



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2020 IEA Action Review – Project Approval (MP09_0175)					
No	Requirement	Details of Non-Compliance	2020 KEQ Response / Action	2023 IEA Finding	2023 KEQ Response / Action
S2, C11	<p>The Applicant must pay Council, in accordance with Council’s Great Lakes Wide Development Contributions Plan (November 2007) – Amended:</p> <p>(a) a one-off Headquarters Building contribution of \$1.00 per \$1,000.00 of capital value of the development; and</p> <p>(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:</p> <ol style="list-style-type: none"> i. paid to Council at the end of each calendar year. ii. Based on weighbridge records of the quantity of quarry products transported from the site; and iii. 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>	<p>(a) Records of one-off contribution to Council for Headquarters Building were not available at the time of audit.</p> <p>(b) Records of annual contributions to Council for road maintenance in the 2019/20 Financial Year were not available at the time of audit.</p>	<p>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.</p>	<p>Deemed as Non-Compliant during the audit.</p>	<p>RESPONSE: KEQ can confirm: (a) Headquarters building contribution was provided to Council on 11 April 2022.</p> <p>(b) Road maintenance contributions for FY18 to FY22 was provided to Council on 30 June 2023. This was subject to compensatory cost escalation in accordance with CPI.</p> <p>FY23 was provided to Council on 03 August 2023 (remittance advice date).</p> <p>STATUS: KEQ considers this 2020 finding to be resolved.</p>
S3, C11 (d) (ii)	<p>The Applicant must:</p> <p>(d) Not undertake blasting within 500 metres of:</p> <ol style="list-style-type: none"> 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 ○ 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>Evidence that written agreements with landholders within 500 m of project blasting was not available at the time of audit.</p>	<p>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.</p> <p>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.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>It is considered that blasting activities during the audit period would have occurred within 500 m of privately owned land without a written agreement.</p> <p>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.</p>	<p>RESPONSE: KEQ can confirm the property (Lot 4, DP838128) has been acquired.</p> <p>STATUS: KEQ considers this 2020 finding to be resolved.</p>
S3, C16	<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; 	<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>	<p>No recommendation made.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>Whilst ERM consider KEQ are generally compliant with</p>	<p>RESPONSE: KEQ have since updated our processes to ensure HVAS monitoring is completed. This failure to monitor has not since been repeated.</p> <p>STATUS: KEQ considers this 2020 finding to be resolved.</p>



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	<ul style="list-style-type: none"> best management practice is employed; and The air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events. (d) Describe the proposed air quality management system; and (e) Include a monitoring program that: <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			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.	Refer to the 2023 audit response for details regarding the 2023 findings.
S3, C19	The Applicant must comply with the discharge limits in any EPL, or with Section 120 of the POEO Act.	Uncontrolled and controlled discharges from sediment dams in exceedance of discharge limits occurred during the audit period in 2017, 2018 and 2019.	Responses outlined in S3, C21 below.	Deemed as Non-Compliant during the audit. Non-compliant discharges were recorded within the audit period. This is discussed in further detail in Condition 19, Schedule 3 of Appendix A1.	RESPONSE: Discharge events were associated with rainfall events greater than the designated design-storm events outlined by the Blue Book (Managing Urban Stormwater: Soils and Construction – Volume 2E, Mines and quarries). STATUS: KEQ considers this 2020 finding to be resolved. Refer to the 2023 audit response for details regarding the 2023 findings.
S3, C21	The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: <ol style="list-style-type: none"> 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. Be submitted to the Planning Secretary for approval prior to the commencement of construction activities. Include: <ol style="list-style-type: none"> 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. 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: <ul style="list-style-type: none"> 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. 	The surface water monitoring does not include a program for the monitoring of stream ecosystem health. A noncompliance 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.	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.	Deemed as Non-Compliant during the audit. There was no evidence to confirm a review has taken place due to exceedances in surface water discharge limits (refer Section 3 Condition 19).	KEQ considers the 2020 findings to be superseded. Refer to the 2023 audit response for details regarding the 2023 findings.



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	<ul style="list-style-type: none"> • 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); 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>				
S3, C23	<p>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.</p>	(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.	<p>KEQ agree with this recommendation. Future environmental monitoring reports will include information on the factors identified in mentioned conditions.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>Laden truck movements are not recorded within the KEQ Annual Reviews.</p>	<p>KEQ considers the 2020 findings to be superseded.</p> <p>Refer to the 2023 audit response for details regarding the 2023 findings.</p>
S3, C28	<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>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.</p>	<p>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</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>The Biodiversity Offset Strategy should have been updated within 3 months of any</p>	<p>The 2020 audit finding was prior to MOD10 being assessed and approved. Therefore, the resulting actions are no-longer current due to the revised condition.</p> <p>KEQ considers the 2020 findings to be superseded.</p> <p>Refer to the 2023 audit response for details regarding the 2023 findings.</p>



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			extension to the timeframe required if required.	modification to the conditions of this consent. It is noted that latest version of the BOS is dated July 2013.	
S3, C32	<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. <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>(i) Include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria.</p>	<p>The revisions detailed in Table 2 of the Landscape and Rehabilitation Management Plan (LRMP) do not describe updating the measures to be implemented over the three-year period.</p> <p>The condition requires update every three years following initial preparation of the plan, in this case being November 2018.</p> <p>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.</p>	<p>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. 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.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>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.</p>	<p>KEQ considers the 2020 findings to be superseded.</p> <p>Refer to the 2023 audit response for details regarding the 2023 findings.</p>

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	<p>(j) 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.</p> <p>(k) 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>(l) Include details of who would be responsible for monitoring, reviewing, and implementing the plan; and</p> <p>(m) 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>				
S3, C33	<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>(c) Describe how the implementation of the Tetratheca juncea Translocation Program would be integrated with the Biodiversity Offset Area management.</p> <p>(d) 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>(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.</p> <p>(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> <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>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 updated to include a three year management schedule for the period November 2018 – November 2021.</p>	<p>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.</p>	<p>Deemed as Non-Compliant during the audit.</p> <p>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.</p>	<p>RESPONSE: The BOAMP was updated in May 2021.</p> <p>STATUS: KEQ considers the 2020 findings to be resolved.</p> <p>Refer to the 2023 audit response for details regarding the 2023 findings.</p>



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No	Requirement	Details of Non-Compliance	2020 KEQ Response / Action	2023 IEA Finding	2023 KEQ Response / Action
	(k) Include details of who would be responsible for monitoring, reviewing, and implementing the plan. (l) Include details of the indicative costs of management actions; and Include details as to the timing of actions set out in the plan.				
S5, C2	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: (a) Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur. (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 (c) Implement remediation measures as directed by the Planning Secretary.	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.	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.	Deemed as Non-Compliant during the audit. 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.	RESPONSE: All exceedances of criteria are now reported to the Department and NSW EPA as required. STATUS: KEQ considers the 2020 findings to be resolved. Refer to the 2023 audit response for details regarding the 2023 findings.
S5, C5	Within 3 months of: (a) The submission of an annual review under Condition 4 above. (b) The submission of an incident report under Condition 7 below. (c) The submission of an audit report under Condition 9 below; or (d) Any modification to the conditions of this consent, (unless the conditions require otherwise), 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. <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>	(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.	KEQ agree with this recommendation. A controlled templates will be prepared for use when reviewing documents (such as procedures or management plans).	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.	KEQ considers the 2020 findings to be superseded. Refer to the 2023 audit response for details regarding the 2023 findings.
KEQ 2020 IEA Action Review – Project Approval Statement of Commitments					
The Statement of Commitments have been removed from the Project Approval following MOD10. Therefore, no further response or action from KEQ is required.					



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KEQ 2020 IEA Action Review – Environment Protection Licence (EPL 20611)					
No	Requirement	Details of Non-Compliance	2020 KEQ Response / Action	2023 IEA Finding	2023 KEQ Response / Action
L1.1, L2.1, L2.2	<p>L1.1 – Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p> <p>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.</p> <p>L2.2 – Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</p>	<p>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).</p> <p>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 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.</p>	No recommendation made.	<p>Deemed as Non-Compliant during the audit.</p> <p>There have been reoccurrences of exceedances of surface water discharge concentration limits within this audit period. Further details available in Appendix A2 –EPL Table.</p>	No actions required.
O7.1	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.	Acoustic bunding for site infrastructure 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.	No recommendation made.	<p>Deemed as Non-Compliant during the audit.</p> <p>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.</p>	No actions required.



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KEQ 2023 IEA Findings and KEQ Response – Project Approval (MP09_0175)			
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S2, C11	<p>The Applicant must pay Council, in accordance with Council’s Great Lakes Wide Development Contributions Plan (November 2007) – Amended:</p> <p>(a) a one-off Headquarters Building contribution of \$1.00 per \$1,000.00 of capital value of the development; and</p> <p>(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.</p> <p>Each payment must be:</p> <ol style="list-style-type: none"> i. paid to Council at the end of each calendar year. ii. Based on weighbridge records of the quantity of quarry products transported from the site; and iii. 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>	<p>Assessment:</p> <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 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.</p> <p>(b) Road Maintenance Contributions were provided in one invoice to MidCoast 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>Recommendation:</p> <p>It is recommended that KEQ 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 KEQ make an additional payment to cover this amount as soon as practicable.</p>	<p>RESPONSE:</p> <p>KEQ can confirm:</p> <p>(a) Headquarters building contribution was provided to Council based on the capital investment value of the project. No concerns have been raised by Council.</p> <p>(b) Road maintenance contributions for FY18 to FY22 was provided to Council on 30 June 2023. This was subject to compensatory cost escalation in accordance with CPI as per the intent of the Condition.</p> <p>The CPI increases were completed in accordance with the methodology provided by the former Great Lakes Council on 13 April 2010 in relation to affiliated quarry, Karuah Hard Rock Quarry (DA 265-10-2004). Given the close relationship between the two quarry sites, KEQ considers it appropriate to apply the same methodology.</p> <p>On 30 June 2023, Council advised the matter had been provided to the Manager Finance for review. No further correspondence has been received from Council regarding this matter.</p> <p>FY23 was provided to Council on 03 August 2023 (remittance advice date). Council acknowledged receipt of the payment on 28 August 2023. No concerns have been raised by Council regarding the provision of Developer Contributions from the Karuah East Quarry.</p> <p>STATUS:</p> <p>KEQ considers this 2023 finding to be resolved.</p>
S3, C11 (d) (ii)	<p>The Applicant must:</p> <p>(d) Not undertake blasting within 500 metres of:</p> <ol style="list-style-type: none"> 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 ○ 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>Assessment:</p> <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> <p>(d) (ii) A property is situated approximately 340 m north-north-west 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>Recommendation:</p> <p>It was confirmed that the sale of the property within 500 m of the KEQ quarry pit took place. Therefore, no further actions are required in relation to this non-compliance.</p>	<p>RESPONSE:</p> <p>KEQ can confirm the property (Lot 4, DP838128) has been acquired.</p> <p>STATUS:</p> <p>KEQ considers this 2023 finding to be resolved.</p>



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No	Requirement	2023 IEA Assessment & Recommendation	2023 KEQ Response / Action																							
S3, C12	<p>The Applicant must prepare a Blast 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 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>Assessment: 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> <ul 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 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>Recommendation: 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. The BMP is recommended to be updated in consultation with the Council and EPA and be submitted to the Planning Secretary.</p>	<p>ACTION: KEQ to complete a comprehensive review of the Blast Management Plan and submit the revised document to the Planning Secretary for approval.</p> <p>DUE: 28 May 2024 in accordance with Schedule 5, Condition 5(c).</p> <p>STATUS: Underway – draft revision of the management plan has been completed by IEMA. Further revisions are to be assessed in accordance with these recommendations.</p>																							
S3, C13	<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 < 10 µm (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 < 10 µm (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>	Pollutant	Averaging period	^d Criterion	Total suspended particulates (TSP)	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (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	<p>Assessment: 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> <p>Recommendation: 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>	<p>ACTION: KEQ to include this recommendation into the comprehensive review of the Air Quality Management Plan.</p> <p>Refer to the response under Schedule 3, Condition 16 for further details.</p>
Pollutant	Averaging period	^d Criterion																								
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S3, C16	<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>(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>Assessment:</p> <p>The AQMP was most recently updated in May 2019 by SLR Consulting. 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. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p> <p>Recommendation:</p> <p>Refer to recommendation under Schedule 5 Condition 4 in relation to updates of strategies, plans and programs required under this consent.</p>	<p>ACTION:</p> <p>KEQ to complete a comprehensive review of the Air Quality Management Plan and submit the revised document to the Planning Secretary for approval.</p> <p>DUE:</p> <p>28 May 2024 in accordance with Schedule 5, Condition 5(c).</p> <p>STATUS:</p> <p>Underway – draft revision of the management plan has been completed by IEMA. A further revision is to be assessed in accordance with these recommendations.</p>
S3, C19	<p>The Applicant must comply with the discharge limits in any EPL, or with Section 120 of the POEO Act.</p>	<p>Assessment:</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. 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> <p>Recommendation:</p> <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.</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 response procedures. The review should be conducted by a suitable qualified specialist and recommendations should be reflected within an update to the WMP.</p>	<p>ACTION:</p> <p>KEQ to include these two recommendations into the comprehensive review of the Water Management Plan.</p> <p>Refer to the response under Schedule 3, Condition 21 for further details.</p>
S3, C21	<p>The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <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> <ol 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; 	<p>Assessment:</p> <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>ACTION:</p> <p>KEQ to complete a comprehensive review of the Water Management Plan and submit the revised document to the Planning Secretary for approval.</p> <p>DUE:</p> <p>28 May 2024 in accordance with Schedule 5, Condition 5(c).</p>



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	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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. • 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>Recommendation:</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 KEQ 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>	<p>STATUS:</p> <p>Underway – IEMA has been engaged to draft a revision of the management plan. These water-themed recommendations will be incorporated.</p>
S3, C23	<p>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.</p>	<p>Assessment:</p> <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. Laden truck movements are not recorded within the KEQ Annual Reviews.</p> <p>Recommendation:</p> <p>It is recommended to publish a summary of laden truck movements to and from site in future Annual Reviews.</p>	<p>ACTION:</p> <p>KEQ to include laden truck movements in the Annual Reviews for all future submissions.</p> <p>DUE:</p> <p>31 March 2024 in accordance with Schedule 5, Condition 4.</p> <p>STATUS:</p> <p>Completed – Product transport report has been included in the 2023 Annual Review document template.</p>

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No	Requirement	2023 IEA Assessment & Recommendation	2023 KEQ Response / Action																												
S3, C28	<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 offsets</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 ha</td> </tr> </tbody> </table> <p><i>Table 11: Biodiversity Offset Strategy – ecosystem and species 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 healthy open forest of coastal lowlands</td> <td>188</td> </tr> <tr> <td>PCT 695: Blackbutt – Turpentine – Tallowood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion</td> <td>7</td> </tr> <tr> <td>Total</td> <td>195</td> </tr> <tr> <td colspan="2">Species Credits</td> </tr> <tr> <td><i>Tetradlea juncea</i> (Black-eyed Susan)</td> <td>260</td> </tr> <tr> <td><i>Grevillea parviflora</i> subsp. <i>parviflora</i> (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>877</td> </tr> </tbody> </table> <p><i>Notes:</i></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. 	Area	Offset Type	Minimum Size (ha)	Offset Area	Existing vegetation to be managed and enhanced	130.36 ha	Credit Type	Credits Required	Ecosystem Credits		PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands	188	PCT 695: Blackbutt – Turpentine – Tallowood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	7	Total	195	Species Credits		<i>Tetradlea juncea</i> (Black-eyed Susan)	260	<i>Grevillea parviflora</i> subsp. <i>parviflora</i> (Small-flower Grevillea)	250	Squirrel Glider (<i>Petaurus norfolcensis</i>)	260	Southern Myotis (<i>Myotis macropus</i>)	107	Total	877	<p>Assessment:</p> <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> <p>Recommendation:</p> <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>	<p>ACTION:</p> <p>KEQ to complete a comprehensive review of the Biodiversity Offset Strategy and submit the revised document to the Planning Secretary for approval.</p> <p>DUE:</p> <p>TBD – pending the receipt of Commonwealth Approval for MOD10 (EPBC 2022 – 9164) under the Commonwealth EPBC Act 1999.</p> <p>STATUS:</p> <p>Table 10 – Underway:</p> <ul style="list-style-type: none"> KEQ is continuing to engage with NSW Planning regarding the mechanism used for the land-based offset. <p>Table 11 (Ecosystem Credits) – Underway:</p> <ul style="list-style-type: none"> PCT1619 have been secured. PCT695 have been secured. <p>Table 11 (Species Credits) – Underway:</p> <ul style="list-style-type: none"> Black-eyed Susan – in-principle sale agreement for 25x credits has been reached. KEQ are continuing to review credit purchase options for the outstanding credits. Small-flower Grevillea – KEQ are continuing to review credit purchase options. Squirrel Glider – purchase agreement has been executed with the Credit Supply Taskforce. Southern Myotis – KEQ are continuing to review credit purchase options.
Area	Offset Type	Minimum Size (ha)																													
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Total	877																														
S3, C32	<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 <i>Tetradlea juncea</i> 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. <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>	<p>Assessment:</p> <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. Additional detail relating to compliance with this CoC is provided in Appendix A1.</p> <p>Recommendation:</p> <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>	<p>ACTION:</p> <p>KEQ to complete a comprehensive review of the Landscape and Rehabilitation Management Plan and submit the revised document to the Planning Secretary for approval.</p> <p>DUE:</p> <p>28 May 2024 in accordance with Schedule 5, Condition 5(c). NOTE – this may be delayed, subject to the receipt of Commonwealth Approval for MOD10 (EPBC 2022 – 9164) under the Commonwealth EPBC Act 1999.</p> <p>STATUS:</p> <p>Underway – The rehabilitation component of the management plan is complete; and the landscape component is currently being reviewed by KEQ’s ecologist. However, this may be delayed, subject to Commonwealth approval.</p>																												



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	<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>(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 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.</p> <p>(k) 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>(l) Include details of who would be responsible for monitoring, reviewing, and implementing the plan; and</p> <p>(m) 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>		
S3, C33	<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>(c) Describe how the implementation of the Tetratheca juncea Translocation Program would be integrated with the Biodiversity Offset Area management.</p> <p>(d) 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>(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.</p> <p>(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>	<p>Assessment:</p> <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> <p>Recommendation:</p> <p>ERM notes that KEQ 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>	<p>ACTION:</p> <p>KEQ to continue implementing the 2022 BOA Monitoring Actions in accordance with the developed action plan. This action plan will need to be consolidated to include actions from the 2023 monitoring period.</p> <p>DUE:</p> <p>As soon as practicable.</p> <p>STATUS:</p> <p>Underway – The key action of repairs to fauna fencing surrounding Dam 1 commenced 30 January 2024.</p>



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No	Requirement	2023 IEA Assessment & Recommendation	2023 KEQ Response / Action
	<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</p> <p>(m) Include details as to the timing of actions set out in the plan.</p>		
S3, C39	<p>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.</p>	<p>Assessment: KEQ have developed a Hazardous Substances (SDS) Register, most recently updated in December 2022, which describes the list of products, quantities, location on site, type of application, SDS issue and expiry dates, and “stability and reactivities” classification.</p> <p>Based on a review of tank compliance plates, tank brochures and site observations, the auditors are satisfied that dangerous good and hazardous materials are stored in accordance with AS1940, AS1596 and the Dangerous Goods Code. However, it is noted that neither of the Diesel ASTs are included on the Hazardous Substances Register.</p> <p>Recommendation: 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 AS1940.</p> <p>It is recommended to update the Hazardous Substances Register to ensure it includes both diesel ASTs.</p>	<p>ACTIONS:</p> <ol style="list-style-type: none"> 1. KEQ to review repair options to the storage container and implement as needed. 2. KEQ to review Hazardous Substances Register and include in KEQ reporting processes to ensure routine updates and revisions are carried out. <p>DUE: As soon as practicable.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response – Project Approval (MP09_0175)			
No	Requirement	2023 IEA Assessment & Recommendation	2023 KEQ Response / Action
S5, C1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul 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: <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>	<p>Assessment: 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> <p>Recommendation: 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>	<p>ACTION: KEQ to complete a comprehensive review of the Environmental Management Strategy and submit the revised document to the Planning Secretary for approval.</p> <p>DUE: 28 May 2024 in accordance with Schedule 5, Condition 5(c).</p> <p>STATUS: Underway – draft revision of the management plan has been completed by IEMA. A further revision is to be assessed in accordance with this recommendation.</p>
S5, C2	<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> <ul style="list-style-type: none"> (a) Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur. (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 (c) Implement remediation measures as directed by the Planning Secretary. 	<p>Assessment:</p> <ul style="list-style-type: none"> (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. (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. (c) There have been no specific remediation measures directed by the Planning Secretary within this audit period. <p>Recommendation: 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>	<p>RESPONSE:</p> <ul style="list-style-type: none"> (a) VGT completed a water management review of the KEQ site on 14 September 2023, which concluded no reasonable short-term measures could be completed without securing further approvals. <p>Therefore, KEQ disagrees with the non-compliance findings.</p> <p>ACTION: KEQ to include these two recommendations into the comprehensive review of the Water Management Plan.</p> <p>Refer to the response under Schedule 3, Condition 21 for further details.</p>
S5, C4	<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> <ul style="list-style-type: none"> (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>Assessment: 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>RESPONSE: KEQ acknowledges the 2022 Annual Review was subject a late submission. KEQ has since implemented improved reporting processes to ensure submission of documents to external stakeholders is completed.</p>



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KEQ 2023 IEA Findings and KEQ Response – Project Approval (MP09_0175)			
No	Requirement	2023 IEA Assessment & Recommendation	2023 KEQ Response / Action
	<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"> • 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>(f) describe the measures that would be implemented over the current calendar year to improve the environmental performance of the development.</p>	<p>Following consultation with the Planning Secretary and as captured 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> <p>Recommendation: It is recommended that all Annual Reviews are submitted to the Planning Secretary by the end of March each year.</p>	<p>STATUS: Completed – no further actions required.</p>
S5, C5	<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>Assessment: 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 ▪ 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> <p>Recommendation: 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>	<p>RESPONSE: KEQ acknowledges the review, revision, completion of agency consultation and re-submission of statutory management plans requires significant improvement.</p> <p>In 2023, KEQ has implemented a new document template, document control system (inclusive of Document ID and version numbers, and a consolidated document history table) as well as a new Management Plan register to enable improved timeliness of document updates when revision triggers are reached.</p> <p>ACTIONS: Refer to constituent management plan conditions for individual actions.</p> <p>STATUS: Completed – document management system.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response - Environment Protection Licence (EPL 20611)				
No	Requirement	2023 IEA Assessment	2023 IEA Recommendation	2023 KEQ Response / Action
L1.1, L2.1, L2.2	<p>L1.1 – Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p> <p>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.</p> <p>L2.2 – Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</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 [summary]:</p> <p>2020 – a total of 11 discharges non-compliant with the EPL concentration limits.</p> <p>2021 – a total of 18 discharges non-compliant with the EPL concentration limits.</p> <p>2022 – a total of 29 discharges non-compliant with the EPL concentration limits.</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>	<p>Conduct a detailed review of the effectiveness of the WMP, inclusive of the TARP to ensure that management measures are appropriate to ensure sufficient storage capacity of the KEQ 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 desedimentation works prior to forecast rainfall events.</p> <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 KEQ 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>	<p>Duplicate recommendations.</p> <p>Refer to water-related conditions of the Project Approval for further details.</p>
O1.1, O5.1, O5.2	<p>O1.1 – 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> <p>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.</p> <p>O5.2 – Bunds must:</p> <p>(a) have walls and floors constructed of impervious materials;</p> <p>(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);</p> <p>(c) Have floors graded to a collection sump;</p> <p>(d) Not have a drain valve incorporated in the bund structure;</p> <p>or be constructed and operated in a manner that achieves the same environmental outcome.</p>	<p>Lubricants and associated materials were stored within a hazardous material storage container that was no longer structurally sound and open to the weather which results in the bund being filled with water, this considered non-compliant with this condition.</p> <p>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.</p>	<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 AS1940.</p>	<p>Duplicate recommendation.</p> <p>Refer to the Schedule 3, Condition 39 for further details.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response - Environment Protection Licence (EPL 20611)				
No	Requirement	2023 IEA Assessment	2023 IEA Recommendation	2023 KEQ Response / Action
O3.1, O3.2, O3.3	<p>O3.1 – The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.</p> <p>O3.2 - 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.</p> <p>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.</p>	<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. 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> <ul style="list-style-type: none"> 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>As only a single incident of a lowrange exceedance occurred during the audit period, no specific recommendations are made beyond continuing to monitor for exceedances as per the requirement of the EPL.</p> <p>If exceedances reoccur examine additional measure to manage.</p>	<p>Duplicate recommendations.</p> <p>Refer to air quality-related conditions of the Project Approval for further details.</p>
O7.1	<p>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.</p>	<p>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.</p> <p>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 noncompliance 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.</p>	<p>As the original requirement has been removed from the EPL condition, no further action is recommended.</p>	<p>RESPONSE: KEQ disagrees with this finding as the implementation of noise enclosures as part of MOD8 addressed the intent of this condition which was not removed at the time due to administrative oversight.</p>
M2.1, M3.1	<p>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.</p> <p>M3.1 – 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> <p>(a) Any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <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>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 & 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> <p>KEQ stated the action taken was to instruct laboratory /field technicians to take greater care when handling sample jars. The second was reported as a failure of HVAS equipment failing during periods of extreme rainstorms</p>	<p>Ensure monitoring is undertaken in accordance with requirements of M2 conditions.</p>	<p>RESPONSE: KEQ acknowledges the finding, but considers no further actions are required.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response - Environment Protection Licence (EPL 20611)				
No	Requirement	2023 IEA Assessment	2023 IEA Recommendation	2023 KEQ Response / Action
		<p>(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>		
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>	<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 noncompliance for c) Noise monitoring not undertaken during the 26-08-2020 to 25-08-2021 reporting period. KEQ 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>KEQ 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>	<p>Following the incident KEQ amended quarterly monitoring planning and the failure to conduct quarterly monitoring has not reoccurred.</p> <p>Therefore, no further action is recommended.</p>	<p>RESPONSE: KEQ acknowledges the finding, but considers no further actions are required.</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>	<p>Ensure Annual Returns are submitted within the 60 days and the due date as notified by the EPA.</p>	<p>RESPONSE: KEQ acknowledges the 2021/22 Annual Return was subject a late submission. KEQ has since implemented improved reporting processes to ensure submission of documents to external stakeholders is completed.</p> <p>STATUS: Completed – no further actions required.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response – Opportunities for Improvement				
No	Requirement	2023 IEA Assessment	2023 IEA Recommendation	2023 KEQ Response / Action
S3, C27	<p>The Applicant must develop a translocation program for <i>Tetratheca juncea</i> to the satisfaction of the Planning Secretary. This program must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with BCD, by a suitably qualified and experienced ecologist 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 that involve clearing of or potential harm to <i>Tetratheca juncea</i>; (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; (d) include a monitoring program to study the <i>Tetratheca juncea</i> stems before and after translocation; (e) include short and long-term goals and performance criteria to measure the effectiveness of the program; and (f) provide for the transfer of information obtained as a result of implementing the program to BCD and the Department. 	<p>The <i>Tetratheca juncea</i> Translocation Management Plan (TjTMP) (sic) 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> <ul style="list-style-type: none"> (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. (b) A letter from the DPE provided confirms the TjTMP was approved in accordance with the Project Approval. (c) Section 6 and Section 7 of the TjTMP describe measures for the translocation of <i>Tetratheca juncea</i> (T. <i>juncea</i>) stems in the area of disturbance to nearby areas. More specifically, the TjTMP describes that all clumps of T. <i>juncea</i> identified during the original Project Approval had already been translocated to the translocated area. The translocation of additional T. <i>juncea</i> identified within “Site 2” as part of the modification to the original “Part 3A approval” was scheduled to take place in 2018 and 2020. Further details in Section 7 of the TjTMP describes the translocation process, ecological inspection requirements and after planting care. (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: <ul style="list-style-type: none"> ▪ Count flowers, ▪ Count fruits, ▪ Observe general plant health, and ▪ Photo points. <p>The most recent T. <i>juncea</i> Monitoring Report was prepared in February 2021 by Firebird ecoSultants following a site visit undertaken in October 2020. The Report confirms that “the year 2020 was to be the final year of monitoring of the translocation project” and states “the translocation site does not present suitable habitat”, 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 T. <i>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 T. <i>juncea</i> typically occur in.</p> (e) Short Term and Long Term goals are described in Section 8 of the TjTMP, include references to performance criteria described in Section 9. 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 T. <i>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”. 	<p>Whilst the auditors have collected sufficient evidence to demonstrate KEQPL are compliant with the scope and intent of the condition, due to the low survival rate of T. <i>juncea</i> following translocation (less than the 25% target), a review of the T. <i>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 be considered in any future translocation plans to support the targeted short and long term success rate goals.</p> <p>In the event any future translocations of T. <i>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>	<p>Response: KEQ has sought legal advice regarding the TjTP and has confirmed that the program ceased in 2020.</p> <p>Therefore, KEQ considers that the program is now completed, with no further action required.</p>



KEQ IEA 2023 – Response to Audit Recommendations

KEQ 2023 IEA Findings and KEQ Response – Opportunities for Improvement				
No	Requirement	2023 IEA Assessment	2023 IEA Recommendation	2023 KEQ Response / Action
S3, C41	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) ensure the development is suitable equipped to respond to any fires on site; (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area; and (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>(a) KEQPL have a Bushfire Evacuation Plan (undated) which describes the procedures in relation to notifications to site personnel and structures, 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 the 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> <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, this 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>	<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>	<p>ACTION: KEQ to review the Bushfire Evacuation Plan document template and update as considered necessary.</p> <p>DUE: 31 March 2025.</p>