises:</p> <p>Premises Details KARUAH EAST QUARRY PACIFIC HIGHWAY KARUAH NSW 2324 LOT 26 DP 1024341, LOT 27 DP 1024341, LOT 12 DP 1024564 LOT 13 DP 1024564, LOT 16 DP 1024564, LOT 17 DP 1024564. LOT 202 DP 104537</p>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
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A3 Information supplied to the EPA

A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>(a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>(b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
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2 – DISCHARGES TO AIR AND WATER AND APPLICATION TO LAND



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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P1 Location of monitoring / discharge points and areas

P1.1	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point. Air.		<ul style="list-style-type: none"> • Site Observations • Air Quality Management Plan, May 2019 	The air monitoring locations were observed during the site visit at the listed locations.	C	N/A		
	EPA ID no.	Type of monitoring point					Type of discharge point	Location description
	4	Air emissions monitoring						Adjacent to Residence C at 5760 Pacific Highway, Karuah, referred to as DDG1 on Figure 2 "Sensitive Receivers & Air Quality Monitoring Locations" in draft Karuah East Quarry Project Air Quality Plan", July 2015. Located within EPA document DOC15/281558.
	5	Air emissions monitoring						Adjacent to Residence B at 5770 Pacific Hwy, Karuah, referred to as DDG2 on Figure 2 titled "Sensitive Receivers & Air Quality Monitoring Locations" in draft Karuah East Quarry Project Air Quality Plan", July 2015. Located within EPA document DOC15/281558
	6	Air emissions monitoring						Located Lot 24 DP 1024341 Pacific Karuah, referred to as DDG3 on Figure 2 titled "Sensitive Receivers and Air Quality Monitoring Locations" in draft Karuah East Quarry Project Air Quality Plan", July 2015. Located within EPA document DOC15/281558.
	7	Air emissions monitoring						Located at 21 Halloran Road, North Arm Cove, referred to as DDG4 on Figure 2 titled "Sensitive Receivers and Air Quality Monitoring Locations" in draft Karuah East Quarry Project Air Quality Plan", July 2015. Located within EPA document DOC15/281558.
8	Air emissions monitoring		Located on Lot21 DP1024341 Pacific Hwy, Karuah, referred to as DDG5 on Fig 2 "Karuah East Quarry - Sensitive Receivers & Air Quality Monitoring Locations" attached to licence variation application received 16/12/16. Located within EPA document DOC16/58114					

No	Assessment Requirement			Reference/ Evidence	Comments	Compliance Status	Recommendations																
9	Air emissions monitoring		Residence B located at Lot 3 DP 785172, Karuah, referred to as "B" HVAS on Fig 2 "Karuah East Quarry - Sensitive Receivers & Air Quality Monitoring Locations" in licence variation application received 16/12/16. Located within EPA document DOC16/581149																				
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.			<ul style="list-style-type: none"> Note 	Noted	Note	N/A																
P1.3	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point. Water and land			<ul style="list-style-type: none"> Site Observations Water Management Plan, May 2019 	The water discharge and monitoring locations were observed during the site visit at the listed locations.	C	N/A																
<table border="1"> <thead> <tr> <th data-bbox="261 766 439 835">EPA ID no.</th> <th data-bbox="451 766 744 835">Type of monitoring point</th> <th data-bbox="756 766 1032 835">Type of discharge point</th> <th data-bbox="1044 766 1347 835">Location description</th> </tr> </thead> <tbody> <tr> <td data-bbox="261 844 439 1167">1</td> <td data-bbox="451 844 744 1167">Discharge to waters</td> <td data-bbox="756 844 1032 1167">Discharge to waters</td> <td data-bbox="1044 844 1347 1167">The discharge point from Dam 1 as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402</td> </tr> <tr> <td data-bbox="261 1176 439 1499">2</td> <td data-bbox="451 1176 744 1499">Discharge to waters</td> <td data-bbox="756 1176 1032 1499">Discharge to waters</td> <td data-bbox="1044 1176 1347 1499">The discharge point from Dam 2 as shown on as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402.</td> </tr> <tr> <td data-bbox="261 1507 439 1831">3</td> <td data-bbox="451 1507 744 1831">Discharge to waters</td> <td data-bbox="756 1507 1032 1831">Discharge to waters</td> <td data-bbox="1044 1507 1347 1831">The discharge from Dam 3 as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402.</td> </tr> </tbody> </table>				EPA ID no.	Type of monitoring point	Type of discharge point	Location description	1	Discharge to waters	Discharge to waters	The discharge point from Dam 1 as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402	2	Discharge to waters	Discharge to waters	The discharge point from Dam 2 as shown on as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402.	3	Discharge to waters	Discharge to waters	The discharge from Dam 3 as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402.				
EPA ID no.	Type of monitoring point	Type of discharge point	Location description																				
1	Discharge to waters	Discharge to waters	The discharge point from Dam 1 as shown on the plan titled "Proposed Surface Water Management Plan - Figure 3", which is filed as part of EPA document DOC15/253402																				
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations						
P1.4	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <p>Noise / Weather</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>11</td> <td>Air blast overpressure & ground vibration peak particle velocity monitoring</td> <td>Blast monitor located adjacent to Residence B as identified in 'Figure 1 - Appendix 2 - Noise Receiver Locations' located in EPA document DOC15/253402.</td> </tr> </tbody> </table>	EPA identification no.	Type of monitoring point	Location description	11	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor located adjacent to Residence B as identified in 'Figure 1 - Appendix 2 - Noise Receiver Locations' located in EPA document DOC15/253402.	<ul style="list-style-type: none"> Site Observations 	The blast / noise monitoring location was observed during the site visit at the listed locations.	C	N/A
EPA identification no.	Type of monitoring point	Location description									
11	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor located adjacent to Residence B as identified in 'Figure 1 - Appendix 2 - Noise Receiver Locations' located in EPA document DOC15/253402.									

3 – POLLUTION OF WATERS

L1 Pollution of Waters

L1.1	<p>Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	<ul style="list-style-type: none"> Annual Returns, 2020 – 2023 KEQ – Surface Water Monitoring Discharge Register 	<p>From the review of the Annual Returns and Surface Water Monitoring Discharge Register it is noted that numerous reoccurring uncontrolled discharges of surface waters that exceed the concentration limits have occurred during the audit period.</p> <p>According to the Discharge Register, the following discharges were recorded which exceeded the concentration limits defined in EPL 20611:</p> <p>2020 – a total of 11 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> 5 uncontrolled discharges occurring on successive days from 26 to 30 October 2020 exceeded the TSS limit, ranging from 71mg/L to 5380mg/L. The uncontrolled discharge on 28 October 2020 was outside the pH limits, measuring pH 6.4. LDP002: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 296mg/L to 915mg/L. LDP003: 3 uncontrolled discharges occurring 26 to 28 October 2020 exceeded the TSS limit, ranging from 507mg/L to 1250mg/L. <p>2021: a total of 18 discharges non-compliant with the EPL concentration limits including:</p> <ul style="list-style-type: none"> LDP001: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 385mg/L to 1260mg/L. LDP002: 6 uncontrolled discharges occurring on successive days from 18 to 23 March 2021 exceeded the TSS limit, ranging from 92mg/L to 636mg/L. LDP003: 6 uncontrolled discharges occurring 18 to 23 March 2021 exceeded the TSS limit, ranging from 184mg/L to 592mg/L. 	NC	<p>Conduct a detailed review the effectiveness of the WMP, inclusive of the TARP to ensure that management measure are appropriate to ensure sufficient storage capacity of the site dams is effectively maintained, such that uncontrolled discharges do not occur.</p> <p>The review should consider the multiple surface water discharge exceedances which took place in 2020, 2021 and 2022 and the effectiveness of associated preventative measures and procedures, such as scheduling of dam de-sedimentation works prior to forecast rainfall events.</p> <p>The review should be conducted by a specialist and recommendations should be reflected within an update to the WMP.</p>
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>2022: a total of 29 non-compliant discharges including:</p> <ul style="list-style-type: none"> LDP001: 20 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 110mg/L to 3200mg/L. LDP002: 4 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 210mg/L to 1300mg/L. LDP003: 5 uncontrolled discharges during 2022 occurring in March, April and July exceeded the TSS limit, ranging from 100mg/L to 500mg/L. <p>All discharges exceeding the concentration criteria have been reported within the Annual Returns. Heavy rainfall, particularly in 2021 and 2022 resulted in multiple uncontrolled and non-compliant discharges during the audit period. A review of the WMP has not been carried out as required following the multiple exceedances of the discharge limits. It is not clear whether the response procedures described in the WMP are effective in preventing non-compliant discharges during heavy rainfall.</p>		It is recommended that KEQPL implement a framework to log all steps and actions to be taken in accordance with the TARP, in particular when a 'Condition Amber' or 'Condition Red' Trigger Response is enacted.

L2 Concentration Limits

L2.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	<ul style="list-style-type: none"> Annual Returns, 2020 – 2023 KEQ – Surface Water Monitoring Discharge Register 	As above	NC (Duplicate with L1.1)	
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	<ul style="list-style-type: none"> Annual Returns, 2020 – 2023 KEQ – Surface Water Monitoring Discharge Register 	As above	NC (Duplicate with L1.1)	
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
L2.4	Water and/or Land Concentration Limits Point 1,2,3.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A

Pollutant	Unit of measure	50 percentile concentration limits	90 percentile concentration limits	3DGM concentration limit	100 percentile concentration limits
Oil and grease	Milligrams per litre				5 &/or nonvisible
pH	pH				6.5-8.5
Total suspended solids	Milligrams per litre				40

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																														
L3 Waste																																			
L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	<ul style="list-style-type: none"> Interview with Environment Manager 	KEQPL stated, no outside waste is received at the premises.	C	N/A																														
L4 Noise Limits																																			
L4.1	<p>Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated in Table 2: Operational Noise Criteria, and Figure 1 of the document titled Project Approval 09_0175 Modification 9 (MOD 9) Department of Planning, Industry& Environment - which has been filed on EPA file Doc22/715570-1.</p> <table border="1"> <thead> <tr> <th>Noise Assessment Location</th> <th>Morning Shoulder LAeq (15min)</th> <th>Morning Shoulder LAmax</th> <th>Day LAeq (15 min)</th> <th>Evening LAeq (15 min)</th> </tr> </thead> <tbody> <tr> <td>A (74 Mill Hill Close, Karuah, Lot 100 DP 1028885)</td> <td>35</td> <td>52</td> <td>42</td> <td>40</td> </tr> <tr> <td>B (64 Mill Hill Close, Karuah, Lot 3 DP785172)</td> <td>35</td> <td>52</td> <td>40</td> <td>40</td> </tr> <tr> <td>G (2 Halloran Road, North Arm Cove Lot 1 DP1032636)</td> <td>35</td> <td>52</td> <td>43</td> <td>39</td> </tr> <tr> <td>H (21 Halloran Road, North Arm Cove Lot 10 DP1032636)</td> <td>35</td> <td>52</td> <td>44</td> <td>46</td> </tr> <tr> <td>All other residences</td> <td>35</td> <td>52</td> <td>40</td> <td>35</td> </tr> </tbody> </table>	Noise Assessment Location	Morning Shoulder LAeq (15min)	Morning Shoulder LAmax	Day LAeq (15 min)	Evening LAeq (15 min)	A (74 Mill Hill Close, Karuah, Lot 100 DP 1028885)	35	52	42	40	B (64 Mill Hill Close, Karuah, Lot 3 DP785172)	35	52	40	40	G (2 Halloran Road, North Arm Cove Lot 1 DP1032636)	35	52	43	39	H (21 Halloran Road, North Arm Cove Lot 10 DP1032636)	35	52	44	46	All other residences	35	52	40	35	<ul style="list-style-type: none"> Noise Management Plan, April 2022. Monthly Environmental Monitoring Reports (2020 – 2023) Annual Returns 2020 - 2023 Noise monitoring reports (Thearle Acoustics – 2020 to Q2 2021 and EMM Consulting Q3 2021 to Q3 2023) 	<p>ERM reviewed copies of Noise Monitoring Reports prepared during the audit period as well as the Noise Management Plans (NMP) which are considered applicable for this Audit Period. This includes the Noise Management Plans dating October 2015 (prepared by SLR Consulting) and dating April 2022 (prepared by EMM Consulting).</p> <p>Noise Monitoring Reports prepared for the development were carried out by subcontracted noise consultants. The criteria of assessment for attended Noise Monitoring was carried out until April 2022 at Location F and Location G, however are now excluded from this condition. On review of the Noise Monitoring Reports, operational noise levels measured within the audit period were compliant with the limits of the Project Approval.</p> <p>Determination of the operational noise levels via monitoring was conducted in accordance with the approved methods described within the 2015 NMP and 2022 NMP. This includes applying the noise criteria under all meteorological conditions except during periods of rain or hail, or wind speeds greater than 3 m/s measured at 10 m above ground level.</p> <p>No non-compliances were noted from the review.</p>	C	N/A
Noise Assessment Location	Morning Shoulder LAeq (15min)	Morning Shoulder LAmax	Day LAeq (15 min)	Evening LAeq (15 min)																															
A (74 Mill Hill Close, Karuah, Lot 100 DP 1028885)	35	52	42	40																															
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H (21 Halloran Road, North Arm Cove Lot 10 DP1032636)	35	52	44	46																															
All other residences	35	52	40	35																															
L4.2	Noise limit definitions - For the purpose of the table at L4.1, the following definitions apply: Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays; Morning Shoulder is defined as the period from 5:00am to 7:00am Monday to Saturday; Evening is defined as the period from 6:00pm to 10:00pm Monday to Saturday.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																														
L4.3	The noise limits set out in this licence apply under all meteorological conditions except for the following: <ul style="list-style-type: none"> a) Wind speed greater than 3 metres/second at 10 metres above ground level; or 	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																														

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) Stability category G temperature inversion conditions.</p>				
L4.4 Determining Compliance					
L4.4	<p>To determine compliance with the noise limits set out in the table above, the licensee must locate monitoring equipment:</p> <p>a) Within 30 metres of a dwelling façade (but not closer than 3 metres) where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises.</p> <p>b) Approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises.</p> <p>c) At the most affected point at a location where there is no dwelling at the location; and</p> <p>d) Within approximately 50 metres of the boundary of a national park or nature reserve.</p> <p>Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:</p> <p>i. At a location other than an area prescribed in part and part (b); and/or</p> <p>ii. At a point other than the most affected point at a location.</p>	<ul style="list-style-type: none"> Quarterly Noise monitoring Reports (Thearle Acoustics for 2020 and EMM for 2021 – 2023 reports) 	The quarterly noise monitoring reports state the equipment location requirements as per this condition within the methodology for undertaking the monitoring.	C	N/A
L4.5	<p>For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the EPA's "Noise Policy for Industry" must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.</p>	<ul style="list-style-type: none"> Quarterly Noise monitoring Reports (Thearle Acoustics for 2020 and EMM for 2021 – 2023 reports) 	The quarterly noise monitoring reports state the required modification factors are applied as per the Fact Sheet C of the EPA's "Noise Policy for Industry'.	C	N/A
L5 Blasting					
L5.1	<p>Blasting in or on the premises must only be carried out between the hours of 9:00 am and 4:00 pm Monday to Friday. No blasting is permitted on Saturdays, Sundays or public holidays. Blasting outside of the hours specified in this condition can only take place with the written approval of the EPA.</p>	<ul style="list-style-type: none"> KEQ Blast Master 	A review of the "KEQ Blast Master" spreadsheet record did not identify any blasts to have occurred outside the permitted times.	C	N/A
L5.2	<p>Blasting is not permitted simultaneously with adjacent quarry(s).</p>	<ul style="list-style-type: none"> Interview with Environmental Manager Annual Returns 2020 - 2023 	KEQPL stated, blasting is scheduled not to coincide with adjacent quarry. A review of the annual returns did not identify any simultaneous blasts	C	N/A
L5.3	<p>The airblast overpressure level from blasting operations in or on the premises must not exceed:</p> <p>a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and</p> <p>b) 120 dB (Lin Peak) at any time, at monitoring point 11 detailed in Condition P1.4.</p>	<ul style="list-style-type: none"> KEQ Blast Master Annual Returns 2020 - 2023 	A review of the "KEQ Blast Master" spreadsheet record and Annual returns did not identify any blasts to have exceeded the limits stated in this condition.	C	N/A
L5.4	<p>The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:</p>	<ul style="list-style-type: none"> KEQ Blast Master Annual Returns 2020 - 2023 	A review of the "KEQ Blast Master" spreadsheet record and Annual returns did not identify any blasts to have exceeded the limits stated in this condition.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	a) 5 mm/second for more than 5% of the total number of blasts during each reporting period; and b) 10 mm/second at any time, at monitoring point 11 detailed in Condition P1.4.				
L5.5	Error margins associated with any monitoring equipment used to measure airblast overpressure or peak particle velocity are not to be taken into account in determining whether or not the limit has been exceeded.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
L5.6	The airblast overpressure and ground vibration levels in the conditions above do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and landowner.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
L5.7	Offensive blast fume must not be emitted from the premises. <i>Definition:</i> Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances: <ol style="list-style-type: none"> Are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. 	<ul style="list-style-type: none"> KEQ Blast Master Annual Returns 2020 – 2023 Interview with Environmental Manager 	A review of the "KEQ Blast Master" spreadsheet record and Annual returns did not identify any blasts to have caused offensive blast fume events.	C	N/A

L6 Hours of Operation

L6.1	Hours of operation for each activity type permitted by this Licence are shown in the table below: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Activity</th> <th style="width: 70%;">Operating hours</th> </tr> </thead> <tbody> <tr> <td>Quarrying Operations</td> <td>7:00 am to 9:00 pm, Monday to Friday. No quarrying operations on Sundays or Public Holidays. 7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00am to 6:00 pm, Saturday. No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.</td> </tr> <tr> <td>Product loading and dispatch</td> <td>5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays</td> </tr> <tr> <td>Construction activities</td> <td>7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq (15 min) at any privately-owned residence.</td> </tr> </tbody> </table>	Activity	Operating hours	Quarrying Operations	7:00 am to 9:00 pm, Monday to Friday. No quarrying operations on Sundays or Public Holidays. 7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00am to 6:00 pm, Saturday. No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.	Product loading and dispatch	5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays	Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq (15 min) at any privately-owned residence.	<ul style="list-style-type: none"> Interview with Environmental Manager Blast Monitoring Data KEQ Blast Monitoring.xlsx Community Complaints Register 2020, 2021, 2022, YTD 2023 Annual Returns 2020 – 2023 	KEQPL Management confirmed that all quarrying operations, product loading and dispatch, and maintenance activities occurred within the prescribed operating hours. It was confirmed by Site Management that shifts of site personnel on Saturdays typically end at midday, ensuring that no operations are performed past 1:00pm. Further review of the blast data captured within the Site's Annual Reviews and Blast Monitoring Data tracker describe that all blasting activities within the Audit Period took place within the prescribed operating hours. According to the site's Community Complaint Register, there are no complaints to indicate the site has been operating outside the prescribed Operating Hours during the Audit Period.	C	N/A
Activity	Operating hours												
Quarrying Operations	7:00 am to 9:00 pm, Monday to Friday. No quarrying operations on Sundays or Public Holidays. 7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00am to 6:00 pm, Saturday. No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday.												
Product loading and dispatch	5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays												
Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) LAeq (15 min) at any privately-owned residence.												

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence			

L7 Potentially Offensive Odour

L7.1	<p>No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.</p> <p>Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.</p>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
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4 – OPERATING CONDITIONS

O1 Activities Must be Carried Out in a Competent Manner

O1.1	<p>Licensed activities must be carried out in a competent manner. This includes:</p> <p>a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and</p> <p>b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	<ul style="list-style-type: none"> Site Observations Interview with Environmental Manager Annual Returns 2020 – 2023 	Lubricants and associated materials were stored within a hazardous materials storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, thus considered non-compliant with this condition.	NC (Duplicate with O5.1)	As per O5.1
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O2 Maintenance of Plant and Equipment

O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) Must be maintained in a proper and efficient condition; and</p> <p>b) Must be operated in a proper and efficient manner.</p>	<ul style="list-style-type: none"> Service & Maintenance Registers for 2020, 2021, 2022 and 2023 Sample Verification of Competency certificates Sample of Training Register Site Observations 	<p>Hunter Quarries maintain a Service and Maintenance Register of all plant and equipment on site. The register details the date, plant and equipment name, description of the service or maintenance carried out, job code, servicing company and further comments including details of any inspections or parts replaced. Work orders are raised in accordance with the Register. Sample service records were reviewed to verify dates entered in the Service and Maintenance Register were correct. ERM did not observe examples of plant and equipment not being maintained in a proper and efficient condition or any lapsed maintenance requirements.</p> <p>The site maintains a Training Register for all personnel who hold verification of competencies for the operation of plant and equipment (e.g. excavators, water carts, dumps), or completed NSW Government led training courses (e.g. Cert 111 or Cert IV) in the operation of surface extractors. The Register logs the dates of completion and expiry for the relevant training courses or certificates held for site personnel. A sample of training certificates were provided for site personnel to demonstrate completion of Rigid haul truck operations training had been carried out.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			In addition, sample daily pre-start checks were reviewed during the audit primary and secondary plant. ERM did not observed any site personnel not operating equipment in a proper and efficient manner.		
O3 Dust					
03.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	<ul style="list-style-type: none"> Site Observations Interview with Environmental Manager Annual Returns 2020 – 2023 Monthly Dust Monitoring provided by RCA Laboratories Environmental Monitoring Reports 2023. 	<p>Central control room to manage dust suppression sprays at each transfer point and stockpile within crushing and screening plant. Water spray truck actively wets internal roads and product stockpiles.</p> <p>Biggest observable issue during the site visit was noted to be from main drop point to boot – jaw crusher.</p> <p>Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below:</p> <p>Short term PM: One exceedance of the short-term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³. This result is considered a low-range exceedance with the PM₁₀ limit of 50 µg/m³ and as this is the only exceedance recorded within this audit period, no further actions are recommended at this stage.</p>	NC	As only this single incident of a low-range exceedance occurred during the audit period, continue to monitor for exceedances. If exceedances reoccur examine additional measure to manage.
03.2	Any activity carried out in or on the premises must be carried out by such practical means as to prevent dust or minimise the emission of dust to the air.	<ul style="list-style-type: none"> Site Observations Interview with Environmental Manager Annual Returns 2020 – 2023 Monthly Dust Monitoring provided by RCA Laboratories Environmental Monitoring Reports 2023. 	<p>Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below:</p> <p>Short term PM: One exceedance of the short-term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³.</p>	NC (Duplicate with 03.1)	
03.3	Any plant operated in or on the premises must be operated by such practical means to prevent or minimise dust or other air pollutants.	<ul style="list-style-type: none"> Site Observations Interview with Environmental Manager Annual Returns 2020 – 2023 Monthly Dust Monitoring provided by RCA Laboratories Environmental Monitoring Reports 2023. 	<p>Across the audit period it was noted that dust was generally managed in accordance with this condition, although an exceedance of the air quality limits stated in the Project Approval, as below:</p> <p>Short term PM: One exceedance of the short-term criteria for PM₁₀, occurring on 16 June 2023 with a PM₁₀ monitoring value of 51 µg/m³.</p>	NC (Duplicate with 03.1)	
03.4	All trafficable areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the emission of dust to the air, or emission from the premises of wind-blown or traffic generated dust.	<ul style="list-style-type: none"> Site Observations Interview with Environmental Manager 	Trafficable areas were observed to be managed to minimise dust emissions with water trucks and surface treatments.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> Annual Returns 2020 – 2023 Air Quality Management Plan, May 2019 			
03.5	The licensee must ensure it has sufficient water during all stages of the quarry, and if necessary, adjust the scale of quarrying operations on the premises to match its available supply.	<ul style="list-style-type: none"> Water Management Plan, May 2019. Site Observations Interviews with Site Management 	<p>The site Water Management Plan includes a Site Water Balance that was completed as part of the project EA and was revised in 2013.</p> <p>ERM reviewed the Water Management Plan prepared for the site, which states that “the water balance has been designed to ensure sufficient water capacity for the Project”. The Water Management Plan includes a predicted annual and daily water usage for the different uses on site (i.e. road dust suppression, stockpile sprays, crushing plant, pug mill and wash plant). Following this, the results of the water balance model prepared within the Water Management Plan states that runoff captured in sediment basins on-site will provide for the majority of water demand however, a small amount of water may be required from external sources.</p> <p>Site Management advised that they perform routine checks of dam levels and rarely top up water levels from mains supply if required. There have been no instances where water supply has been insufficient during audit period. The three dams were inspected by the auditors and were observed to be holding sufficient water.</p>	C	N/A
03.6	Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.	<ul style="list-style-type: none"> Transport Management Plan & Driver’s Code of Conduct, December 2015. Site Observations Interviews with Site Management 	<p>Trucks entering and leaving the premises were observed during the site inspection to have their loads covered as required.</p> <p>It is a requirement within the Driver’s Code of Conduct that loads are covered, and trucks are checked at the weighbridges prior to leaving site.</p>	C	N/A

O4 Emergency Response

	<p>Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g., spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.</p> <p>The PIRMP must be tested at least annually or following a pollution incident.</p> <p>The licensee must develop the PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO Regulations.</p>	<ul style="list-style-type: none"> Pollution Incident Response Management Plan (PIRMP), October 2016. Annual Returns 2020 - 2023 	<p>KEQPL has prepared the required PIRMP and it was observed to be kept at site during the site visit.</p> <p>The PIRMP documents the systems and procedures to deal with all types of incidents (e.g., spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.</p> <p>The Annual Returns for the audit period note the PIRMP was tested annually</p>	C	N/A
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O5 Processes and Management

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
05.1	All tanks and storage areas for drums containing material that has potential to cause environmental harm must be bunded or have an alternative spill containment system in-place. The bunding and/or spill containment systems must be properly designed, engineered, and constructed to be suitable for the material types and quantities stored therein in accordance with all appropriate standards, including Australian Standards (AS)1940 and AS1596.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	Lubricants and associated materials were stored within a hazardous materials storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, thus considered non-compliant with this condition. There are two aboveground storage tanks (ASTs) containing diesel onsite, both of which comprise a double walled construction. The primary storage area has been constructed with a drainage system to sump, but the sump was noted to be under-sized and it would offer limited containment in the event of a spill.	NC	The hazardous materials storage container should be repaired (to ensure it does not allow rainfall to fill the bund – making it inoperable) to ensure it complies with (AS)1940.
05.2	Bunds must: <ul style="list-style-type: none"> a) have walls and floors constructed of impervious materials; b) Be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); c) Have floors graded to a collection sump; d) Not have a drain valve incorporated in the bund structure; or be constructed and operated in a manner that achieves the same environmental outcome.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	As above.	NC (Duplicate with 05.1)	As above.
05.3	All refuelling must be undertaken in a dedicated refuelling area. The refuelling area must be a hardstand and suitably bunded in accordance with EPA bunding guidance.	<ul style="list-style-type: none"> Site Observations 	The site refuelling location was observed with the required hardstand, draining internally to a sump.	C	N/A
05.4	The licensee must, before undertaking any earthmoving or vegetation removal works, implement erosion and sediment control measures to prevent pollution of waters in accordance with Soils and Construction: Managing Urban Stormwater 2004 (Landcom, 2004).	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	Erosion and sediment control measures were observed to be in place during the site inspection.	C	N/A
05.6	The in-pit sump must be sized at all times to prevent a discharge to waters in the event of pump failure.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	KEQPL stated, no in-pit yet required or developed in the audit period.	NT	N/A

06 Waste Management

06.1	The licensee must not irrigate, discharge or dispose of sewage effluent, on the premises.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	Sewage is collected by JJ Richards and taken offsite for disposal.	C	N/A
06.2	The licensee must operate and maintain a wastewater collection and storage tank/s to enable the pump out and offsite disposal of any sewage effluent.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	Sewage collection storage tank observed during site inspection.	C	N/A
06.3	The licensee must ensure that sewage effluent collected at the premises is pumped out and disposed of in a lawful manner.	<ul style="list-style-type: none"> Site Observations Interviews with Site Management 	Sewage is collected by JJ Richards and taken offsite for disposal.	C	N/A

07 Other Operating Conditions

07.1 (Prior to 02-09-2022)	All acoustic bunds necessary to achieve compliance with the noise limits specified in this licence must be constructed prior to the commencement of quarrying activities and be maintained throughout the operational life of the premises to the height and location described in the Noise Management Plan.	<ul style="list-style-type: none"> Interviews with Site Management Annual Returns, 2020 - 2023 	It was noted in the Annual return for the reporting period 26-08-2020 to 25-08-2021 that acoustic bunding was not constructed as required by condition 07.1 as it was deemed to be ineffective. Enclosures were built around the crushers which meets noise limit protection requirements. The EPL was varied on 02/09/2022, removing the requirement for bunding and	NC	As the original requirement has been removed from the EPL condition, no further action is recommended.
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			amending condition O7.1. The non-compliance noted for this condition was limited to the previous version of the EPL. The site is compliant as at the close of the audit period.		
O7.1 (Post 02-09- 2022)	The licensee must implement all necessary procedural controls to all mobile plant to limit engine RPM (revolutions per minute) so as to reduce noise in order to achieve compliance with the noise limits specified in this licence.	<ul style="list-style-type: none"> Interviews with Site Management Annual Returns, 2020 - 2023 	KEQPL stated procedural controls have been implemented as required and no non-compliances were noted against this condition.	C	N/A
O7.2	The licensee must not have a bitumen pre-coat plant on the site. Project Approval MP09_0175 did not assess or approve such a plant	<ul style="list-style-type: none"> Interviews with Site Management Site Observations 	KEQPL stated they do not have a bitumen pre-coat plant and none was observed during the site visit.	C	N/A

5 – MONITORING AND RECORDING CONDITIONS

M1 Monitoring Records

M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
M1.2	All records required to be kept by this licence must be: <ol style="list-style-type: none"> In a legible form, or in a form that can readily be reduced to a legible form. Kept for at least 4 years after the monitoring or event to which they relate took place; and Produced in a legible form to any authorised officer of the EPA who asks to see them. 	<ul style="list-style-type: none"> Interview with Environmental Manager Monitoring Records 	Annual Reviews and monthly monitoring reports are available on the KEQPL website and provide the required information. KEQPL stated records are legible and available to be provided to an EPA officer if requested to provide.	C	N/A
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ol style="list-style-type: none"> The date(s) on which the sample was taken. The time(s) at which the sample was collected. The point at which the sample was taken; and The name of the person who collected the sample. 	<ul style="list-style-type: none"> Monitoring Records 	Examples of monitoring reports provided by KEQPL for the audit period were viewed from the database. Laboratory analysis reports includes the information required under this condition.	C	N/A

M2 Requirement to Monitor Concentration of Pollutants Discharged

M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.	<ul style="list-style-type: none"> Monitoring Records Annual Returns, 2020 - 2023 	Monitoring of discharges is outlined in Section 8.1.3 of the WMP. The monitoring frequency is generally conducted in accordance with Condition M2.1. Examples of air quality monitoring for deposited dust, TSP and PM10 during the audit period were viewed. Sampling from reports reviewed is undertaken in accordance with the stated methods. A review of the Annual Returns noted 2 separate non-compliances against condition M2.1. The first was reported as being due to a HVAS sample jar being shattered twice (03/06/2021 and 05/07/2021) at the laboratory prior to analysis. KEQPL stated the action taken was to instruct laboratory / field technicians to take greater care when handling sample jars.	NC	Ensure monitoring is undertaken in accordance with requirements of M2 conditions.
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																				
			The second was reported as a failure of HVAS equipment failing during periods of extreme rainstorms (22/03/2021, 28/03/2021 and 03/04/2021) resulting in scheduled runs not being able to be undertaken. Make up runs were subsequently undertaken to make up for the missed runs.																						
M2.2	<p>Air monitoring Requirements POINT 4, 5, 6, 7, 8.</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates – deposited matter</td> <td>Grams per square meter per month</td> <td>Monthly</td> <td>AM-19</td> </tr> </tbody> </table> <p>POINT 9</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>Micrograms per cubic meter</td> <td>Every 6 days</td> <td>AM-18</td> </tr> <tr> <td>Total suspended particles</td> <td>Micrograms per cubic meter</td> <td>Every 6 days</td> <td>AM-15</td> </tr> </tbody> </table>	Pollutant	Units of Measure	Frequency	Sampling Method	Particulates – deposited matter	Grams per square meter per month	Monthly	AM-19	Pollutant	Units of Measure	Frequency	Sampling Method	PM10	Micrograms per cubic meter	Every 6 days	AM-18	Total suspended particles	Micrograms per cubic meter	Every 6 days	AM-15	<ul style="list-style-type: none"> Note 	Noted	Noted	N/A
Pollutant	Units of Measure	Frequency	Sampling Method																						
Particulates – deposited matter	Grams per square meter per month	Monthly	AM-19																						
Pollutant	Units of Measure	Frequency	Sampling Method																						
PM10	Micrograms per cubic meter	Every 6 days	AM-18																						
Total suspended particles	Micrograms per cubic meter	Every 6 days	AM-15																						
M2.3	<p>Water and/or Land Monitoring Requirements POINT 1, 2, 3.</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>Milligrams per litre</td> <td>Special Frequency 1</td> <td>Visual Inspection</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Total Suspended Solids</td> <td>Milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Turbidity</td> <td>Nephelometric turbidity units</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> </tbody> </table> <p>Note: For the purposes of the table above 'Special Frequency 1' means</p> <ol style="list-style-type: none"> Within 12 hours prior to any controlled discharge; and Daily during a controlled discharge; or Daily during any uncontrolled discharge. 	Pollutant	Units of Measure	Frequency	Sampling Method	Oil and Grease	Milligrams per litre	Special Frequency 1	Visual Inspection	pH	pH	Special Frequency 1	Grab sample	Total Suspended Solids	Milligrams per litre	Special Frequency 1	Grab sample	Turbidity	Nephelometric turbidity units	Special Frequency 1	Grab sample	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
Pollutant	Units of Measure	Frequency	Sampling Method																						
Oil and Grease	Milligrams per litre	Special Frequency 1	Visual Inspection																						
pH	pH	Special Frequency 1	Grab sample																						
Total Suspended Solids	Milligrams per litre	Special Frequency 1	Grab sample																						
Turbidity	Nephelometric turbidity units	Special Frequency 1	Grab sample																						
M3 Testing Methods – Concentration Limits																									
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ol style="list-style-type: none"> Any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or 	<ul style="list-style-type: none"> Interview with Environmental Manager Annual Returns ,2020-2023 Monitoring Records 	<p>A review of the Annual Returns noted 2 separate non-compliances against condition M3.1. The first was reported as being due to a HVAS sample jar being shattered twice (03/06/2021 and 05/07/2021) at the laboratory prior to analysis.</p>	NC (Duplicate with M2.1)	As per recommendation for M2.1																				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>b) If no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or</p> <p>c) If no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</p> <p><i>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</i></p>		<p>KEQPL stated the action taken was to instruct laboratory / field technicians to take greater care when handling sample jars.</p> <p>The second was reported as a failure of HVAS equipment failing during periods of extreme rainstorms (22/03/2021, 28/03/2021 and 03/04/2021) resulting in scheduled runs not being able to be undertaken. Make up runs were subsequently undertaken to make up for the missed runs.</p> <p>Beyond the above noted issues, air quality monitoring is undertaken as per the methodology prescribed by the NSW Environment Protection Authority (EPA) in their document, Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (2022) (Approved Methods).</p>		
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	<ul style="list-style-type: none"> • Interview with Environmental Manager • Annual Returns 2020-2023 • Monitoring Records 	Water quality monitoring is undertaken as per the methodology prescribed by the NSW Environment Protection Authority (EPA) in their document, Approved methods for the sampling and analysis of water pollutants in NSW (2022) (Approved Methods).	C	N/A

M4 Weather Monitoring

M4.1	<p>Prior to the commencement of operation of the development, the Proponent must establish a permanent meteorological station complying with the Approved Methods for Sampling and Analysis and the Australian Standard AS2923 - 1987, at the facility. The meteorological station must monitor the following parameters:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>Mm/hr</td> <td>1 hour</td> <td>Continuous</td> <td>AM-4</td> </tr> <tr> <td>Sigma Theta @ 10m</td> <td>Degrees</td> <td>1 hour</td> <td>Continuous</td> <td>AM-2</td> </tr> <tr> <td>Siting</td> <td>-</td> <td>-</td> <td>-</td> <td>AM-1</td> </tr> <tr> <td>Temperature @ 10m</td> <td>Kelvin</td> <td>1 hour</td> <td>Continuous</td> <td>AM-4</td> </tr> <tr> <td>Temperature @ 2m</td> <td>Kelvin</td> <td>1 hour</td> <td>Continuous</td> <td>AM-4</td> </tr> <tr> <td>Total Solar Radiation @ 10m</td> <td>W/m²</td> <td>1 hour</td> <td>Continuous</td> <td>AM-4</td> </tr> <tr> <td>Wind Direction @ 10m</td> <td>Degrees</td> <td>1 hour</td> <td>Continuous</td> <td>AM-2</td> </tr> <tr> <td>Wind Speed @ 10m</td> <td>m/s</td> <td>1 hour</td> <td>Continuous</td> <td>AM-2</td> </tr> </tbody> </table>	Parameter	Units of measure	Averaging period	Frequency	Sampling Method	Rainfall	Mm/hr	1 hour	Continuous	AM-4	Sigma Theta @ 10m	Degrees	1 hour	Continuous	AM-2	Siting	-	-	-	AM-1	Temperature @ 10m	Kelvin	1 hour	Continuous	AM-4	Temperature @ 2m	Kelvin	1 hour	Continuous	AM-4	Total Solar Radiation @ 10m	W/m ²	1 hour	Continuous	AM-4	Wind Direction @ 10m	Degrees	1 hour	Continuous	AM-2	Wind Speed @ 10m	m/s	1 hour	Continuous	AM-2	<ul style="list-style-type: none"> • Site Observation • Meteorological Monitoring Data • Previous IEA's 	<p>The weather monitoring station was observed to be in place as required. Previous IEAs confirmed the station was established prior to the commencement of operations.</p>	C	N/A
Parameter	Units of measure	Averaging period	Frequency	Sampling Method																																														
Rainfall	Mm/hr	1 hour	Continuous	AM-4																																														
Sigma Theta @ 10m	Degrees	1 hour	Continuous	AM-2																																														
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Wind Speed @ 10m	m/s	1 hour	Continuous	AM-2																																														

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<i>Note: Sampling methods as identified in the table above refer to those outlined in NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW</i>				
M4.2	The location of the site chosen for the station and details of equipment, measurement and maintenance / service procedures and schedules to be installed and maintained must be submitted to the EPA and approved in writing by the EPA before any sampling or analysis is carried out.	<ul style="list-style-type: none"> Previous IEA's 	Previous IEA's confirmed the station location, equipment, procedures and schedules were approved by the EPA prior to sampling being conducted as required by this condition.	C	N/A
M4.3	The meteorological monitoring station must be calibrated at least once every 12 months. The EPA is to be provided with data on request in a Microsoft Office software compatible format.	<ul style="list-style-type: none"> Calibration Reports, 2019 - 2023 	Calibration reports prepared by Environdata Weather Stations Pty Ltd for each year of the audit period as required by this condition were reviewed.	C	N/A

M5 Recording of Pollution Complaints

M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	<ul style="list-style-type: none"> Complaints Registry 	KEQPL maintains a Complaints Register as required by this condition. The register covered each year of the audit period.	C	N/A
M5.2	The record must include details of the following: <ol style="list-style-type: none"> the date and time of the complaint. the method by which the complaint was made. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect. the nature of the complaint. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the licensee, the reasons why no action was taken. 	<ul style="list-style-type: none"> Complaints Registry 	KEQPL Complaints Register and summary of complaints reported in audit period Annual Reviews were reviewed. The register includes a summary of the required information.	C	N/A
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	<ul style="list-style-type: none"> Complaints Registry 	KEQPL maintains a Complaints Register as required by this condition. A review of the registry identified records are kept for at least 4 years as required by this condition.	C	N/A
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	<ul style="list-style-type: none"> Interview with Environmental Manager 	KEQPL stated no EPA officer has requested to see the records within the audit period.	NT	N/A

M6 Telephone Complaints Line

M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	<ul style="list-style-type: none"> KEQPL Website Site Entrance Board 	The community call line is listed on the KEQPL website and on the board by the site entrance.	C	N/A
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	<ul style="list-style-type: none"> As Above 	As above	C	N/A

M7 Blasting

M7.1	To determine compliance with Blast Limit condition of this licence: <ol style="list-style-type: none"> Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring point 11 for the parameters specified in Column 1 of the table below; and 	<ul style="list-style-type: none"> Blast Management Plan, May 2019 Blast Master Annual Returns, 2020 - 2023 	The Blast Management Plan (BMP) details the compliance requirements for blasting activities. <ol style="list-style-type: none"> BMP Figure 2 indicates the blast monitoring point is adjacent to Residence B (Monitoring Point 11). 	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations												
	<p>b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Airblast Overpressure</td> <td>Decibels (Linear Peak)</td> <td>All Blasts</td> <td>Australia Standards AS 2187.2-2006</td> </tr> <tr> <td>Ground Vibration Peak Particle Velocity</td> <td>Millimetres/second</td> <td>All blasts</td> <td>Australian Standards AS 2187.2-2006</td> </tr> </tbody> </table>	Parameter	Units of measure	Frequency	Sampling Method	Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australia Standards AS 2187.2-2006	Ground Vibration Peak Particle Velocity	Millimetres/second	All blasts	Australian Standards AS 2187.2-2006		<p>b) BMP Sections 4 and 7 and blast monitoring results in monthly monitoring reports and Annual Reviews indicate the required units are measured and reported. A review of the Blast Master and Annual Reviews shows blast monitoring is conducted as required by this condition.</p>		
Parameter	Units of measure	Frequency	Sampling Method														
Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australia Standards AS 2187.2-2006														
Ground Vibration Peak Particle Velocity	Millimetres/second	All blasts	Australian Standards AS 2187.2-2006														

M8 Noise Monitoring

M8.1	<p>To assess compliance with the noise limits for this premises attended noise monitoring must be undertaken in accordance with all noise condition and:</p> <p>a) During a period of normal quarry operations. b) at each one of the locations listed in the noise limits table of this licence c) Occur quarterly in the reporting period. d) Occur during each day period as defined in the NSW Noise Policy for Industry.</p> <p><i>Note: Quarterly attended noise monitoring must be completed (unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent. The frequency of noise monitoring will be reviewed, upon request.</i></p>	<ul style="list-style-type: none"> Quarterly Noise Monitoring Reports, 2020 – 2023 Annual Returns, 2020 - 2023 	<p>A review of the Quarterly Monitoring Reports, prepared by EMM Consulting, across the audit period identified the methodology includes the requirements of this condition.</p> <p>Recorded Weather and Operating Conditions as reported stated monitoring was conducted in accordance with the stated criteria a), b) and d).</p> <p>A review of the Annual Returns noted 1 non-compliance for c) Noise monitoring not undertaken during the 26-08-2020 to 25-08-2021 reporting period. KEQPL stated due to statistically wet year, monitoring under the required meteorological conditions proved difficult and therefore the last quarter monitoring was not conducted in time.</p> <p>KEQPL stated in response to the failure to monitor they were amending the process of planning for quarterly monitoring to account for weather impacts. It is noted that the incident has not reoccurred during the audit period.</p>	NC	<p>Following the incident KEQPL amended quarterly monitoring planning and the failure to conduct quarterly monitoring has not reoccurred. Therefore, no further action is recommended.</p>
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6 – REPORTING CONDITIONS

R1 Annual Return Documents

R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> A Statement of Compliance A Monitoring and Complaints Summary A statement of Compliance - Licence Conditions, A Statement of Compliance - Load based Fee A Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan A Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and A Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	<ul style="list-style-type: none"> Annual Returns, 2020 – 2023 eConnect Annual Return Submission Receipts, 2020 – 2023 EPA POEO Public Register 	<p>The Annual Returns for 2020 – 2023 and their eConnect Submission Receipts were reviewed confirming lodgement of the Annual Returns as per this condition.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. <i>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</i>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
R1.3	Where this licence is transferred from the licensee to a new licensee: a) The transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) The new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. <i>Note: An application to transfer a licence must be made in the approved form for this purpose.</i>	<ul style="list-style-type: none"> Interview with Environmental Manager 	KEQPL stated the licence has not been transferred within the audit period.	NT	N/A
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) In relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or In relation to the revocation of the licence - the date from which notice revoking the licence operates.	<ul style="list-style-type: none"> Interview with Environmental Manager 	KEQPL stated the licence has not been surrendered or revoked within the audit period.	NT	N/A
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	<ul style="list-style-type: none"> Annual Returns, 2020 – 2023 eConnect Annual Return Submission Receipts, 2020 – 2023 EPA POEO Public Register 	A review of the submission dates of the Annual Returns noted that the Annual Return for the reporting period 26-08-21 to 25-08-2022 was submitted on 26-10-2022, 2 days after the due date of 24-10-2022. All other Annual returns for the audit period were noted to have been submitted within the required time period.	NC	Ensure Annual Returns are submitted within the 60 days and the due date as notified by the EPA.
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	<ul style="list-style-type: none"> Annual Returns 2019 - 2023 	The Annual Returns for the last 4 years (2019 – 2023) were reviewed, confirming they are retained for at least 4 years.	C	N/A
R1.7	Within the Annual Return, the Statements of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by: a) The licences holder; or b) A person approved in writing by the EPA to sign on behalf of the licence holder.	<ul style="list-style-type: none"> Annual Returns 2020 - 2023 	The Annual returns are submitted via the eConnect portal by the licence holder which constitutes their certification of the Statement of Compliance.	C	N/A
R2 Notification of Environmental Harm					
	<i>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</i>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555	<ul style="list-style-type: none"> Interview with Environmental Manager 	KEQPL stated all required notifications are made to the Environment Service Line once becoming aware of the incident.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	<ul style="list-style-type: none"> Interview with Environmental Manager Annual Returns, 2020 – 2023 EPA POEO Public Register 	<p>KEQPL stated written details are provided within 7 days of becoming aware of an incident to the EPA.</p> <p>No instances of non-compliance with this condition during the audit period were noted from a review of the Annual Reviews and EPA POEO Public Register.</p>	C	N/A

R3 Written Report

R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <p>a) Where this licence applies to premises, an event has occurred at the premises; or</p> <p>b) Where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies),</p> <p>the authorised officer may request a written report of the event.</p>	<ul style="list-style-type: none"> Interview with Environmental Manager EPA POEO Public Register 	KEQPL stated no EPA officer has requested a written report under this condition within the audit period.	NT	N/A
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	<ul style="list-style-type: none"> Interview with Environmental Manager EPA POEO Public Register 	As above	NT	N/A
R3.3	<p>The request may require a report which includes any or all of the following information:</p> <p>a) The cause, time and duration of the event.</p> <p>b) The type, volume and concentration of every pollutant discharged as a result of the event.</p> <p>c) The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event.</p> <p>d) The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort.</p> <p>e) Action taken by the licensee in relation to the event, including any follow-up contact with any complainants.</p> <p>f) Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</p> <p>g) Any other relevant matters.</p>	<ul style="list-style-type: none"> Interview with Environmental Manager EPA POEO Public Register 	As above	NT	N/A
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	<ul style="list-style-type: none"> Interview with Environmental Manager EPA POEO Public Register 	KEQPL stated no written requests have been made under this condition within the audit period.	NT	N/A

R4 Other Reporting Conditions

Reporting Blasting Limit Exceedance

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
R4.1	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	<ul style="list-style-type: none"> Blast Master Annual Returns, 2020 - 2023 	No exceedances of licence blasting limits were noted from a review of the "KEQ Blast Master" and Annual Returns for the audit period.	NT	N/A

Annual Blast Monitoring Report

R4.2	<p>The licensee must supply a Blast Monitoring Report with the EPA licence Annual Return, which must include the following information relating to each blast carried out within the premises during the respective reporting period:</p> <ul style="list-style-type: none"> a) The date and time of the blast b) The location of the blast on the premises c) The blast monitoring results at each blast monitoring station. d) An explanation for any missing blast monitoring results. 	<ul style="list-style-type: none"> KEQ Blast Monitoring Reports, 2020 - 2023 	KEQPL has prepared and submitted the required Blast Monitoring Reports to the EPA along with the Annual Returns each year of the audit period which include the information listed in a) to d).	C	N/A
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7 - GENERAL CONDITIONS

G1 Copy of Licence Kept at the premises or Plant

G1.1	A copy of this licence must be kept at the premises to which the licence applies	<ul style="list-style-type: none"> Site Observation 	The licence was observed to be kept at the weighbridge and workshop.	C	N/A
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	<ul style="list-style-type: none"> Interview with Environmental Manager EPA Environmental Risk Assessment, August 2023 	<p>KEQPL stated an EPA officer asked to see the licence during an Environmental Risk Assessment site visit during August 2023. KEQPL produced the licence as requested.</p> <p>No instances of non-compliance with this condition during the audit period were noted from a review of the Annual Reviews and EPA POEO Public Register.</p>	C	N/A
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	<ul style="list-style-type: none"> Site Observation 	The licence is kept at the weighbridge and workshop and is available for inspection by any employee or agent who requests it.	C	N/A

G2 Other General Conditions

G2.1	<table border="1"> <thead> <tr> <th colspan="3">Completed Programs</th> </tr> <tr> <th>Program</th> <th>Description</th> <th>Completed Date</th> </tr> </thead> <tbody> <tr> <td>Pollution Reduction Study 1 – Design the necessary Noise Mitigation Measures</td> <td>Engage an acoustic engineer to investigate the site-specific noise mitigation measures that are necessary to meet the noise limits of this licence.</td> <td>01-March-2019</td> </tr> </tbody> </table>	Completed Programs			Program	Description	Completed Date	Pollution Reduction Study 1 – Design the necessary Noise Mitigation Measures	Engage an acoustic engineer to investigate the site-specific noise mitigation measures that are necessary to meet the noise limits of this licence.	01-March-2019	<ul style="list-style-type: none"> Note 	Completed outside the audit period.	NT	N/A
Completed Programs														
Program	Description	Completed Date												
Pollution Reduction Study 1 – Design the necessary Noise Mitigation Measures	Engage an acoustic engineer to investigate the site-specific noise mitigation measures that are necessary to meet the noise limits of this licence.	01-March-2019												



APPENDIX B

AUDITOR ENDORSEMENT

Our ref: MP09_0175-PA-29

Scott Ellerton
Environment and Development Manager
Karuah East Quarry Pty Limited
Worimi Country
PO Box 23
KARUAH NSW 2324

04/10/2023

Sent via the Major Projects Portal only

Subject: Karuah East Quarry Project - Proposed Independent Environmental Audit Team

Dear Mr Ellerton

I refer to your letter, reference MP09_0175-PA-29, requesting the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Karuah East Quarry Project, submitted as required by Schedule 5, Condition 9 of Project Approval 09_0175 as modified (the approval) to the Department of Planning and Environment (NSW Planning) on 28 August 2023.

NSW Planning has reviewed the independent auditor and expert nominations and, based on the information you have provided, is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 5, Condition 9 of the approval and the NSW Planning *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- Andrew Lewis, Lead Auditor
- Lucas Wilson, Support Auditor
- Robert Smith, Technical Review
- Keshav Dhayam, Acoustics & Vibration Specialist
- James Grieve, Air Quality Specialist
- Joanne Woodhouse, Ecology Specialist

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

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of approval and the *Independent Audit Post Approval Requirements* (2020). The period of the audit will be from 28 April 2020 to the date of the audit site inspection. Failure to meet these requirements will require revision and resubmission.

Schedule 5 Condition 9 of the approval requires that the audit team is led by a suitably qualified auditor and *includes experts in any fields specified by the Planning Secretary*. For this pending audit, Karuah East Quarry Pty Ltd (KEQ) has not obtained from NSW Planning the fields of expertise to be included in the audit team. In your letter, KEQ has proposed experts in air, noise and biodiversity, which NSW Planning considers to be appropriate for the current stage of the development.

However, for future audits, KEQ is required to consult with NSW Planning on any experts specified by the Secretary in accordance the approval.

Should you wish to discuss the matter further, please contact Jennifer Sage, Senior Compliance Officer on 0400 245 170 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters".

Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary



APPENDIX C CORRESPONDENCE

Ofusina Ikitoelagi

From: Lucas Wilson
Sent: Thursday, 12 October 2023 9:36 AM
To: info@epa.nsw.gov.au
Cc: Lisa.Potter@epa.nsw.gov.au; Andrew Lewis
Subject: Karuah East Quarry - Independent Environmental Audit ToR consultation request
Attachments: ERM Audit Terms of Reference - KEQ.pdf

To the EPA,

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson
Managing Consultant

ERM
Level 14, 207 Kent Street, Sydney, NSW, 2000
M 0466 957 956
E Lucas.Wilson@erm.com | **W** www.erm.com

Ofusina Ikitoelagi

From: Janelle Bancroft <Janelle.Bancroft@epa.nsw.gov.au>
Sent: Monday, 23 October 2023 1:16 PM
To: Lucas Wilson
Cc: Andrew Lewis
Subject: RE: Karuah East Quarry - Independent Environmental Audit ToR consultation request [ref:_00D7F6iTix_5007F1PrzVZ:ref]

Some people who received this message don't often get email from janelle.bancroft@epa.nsw.gov.au. [Learn why this is important](#)

EXTERNAL MESSAGE

Hello Lucas

I refer to your email on 13 October 2023 to the NSW Environment Protection Authority (EPA) requesting advice on any issues or concerns the EPA may wish to be considered during the Independent Environmental Audit (IEA) of Environment Protection Licence (EPL) No. 20611 (the licence), issued to Karuah East Quarry Pty Limited.

Karuah East Quarry Pty Limited (the licensee) holds EPL No. 20611 for the premises issued under the Protection of the Environment Operations Act 1997 (the Act). The licence was issued on 26 August 2015. A copy of the licence is available on the EPA's Public Register at <https://apps.epa.nsw.gov.au/prpoeoapp/>. Please note that records of compliance and licensing matters for the Premises which may be relevant to the IEA are publicly available on the Public Register.

The EPA would appreciate an electronic copy of the 2023 audit report for our reference.

In no order of priority, the EPA requests that the Audit includes:

- Dust management including monitoring and reporting
- Blast notification and management
- Complaints register
- Water management particularly in terms of discharges from control structures
- Noise monitoring (frequency, location, and noise level)
- Chemical storage (bundling, fuel dispensing)

Please let me know if you require anything further.

Regards

Janelle Bancroft
Senior Operations Officer
Regulatory Operations
NSW Environment Protection Authority
D 02 6640 2513 | M 0447 139 638
49 Victoria Street Grafton



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the Traditional Custodians of the land, waters and sky where we work. As part of the world's oldest surviving cultures we pay our respect to Aboriginal Elders past, present and emerging

I work on Bundjalung and Gumbaynggirr Country.



Report pollution and environmental incidents 131 555 or +61 2 9995 5555

----- Forwarded Message -----

From: Lucas Wilson [lucas.wilson@erm.com]
Sent: 12/10/2023 09:35
To: info@epa.nsw.gov.au
Cc: andrew.lewis@erm.com; lisa.potter@epa.nsw.gov.au
Subject: Karuah East Quarry - Independent Environmental Audit ToR consultation request

To the EPA,

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson

Managing Consultant

ERM

Level 14, 207 Kent Street, Sydney, NSW, 2000

M 0466 957 956

E Lucas.Wilson@erm.com | **W** www.erm.com

This e-mail and any attachments may contain proprietary, confidential and/or privileged information. No confidentiality or privilege is waived or lost by any transmission errors. This communication is intended solely for the intended recipient, and if you are not the intended recipient, please notify the sender immediately, delete it from your system and do not copy, distribute, disclose, or otherwise act upon any part of this email communication or its attachments. To find out how the ERM Group manages personal data please review our [Privacy Policy](#)

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

ref:_00D7F6iTix._5007F1PrzVZ:ref

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Ofusina Ikitoelagi

From: Lucas Wilson
Sent: Thursday, 12 October 2023 9:43 AM
To: jennifer.sage@dpi.nsw.gov.au
Cc: Andrew Lewis; Scott Ellerton
Subject: Karuah East Quarry - Independent Environmental Audit
Attachments: ERM Audit Terms of Reference - KEQ.pdf

Dear Jennifer

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson
Managing Consultant

ERM
Level 14, 207 Kent Street, Sydney, NSW, 2000
M 0466 957 956
E Lucas.Wilson@erm.com | **W** www.erm.com

Ofusina Ikitoelagi

From: Jennifer Sage <jennifer.sage@dpie.nsw.gov.au>
Sent: Monday, 16 October 2023 1:06 PM
To: Lucas Wilson
Subject: RE: Karuah East Quarry - Independent Environmental Audit

EXTERNAL MESSAGE

Hello Lucas

Thanks for your email and for providing the Terms of Reference for the 2023 Independent Environmental Audit for Karuah East Quarry.

Please ensure that the audit is conducted in accordance with the 2020 version of the *Independent Audit Post Approval Requirements*, not earlier versions. Further, the audit team must include only those endorsed by the Secretary in the letter from NSW Planning dated 4 October 2023 (Ref: MP09_0175-PA-29). Dean Kerr was not included in the audit team proposed by Karuah East Quarry on 28 August 2023, and as such his independence has not been assessed. If Dean is to be included on the team, Karuah East Quarry Pty Ltd must submit a request for approval by the Secretary with supporting information including Dean's CV and a declaration of independence.

NSW Planning considers that this audit should include a focus on the following –

- The implementation of measures set out in the Landscape and Rehabilitation Management Plan
- Review and submission of LRMP for the Secretary's approval in accordance with the consent
- Assessment of whether the Surface Water Management Plan meets the requirements of Schedule 3 Condition 21 of the consent
- Compliance with the conditions introduced to the consent in Modification 10 that relate to biodiversity, including the implementation of the biodiversity offset strategy and long term security of offset areas
- Compliance with operating hours.

During the audit period, NSW Planning undertook the following enforcement action –

- issued a warning letter for the late submission of the 2021 Annual Review (14 April 2023)
- issued a warning letter for undertaking blasting within 500m of land outside the site not owned by KEQ, without written agreement with the relevant landowner/s (2 March 2022)
- recorded a breach of Schedule 3 Condition 35 of the consent for failing to review and revise the sum of the conservation and rehabilitation bond in July 2016 following the Secretary's approval of the Landscape and Rehabilitation Management Plan and again in November 2020 following submission of the 2020 Independent Environmental Audit (26 August 2022)

During the audit period, NSW Planning received the following complaints relating to Karuah East Quarry –

- 7 February 2023, blast impacts (dust, notification of blasts).
- 26 April, 27 April, 11 May 2023, blast impacts (dust, noise)

Please contact me on 0400 245 170 or by email if you need any further information.

Regards
Jen

Jennifer Sage
Senior Compliance Officer
Development Assessment
Department of Planning and Environment

M 0400 245 170 **T** (02) 6575 3420 **E** jennifer.sage@dpie.nsw.gov.au

Working days Monday to Thursday



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Lucas Wilson <Lucas.Wilson@erm.com>
Sent: Thursday, 12 October 2023 9:43 AM
To: Jennifer Sage <jennifer.sage@dpie.nsw.gov.au>
Cc: Andrew Lewis <andrew.lewis@erm.com>; Scott Ellerton <se@hunterquarries.com.au>
Subject: Karuah East Quarry - Independent Environmental Audit

Dear Jennifer

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson
Managing Consultant

ERM
Level 14, 207 Kent Street, Sydney, NSW, 2000
M 0466 957 956
E Lucas.Wilson@erm.com | **W** www.erm.com

This e-mail and any attachments may contain proprietary, confidential and/or privileged information. No confidentiality or privilege is waived or lost by any transmission errors. This communication is intended solely for the intended recipient, and if you are not the intended recipient, please notify the sender immediately, delete it from your system and do not copy, distribute, disclose, or otherwise act upon any part of this email communication or its attachments. To find out how the ERM Group manages personal data please review our [Privacy Policy](#)

Ofusina Ikitoelagi

From: Lucas Wilson
Sent: Thursday, 12 October 2023 9:49 AM
To: council@midcoast.nsw.gov.au
Cc: Andrew Lewis; Scott Ellerton
Subject: Karuah East Quarry - Independent Environmental Audit
Attachments: ERM Audit Terms of Reference - KEQ.pdf

To the MidCoast Council,

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson
Managing Consultant

ERM
Level 14, 207 Kent Street, Sydney, NSW, 2000
M 0466 957 956
E Lucas.Wilson@erm.com | **W** www.erm.com

Ofusina Ikitoelagi

From: Lucas Wilson
Sent: Thursday, 12 October 2023 9:53 AM
To: Michael.Ulph@ghd.com
Cc: Andrew Lewis; Scott Ellerton
Subject: Karuah East Quarry - Independent Environmental Audit
Attachments: ERM Audit Terms of Reference - KEQ.pdf

Dear Michael Ulph

I am currently completing the Independent Environmental Audit (IEA) along with my colleague Andrew Lewis on the Conditions of Approval issued to Karuah East Quarry Pty Ltd, 09_0175 Mod 10.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies and community consultative committees. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed over the period 25th – 26th October 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 23rd October.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Lucas Wilson
Managing Consultant

ERM
Level 14, 207 Kent Street, Sydney, NSW, 2000
M 0466 957 956
E Lucas.Wilson@erm.com | **W** www.erm.com



APPENDIX D DPE EXTENSION REQUESTS



Karuah East Quarry
ABN: 80 141 505 035
Karuah East Quarry Pty Limited
Blue Rock Close, Karuah NSW 2324

W: www.hunterquarries.com.au
E: admin@hunterquarries.com.au
T: 02 4050 0304
P: PO Box 23, Thornton NSW 2322

22 December 2023

Jennifer Sage
Senior Compliance Officer
NSW Department of Planning and Environment
PO Box 3145
1 Civic Avenue,
Singleton, NSW 2330

via DPE Major Projects portal

RE: EXTENSION OF TIME REQUEST – 2023 Karuah East Quarry IEA Submission

Dear Jennifer,

Karuah East Quarry Pty Limited (KEQPL) operates the Karuah East Quarry located approximately 5 km to the north-east of Karuah village within the MidCoast Council LGA. The quarry was approved in 2014 by the former NSW Planning Assessment Commission under Project Approval, MP 09_0175.

Schedule 5, Condition 9 and 10 of the Project Approval requires an Independent Environmental Audit to be conducted every three years; along with submission to the Department a copy of the report and our response to recommendations within 3x months of commencement.

INDEPENDENT ENVIRONMENTAL AUDIT

9. Within 12 months of the commencement of development on the site, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under these approvals; and
 - (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.

10. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

For the 2023 IEA, this due date falls upon 25 December 2023; and as such an extension of time is sought to compensate for the holiday period. ERM Australia Pty Ltd has advised that the audit report is well advanced and has since committed to providing a draft report the week commencing Monday 15 January 2024.

As such, KEQPL requests an extension of time until 31 January 2024 to provide KEQPL two weeks to undertake a detailed review of the audit findings and develop an appropriate action plan to address any identified corrective actions.

Should you have any questions regarding this extension of time request please contact myself on 0447 044 646 or by email at se@hunterquarries.com.au.

Kind Regards,



Scott Ellerton

Environment & Development Manager

Karuah East Quarry

Our ref: MP09_0175-PA-34

Scott Ellerton
Environment and Development Manager
KARUAH EAST QUARRY PTY LIMITED
Worimi Country
PO Box 23
KARUAH NSW 2324
22/12/2023

Sent via the Major Projects Portal only

Subject: Karuah East Quarry Project - Extension request - 2023 IEA report

Dear Mr Ellerton

Reference is made to your post approval matter, MP09_0175-PA-34, request for an extension of time to submit the 2023 Independent Environmental Audit (IEA) report and response to audit recommendations (RAR), submitted to the NSW Department of Planning Environment (NSW Planning) on 22 December 2023.

The department notes Schedule 5 condition 10 of project approval MP09_0175, as modified (the approval), requires the IEA report and RAR to be submitted within 3 months of commencing the IEA. For the 2023 IEA, this due date falls on 25 December 2023.

In accordance with Schedule 5 condition 10 of the approval, the Planning Secretary has granted an extension of time until **31 January 2024** for the submission of the IEA report and RAR.

Should you wish to discuss the matter further, please contact Jennifer Sage, Senior Compliance Officer on 0400 245 170 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary



APPENDIX E

AUDITOR DECLARATION

Appendix E - Independent Audit Report Declaration Form


Independent Audit Report Declaration Form	
Project Name	Karuah East Quarry
Consent Number	MP 09_0175
Description of Project	Andesite Quarry
Project Address	Blue Rock Close, Karuah, NSW 2324
Proponent	Karuah East Quarry Pty Ltd
Title of Audit	Karuah East Quarry Independent Environmental Audit 2023
Date	30/01/2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor	Andrew Lewis
Signature	
Qualification	BSc – Environmental Science
Company	Environmental Resources Management - ERM
Company Address	Level 14, 207 Kent St, NSW, 2000

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form

Project Name	Karuah East Quarry IEA 2023
Consent Number	PA 09_0175
Description of Project	Open cut quarry
Project Address	Blue Rock Cl, Karuah NSW 2324
Proponent	Karuah East Quarry Pty Ltd
Title of Audit	Karuah East Quarry Independent Environmental Audit 2023
Date	17 July 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

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- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Lucas Wilson
Signature	
Qualification	Bachelor of Engineering (Mechanical)
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form

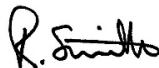
Project Name	Karuah East Quarry IEA 2023
Consent Number	PA 09_0175
Description of Project	Open cut quarry
Project Address	Blue Rock Cl, Karuah NSW 2324
Proponent	Karuah East Quarry Pty Ltd
Title of Audit	Karuah East Quarry Independent Environmental Audit 2023
Date	16 July 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
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- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

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- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Robert Smith
Signature	
Qualification	Geography and Geology, BSc (Hons)
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form


Project Name	Karuah East Quarry IEA 2023
Consent Number	PA 09_0175
Description of Project	Open cut quarry
Project Address	Blue Rock Cl, Karuah NSW 2324
Proponent	Karuah East Quarry Pty Ltd
Title of Audit	Karuah East Quarry Independent Environmental Audit 2023
Date	17 July 2024

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- ii. the findings of the audit are reported truthfully, accurately and completely;
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- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor	Joanne Woodhouse
Signature	
Qualification	Bachelor of Environmental Science
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000



APPENDIX F

PHOTOLOG

CLIENT: Karuah East Quarry Pty Ltd

SITE LOCATION: Karuah East Quarry, Blue Rock Cl, Karuah NSW 2324

PROJECT NO.: 0704272



PHOTO 1
Primary Crusher



PHOTO 2
Sizing Plant

CLIENT: Karuah East Quarry Pty Ltd

SITE LOCATION: Karuah East Quarry, Blue Rock Cl, Karuah NSW 2324

PROJECT NO.: 0704272



PHOTO 3
Sizing Plant (Cont.)



PHOTO 4
Refueling Hardstand and Sump

CLIENT: Karuah East Quarry Pty Ltd

SITE LOCATION: Karuah East Quarry, Blue Rock Cl, Karuah NSW 2324

PROJECT NO.: 0704272



PHOTO 5
Hazardous Substances bund full of oily water.



PHOTO 6
Unbundled IBC's

CLIENT: Karuah East Quarry Pty Ltd

SITE LOCATION: Karuah East Quarry, Blue Rock Cl, Karuah NSW 2324

PROJECT NO.: 0704272



PHOTO 7
Surface Water / Sediment Dam



PHOTO 8
Product Stockpiles and Surface Water / Sediment Dam



APPENDIX G DPHI REVIEW

Our ref: MP09_0175-PA-33

Scott Ellerton
Environment and Development Manager
Karuah East Quarry Pty Limited
Worimi Country
PO Box 23
KARUAH NSW 2324
01/07/2024

Copied to:

Subject: Karuah East Quarry Project - 2023 Independent Environmental Audit

Dear Mr Ellerton

I refer to the Independent Environmental Audit for Karuah East Quarry for the period 28 April 2020 to 26 October 2023, submitted to the NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 31 January 2024, as required by Schedule 5, Condition 9 of Project Approval 09_0175 as modified (the approval).

NSW Planning has reviewed audit report and considers more information is required to satisfy the condition of approval and the *Independent Audit Post Approval Requirements (2020)*. Under the provisions of Schedule 2, Condition 4 of the approval, as nominee of the Planning Secretary I require Karuah East Quarry to submit an amended audit report in response to this request for information (RFI- 72705960), addressing the points below by 22 July 2024 (or as otherwise agreed by the Planning Secretary):

- **Audit team** – clarify whether the team of experts who were appointed by the Secretary undertook the audit (including the desktop audit and site inspection).
- **Declarations of independence** – Update the report to include signed Independence Audit Declarations for each auditor/audit team member.
- **Opening and closing meetings** – confirmation of whether the opening and closing meetings were attended by the technical specialists approved by the Secretary, in accordance with the IA PAR (2020).
- **Site inspections** – include photographs from the site inspection.
- **Recommendations and opportunities for improvement** - collate the improvement opportunities noted in the audit table into a table of additional environmental management

improvement opportunities, including improvements to the *Tetra juncea* Translocation Management Plan. Provide to the Proponent for their response.

Karuah East Quarry Pty Ltd is also required to update its response to the audit recommendations to include responses to the identified improvement opportunities.

Should you wish to discuss the matter further, please contact Jennifer Sage, Senior Compliance Officer on 0400 245 170 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters".

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Copied to:

Andrew Lewis

Lead Auditor

Environmental Resource Management Australia Pty Ltd

Level 14, 207 Kent ST

SYDNEY NSW 2000

Scott Ellerton
Environment and Development Manager
Karuah East Quarry Pty Limited
Worimi Country
Blue Rock Close
KARUAH NSW 2324

DATE
22 July 2024

SUBJECT
Karuah East Quarry Project - Independent
Environmental Audit 2023 - Request for Additional
Information

REFERENCE
MP09_0175-PA-33

22 July 2024

Dear Scott

Subject: **Independent Environmental Audit 2023 - Request for Additional Information**

Thank you for providing the Department of Planning Housing and Infrastructure's (DPHI's) Request for Additional Information (RFI – 72705960) in relation to the Independent Audit (IEA) 2023 of the Karuah East Quarry (Ref: MP09_0175-PA-33, dated 01/07/2024).

ERM has responded to the comments as follows:

1. **Audit Team** - *clarify whether the team of experts who were appointed by the Secretary undertook the audit (including the desktop audit and site inspection).*

Response: The audit was undertaken by experts whose appointment had been endorsed by the Secretary on 04/10/2023. The proposed team included experts for specialist areas of assessment either participating in a direct assessment role and /or in an advisory role to the auditors as required.

The Report has been updated to clarify that the audit was undertaken by audit team members endorsed by the Secretary, as required.

2. **Declarations of independence** – *Update the report to include signed Independence Audit Declarations for each auditor/audit team member.*

Response: Signed Independent Audit Declaration forms included for each audit team member involved directly in undertaking the audit's assessment of compliance in Appendix D.

3. **Opening and closing meetings** – *confirmation of whether the opening and closing meetings were attended by the technical specialists approved by the Secretary, in accordance with the IA PAR (2020).*

Response: The opening and closing meetings were attended by the site team members as listed in Section 2 of the IEA report (Andrew Lewis and Lucas Wilson). Other proposed team members not at site, did not attend opening and closing meetings as they were working remotely. Where relevant, the technical specialists provided remote

input to the closing presentation content which was delivered by Andrew Lewis and Lucas Wilson.

The Report has been updated to clarify this.

4. Site inspections - include photographs from the site inspection.

Response: Photolog included in Appendix E.

5. Recommendations and opportunities for improvement - collate the improvement opportunities noted in the audit table into a table of additional environmental management improvement opportunities, including improvements to the *Tetra juncea* Translocation Management Plan. Provide to the Proponent for their response.

Response: Included summary of environmental management improvement opportunities in Table 5-2.

Yours sincerely,



Andrew Lewis – Lead Auditor



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