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FULLERTON COVE SAND QUARRY INDEPENDENT ENVIRONMENTAL AUDIT

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Prepared by **Taylor Jackson**
Checked by **Shaun Taylor**
Approved by **Victoria Sedwick**
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Ramboll
Level 2, Suite 18 Eastpoint
50 Glebe Road
PO Box 435
The Junction
NSW 2291
Australia

T +61 2 4962 5444
<https://ramboll.com>

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GLOSSARY

Applicant	Coastal Developments Pty Ltd or any other person carrying out the development
Cell	Defined sand extraction area
EA	Environmental Assessment prepared by Orogen Pty Ltd dated 29 February 2008
Final Project Report	Final Project Report prepared by Orogen Pty Ltd dated 28 January 2009
IAPAR 2020	Department of Planning Industry and Environment <i>Independent Audit Post Approval Requirements</i> (June 2018) and <i>Independent Audit: Post Approval Requirements</i> (May 2020)
MOD1	Modification to PA 07_0145 granted on 17 November 2010 to include an additional sand extraction area
MOD1 EA	Environmental Assessment prepared by Orogen Pty Ltd dated 10 June 2010
MOD2	Modification to PA 07_0145 granted on 18 January 2016 to extend the approved duration of quarrying activities until 30 June 2020
MOD2 EA	Environmental Assessment prepared by GHD Pty Ltd dated November 2015
PA 07_0145	Project Approval number 07_0145 issued for the Fullerton Cove Sand Quarry project
The Department	NSW Department of Planning, Industry and Environment
The project	Operation of a sand quarry and associated activities at Fullerton Cove
The site	The Fullerton Cove Sand Quarry located off Coxs Lane in Fullerton Cove, New South Wales

ACRONYMS AND ABBREVIATIONS

ACHMP	Aboriginal Cultural Heritage Management Plan
AEMR	Annual Environmental Management Report
AHD	Australian Height Datum
AS	Australian Standard
BOS	Biodiversity offset strategy
BRS	Barker Ryan Stewart Pty Limited
Coastal Developments	Coastal Developments Pty Ltd
Council	Port Stephens Council
CSQP	Coastal Sand and Quarry Products
DMP	Dust Management Plan
DP	Deposited Plan
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMS	Environmental Management Strategy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environmental Protection Authority
ESCP	Erosion and Sediment Control Plan
FPR	Final Project Report
ISO	International Organisation for Standardisation
JME	JME Environments
LMP	Land Management Plan
NMP	Noise Management Plan
NSW	New South Wales
PA	Project Approval
PCB	Pulver Cooper and Blackley Pty Ltd
Ramboll	Ramboll Australia Pty Ltd
SWMP	Soil and Water Management Plan

EXECUTIVE SUMMARY

Ramboll Australia Ltd (Ramboll) has been engaged by Coastal Developments Pty Ltd (Coastal Developments) to conduct an Independent Environmental Audit of the Fullerton Cove Sand Quarry (the 'project') located off Coxs Lane in Fullerton Cove, New South Wales (the 'site'). The quarry is owned and operated by Coastal Sand and Quarry Products (CSQP), a subsidiary of Coastal Developments. CSQP acquired the site from Buildev Properties on 26 June 2015.

The project generally includes: extraction of mineral sands via front end loader and truck from two approved extraction areas; a petroleum re-fuelling and maintenance area with hard stand; offices and amenities; and noise and visual bunding.

Development consent conditions were issued for the project on 18 July 2009 by the Minister for Planning as Project Approval (PA) number 07_0145 (PA 07_0145). PA 07_0145 is supported by the Environmental Assessment, prepared by Orogen Pty Ltd dated 29 February 2008 and the Final Project Report prepared by Orogen Pty Ltd dated 28 January 2009.

PA 07_0145 has since been subject to two modifications:

- i) on 17 November 2010 to include an additional sand extraction area
- ii) on 18 January 2016 to extend the approved duration of quarrying activities until 30 June 2020.

The Audit is a statutory requirement by the Department under conditions schedule 5 conditions 5 to 7 of PA 07_0145. In accordance with condition 5, an Independent Environmental Audit is required to be undertaken at the completion of quarrying operations. Quarry operations ceased at the site on 30 June 2020 in accordance with the second modification to PA 07_0145.

The audit period for this audit is from 17 April 2013 to 18 September 2020.

The Auditors assessed the development to be generally compliant with the conditions of Development Consent PA 07_0145. 29 non-compliance issues were identified. The majority of the non-compliance issues identified relate to the absence of evidence as the Auditor understands that minimal site records were reportedly provided to CSQP from the previous owner of the site following CSQP acquisition of the site. The non-compliance issues identified were:

- Schedule 2, Condition 7 - Truck dispatch records are not available from 2013 -2014 prior to CSQP acquisition of the site.
- Schedule 2, Condition 8 - There is no method to confirm if total extraction and transportation of sand from the site was within the approved limit of 1,056,500 tonnes over the project life in the absence of records.
- Schedule 2, Condition 9A - There is no evidence to confirm that updates to the plans were made following submission of the AEMRs or submission of the previous audit (dated June 2013). This was in the period prior to CSQP acquiring and operating the quarry.
- Schedule 2, Condition 12 - There is no evidence to confirm that demolition of the shed was undertaken in accordance with AS 2601-2001.
- Schedule 2, Condition 15 - Section 94 contribution records are not available from 2013-2014 prior to CSQP acquisition of the site.
- Schedule 3, Condition 1 - The Auditor viewed an email from CSQP to the Department dated 13 February 2017 following an inspection of the site. It is stated in the email that during the inspection the Department noted that "The extraction boundary was not clearly marked out.". It is noted that CSQP provided photo evidence of extraction boundary limits that had been installed to address the issue.

- Schedule 3, Condition 2 - Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. Noise monitoring was reportedly not undertaken within 30 m of the façade of the nearest residence during the 2017/2018 and 2018/2019 AEMR reporting periods and only three of four monitoring events were undertaken in the 2017/2018 reporting period.
- Schedule 3, Condition 4 - The AEMRs are not available from 2013-2014 (prior to CSQP acquisition of the site) to confirm noise management and monitoring was reported.
- Schedule 3, Condition 6 - Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. It is reported in the 2018/2019 Noise Monitoring Annual Summary (RCA Australia) that in October 2019, the Department notified CSQP that they had not followed the approved Noise Monitoring Program as monitoring at locations 'M2' and 'M3' was not undertaken in Quarter 1.
- Schedule 3, Condition 7 - Air monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. For the monitoring records that are available (2015-2019), several exceedances of the air quality criteria occurred throughout the audit period as reported in the AEMRs.
- Schedule 3, Condition 10 - There is no evidence to Confirm if the George Street boundary fence was installed prior to undertaking excavation operations within 100 metres of the private-owned land.
- Schedule 3, Condition 17 - Groundwater monitoring records are not available from 2013-2014, prior to CSQP acquisition of the site.
- Schedule 3, Condition 18 - There is no evidence to Confirm that long-term security of the offset area has been finalised. There is no evidence that a timetable for implementation of the BOS has been provided to the Secretary and it is not included in the LMP.
- Schedule 3, Condition 19 - Works to establish pasture grassland within the extraction footprint had not progressed. As such, the site will not achieve the rehabilitation and revegetation objective of the LMP to achieve a Pasture Grassland formation with a minimum 80% groundcover after the end of a 6-month establishment period (i.e. by 31 December 2020).
- Schedule 3, Condition 28 - There was no evidence to confirm that a review of the rehabilitation bond was undertaken following the previous Independent Environmental Audit.
- Schedule 3, Condition 31 - There was no evidence to confirm that trucks travelling on the site during operations did not exceed an engine speed of 1500 revs per minute.
- Schedule 3, Condition 33 - There is reason to believe that sand laden-trucks may have exceeded Council load limits in force for Coxs Lane during operations.
- Schedule 3, Condition 39 - There was no evidence that a bunded area with impervious flooring had been constructed where refuelling of vehicles was undertaken
- Schedule 3, Condition 40 - There was no evidence to confirm that refuelling of vehicles was undertaken within bunded areas with impervious flooring.
- Schedule 3, Condition 42 - Production records are not available from 2013-2014 prior to CSQP acquisition of the site. JME reported non-compliance with this condition in the 2015/2016 and 2016/2017 AEMRs as (paraphrased): "production data... was not supplied in the Industry & Investment NSW standard form". Subsequently, this data is not included in the AEMRs for these years.
- Schedule 4, Condition 1 - There is no evidence to confirm that CSQP notified the Secretary of the air quality exceedances.
- Schedule 5, Condition 2 - There is no evidence to confirm that CSQP notified the Department of the air quality exceedances as discussed in the response to Schedule 3, Condition 7.

- Schedule 5, Condition 3 - There is no evidence to Confirm that CSQP provided a report to the Department or other relevant agencies of the air quality exceedances as discussed in the response to Schedule 3, Condition 7.
- Schedule 5, Condition 4 - AEMRs are not available from 2013-2014 prior to CSQP acquisition of the site. The AEMRs do not describe any actions undertaken or planned to be undertaken in response to the non-compliances identified.
- Schedule 5, Condition 6 - There is no evidence to Confirm that the previous independent audit report was submitted to the Department within one month of completion along with a response to audit recommendations.
- Schedule 5, Condition 7 - Updates to the management plans were not made until 2015/2016 (when CSQP acquired the site) as discussed in the response to Schedule 2, Condition 9.
- Schedule 5, Condition 9 - There is no evidence to Confirm that AEMRs or the previous independent environmental audit was provided by the former owners to Council or other relevant agencies. The previous independent environmental audit was not available on the applicant's website as it was not provided to CSQP by the previous owners.

Opportunities for improvement were also identified as follows:

- Schedule 2, Condition 9 - A review of the EMP and subplans should be undertaken to ensure they reflect the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current activities being undertaken at the site e.g. NMP, DMP, SWMP and ACHMP.
- Schedule 3, Condition 9 - It is recommended a review of the DMP and AEMR monitoring locations figure is undertaken to ensure dust deposition gauges are correctly labelled.
- Schedule 3, Condition 9 - It is recommended that the DMP is reviewed and updated to reflect the current stage of works (i.e. revegetation and rehabilitation activities only and no operational activities). Based on the nature of the current rehabilitation works and minimal potential for dust impacts, approval should be sought from the Department to remove the requirement for a dust monitoring program with justification provided.
- Schedule 3, Condition 14 - A review of the SWMP should be undertaken to ensure it reflects the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current impacts and justification provided.
- Schedule 3, Condition 25 - It is recommended that consultation is undertaken with the compliance section of the Department regarding the current status of the rehabilitation and revegetation plan and updates made to the LMP to reflect this if required by the Department.

1. INTRODUCTION

1.1 Background

Ramboll Australia Ltd (Ramboll) has been engaged by Coastal Developments Pty Ltd (Coastal Developments) to conduct an Independent Environmental Audit of the Fullerton Cove Sand Quarry (the 'project') located off Coxs Lane in Fullerton Cove, New South Wales (NSW) (Figure 1). The quarry is owned and operated by Coastal Sand and Quarry Products (CSQP), a subsidiary of Coastal Developments. CSQP acquired the site from Buildev Properties on 26 June 2015.

Development consent conditions were issued for the project on 18 July 2009 by the Minister for Planning as Project Approval (PA) number 07_0145 (PA 07_0145). PA 07_0145 is supported by the Environmental Assessment (EA) prepared by Orogen Pty Ltd dated 29 February 2008 and the Final Project Report (FPR) prepared by Orogen Pty Ltd dated 28 January 2009.

PA 07_0145 has since been subject to two modifications:

- i) on 17 November 2010 to include an additional sand extraction area (MOD1), supported by the EA prepared by Orogen Pty Ltd dated 10 June 2010 (MOD1 EA)
- ii) on 18 January 2016 to extend the approved duration of quarrying activities until 30 June 2020 (MOD2), supported by the EA prepared by GHD Pty Ltd dated November 2015 (MOD2 EA).

PA 07_0145 (as modified) permits the following key activities:

- Extraction of mineral sands within an approximate 18 hectare area via front end loader and truck
- Construction and operation of a petroleum re-fuelling / maintenance area with hard stand and bunding, offices and amenities
- Construction of a new access road off Coxs Lane
- No more than 20 laden trucks to be dispatched from the site per hour, when averaged over a working week
- Noise and visual bunding on the western and eastern boundaries of the site.

The approved resource that can be extracted over the project life is 1,056,500 tonnes of sand.

Quarrying activities at the site are broken down into eight extraction cells (Figure 2). Prior to CSQP taking over quarry operations in June 2015, extraction had been completed within Cells 1, 2, 3 and 4. It is understood by CSQP that rehabilitation commenced within these areas in 2014. CSQP continued rehabilitation of these areas up until 2016. From 2015 to 2019, sand was extracted from Cells 5 and 6 and sand extraction from cells 7 and 8 was undertaken in 2016 to 2017.

The Audit is a statutory requirement by the Department under Schedule 5 conditions 5 to 7 of PA 07_0145. In accordance with condition 5, an Independent Environment Audit is required to be undertaken at the completion of quarrying operations. Quarry operations ceased at the site on 30 June 2020 in accordance with MOD2.

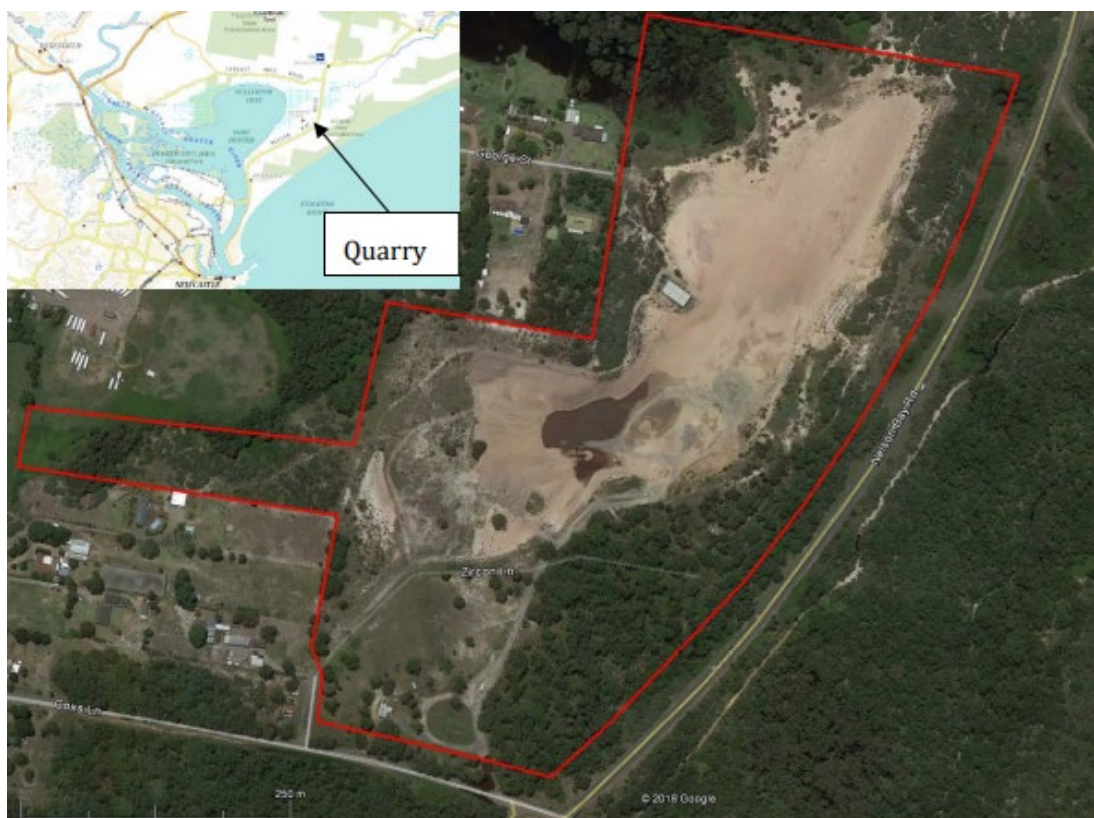


Figure 1: Locality plan

Source: JME15070 – AEMR 1 July 2018 - 31 June 2019



Figure 2: Extraction cell areas

Source: JME15070 – AEMR 1 July 2018 - 31 June 2019

1.2 Audit team

The Audit Team comprised Victoria Sedwick (Lead Auditor), Shaun Taylor (Auditor) and Taylor Jackson (Auditor) of Ramboll. The Audit Report was prepared by the Auditors and reviewed and authorised by the Lead Auditor.

1.3 Audit objectives

The objective of the audit was to independently assess the environmental performance and compliance status of the Project under PA 07_0145 during the audit period.

1.4 Audit scope

To assess the environmental performance of the site as required under Schedule 5 conditions 5 to 7 of PA 07_0145, the Audit is required to verify and report as per the following:

"Independent Environmental Audit

5. Within 2 years of the commencement of quarrying operations, and at the completion of quarrying operations, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- (a) be conducted by a suitably qualified, experienced and independent person(s) whose appointment has been approved by the Secretary;*
- (aa) be completed within 2 months of the approval of the audit team;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project, and its effects on the surrounding environment;*
- (d) assess whether the project is complying with the relevant standards, performance measures and statutory requirements;*
- (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary;*
- (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.*

6. Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Secretary and relevant agencies, with a response to any of the recommendations in the audit report.

7. Following each Independent Environmental Audit, the Proponent shall review and if necessary revise each of the environmental management and monitoring strategies/plans/programs in Schedules 3 and 5, to the satisfaction of the Secretary. The revised strategies/plans/programs shall be submitted to the Secretary within 3 months of completing the audit."

1.5 Audit period

The audit period covered by this Audit is from 17 April 2013 to 18 September 2020. The Department requested that the site visit be completed no later than 15 September 2020 (refer to Appendix 3). The site visit was conducted by Shaun Taylor and Taylor Jackson on 10 September 2020.

2. AUDIT METHODOLOGY

2.1 Overview

The Audit has been conducted at the site to review the project's: activities; management of impacts on the environment from these activities; and to confirm compliance against the relevant Development Consent conditions for the project.

The Audit was conducted in accordance with *Australian Standard AS/NZS ISO 19011:2014 Australian/New Zealand Standards: Guidelines for quality and/or environmental management systems auditing* (which replaced ISO 14010), the Department's revised *Independent Audit: Post Approval Requirements* (May 2020) (IAPAR 2020).

2.2 Selection and Endorsement of the audit team

The Ramboll Auditors referred to in Section 0 have experience in conducting environmental compliance audits and are independent from the project. Victoria Sedwick is a certified Lead Auditor with Exemplar Global (Certificate No. 13180). The Department issued a letter of endorsement for the Audit Team on 12 August 2020 (refer to letter in Appendix 2).

2.3 Independent audit scope development

The scope for the Audit was developed to assess environmental performance in relation to PA 07_0145 during the audit period, which included all post approval documents prepared to satisfy the conditions relevant to the audit period.

A comprehensive protocol (Audit Table) was developed for each development consent to facilitate onsite interviews and inspection for the assessment of compliance. The Audit Tables include:

- A unique identification number for each condition of consent (ID)
- The exact wording of the compliance requirement
- Evidence used to assess and determine whether each requirement has been complied with
- Commentary on findings and recommendations
- Recording the status of compliance
- A unique identification number for each non-compliance (NC).

The completed Audit Tables are provided in Appendix 1.

Up until 7 March 2019, the quarry operated Environmental Protection Licence (EPL) 20084, issued by the Environmental Protection Authority (EPA) under the NSW *Protection of the Environment Operations Act 1997* (POEO Act). The licence was surrendered on 7 March 2019. Compliance with EPL 20084 does not form part of the Audit scope in accordance with IAPAR 2020.

2.4 Site inspection and interviews

A one-day site visit was undertaken on 10 September 2020 by the Auditors, Shaun Taylor and Taylor Jackson. The Auditor was accompanied by CSQP representatives Luke Roberts and Casey Gooch. During this site visit, the Auditor observed operations and activities at the project, interviewed key site personnel, reviewed onsite records and clarified any issues identified during the document review task.

2.5 Consultation

The Auditors consulted with the Department, Port Stephens Council (Council) and the EPA. Outcomes of consultation undertaken during the audit are included in Section 3.8.

2.6 Compliance status descriptors

All information gathered throughout the Audit process was reviewed, evaluated and collated into this Audit Report to assess compliance with PA 07_0145.

This Audit Report has been prepared generally in accordance with IAPAR 2020. As such, the following compliance descriptors have been used:

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the Audit is undertaken, therefore an assessment of compliance is not relevant.

Observations have also been made that identify opportunities for improvement with recommendations given where relevant (refer to section 4).

3. AUDIT FINDINGS

3.1 Approval and document list

Approvals and documents provided by CSQP and/or available on the applicant's website, as well as the Department's Major Projects website, reviewed by the Auditors included:

- Development consent for PA 07_0145
- Environmental assessment documents (i.e. the EA, FPR, MOD1 EA and MOD2 EA)
- Management plans and other documentation as listed in Section 3.6
- Previous independent environmental audit
- Email/letter correspondence records
- Receipts and docket.

Consent conditions relevant only to the audit period have been assessed in this audit.

3.2 Compliance performance

Compliance performance with the Project Approval was determined from a review of project documentation, audit observations and interviews with site representatives. Table 3-1 provides a summary of the compliance performance. Full details of the auditors' findings are documented within Appendix 1 of this report. Non-compliances are identified in Section 3.4.

Table 3-1: Summary of compliance performance

Number of compliance requirements (i.e. conditions audited)	72
Total number of not triggered conditions	10
Total number of compliant conditions	35
Total number of non-compliant conditions	27

3.3 Summary of agency notices, orders, penalty notices or prosecutions

The Auditor is not aware of any agency notices, orders, penalty notices or prosecutions made against the project during the audit period.

3.4 Non-compliances

Key non-compliances with the conditions of PA 07_0145 are noted in Table 3-2. Section 4.1 provides recommendations associated with each non-compliance below.

Table 3-2: Summary of Non-compliances

NC#	Condition/s	Non-compliance
NC1	Sch 2, Con 7	Truck dispatch records are not available from 2013 -2014 prior to CSQP acquisition of the site.
NC2	Sch 2, Con 8	There is no method to confirm if total extraction and transportation of sand from the site was within the approved limit of 1,056,500 tonnes over the project life in the absence of records.
NC3	Sch 2, Con 9A	There is no evidence to confirm that updates to the plans were made following submission of the AEMRs or submission of the previous audit (dated June 2013). This was in the period prior to CSQP acquiring and operating the quarry.
NC4	Sch 2, Con 12	There is no evidence to confirm that demolition of the shed was undertaken in accordance with AS 2601-2001.

NC#	Condition/s	Non-compliance
NC5	Sch 2, Con 15	Section 94 contribution records are not available from 2013-2014 prior to CSQP acquisition of the site.
NC6	Sch 3, Con 1	The Auditor viewed an email from CSQP to the Department dated 13 February 2017 following an inspection of the site. It is stated in the email that during the inspection the Department noted that " <i>The extraction boundary was not clearly marked out.</i> ". It is noted that CSQP provided photo evidence of extraction boundary limits that had been installed to address the issue.
NC7	Sch 3, Con 2	Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. Noise monitoring was reportedly not undertaken within 30 m of the façade of the nearest residence during the 2017/2018 and 2018/2019 AEMR reporting periods and only three of four monitoring events were undertaken in the 2017/2018 reporting period.
NC8	Sch 3, Con 4	The AEMRs are not available from 2013-2014 (prior to CSQP acquisition of the site) to confirm noise management and monitoring was reported.
NC9	Sch 3, Con 6	Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. It is reported in the 2018/2019 Noise Monitoring Annual Summary (RCA Australia) that in October 2019, the Department notified CSQP that they had not followed the approved Noise Monitoring Program as monitoring at locations 'M2' and 'M3' was not undertaken in Quarter 1.
NC10	Sch 3, Con 7	Air monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. For the monitoring records that are available (2015-2019), several exceedances of the air quality criteria occurred throughout the audit period as reported in the AEMRs.
NC11	Sch 3, Con 10	There is no evidence to confirm if the George Street boundary fence was installed prior to undertaking excavation operations within 100 metres of the private-owned land.
NC12	Sch 3, Con 17	Groundwater monitoring records are not available from 2013-2014, prior to CSQP acquisition of the site.
NC13	Sch 3, Con 18	There is no evidence to confirm that long-term security of the offset area has been finalised. There is no evidence that a timetable for implementation of the BOS has been provided to the Secretary and it is not included in the LMP.
NC14	Sch 3, Con 19	Works to establish pasture grassland within the extraction footprint had not progressed. As such, the site will not achieve the rehabilitation and revegetation objective of the LMP to achieve a Pasture Grassland formation with a minimum 80% groundcover after the end of a 6-month establishment period (i.e. by 31 December 2020).
NC15	Sch 3, Con 28	There was no evidence to confirm that a review of the rehabilitation bond was undertaken following the previous Independent Environmental Audit.
NC16	Sch 3, Con 31	There was no evidence to confirm that trucks travelling on the site during operations did not exceed an engine speed of 1500 revs per minute.
NC17	Sch 3, Con 33	There is reason to believe that sand laden-trucks may have exceeded Council load limits in force for Coxs Lane during operations.

NC#	Condition/s	Non-compliance
NC18	Sch 3, Con 39	There was no evidence that a bunded and impervious area was available for the refuelling of vehicles
NC19	Sch 3, Con 40	There was no evidence to confirm that refueling of vehicles was undertaken within bunded areas with impervious flooring.
NC20	Sch 3, Con 42	Production records are not available from 2013-2014 prior to CSQP acquisition of the site. JME reported non-compliance with this condition in the 2015/2016 and 2016/2017 AEMRs as (paraphrased): " <i>production data... was not supplied in the Industry & Investment NSW standard form</i> ". Subsequently, this data is not included in the AEMRs for these years.
NC21	Sch 4, Con 1	There is no evidence to confirm that CSQP notified the Secretary of the air quality exceedances.
NC22	Sch 5, Con 2	There is no evidence to confirm that CSQP notified the Department of the air quality exceedances as discussed in the response to Schedule 3, condition 7.
NC23	Sch 5, Con 3	There is no evidence to confirm that CSQP provided a report to the Department or other relevant agencies of the air quality exceedances as discussed in the response to Schedule 3, condition 7.
NC24	Sch 5, Con 4	AEMRs are not available from 2013-2014 prior to CSQP acquisition of the site. The AEMRs do not describe any actions undertaken or planned to be undertaken in response to the non-compliances identified.
NC25	Sch 5, Con 6	There is no evidence to confirm that the previous independent audit report was submitted to the Department within one month of completion along with a response to audit recommendations.
NC26	Sch 5, Con 7	Updates to the management plans were not made until 2015/2016 (when CSQP acquired the site) as discussed in the response to Schedule 2, condition 9.
NC27	Sch 5, Con 9	There is no evidence to confirm that AEMRs or the previous independent environmental audit was provided by the former owners to Council or other relevant agencies. The previous independent environmental audit was not available on the applicant's website as it was not provided to CSQP by the previous owners.

3.5 Previous audit recommendations

An Independent Environmental Audit of PA 07_0145 was conducted in 2013 by Umwelt (Australia) Pty Ltd. An assessment of progress on the recommendations made in the previous audit was presented in Table 3-3.

Table 3-3: Previous Independent Environmental Audit recommendations

Previous audit recommendation	Action
It is recommended that CQP begin preparing groundwater reports in order to ensure compliance with Project Approval and EPL conditions	Groundwater quality results were analysed quarterly and reported annually in the AEMRs
It is recommended that the EMS be reviewed to ensure it is consistent with the ongoing operations at FCSQ, reflects the project as approved in the modification of PA07_0145, and reflects any changes in legislations, to ensure the statutory requirements presented in the EMS reflect the existing legislative environment	The EMS has been superseded by the EMP which was prepared in 2016
It is recommended that CQP upload monitoring results and programs to the FCSQ website in order to ensure compliance with EPL conditions	A summary of the monitoring results is uploaded to the CSQP website (https://www.csqp.com.au/clients) in excel spreadsheet format
It is recommended that CQP begin reporting the results of environmental monitoring undertaken for the project. It is recommended that as a minimum CQP setup excel spreadsheets in order to track results and undertake a review meteorological data from Williamtown RAAF meteorological station (i.e. whether meteorological conditions, such as prevailing wind speed and direction, have had an impact on monitoring result (<i>sic</i>))	A summary of the monitoring results is uploaded to the CSQP website (https://www.csqp.com.au/clients) in excel spreadsheet format. Meteorological data from the Williamtown RAAF meteorological station is analysed in the AEMRs
It is recommended that CQP maintain copies of the monitoring reports on site and ensure that quarterly noise monitoring reports are submitted to EPA within one month of monitoring being carried as required by Condition R4.1 of the EPL	The most recent noise monitoring report is available on the CSQP website (https://www.csqp.com.au/clients)
It is recommended that CQP seek a license for use of the old bore for dust suppression purposes	CSQP did not advise on whether a licence was sought for this bore.
It is recommended that (<i>sic</i>) liaise with DP&I in relation to the necessity to construct the southern section of the western acoustic and visual bund	CSQP did not provide evidence of any consultation with DPIE (formerly DP&I).
It is recommended that CQP review the location of the dust gauge adjacent to the HVAS in relation to the siting guidelines contained in AS (<i>sic</i>).	DDG3 was moved on 3 October 2018
It is recommended that CQP review MSDS's for all products used on site and obtain updated MSDS's from its suppliers for any products where MSDS currently held is older than five years	CSQP did not advise if this recommended action was implemented. There are currently no hazardous products kept on site requiring MSDS's.
It is recommended that CQP review its refuelling procedures and the locations for refuelling to address the requirements of the Project Approval, particularly Schedule 3 Condition 40	The Auditor reviewed the refuelling procedure and it does not include details on the refuelling locations

3.6 EMP, sub-plans and compliance documents

The Environmental Management Plan (EMP) (CSQP, June 2016) is the overarching management tool used on site. To supplement the EMP, several management plans have been prepared for the site in accordance with PA 07_0145 including:

- Noise Management Plan (NMP) (Appendix E) (Global Acoustics, September 2009)
- Dust Management Plan (DMP) (Appendix F) (PAE Holmes, September 2009)
- Soil and Water Management Plan (SWMP) (Appendix G) (Umwelt, October 2009)
- Land Management Plan (LMP) (Appendix H) (Orogen, September 2009)
- Aboriginal Cultural Heritage Management Plan (ACHMP) (Appendix I) (MrCardle Cultural Heritage, September 2009).

Compliance with these management plans was assessed during the Audit as relevant to the audit period (refer to Appendix 1 and discussion in Section 3.7). The Auditors have reviewed these plans and provided recommendations for improvement, where relevant. Activities during the audit period were considered to be generally consistent with the management plans and sub-plans listed.

The current management plans primarily relate to operational activities which have since been completed. The Auditor recommends that a review of the EMP and subplans is undertaken to ensure they reflect the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). The Auditor also recommends that approval is sought from the Department to remove the requirement/s for any redundant plans that do not relate to current impacts e.g. NMP, DMP, SWMP and ACHMP.

3.7 Environmental performance

3.7.1 Rehabilitation and revegetation

On completion of quarry operations, the approved final landform is to permit a rural pastoral land use, with the objective to achieve a Pasture Grassland formation with a minimum 80% groundcover to assist in soil stabilisation within the former extraction areas. The noise and visual bunds are permitted to remain and are to be planted out with a suite of native dry coastal dune shrubs, appropriate for free draining dune sands on the coast.

Extraction operations were completed on 30 June 2020. CSQP has received a Gateway Determination on 24 May 2019 for residential housing lots, which will alter the current approved rehabilitation plan. An email from Perception Planning was provided to the Auditor stating: *"The site has been considered by Port Stephens Council and the NSW government as having potential for residential development and so revegetation of this land would be redundant. This is evidenced by the Council meeting minutes that led to the Department of Planning issuing a Gateway Determination for the Zone R5 – Large Lot Residential... This gateway determination is currently on hold because both Council and the Department are considering the site for a higher order residential zone, being R2 – Low Density Residential and R3 – Medium Density Residential..."*.

The *Port Stephens Local Environment Plan* (LEP), proposed to be amended to include zoning of the site for residential land use, is expected to be finalised within 18 months of the Gateway Determination (November 2020). CSQP is holding further discussions with the Department on whether the subdivision landscape plan will satisfy the requirements of the rehabilitation plan.

Evidence of progressive revegetation of the site (for example mulching of north-eastern banded area) was evident during the site visit. Works to establish pasture grassland within the extraction

footprint had not progressed due to the rezoning application. As such, the site will not achieve the rehabilitation and revegetation objective of the LMP to achieve a Pasture Grassland formation with a minimum 80% groundcover after the end of a 6-month establishment period (i.e. by 31 December 2020).

3.7.2 Noise

Regular noise monitoring was undertaken during operations at nearby receivers with the results analysed to ensure that the site is operating in a manner consistent with the expectations of the local community and regulatory approvals. During the audit period, there were reportedly no exceedances of the noise criteria specified in Schedule 3, condition 2 of the development consent. The site representative advised that no complaints had been received in relation to noise during the audit period. The Auditor is therefore of the opinion that noise impacts were adequately managed during operation of the project.

As operations have ceased, noise monitoring of the project is no longer required.

3.7.3 Air quality and dust

Dust management controls implemented at the site during operations included:

- Use of water cart on access roads and asphaltting to minimise exposure surfaces
- Installation of sprinkler system adjacent to haul roads
- Confining traffic to identified sealed haul and access routes
- Keeping exposed areas to a minimum
- Revegetation of areas no longer required for operational use.

Regular monitoring of air quality was undertaken during operations at nearby receivers with the results analysed to ensure that the site is operating in a manner consistent with the expectations of the local community and regulatory approvals. Dust deposition monitoring was undertaken at three locations (DDG1, DDG2, and DDG3) on a monthly basis and PM₁₀ high volume air sampling is undertaken at one location (HVAS). Air quality monitoring results are analysed by JME

Environments (JME) in AEMRs. The following trends are reported by JME over the audit period:

- Dust deposition increased after 2015 at DDG1 and DDG2
- Unusually high dust deposition results were recorded at DDG3 in 2013-2014 and 2017-2018 reportedly due to quarrying operations encroaching upon the gauges' location, and sand stockpiles being placed around the dust deposition gauge
- The annual average PM₁₀ concentration dropped from 2012-2015, then rose since 2015.

A number of exceedances of the air quality criteria occurred throughout the audit period and are discussed in the response to schedule 3, condition 7 in the Audit Table (Appendix 1). This is reported due to extraction operations encroaching on the areas of the dust monitors and the locations of stockpiles.

3.7.4 Soil and water

CSQP operated a groundwater monitoring program in accordance with the SWMP during operations. The groundwater monitoring program included monthly monitoring of groundwater depth, and quarterly analysis of groundwater analytes at four locations (GW1, GW2, GW3 and BH4). Groundwater monitoring results are analysed by JME in the AEMRs. The following trends are reported by JME over the audit period:

- Groundwater quality parameters appear to be relatively stable over time. Some exceptions occurred mostly relating to elevated sulfate and iron concentrations. It was determined by JME that the elevated results were likely due to the groundwater table

being shallower following rainfall events that occurred prior to the time of sampling, and not to be a consequence of quarry operations

- pH levels were noted to remain low (acidic) over time, which is expected of coastal dune systems. JME concluded that this does not appear to be a result of quarry operations
- Overall, groundwater depths appear to have increased, however generally fluctuate in response to rainfall.

These findings are consistent with the assessment undertaken as part of the EA which concluded that the quarry would not result in a significant decrease of the water table and would result in negligible impacts to current groundwater users (Orogen, 2008).

Erosion and sediment controls were not required during operations as the extraction floor provides sediment storage (consistent with the ESCP). No issues associated with erosion and sediment control were observed during the site visit. The mound (noise and visual barrier) acts as an erosion control device and contains all sand and any surface water flows within the site. Areas of the site had been mulched and revegetated to prevent sediment and erosion from occurring.

3.8 Consultation outcomes

Table 3-4 provides a summary of the consultation outcomes with regulatory agencies undertaken as part of the audit and where each comment has been addressed.

Table 3-4: Consultation outcomes

Agency	Comments	Where addressed
Department	Can you please undertake some focussed review of compliance for: • Progressive rehabilitation • Rehabilitation for final landform (more specifically, timeliness and type as described in the Landscape Management Plan) • Biodiversity offset commitments (monitoring, maintenance, long term security)	Section 3.7.1
Council	No response has been received as of 9 October 2020.	N/A
EPA	No response has been received as of 9 October 2020.	N/A

3.9 Complaints

The complaints procedure is included as Appendix D of the EMP. CSQP have established a 24-hour Community Complaints and Enquiry Line. Ramboll understands that no complaints were received in the audit period as advised by the site representative during the onsite interview and no complaints are reported in the AEMRs.

3.10 Incidents

Several exceedances of the air quality criteria occurred throughout the audit period due to extraction operations encroaching on the areas of the dust monitors and the locations of stockpiles, as discussed in the response to schedule 3, condition 7 in the Audit Table (Appendix 1). There was no evidence to confirm the exceedances were reported to the Department or other relevant agencies in accordance with schedule 5, condition 2 and schedule 5, condition 3.

3.11 Actual versus predicted impacts

The Auditors have not identified significant inconsistencies between actual environmental impacts and the predicted environmental impacts.

3.12 Site inspection

Photos from the site inspection are in Appendix 4. In general, the project site was observed to be kept in a well maintained and some rehabilitation and revegetation activities were evident.

3.13 Site interviews

A meeting was held at the site on the day of the site visit that involved the Auditor and representatives from CSQP (Luke Roberts and Casey Gooch). Information regarding the history of the site and the project was provided and documents and records were reviewed. Further information was later provided on request via email and has been incorporated into this Audit Report where relevant.

3.14 Previous annual review or compliance report recommendations

The previous AEMR identified non-compliances relating to air quality monitoring exceedances and that noise monitoring was not undertaken within 30 metres of the façade of the nearest residence. No recommendations are made by the author (JM Environments (JME)). Air quality and noise monitoring are no longer being undertaken as operations have ceased.

3.15 Key strengths

Management systems and environmental performance are considered by the Auditor to be of a generally high standard. Impacts to sensitive receivers were well managed during operations as evident by the absence of complaints.

4. RECOMMENDATIONS AND CONCLUSION

4.1 Non-compliance recommendations

Table 4-1 provides a summary of the non-compliance recommendations identified as part of this Audit with specific details in Appendix 1.

There are instances where the Auditor offers no recommendations for improvement relating to an identified non-compliance where the activities relating to the non-compliance are no longer being undertaken, or where the Auditor considers that the non-compliance has been adequately addressed. Where this is the case, justification has provided in Appendix 1 and the non-compliances have been excluded from Table 4-1.

Table 4-1: Non-compliance Recommendations

NC#	Condition/s	Recommendation
NC2	Sch 2, Con 8	The Department should be notified regarding the absence of sand extraction and transportation records prior to CSQP acquisition of the site, and it's impact on CSQP's ability to confirm if total extraction and transportation of sand from the site was within the approved limit of 1,056,500 tonnes.
NC3	Sch 2, Con 9A	Ensure that any future revisions of the relevant management plans are undertaken in accordance with the timing specified under this condition and are documented in the document control register of each plan.
NC4	Sch 2, Con 12	Written records of any demolition works should be undertaken in accordance with AS 2601-2001 and appropriately filed in a site document database.
NC13	Sch 3, Con 18	A timetable for implementation of the BOS should be discussed with the Secretary with consideration of any implications of the re-zoning application.
NC14	Sch 3, Con 19	It is recommended that consultation is undertaken with the compliance section of the Department regarding the current status of the rehabilitation and revegetation plan and written advice obtained that the approach is acceptable.
NC15	Sch 3, Con 28	Review the rehabilitation bond in consultation with the Secretary within 3 months of this Independent Environmental Audit.
NC24	Sch 5, Con 4	Include a description of any actions to be undertaken in response to any non-compliances identified in any future AEMRs (if applicable). Given operations have ceased, AEMRs may no longer be required, however this should be confirmed by the Department in writing.
NC25	Sch 5, Con 6	Submit this audit report to the Department along with a response to audit recommendations within one month of completion.
NC26	Sch 5, Con 7	Following completion of this audit, review and revise the environmental management and monitoring plans as required.
NC27	Sch 5, Con 9	Upload this independent environmental audit to the website within one month of submission to the Department.

4.2 Opportunities for improvement

Table 4-2 provides a summary of the additional continual improvement recommendations identified as part of this Audit with specific details in Appendix 1.

Table 4-2: Continual Improvement Recommendations

Condition/s	Recommendation
Sch 2, Con 9	A review of the EMP and subplans should be undertaken to ensure they reflect the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current activities being undertaken at the site e.g. NMP, DMP, SWMP and ACHMP.
Sch 3, Con 9	It is recommended that the DMP is reviewed and updated to reflect the current stage of works (i.e. revegetation and rehabilitation activities only and no operational activities). Based on the nature of the current rehabilitation works and minimal potential for dust impacts, approval should be sought from the Department to remove the requirement for a dust monitoring program with justification provided.
Sch 3, Con 14	A review of the SWMP should be undertaken to ensure it reflects the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current impacts and justification provided.
Sch 3, Con 25	It is recommended that consultation is undertaken with the compliance section of the Department regarding the current status of the rehabilitation and revegetation plan and updates made to the LMP to reflect this if required by the Department.

4.3 Conclusion

The Auditors assessed the development to be generally compliant with the conditions of Development Consent PA 07_0145. 29 non-compliance issues were identified. The majority of the non-compliances identified relate to the absence of evidence as the Auditor understands that minimal site records were reportedly provided to CSQP from the previous owner of the site following CSQP acquisition of the site.

Some opportunities for improvement were also identified. Management systems and environmental performance of the development are considered to be generally adequate for the stage of development.

5. LIMITATIONS

Ramboll Australia Pty Ltd prepared this report in accordance with the scope of work as outlined in our proposal to Coastal Developments Pty Ltd dated 7 August 2020 and in accordance with our understanding and interpretation of current regulatory standards.

Site conditions may change over time. This report is based on conditions encountered at the site at the time of the report and Ramboll Australia Pty Ltd disclaims responsibility for any changes that may have occurred after this time.

The conclusions presented in this report represent Ramboll Australia Pty Ltd's professional judgment based on information made available during the course of this assignment and are true and correct to the best of Ramboll Australia Pty Ltd's knowledge as at the date of the assessment.

Ramboll Australia Pty Ltd did not independently verify all of the written or oral information provided to Ramboll Australia Pty Ltd during the course of this investigation. While Ramboll Australia Pty Ltd has no reason to doubt the accuracy of the information provided to it, the report is complete and accurate only to the extent that the information provided to Ramboll Australia Pty Ltd was itself complete and accurate.

This report does not purport to give legal advice. This advice can only be given by qualified legal advisors.

This report has been prepared exclusively for Coastal Developments Pty Ltd. It may not be relied upon by any other person or entity without Ramboll Australia Pty Ltd's express written permission.

APPENDIX 1

INDEPENDENT AUDIT TABLES

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SCHEDULE 2 – ADMINISTRATIVE CONDITIONS				
	Obligation to Minimise Harm to the Environment				
1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	- Site inspection - EMP (CSQP, June 2016) - NMP (Global Acoustics, September 2009) - DMP (PAE Holmes, September 2009) - SWMP (Umwelt, October 2009) - LMP (Orogen, September 2009) - ACHMP (McCardle Cultural Heritage, September 2009)	Activities onsite were observed to be undertaken generally in accordance with the EMP and supporting management plans. The EMP provides the system to manage and control environmental aspects of the project during operations to prevent environmental harm. The Auditor did not note any evidence that incidents resulting in material harm to the environment have occurred during the audit period. Quarrying activities at the site ceased on 30 June 2020.	Compliant	
	Terms of Approval				
2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Preferred Project Report; (c) Statement of Commitments; (d) MOD 1; and (e) MOD 2. The Proponent shall carry out the development in accordance with the conditions of this approval. <i>Notes:</i> <i>The general layout of the project is shown in figures in Appendix 1.</i> <i>The Statement of Commitments is shown in Appendix 3.</i>	- Documents listed in the adjacent column - This table	The development is being carried out generally in accordance with the requirements, with what are considered to be a minor number of non-compliances as outlined in this table, which are considered to be administrative in nature. The majority of the non-compliances identified relate to the absence of evidence as the Auditor understands that minimal site records were reportedly provided to CSQP from the previous owner of the site following CSQP acquisition of the site.	Compliant	
3	If there is any inconsistency between the documents in conditions 2(a) to 2(e), the most recent document shall prevail to the extent of the inconsistency. However, the	Documents listed in schedule 1, condition 3	No inconsistency between the documents listed in schedule 1, condition 3 was identified by the Auditors.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	conditions of this approval shall prevail to the extent of any inconsistency				
4	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.	- EMP (CSQP, June 2016) - NMP (Global Acoustics, September 2009) - DMP (PAE Holmes, September 2009) - SWMP (Umwelt, October 2009) - LMP (Orogen, September 2009) - ACHMP (McCardle Cultural Heritage, September 2009)	The EMP and sub-plans were updated following CSQP acquisition of the site and sent to the Department. Further updates were made on 21 June 2016 following receipt of feedback from the Department on the plans (refer to response to schedule 2, condition 9).	Compliant	
	Limits on Approval				
5	Quarrying operations may take place on the site until 30 June 2020. <i>Note: Under this Approval, the Proponent is required to rehabilitate and revegetate the site to the satisfaction of the Secretary. Consequently this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been rehabilitated and revegetated to a satisfactory standard.</i>	- Email from site personnel dated 2/09/20 - Site inspection - Site personnel interview	The Auditor was informed by site personnel that quarrying operations ceased on 30 June 2020. Rehabilitation and revegetation of the site has been undertaken on a progressive basis and was evident during the site visit (mulching on bunded areas). Further discussion on the status of rehabilitation and revegetation activities is included in the response to schedule 3, condition 19.	Compliant	
6	The Proponent shall not extract sand or carry out any work below 3.0 m AHD, other than the construction of any bores approved by DPI Water.	- Survey plan titled 'Plan showing existing surface as of 21 May 2019' (PCB, May 2019) - Survey plan titled 'Plan showing existing surface as of 28 August 2020' (BRS, August 2020)	The Auditor understands that quarry operators used height posts to guide excavations during operations to ensure works are not carried out below 3.0 m Australian Height Datum (AHD). A site survey plan prepared by Pulver Cooper and Blackley Pty Ltd (PCB) showing the existing site surface as of 21 May 2019 was viewed by the	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			Auditor confirming no excavation works (excluding bores) were undertaken below 3.0 AHD. An additional survey plan dated 28 August 2020 prepared by Barker Ryan Stewart Pty Limited (BRS) (formerly PCB) was also provided to the Auditors confirming no excavation works were undertaken below 3.0 m AHD.		
7	The Proponent shall not permit the dispatch of more than 20 laden trucks from the site per hour, when averaged over a working week. Note: The hours of truck operation are to be in accordance with condition 3 of schedule 3.	2015/2016 AEMR 2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR - Site personnel interview	Sand laden truck movements are reported in the AEMRs. Truck dispatch records are not available from 2013 -2014 prior to CSQP acquisition of the site. According to the available monitoring records (2015-2019), the reported average number of sand laden truck movements per hour did not exceed 20 (generally less than four per hour). Site personnel confirmed this during the onsite interview and confirmed operating hours were in accordance with schedule 3, condition 3. Recommendation: As truck dispatching activities have ceased, the Auditor offers no recommendations related to the non-compliance.	Non-compliant	NC1
8	The Proponent shall not transport more than 1,056,500 tonnes of sand from the site.	- MOD 2 EA - PDF '<i>Total tonnage sand extracted</i>' (CSQP, undated) 2017/2018 AEMR 2018/2019 AEMR	CSQP advised the Auditor that the former quarry owner did not keep records of tonnages extracted from the quarry. Therefore, CSQP is unable to determine whether the total tonnage removed from the site following completion was within the maximum amount under the development	Non-compliant	NC2

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			consent. Therefore, there is no method to confirm if total extraction and transportation of sand from the site was within the approved limit of 1,056,500 tonnes over the project life in the absence of records. Quantities of sand extraction are reported in the 2017/2018 and 2018/2019 AEMRs and CSQP provided a PDF document that included the tonnages extracted from 2015 to 2020 (the period that they owned and operated the quarry). For the audit period, the known volumes of sand extraction are reported as: • 2015/2016 – 96,941.60 tonnes • 2016/2017 – 242,028.75 tonnes • 2017/2018 – 92,997.86 tonnes • 2018/2019 - 29,924.37 tonnes • 2019/2020 – 30,259.80 tonnes. This equates to a total sand extraction of 492,152.38 tonnes. Quantity surveys undertaken in late 2015 indicated that approximately 280,000 m³ of sand (stated as equivalent to 428,176 tonnes) remained within the approved extraction area equating to approximately 41% of the approved resource. Recommendation: The Department should be notified regarding the absence of sand extraction and transportation records prior to CSQP		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			acquisition of the site, and its impact on CSQP's ability to confirm if total extraction and transportation of sand from the site was within the approved limit of 1,056,500 tonnes.		
	Updating and Staging Strategies, Plans or Programs				
9	The Proponent must regularly review the strategies, plans and programs required under this approval and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the quarrying industry. To facilitate these updates, the proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the secretary, the proponent may also submit any strategy, plan or program required by this approval on a staged basis. With the agreement of the Secretary, the Proponent may prepare a revision or stage of any strategy, plan or program required under this approval without undertaking consultation with all parties nominated under the applicable condition in this approval. <i>Notes:</i> • While any strategy, plan or program may be submitted on a staged basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.	• Letter to the Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) • EMP (CSQP, June 2016) • NMP (Global Acoustics, September 2009) • DMP (PAE Holmes, September 2009) • SWMP (Umwelt, October 2009) • LMP (Orogen, September 2009) • ACHMP (McCardle Cultural Heritage, September 2009)	The following updates to the strategies, plans and programs required under the approval were made during the audit period as evident by the document review control registers: • The EMP was first drafted on 26 June 2015 and updated on: ○ 14 March 2016 following a review of the PIRMP ○ 23 March 2016 to include a risk assessment in accordance with EPA requirements ○ 21 June 2016 following feedback from the Department ○ 17 July 2017 following feedback from the Department ○ 11 January 2017 following feedback from the Department of Primary Industries – Water (DPI-Water) • NMP updated on updated on 21 June 2016 following feedback from the Department • DMP updated on 21 June 2016 following feedback from the Department and 17 July 2016 to include a diagram of monitoring stations (Note: this revision incorrectly references the NMP)	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			- SWMP updated on: 21 June 2016 following feedback from the Department 17 July 2017 following feedback from the Department 11 January 2017 following feedback from DPI-Water 5 April 2017 following feedback from DPI-Water - LMP updated on 21 June 2016 following feedback from the Department - ACHMP on 21 June 2016 following feedback from the Department. It is noted that the management plans relate to operational activities which have ceased. Observation: A review of the EMP and subplans should be undertaken to ensure they reflect the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current activities being undertaken at the site e.g. NMP, DMP, SWMP and ACHMP.		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
9A	Within 3 months of: (a) the submission of an incident report under conditions 2 or 3 of Schedule 5; (b) the submission of an annual review under condition 4 of Schedule 5; (c) the submission of an audit report under condition 5 of Schedule 5; or (d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval, to the satisfaction of the 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 Secretary. <i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</i>	- Letter to the Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) - EMP (CSQP, June 2016) - NMP (Global Acoustics, September 2009) - DMP (PAE Holmes, September 2009) - SWMP (Umwelt, October 2009) - LMP (Orogen, September 2009) - ACHMP (McCardle Cultural Heritage, September 2009)	Management plans have been progressively updated as noted in the response to schedule 2, condition 9. These updates were undertaken following CSQP acquisition of the site and following approval of MOD 2. There is no evidence to confirm that updates to the plans were made following submission of the AEMRs or submission of the previous audit (dated June 2013). This was in the period prior to CSQP acquiring and operating the quarry. Submission of an incident report has not been completed (refer to response to schedule 5, condition 2). Recommendation: Ensure that any future revisions of relevant management plans are undertaken in accordance with the timing specified under this condition and are documented in the document control register of each plan. Note: Review of the management plans will be required following submission of this audit.	Non-compliant	NC3
	Protection of Public Infrastructure				
10	The Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Email from site personnel dated 2/09/20	Site personnel advised that no public infrastructure has been damaged as a result of the project requiring repair or relocation.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Structural Adequacy				
11	The Proponent shall ensure that any new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. <i>Notes:</i> • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	• Email from site personnel dated 15/09/20 • Site inspection	The Auditor understands that no new buildings or structures were constructed during the audit period.	Not triggered	
	Demolition				
12	The Proponent shall ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	• Site personnel interview	The Auditor was advised that demolition of a shed was undertaken during the audit period. Records of the demolition works were requested by the Auditor, however, were not provided in the audit period. There is no evidence to confirm that demolition of the shed was undertaken in accordance with AS 2601-2001. Recommendation: Written records of any demolition works should be undertaken in accordance with AS 2601-2001 and appropriately filed in a site document database.	Non-compliant	NC4
	Operation of Plant and Equipment				
13	The Proponent shall ensure that all plant and equipment used at the site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	• Tax invoices for equipment maintenance services by CJD Equipment Pty Ltd dated 11/04/19, 31/01/18 and 11/09/17	The Auditor was provided with example tax invoices for equipment maintenance services as listed in the adjacent column. The Auditor also viewed the safe work procedure for refuelling mobile plant and the SWMS for the Front End Loader Operations	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		- Safe work procedure for refuelling mobile plant (July 2015) - Safe Work Method Statement (SWMS): Front End Loader Operations and Repairs (July 2015) - Site inspection checklist 27/04/17	and Repairs as evidence that plant and equipment were operated in a proper and efficient manner. Additionally, the condition of vehicle and equipment are checked on the site inspection checklist (example viewed dated 27 April 2017).		
	Compliance				
14	Prior to the commencement of quarrying operations on the site, the Proponent shall commission an independent person, approved by the Secretary, to certify in writing to the satisfaction of the Secretary that the Proponent has complied with all relevant conditions of approval.	Independent Environmental Compliance Audit (Umwelt, 2013)	Compliance with this condition was confirmed in the previous independent audit.	Compliant	
	Section 94 Contributions				
15	Within 21 days following each successive anniversary date of this approval, the Proponent shall pay Council \$0.04 per tonne per kilometre of Council-owned roads used to transport sand from the site during the year to that anniversary date, in accordance with Council's Section 94 Contributions Plan.	- PDF 'Haulage levy paid to Port Stephens Council (CSQP, undated) - Tax invoices dated 28/07/2020, 11/07/19, 16/08/18, 28/07/17 and 27/07/16	Section 94 contribution records are not available from 2013-2014 prior to CSQP acquisition of the site. For the records that are available (2015-2019), the Auditor was provided with tax invoices that confirmed the following payments were made by CSQP to Council: 2015/2016 - \$4,459.31 2016/2017 - \$14,037.67 2017/2018 - \$5,436.98 2018/2019 - \$1,780.42 2019/2018 - \$1,837.08 Recommendation: As truck dispatching activities have ceased and the non-compliance identified is not a result of CSQP activities, the Auditor	Non-compliant	NC5

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CON.	COMPLIANCE REQUIREMENT		EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#				
				offers no recommendations related to the non-compliance.						
	SCHEDULE 3 - ENVIRONMENTAL PERFORMANCE CONDITIONS									
	Identification of Boundaries									
1	Within 1 month of the date of approval of the Landscape Management Plan (see condition 24 below), the Proponent shall: (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction; (b) submit a survey plan of these boundaries to the Secretary; and (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.		- Independent Environmental Compliance Audit (Umwelt, 2013) - Site inspection - Email to the Department dated 13/02/17 subject: "Extraction Boundary Limit"	Compliance with this condition was confirmed in the previous independent audit. The boundary markers were observed during the site inspection. The Auditor viewed an email from CSQP to the Department dated 13 February 2017 following an inspection of the site. It is stated in the email that during the inspection the Department noted that "The extraction boundary was not clearly marked out." CSQP provided photo evidence of extraction boundary limits that had been installed to address the issue. Recommendation: The Auditor considers that the non-compliance was adequately addressed and no further recommendations are required.	Non-compliant	NC6				
	NOISE									
	Impact Assessment Criteria									
2	The Proponent shall ensure that the operational noise generated by the project does not exceed the noise impact assessment criteria in Table 1. <i>Table 1: Noise Impact Assessment Criteria</i> <table><tr><th>Receiver Location</th><th>Day L_{Aeq} (15 min) dB(A)</th></tr><tr><td>Residences on privately-owned land</td><td>41</td></tr></table> <i>Notes:</i>		Receiver Location	Day L _{Aeq} (15 min) dB(A)	Residences on privately-owned land	41	- Noise Monitoring Annual Summary 2020 Fullerton Cove (RCA Australia, March 2020) 2015/2016 AEMR 2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR	Noise monitoring has been undertaken on a quarterly basis by RCA Australia (formerly RCA Acoustics). Results from the monitoring were published in the AEMRs. Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. For the monitoring records that are available (2015-2019), there were	Non-compliant	NC7
Receiver Location	Day L _{Aeq} (15 min) dB(A)									
Residences on privately-owned land	41									

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#																		
	- Noise from the site is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the identified noise limits, except where otherwise specified below. - Where it can be demonstrated that direct measurement of noise from the project is impractical, alternative means of determining compliance may be acceptable (see Chapter 11 of the NSW Industrial Noise Policy). - The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable. - The identified noise emission limits apply under meteorological conditions of wind speed up to 3m/s at 10 metres above ground level.		no reported exceedances of the criteria listed in Table 1. Noise monitoring was reportedly not undertaken within 30 m of the façade of the nearest residence during the 2017/2018 and 2018/2019 AEMR reporting periods and only three of four monitoring events were undertaken in the 2017/2018 reporting period. These non-compliances were reported in the relevant AEMRs. Recommendation: As operations have now ceased and noise monitoring is no longer required in accordance with the NMP, the Auditor provides no recommendations for improvement related to the non-compliance.																				
3	The Proponent shall comply with the operating hours in Table 2. <i>Table 2: Operating Hours</i> <table><tr><th>Activity</th><th>Day</th><th>Time Construction</th><th>Time Operations</th></tr><tr><td rowspan="3">Sand extraction, delivery and distribution, and other quarry-related activities</td><td>Monday – Friday</td><td>7:00 am to 6:00 pm</td><td>7:00 am to 6:00 pm</td></tr><tr><td>Saturday</td><td>8:00 am to 1:00 pm</td><td>7:00 am to 6:00 pm</td></tr><tr><td>Sunday and Public Holidays</td><td>Nil</td><td>Nil</td></tr><tr><td>Maintenance (if inaudible at privately-owned residences)</td><td>Any day</td><td>Any time</td><td>Any time</td></tr></table>	Activity	Day	Time Construction	Time Operations	Sand extraction, delivery and distribution, and other quarry-related activities	Monday – Friday	7:00 am to 6:00 pm	7:00 am to 6:00 pm	Saturday	8:00 am to 1:00 pm	7:00 am to 6:00 pm	Sunday and Public Holidays	Nil	Nil	Maintenance (if inaudible at privately-owned residences)	Any day	Any time	Any time	- EMP (Orogen, June 2016) - Email from site personnel dated 15/09/20	The operating hours listed in this condition are consistent with those listed in section 1 of the EMP. Site personnel confirmed that operation hours were consistent with those listed.	Compliant	
Activity	Day	Time Construction	Time Operations																				
Sand extraction, delivery and distribution, and other quarry-related activities	Monday – Friday	7:00 am to 6:00 pm	7:00 am to 6:00 pm																				
	Saturday	8:00 am to 1:00 pm	7:00 am to 6:00 pm																				
	Sunday and Public Holidays	Nil	Nil																				
Maintenance (if inaudible at privately-owned residences)	Any day	Any time	Any time																				
	Continuous Improvement																						
4	The Proponent shall: (a) implement all reasonable and feasible noise mitigation measures; (b) investigate ways to reduce the noise generated by the project; and	- EMP (Orogen, June 2016) - Noise Monitoring Annual Summary 2020 Fullerton Cove (RCA Australia, March 2020)	The requirements under this condition are met as follows: (a) Noise mitigation measures are undertaken in accordance with the EMP. Section 5 of the EMP includes the procedures proposed to	Non-compliant	NC8																		

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(c) report on these investigations and the implementation and effectiveness of these measures in the AEMR, to the satisfaction of the Secretary.	• <i>Report for Noise Monitoring Conditions</i> (RCA Acoustics, August 2018) • 2015/2016 AEMR • 2016/2017 AEMR • 2017/2018 AEMR • 2018/2019 AEMR • Site personnel interview • Site inspection	mitigate the impact of noise on the environment. Given that no exceedance of the noise criteria listed in schedule 3, condition 2, and that no complaints have been received in relation to noise, the Auditor is of the opinion that noise impacts were adequately managed during operations. (b) No exceedance of the noise criteria occurred during the audit period requiring further investigation (refer to discussion to schedule 3, condition 2). (c) Noise management and monitoring results are reported in the following sections of the AEMRs: 2015-2017 AEMRs – Section 6.4 2017-2019 AEMRs – Section 7.3. The AEMRs are not available from 2013-2014 (prior to CSQP acquisition of the site) to confirm noise management and monitoring was reported. Recommendation: As noise monitoring has ceased, the Auditor offers no recommendations related to the non-compliance. It should be noted that CSQP addressed this non-compliance when it acquired and commenced operating the quarry.		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Construction Noise Management Plan				
5	The Proponent shall prepare a Construction Noise Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be submitted to the Secretary prior to carrying out any construction operations on the site; (b) include: • identification of each work area, site compound and access route; • identification of the specific activities that would be carried out and associated noise sources and access routes; • the construction noise and vibration objectives identified in the EA; • assessment of potential noise and vibration impacts from the proposed construction methods (including noise from construction traffic) against the objectives identified in the EA; • where objectives are predicted to be exceeded, an analysis of reasonable and feasible noise mitigation measures that can be implemented to reduce construction noise impacts; • description of management methods and procedures and specific noise mitigation measures that would be implemented to control noise and vibration during construction operations, including the early erection of operational noise control barriers and alternatives to reversing alarms; • procedures to notify residents of construction operations that are likely to affect their noise and vibration amenity; • measures to receive, record and monitor complaints; and • measures to monitor and report against noise performance. The Proponent shall implement the approved management plan as approved from time to time by the Secretary.		Construction of the project was completed prior to the audit period.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Noise Monitoring Program				
6	The Proponent shall prepare a Noise Monitoring Program for the project to the satisfaction of the Secretary. This program must: (a) be submitted to the Secretary prior to carrying out any construction operations; (b) include quarterly attended noise monitoring; and (c) include details of how the noise performance of the project would be monitored, and include a noise monitoring protocol for evaluating compliance with the noise limit in this approval. The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.	- NMP (Global Acoustics, September 2009) - Independent Environmental Compliance Audit (Umwelt, 2013) - Letter to the Department 'Re: <i>Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs</i>' (CSQP, 11/05/16) <i>Noise Monitoring Annual Summary 2020 Fullerton Cove</i> (RCA Australia, March 2020) <i>Report for Noise Monitoring Conditions</i> (RCA Acoustics, January 2018) <i>Report for Noise Monitoring Conditions</i> (RCA Acoustics, August 2018) <i>Report for Noise Monitoring Conditions</i> (RCA Acoustics, May 2016) <i>Report for Noise Monitoring Conditions</i> (RCA Acoustics, August 2018)	The requirements under this condition are met as follows: (a) Evidence of submission of the NMP prior to commencement of construction activities was confirmed in the previous audit. The NMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the site and review and update of the plan. (b) The noise monitoring program is included in Section 3.1 of the NMP and includes quarterly monitoring during operations. RCA Australia (formerly RCA Acoustics) has been engaged over the audit period to conduct quarterly monitoring in accordance with the NMP and the EPL. Example reports were viewed by the Auditor as listed in the adjacent column. Noise monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. It is reported in the 2018/2019 Noise Monitoring Annual Summary (RCA Australia) that in October 2019, the Department notified CSQP that they had not followed the approved Noise Monitoring Program as monitoring at locations 'M2' and 'M3' was not	Non-compliant	NC9

Table A-1: Compliance with Project Approval PA 07_0145							
CON.	COMPLIANCE REQUIREMENT		EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#	
			- Report for Noise Monitoring Conditions (RCA Acoustics, April 2017) 2013/2014 AEMR 2014/2015 AEMR 2015/2016 AEMR 2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR	undertaken in Quarter 1. Noise monitoring was amended to follow the NMP from Quarter 2 onwards as reported by RCA Australia. (c) Performance monitoring and compliance evaluation procedures are described in Section 4 of the NMP and includes reporting in the AEMRs. Example reports prepared by RCA Australia were viewed by the Auditor as listed in the adjacent column and included a discussion on evaluating compliance with the project approval and EPL. Noise monitoring results were also discussed in the AEMRs (refer to response to schedule 3, condition 4). Recommendation: As operations have ceased and noise monitoring is no longer required in accordance with the noise monitoring program, the Auditor offers no recommendations related to the non-compliance.			
	AIR QUALITY						
	Impact Assessment Criteria						
7	The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Tables 3 to 5 at any privately-owned land. <i>Table 3: Short Term Impact Assessment Criteria for Particulate Matter</i>		2015/2016 AEMR 2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR	Air monitoring records are not available from 2013-2014 prior to CSQP acquisition of the site. For the monitoring records that are available (2015-2019), several exceedances of the air quality criteria occurred throughout the audit period as reported in the AEMRs.	Non-compliant	NC10	
	<i>Pollutant</i>	<i>Averaging period</i>					<i>Criterion</i>
	Particulate matter < 10 µm (PM ₁₀)	24 hour					50 µg/m ³

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#																	
	Table 4: Long Term Impact Assessment Criteria for Particulate Matter <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m³</td></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>Annual</td><td>30 µg/m³</td></tr></table> Table 5: Long Term Impact Assessment Criteria for Deposited Dust <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>Deposited dust</td><td>Annual</td><td>2 g/m²/month</td><td>4 g/m²/month</td></tr></table> Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month		No exceedances were reported in the 2015/2016 and 2016/2017 AEMRs. The following exceedances were reported in the 2017/2018 AEMR: - The short-term impact criterion for particulate matter of 50µg/m³ was exceeded on 4 of 51 occasions; - The rolling annual average dust deposition at DDG1 exceeded the criterion of 4g/m²/month on one occasion - The increase in dust deposition at DDG1 was above the criterion of 2g/m²/month on three occasions - The increase in dust deposition at DDG2 was above the criterion of 2g/m²/month on one occasion - The rolling annual average dust deposition at DDG3 was above 4 g/m²/month from October 2017 onwards - The increase in dust deposition at DDG3 was above the criterion of 2g/m²/month on four occasions. The following exceedances were reported in the 2018/2019 AEMR: - The rolling annual average dust deposition at DDG1 exceeded the criterion of 4g/m²/month - The increase in dust deposition at DDG1 was above the criterion of 2g/m²/month on three occasions - The increase in dust deposition at DDG2 was above the criterion of 2g/m²/month on three occasions		
Pollutant	Averaging period	Criterion																				
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																				
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³																				
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																			
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month																			

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			- The rolling annual average for DDG3 was above 4 g/m²/month - The increase in dust deposition for DDG3 was above 2g/m²/month on three occasions. The increased exceedances of dust deposition criteria from 2017 onwards were reportedly due to quarry operations encroaching on the areas of the dust deposition gauges and due to the location of sand stockpiles. Recommendation: As operations have ceased, which caused the air quality criteria exceedances, the Auditor offers no recommendations related to the non-compliance.		
	Dust Management				
8	The Proponent shall maintain the site in a condition that minimises or prevents the emission of dust or sand from the site, including the prompt and effective rehabilitation of all disturbed areas, to the satisfaction of the Secretary.	- DMP (PAE Holmes, September 2009) - Site inspection - Site personnel interview - Example of site inspection checklist (27 April 2017 and 4 September 2017)	The Auditor was informed that CSQP operated in accordance with the DMP. The DMP includes the following dust management measures to be undertaken during operations: - Daily visual inspections - Daily activity logs of dust generating activities - Implementation of controls as required - Implementation of the dust monitoring program. The Auditor observed evidence of dust management during the site inspection. The embankments to some of the quarried areas of the site had been mulched to minimise dust generation and aid revegetation.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			Site personnel confirmed during the interview that asphalt had been lain on the access roads to minimise dust generation from trucks entering/exiting the site during operations. This was observed during the site inspection. Site personnel also advised that water carts had been used during operations when required to minimise dust, predominantly due to truck movements on exposed/ unsealed surfaces. Note: The dust deposition criteria exceedances noted in the response to schedule 3 condition 9 were reportedly due to quarry operations encroaching on the areas of the dust deposition gauges and due to the location of sand stockpiles and not due to ineffective management of dust.		
	Dust Monitoring Program				
9	The Proponent shall prepare a Dust Monitoring Program for the project to the satisfaction of the Secretary. This program must: (a) be submitted to the Secretary prior to carrying out any construction operations; (b) include details of how the air quality performance of the project would be monitored, and include a protocol for evaluating compliance with the relevant air quality criteria in this approval. The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.	• DMP (PAE Holmes, September 2009) • Independent Environmental Compliance Audit (Umwelt, 2013) • Letter to the Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) • 2015/2016 AEMR • 2018/2019 AEMR	The requirements under this condition are met as follows: (a) Evidence of submission of the DMP prior to commencement of construction activities was confirmed in the previous audit. The DMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the site and review and update of the plan. (b) Section 5 of the DMP describes the air quality monitoring program and compliance evaluation protocol.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Site inspection	Evidence of compliance with undertaking the air quality monitoring program is provided in the response to schedule 3, condition 7. Observation: The locations of DDG2 and DDG3 appear to be have been switched with each other since preparation of the DMP as evidenced by the "Environmental Monitoring Locations" figure in the AEMRs and the monitoring locations figure in the DMP. It is also noted that the locations of DDG3 and the HVAS were moved during the audit period (DDG3 moved on 3 October 2018 and HVAS was moved on 12 June 2019) and no longer reflect the locations shown in the DMP. It is noted in the 2018/2019 AEMR that the reason these were moved was due to quarrying operations and sand stockpiles encroaching on their location and was included in a variation to the site EPL issued on 24 April 2018. It is recommended a review of the DMP and AEMR monitoring locations figure is undertaken to ensure dust deposition gauges are correctly labelled. Note: As operations have ceased, dust monitoring is no longer required. Observation: It is recommended that the DMP is reviewed and updated to reflect the current stage of works (i.e. revegetation and rehabilitation activities only and no operational activities). Based on the nature of the		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			current rehabilitation works and minimal potential for dust impacts, approval should be sought from the Department to remove the requirement for a dust monitoring program with justification provided.		
10	Prior to undertaking excavation operations within 100 metres of private-owned land that shares a boundary with the project site, the Proponent shall provide, following consultation with, and at no cost to the relevant landowner, a fully-erected solid boundary fence to the site of at least 1.8 metres height, or as otherwise agreed by the landowner. If agreement on the dimensions and construction of the fence cannot be reached between the Proponent and the landowner, then the landowner may refer the matter to the Secretary for resolution.	Site inspection	A fence comprised of wooden posts with barbed wire between the site and George Street residents was observed during the site inspection. There is no evidence to confirm if the George Street boundary fence was installed prior to undertaking excavation operations within 100 metres of the private-owned land. Recommendation: As the boundary fence has been installed and operations have ceased, the Auditor offers no recommendations related to the non-compliance.	Non-compliant	NC11
	SOIL AND WATER				
	Pollution of Waters				
11	Except as may be expressly provided for by an EPL, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the project.	- EPL Annual Return 2012/2013 - EPL Annual Return 2013/2014 - EPL Annual Return 2014/2015 - EPL Annual Return 2017/2018 - EPL Annual Return 2018/2019 - EPA's POEO Public Register	The Auditor viewed EPL returns for the audit period as listed in the adjacent column and reviewed reported non-compliances on EPA's POEO Public Register. No non-compliances were reported against condition L1 of the licence (pollution of waters).	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Wastewater Treatment				
12	The Proponent shall manage on-site sewage to the satisfaction of Council and DECCW. The facility must comply with the requirements of the Environment and Health Protection Guidelines – On-site Sewage Management for Single Households (1998).	<i>Renewal of Approval to Operate an Onsite Sewage Management System</i> (Port Stephens Council, 01/09/19)	The Auditor viewed a renewal approval for the on-site sewage management system granted by Council on 1 September 2019. There is no evidence to confirm that the Environment Protection Authority (EPA) (formerly Department of Climate Change and Water (DECCW)) is satisfied with the management of the on-site sewage system. However it is understood that management of such systems rests entirely with local councils. Further we requested and received no feedback from the EPA on the IEA and environmental performance at the quarry.	Compliant	
	Soil Management				
13	All earthworks, including acoustic bunding works, shall be contained wholly within the site.	- Site inspection - Survey plan titled '<i>Plan showing existing surface as of 28 August 2020</i>' (BRS, August 2020)	All excavations appeared to be within the site boundary during the site inspection. This was confirmed in the survey plan by BRS showing surface disturbance as of 28 August 2020. Boundary markers had been installed and were observed during the site visit.	Compliant	
	Management and Monitoring				
14	The Proponent shall prepare a Soil and Water Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with DPI Water; (b) include a(n): - Erosion and Sediment Control Plan; - Surface Water Monitoring Program;	- SWMP (Umwelt, October 2009) - Independent Environmental Compliance Audit (Umwelt, 2013)	The requirements under this condition are met as follows: (a) Evidence of consultation with DPI Water undertaken in preparation of the SWMP was confirmed in the previous audit. The SWMP was resubmitted DPI Water 21 June	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	- Groundwater Monitoring Program; and (c) be submitted to the Secretary prior to commencing quarrying operations, and prior to carrying out any construction operations in the case of the Erosion and Sediment Control Plan. The Proponent shall implement the approved management plan as approved from time to time by the Secretary.	- Letter to the Department 'Re: <i>Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs</i>' (CSQP, 11/05/16) - Email from DPI Water 'FW: <i>DPI Water Document Review</i>' (21/06/16)	2016 following CSQP acquisition of the site and review and update of the plan. (b) The erosion and sediment control plan (ESCP) is included as Section 3 of the SWMP. The Surface Water Monitoring Program is included as Section 4 of the SWMP. The Groundwater Monitoring Program is included as Section 5 of the SWMP. (c) Evidence of submission of the SWMP prior to commencement of construction activities was confirmed in the previous audit. The SWMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the site, and subsequent review and update of the plan. Implementation of the ESCP, Surface Water Monitoring Program and Groundwater Monitoring Program is discussed in the response to schedule 3, conditions 15 to 17. Observation: A review of the SWMP should be undertaken to ensure it reflects the current status of activities being undertaken onsite (i.e. revegetation and rehabilitation activities only and no operational activities). Approval should be sought from the Department to remove the requirement/s for any redundant plans that do not relate to current impacts and justification provided.		

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
15	The Erosion and Sediment Control Plan shall: (a) be consistent with the requirements of Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004 (Landcom), or the latest edition; (b) identify activities that could cause soil erosion and generate sediment; (c) describe measures to minimise soil erosion and the potential for the transport of sediment off site; (d) describe the location, function, and capacity of erosion and sediment control structures; and (e) describe what measures would be implemented to maintain these structures over time.	SWMP (Umwelt, October 2009)	The requirements under this condition are addressed in the SWMP in the described sections and figures: (a) Included in Section 3.1. (b) Included in Section 3.2. The potential for sediment and erosion is negligible due to the final landform resulting in the site being "bunded" so any runoff is largely captured in the site. The principal source of sediment and erosion generation is identified as sand from the extraction area and finer materials from the access road construction (outside the audit period). (c) Included in Section 3.3 (relevant to construction which is outside the audit period). (d) Shown on Figure 5 and Figure 6 (relevant to construction which is outside the audit period). Descriptions of the structures are provided in Section 3.3. (e) Included in Section 3.4 and Section 3.5. The Quarry Manager is responsible for undertaking regular inspections of the controls and implementing contingency actions if required. It is noted in the ESCP that erosion and sediment controls are not required during operations as the extraction floor provides sediment storage.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
16	The Surface Water Monitoring Program shall include: (a) detailed baseline data on surface water quality; (b) surface water impact assessment criteria; (c) a program to monitor surface water quality; and (d) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria.	SWMP (Umwelt, October 2009)	The requirements under this condition are met as follows: (a) Discussion included in Section 4.1. It is stated that <i>"There are no surface flow or drainage lines on the site due to the high permeability of the underlying sand. As a result, there is no surface water that can be monitored to establish baseline conditions."</i>. (b) Discussed in Section 4.2. For the reason provided in the response to (a) above, no specific criteria are required. (c) Discussed in Section 4.3. Surface water monitoring comprises weekly visual inspection of rock weirs and table drains adjacent to the access road off Coxs Lane to ensure that these did not become clogged with sediment and generate off site runoff. (d) Included in Section 4.4. The results of the weekly inspections described in the response to (c) above are to be recorded in a log book with any actions identified to address impacts should they arise. Note: As operations have ceased, surface water quality monitoring is no longer required.	Compliant	
17	The Ground Water Monitoring Program shall include: (a) detailed baseline data on groundwater levels and quality, based on statistical analysis;	- SWMP (Umwelt, October 2009) 2015/2016 AEMR	The requirements under this condition are met as follows:	Non-compliant	NC12

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(b) groundwater impact assessment criteria; (c) a program to monitor ground water levels and quality; (d) a program to monitor ground water level effects on groundwater dependent vegetation, and (e) a protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.	2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR - Spreadsheet titled 'CSQP_Lab_Results_summary 2012-2019'	(a) Included in Section 5.1 and Section 5.2. Monitoring and modelling was undertaken by Robert Carr and Associates (February 2008) with the results provided in Section 5.1 and Section 5.2. (b) Included in Section 5.3. The main criteria that apply to the project are the Drinking Water guidelines. (c) Included in Section 5.4. Monitoring is undertaken on a quarterly basis at BH4, GW1, GW2 and GW3. Results of the monitoring are provided in the AEMRs and included in the CSQP Lab Results Summary spreadsheet (publicly available). Groundwater monitoring records are not available from 2013-2014, prior to CSQP acquisition of the site. (d) Included in Section 5.5. Based on the study undertaken by Parsons et al (2011) "<i>the degree of dependency on groundwater for vegetation at Fullerton Cove Quarry is considered low</i>"... "<i>Hence monitoring frequency applied will be annual intervals.</i>". Groundwater depth monitoring results are reported in the AEMRs. (e) Included in Section 5.6. Any unexpected trends are to be reported to the Department.		

Table A-1: Compliance with Project Approval PA 07_0145																	
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#												
			Note: As operations have ceased, groundwater monitoring is no longer required. Recommendation: As groundwater monitoring has ceased, the Auditor offers no recommendations related to the non-compliance.														
	REHABILITATION AND LANDSCAPING																
	Biodiversity Offset Strategy																
18	The Proponent shall: (a) implement the Biodiversity Offset Strategy summarised in Table 6 (shown in Appendix 4); (b) ensure that adequate resources are dedicated towards the implementation of this offset; (c) provide appropriate long term security for this offset area; and (d) provide a timetable for the implementation of the offset strategy within 6 months from the date of this approval, or otherwise agreed by the Secretary, to the satisfaction of the Secretary. Table 6: Biodiversity Offset Strategy <table><tr><th>Offset Areas</th><th>Minimum Size</th></tr><tr><td>Northern wetlands (Parcel 3 in Appendix 4)</td><td>0.52 hectares</td></tr><tr><td>Western wetlands (Parcel 1 in Appendix 4)</td><td>0.70 hectares</td></tr><tr><td>Eastern (Parcel 2 in Appendix 4)</td><td>1.25 hectares</td></tr><tr><td>Dry sclerophyll tall woodland (additional lands available if road closure approved)</td><td>0.25 hectares</td></tr><tr><td>Total</td><td>2.72 (2.47) hectares</td></tr></table>	Offset Areas	Minimum Size	Northern wetlands (Parcel 3 in Appendix 4)	0.52 hectares	Western wetlands (Parcel 1 in Appendix 4)	0.70 hectares	Eastern (Parcel 2 in Appendix 4)	1.25 hectares	Dry sclerophyll tall woodland (additional lands available if road closure approved)	0.25 hectares	Total	2.72 (2.47) hectares	- LMP (Orogen, September 2009) - Site inspection - Site personnel interview 'Rezoning request meeting to investigate urban housing at 16 & 16A George Street, 3 & 3A Zircon Lane, 10 & 12 Road, 530 and 21 Coss Lane, Fullerton Cove' (Perception Planning, August 2020) - Department's Current LEP Proposals tracker: http://leptracking.planning.nsw.gov.au/proposals/details.php?rid=5427 - Independent Environmental Compliance Audit (Umwelt, 2013)	The requirements under this condition are met as follows: (a) Implementation of the Biodiversity Offset Strategy (BOS) is considered in the Council Development Application for development of the site for residential use (refer to the response to schedule 3, condition 19). The proposal seeks to protect the offset areas by avoiding development in the area and rezoning the areas as 'E2 Environmental Conservation' under the <i>Port Stephens Local Environmental Plan 2013</i>. The Gateway Determination for the proposal was issued on 24 May 2019. The Auditor was advised that discussions with the Department have commenced and will determine whether the subdivision landscape plan will satisfy the requirements of the BOS. (b) Site personnel advised during the site interview that weed management activities are	Non-compliant	NC13
Offset Areas	Minimum Size																
Northern wetlands (Parcel 3 in Appendix 4)	0.52 hectares																
Western wetlands (Parcel 1 in Appendix 4)	0.70 hectares																
Eastern (Parcel 2 in Appendix 4)	1.25 hectares																
Dry sclerophyll tall woodland (additional lands available if road closure approved)	0.25 hectares																
Total	2.72 (2.47) hectares																

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			undertaken on an annual basis. There was evidence of small areas of Bitou Bush and scattered individuals of other small weeds (such as Fireweed). (c) The previous audit notes that long-term security of the offset areas had not yet been finalised. There is no evidence to confirm that long-term security of the offset area has been finalised. (d) There is no evidence that a timetable for implementation of the BOS has been provided to the Secretary and it is not included in the LMP. Recommendation: A timetable for implementation of the BOS should be discussed with the Secretary with consideration of any implications of the re-zoning application.		
	Rehabilitation and Landscape Management				
19	The Proponent shall rehabilitate and revegetate the site to the satisfaction of the Secretary (see the revegetation plan in Appendix 2)	- LMP (Orogen, September 2009) - Site inspection - Site personnel interview - Email from Perception Planning dated 3/09/20 'Rezoning request meeting to investigate urban housing at 16 & 16A George Street, 3 & 3A Zircon Lane, 10 & 12 Road, 530 and 21 Coxs Lane, Fullerton Cove'	The rehabilitation objective of the post extraction footprint as stated in the LMP is to achieve a Pasture Grassland formation with a minimum 80% groundcover after the end of a 6-month establishment period. The rehabilitation and revegetation program outlined in the LMP (Appendix C) generally includes the following key stages/timing following completion of extraction activities: Stablisation works and hydro mulching or tubestock outplanting	Non-compliant	NC14

Table A-1: Compliance with Project Approval PA 07_0145

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		(Perception Planning, August 2020) - Department's Current LEP Proposals tracker: http://leptracking.planning.nsw.gov.au/proposals/details.php?rid=5427 2018/2019 AEMR	of acoustic mounds – following completion of the pasture grass establishment period - Hydro mulching of extraction areas – progressively following extraction - Weed control – 12 months following quarry closure - Hydro mulching and tubestock outplanting along north-eastern boundary – prior to the start of sand extraction. Rehabilitation works commenced in extraction areas 1, 2, 3 and 4 by the previous owners in 2014. Evidence of some progressive revegetation of the site (i.e. mulching of north-eastern embankment area) was evident during the site visit. However, works to establish pasture grassland within the extraction footprint had not progressed. As such, the site will not achieve the rehabilitation and revegetation objective of the LMP to achieve a Pasture Grassland formation with a minimum 80% groundcover after the end of a 6-month establishment period (i.e. by 31 December 2020). Photos of the site are included in Appendix 4 of the Audit Report. Site personnel advised during the site interview that weed management activities are undertaken on an annual basis.		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			An email from Perception Planning was provided to the Auditor stating: "The site has been considered by Port Stephens Council and the NSW government as having potential for residential development and so revegetation of this land would be redundant. This is evidenced by the Council meeting minutes that led to the Department of Planning issuing a Gateway Determination for the Zone R5 – Large Lot Residential... This gateway determination is currently on hold because both Council and the Department are considering the site for a higher order residential zone, being R2 – Low Density Residential and R3 – Medium Density Residential...". The Auditor was provided with evidence of the rezoning request including consultation with Council and viewed the approved Gateway Determination by the Department dated 24 May 2019. Site personnel advised that further rehabilitation works were on hold until the rezoning application was finalised. Recommendation: It is recommended that consultation is undertaken with the compliance section of the Department regarding the current status of the rehabilitation and revegetation plan and written advice obtained that the approach is acceptable.		

Table A-1: Compliance with Project Approval PA 07_0145

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
20	The Proponent shall ensure that a minimum 30 metre buffer of undisturbed land is maintained between extraction areas and the nearest mapped edge of any Biodiversity Offset lands shown in Appendix 4.	- Survey plan titled '<i>Plan showing existing surface as of 21 May 2019</i>' (PCB, May 2019) - Survey plan titled '<i>Plan showing existing surface as of 28 August 2020</i>' (BRS, August 2020) - Appendix 4 of the development consent - Site inspection	The Auditor compared the biodiversity offset location shown in Appendix 4 to the site survey plans prepared by PCB/BRS showing the existing site surface as of 21 May 2019 and 28 August 2020. The mapped extraction areas on the survey plan appear to greater than 30 metres from the biodiversity offset areas. This appears to be consistent with observations from the site inspection.	Compliant	
20A	The Proponent shall: (a) ensure that quarrying operations do not impact on vegetation communities 4 and 5 (as shown in Appendix 1); and (b) not undertake quarrying operations within 50 m of these communities, except with the prior approval of the Secretary following consideration of ecological studies by the Proponent justifying a lesser distance.	- Survey plan titled '<i>Plan showing existing surface as of 21 May 2019</i>' (PCB, May 2019) - Survey plan titled '<i>Plan showing existing surface as of 28 August 2020</i>' (BRS, August 2020) - Appendix 1 of the development consent	Vegetation communities 4 and 5 are mapped in the north-western corner of the site boundary as shown on Appendix 1. The Auditor compared the mapped location of these communities shown in Appendix 1 to the site survey plan prepared by PCB/BRS showing the existing site surface as of 21 May 2019 and 28 August 2020. The mapped extraction areas on the survey plan appear to greater than 50 metres from the vegetation communities. Vegetation areas were marked with surveying pegs and extraction boundaries identified using signs.	Compliant	
21	The Proponent shall ensure that a minimum 20 metre buffer of undisturbed land is maintained between the extraction areas and the boundary of the site, unless a private agreement exists with a relevant landowner to reduce this buffer adjacent to that relevant landowner's property and a copy of this agreement is provided to the Department.	- Deed between Coastal Developments and "The Cooks" signed by both parties and dated March 2018 - Site personnel interview - Email confirming delivery of deed via	CSQP entered a deed agreement with neighbouring property owners (referred to as "The Cooks") in March 2018 to undertake works within the 20 m buffer zone. The deed was submitted to the Department via registered post on 6 April 2018.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		registered post dated 6/04/18			
22	The Proponent shall ensure that no portion of the proposed acoustic bund adjacent to 11 and 14 George Street, Fullerton Cove intrudes into the 20 metre buffer provided by condition 21 unless a private agreement exists with the landowner to alter this requirement.	Deed between Coastal Developments and "The Cooks" signed by both parties and dated March 2018	Refer to response to schedule 3, condition 21.	Compliant	
23	Prior to the commencement of quarrying operations, the Proponent shall establish, and subsequently maintain, a vegetated acoustic bund adjacent to Nelson Bay Road, to the satisfaction of the Secretary. <i>Note: The vegetated bund shall be detailed in the Landscape Management Plan.</i>	- LMP (Orogen, September 2009) - Independent Environmental Compliance Audit (Umwelt, 2013) - Site inspection	Maintenance of the vegetated acoustic bund forms part of the audit scope (establishment assessed in the previous audit). The bund appeared to be well maintained during the site inspection. The bund is described in Section 2.11 of the LMP.	Compliant	
	Landscape Management Plan				
24	The Proponent shall prepare a Landscape Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared: - by suitably qualified person(s), approved by the Secretary; and - in consultation with Council; (b) be submitted to the Secretary prior to commencing quarrying operations; and (c) include a: - Rehabilitation, Revegetation and Biodiversity Offset Strategy Management Plan; and - Long Term Management Strategy. The Proponent shall implement the approved management plan as approved from time to time by the Secretary. <i>Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Long Term Management Strategy. However, a conceptual strategy must be included in the initial plan, along with a timetable</i>	- LMP (Orogen, September 2009) - Independent Environmental Compliance Audit (Umwelt, 2013) - Letter to the Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) - Email from CSQP to Council 'Fullerton Cove' (20/06/16) - Email from Council 'RE: Fullerton Cove' (22/06/16)	The requirements under this condition are met as follows: (a) The requirements under this condition were assessed in the previous audit. The LMP was prepared by Orogen. The LMP was resubmitted to Council on 20 June 2016 following CSQP acquisition of the site, and review and update of the plan. Council responded on 22 June 2016 with no further comments. (b) Evidence of submission of the LMP prior to commencement of construction activities was confirmed in the previous audit. The LMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<i>for augmentation of the strategy with each subsequent review of the plan.</i>		site, and subsequent review and update of the plan. (c) Included as follows: - The Rehabilitation and Revegetation Plan is included in Section 2. The current status of rehabilitation and revegetation activities is discussed in the response to schedule 3, condition 19. - The BOS is included as Appendix B. The current status of the BOS is discussed in the response to schedule 3, condition 18. - The Long Term Management Strategy is included in Section 3. Implementation of the Rehabilitation, Revegetation and Biodiversity Offset Strategy Management Plan and Long Term Management Strategy is discussed in schedule 3 conditions 25 and 26.		
25	The Rehabilitation, Revegetation and Biodiversity Offset Strategy Management Plan must include: (a) the rehabilitation objectives for the site and revegetation areas; (b) a description of the measures that would be implemented to: - rehabilitate and stabilise the site; - implement the revegetation strategy; - minimise the removal of mature trees; - implement the Biodiversity Offset Strategy as shown in Appendix 4; and	- LMP (Orogen, September 2009) - Email from Perception Planning dated 3/09/20 - Site inspection	The requirements under this condition are addressed in the LMP as follows: (a) Included in Section 2.2 (overall plan objectives). (b) Implementation of the Rehabilitation and Revegetation Plan is described in Section 2.4 and includes a stabilisation strategy (Section 2.4.8), mature tree removal protocol (Section 2.4.9) and remnant vegetation	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	• manage the remnant vegetation and habitat on the site and in the revegetation areas; (c) detailed performance and completion criteria for the rehabilitation and stabilisation of the site and implementation of the revegetation strategy; (d) a detailed description of how the performance of the rehabilitation of the quarry and the revegetation areas would be monitored over time to achieve the stated objectives; (e) a detailed description of what measures would be implemented to rehabilitate and manage the landscape of the site and revegetation areas including the procedures to be implemented for: • progressively rehabilitating and stabilising areas disturbed by quarrying; • implementing revegetation and regeneration within the disturbance areas and revegetation areas; • protecting areas outside the disturbance areas, including groundwater dependent ecosystems and the Biodiversity Offset Strategy areas; • vegetation clearing protocols, including a protocol for clearing any trees containing hollows and the relocation of hollows from felled trees; • managing impacts on fauna; • controlling terrestrial and aquatic weeds and pests; • controlling access; • bushfire management; and • reducing the visual impacts of the project; (f) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and (g) details of who is responsible for monitoring, reviewing, and implementing the plan.		management (Section 2.4.10). Implementation of the Biodiversity Offset Strategy is included in Section 2.5 and attached as Appendix B. (c) Performance and completion criteria are included in Section 2.4.5. (d) Monitoring of performance and completion criteria are included in Section 2.4.6. (e) Measures to implement the Rehabilitation and Revegetation Plan are included in Section 2.4 to 2.11 and address the requirements under this condition. (f) Risk management is included in Section 2.4.7. (g) Responsibilities are included in Section 2.12. Note: As discussed in the response to schedule 3, condition 19, the site is being considered for residential development and therefore it is considered that revegetation of this land would be redundant. Observation: It is recommended that consultation is undertaken with the compliance section of the Department regarding the current status of the rehabilitation and revegetation plan and updates made to the LMP to reflect this if required by the Department.		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
26	The Long Term Management Strategy must: (a) define the objectives and criteria for quarry closure and post-extraction management; (b) investigate and/or describe options for the future use of the site; (c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and (d) describe how the performance of these measures would be monitored over time.	- LMP (Orogen, September 2009) - Site inspection	The requirements under this condition are addressed in the LMP as follows: (a) Included in Section 3.2. The closure objectives are to ensure that the site is: - finished in accordance with the approved site plan (included as Appendix A to the LMP) - stabilised with an appropriate level of vegetative cover (b) Included in Section 3.4. Future land use options considered include a mix of grazing and subdivision for residential development. The future land use of the site is under consideration in the rezoning application as discussed in the response to schedule 3, condition 19 (c) Included in Section 3.5. No ongoing environmental effects were identified for the project requiring management. (d) Included in Section 3.5.1 and Section 2. Implementation of the long term management strategy has not been triggered as rehabilitation and revegetation activities have not yet been completed.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Rehabilitation Bond				
27	Prior to commencing quarrying operations, the Proponent shall lodge a rehabilitation bond for the project with the Secretary. The sum of the bond shall be calculated at: (a) \$2.50/m² for the area to be disturbed, which has not been previously disturbed by mineral sands mining; and (b) \$1.50/m² for the area to be disturbed, which has been previously disturbed by mineral sands mining, to the satisfaction of the Secretary. <i>Notes:</i> <i>If the rehabilitation and revegetation works are completed to the satisfaction of the Secretary, the Secretary will release the rehabilitation bond.</i> <i>If the rehabilitation and revegetation works are not completed to the satisfaction of the Secretary, the Secretary will call in all or part of the rehabilitation bond, and arrange for the satisfactory completion of the relevant works</i>	Independent Environmental Compliance Audit (Umwelt, 2013)	Compliance with this condition was confirmed in the previous independent audit. Release of the rehabilitation bond has not been triggered as rehabilitation and revegetation works have not been completed.	Compliant	
28	Within 3 months of each Independent Environmental Audit (see condition 5 of schedule 5), the Proponent shall review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the Secretary. This review must consider: (a) the effects of inflation; (b) any changes to the total area of disturbance; and (c) the performance of the rehabilitation and revegetation to date.	Email from site personnel dated 15/09/20	The Auditor was advised that a new rehabilitation bond was provided following CSQP acquisition of the site. However, there was no evidence to confirm that a review of the rehabilitation bond was undertaken following the previous Independent Environmental Audit. Recommendation: Review the rehabilitation bond in consultation with the Secretary within 3 months of this Independent Environmental Audit.	Non-compliant	NC15

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	ABORIGINAL CULTURAL HERITAGE				
	Aboriginal Cultural Heritage Management Plan				
29	The Proponent shall prepare the Aboriginal Cultural Heritage Management Plan to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with all relevant Aboriginal communities; (b) be submitted to the Secretary for approval prior to commencement of construction operations; and (c) include a: • description of the measures that would be implemented to salvage any identified Aboriginal sites within the disturbance area; • description of the measures that would be implemented to protect any Aboriginal sites outside the disturbance area; and • description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project. The Proponent shall implement the approved management plan as approved from time to time by the Secretary	• ACHMP (McCardle Cultural Heritage, September 2009) • Independent Environmental Compliance Audit (Umwelt, 2013) • Letter to the Department 'Re: <i>Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs</i>' (CSQP, 11/05/16) • Email from site personnel dated 2/09/20	The requirements under this condition are met as follows: (a) Evidence of consultation with Mur-moo-ma Inc, Nur-Run-Gee Pty Ltd and Worimi Local Aboriginal Land Council are attached to the ACHMP. (b) Evidence of submission of the ACHMP prior to commencement of construction activities was confirmed in the previous audit. The ACHMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the site, and subsequent review and update of the plan. (c) The procedures to be implemented for Aboriginal heritage management (including an unexpected finds protocol) are included in Section 1.3. The Auditor understands from site personnel that no unexpected finds occurred in the audit period.	Compliant	
	TRAFFIC AND TRANSPORTATION				
	Road Haulage				
30	Prior to commencement of quarrying operations, the Proponent shall: (a) design and construct the haul road and its intersection with Coxs Lane, and (b) install appropriate truck turning warning signage along Coxs Lane; to the satisfaction of Council.	• Independent Environmental Compliance Audit (Umwelt, 2013)	Compliance with this condition was confirmed in the previous independent audit.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
31	The Proponent shall ensure that trucks travelling on the site, including on the internal haul road, do not exceed an engine speed of 1500 revs per minute.		There was no evidence to confirm that trucks travelling on the site during operations did not exceed an engine speed of 1500 revs per minute. Recommendation: As operations have ceased, the Auditor offers no recommendations in relation to the non-compliance.	Non-compliant	NC16
32	The Proponent shall ensure that: (a) all loaded vehicles entering or leaving the site are covered; and (b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road, before they leave the site	- Photo of onsite signage 'All loads to be tarped in the tarping area near the weighbridge' - Independent Environmental Compliance Audit (Umwelt, 2013)	A photo of a site sign stating: 'All loads to be tarped in the tarping area near the weighbridge' was provided to the Auditor. A shaker grid was installed on the quarry access road during operations to prevent material tracking onto roads.	Compliant	
32A	Prior to the commencement of quarrying operations, the proponent shall install and subsequently maintain a shaker grid or equivalent on the quarry access road.	- Independent Environmental Compliance Audit (Umwelt, 2013) - Email from site personnel dated 15/09/20	Maintenance of the shaker grid forms part of the audit scope (establishment assessed in the previous audit). The shaker grid has since been removed following completion of operations.	Compliant	
33	The Proponent shall ensure that all project-related vehicles: (a) comply with the Council's load limits in force for Coxs Lane at the time of travel; (b) with the exception of workers' passenger vehicles, do not travel on Coxs Lane to the west of the site haul road entry or use George Street, Fullerton Cove.	https://www.portstephens.nsw.gov.au/live/resident-services/roads/safe-loads-restraints 2017/2018 AEMR 2018/2019 AEMR	According to the Port Stephens Council website, the Council load limit for Coxs Lane is 5 tonnes. It is stated in recent AEMRs (2017/2018 and 2018/2019) that the calculation for sand laden trucks per month are based on the assumption that each truck-and-dog carries 30 tonnes. There is reason to believe that sand laden-trucks may have exceeded Council load limits in	Non-compliant	NC17

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			force for Coxs Lane during operations. Recommendation: As operations have ceased, the Auditor offers no recommendations in relation to the non-compliance.		
	Parking				
34	The Proponent shall provide sufficient parking on-site for all project-related traffic in accordance with Council's parking codes and to the satisfaction of the Secretary.	Site inspection	The site appeared to have adequate space for parking onsite with designated car parking areas established near the former site office.	Compliant	
	VISUAL				
	Visual Amenity				
35	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Secretary	Site inspection	Visual screening is provided by the acoustic bunds to all sides of the quarry area and existing vegetation on the eastern and western site boundaries and was observed during the site inspection.	Compliant	
	Advertising				
36	The Proponent shall not erect or display any advertising structure(s) or signs on the site without the written approval of the Secretary. <i>Note: This condition does not require approval for any business identification, traffic management and safety or environmental signs.</i>	Site inspection	The Auditor did not observe any advertising structures or signs during the site visit.	Compliant	
	WASTE MANAGEMENT				
37	The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Secretary.	EMP (Orogen June 2016)	Waste management measures are outlined in Table 3.1 of the EMP. CSQP recorded waste generated by the project in a waste management register. Given the nature of the project, there was limited waste generation.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
38	The Proponent must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal or any waste generated at the site to be disposed of at the site, except with the approval of the Secretary and as expressly permitted by a licence under the Protection of the Environment Operations Act 1997. <i>Note: This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an EPL under the Protection of the Environment Operations Act 1997.</i>	Site personnel interview	Site personnel advised during the onsite interview that they were unaware of any unlawful dumping occurring during the audit period.	Compliant	
	EMERGENCY AND HAZARDS MANAGEMENT				
	Dangerous Goods				
39	The Proponent shall ensure all chemicals and/or petroleum products on site are stored in accordance with Australian Standard AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids, and in appropriately bunded areas with impervious flooring and of sufficient capacity to contain 110% of the largest container stored within the bund. The flooring and bund(s) shall be designed in accordance with: - the requirements of relevant Australian Standards; and - DECCW's Storing and Handling Liquids: Environmental Protection – Participants Manual;	- EMP (Orogen June 2016) - Site inspection - Email from site personnel dated 15/09/20 - Site inspection checklist 27/04/17	Hazardous materials management measures are outlined in Table 3.1 of the EMP. Safety Data Sheets are required to be kept onsite for hazardous materials. No hazardous materials were on site during the site visit requiring management. Site personnel confirmed that no hazardous materials are kept on site. An example site inspection checklist was viewed by the Auditors and confirmed no hazardous materials were kept on site. However there was no evidence that a bunded and impervious area was available for the refuelling of vehicles.	Non-Compliant	NC18
40	The Proponent shall ensure that any refuelling of vehicles undertaken on the property occurs within the bunding required by condition 39.	Safe work procedure for refuelling mobile plant (July 2015)	The Auditor viewed the Safe Work Procedure for refuelling mobile plant dated July 2015. However the procedure does not require refuelling to be undertaken	Non-compliant	NC19

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			in a bunded area as required by condition 39. Recommendation: As operations have ceased, the Auditor offers no recommendations in relation to the non-compliance.		
	Safety				
41	The Proponent shall secure the project to ensure public safety to the satisfaction of the Secretary	Site inspection	The site is gated (front entrance), fenced (property boundaries) and hidden from the general public by the bunding and embankments.	Compliant	
	PRODUCTION DATA				
42	The Proponent shall: (a) provide annual quarry production data to the I&I NSW using the standard form for that purpose; and (b) include a copy of this data in the AEMR.	2015/2016 AEMR 2016/2017 AEMR 2017/2018 AEMR 2018/2019 AEMR	Production records are not available from 2013-2014 prior to CSQP acquisition of the site. JME reported non-compliance with this condition in the 2015/2016 and 2016/2017 AEMRs as (paraphrased): “production data... was not supplied in the Industry & Investment NSW standard form”. Subsequently, this data is not included in the AEMRs for these years. Production data is included in the 2017/2018 and 2018/2019 AEMRs. Recommendation: As operations have ceased and production data is no longer required, the Auditor offers no recommendations in relation to the non-compliance.	Non-compliant	NC20

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SCHEDULE 4 – ADDITIONAL PROCEDURES				
	NOTIFICATION OF LANDOWNERS				
1	If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify the Secretary and affected landowners and tenants, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.	• 2015/2016 AEMR • 2016/2017 AEMR • 2017/2018 AEMR • 2018/2019 AEMR	As discussed in the response to schedule 3, condition 7, several exceedances of the air quality criteria occurred throughout the audit period. There is no evidence to confirm that CSQP notified the Secretary of the air quality exceedances. CSQP advised the Auditor they concluded that the exceedances were a result of operations encroaching on the areas of the monitors, and therefore it was unlikely landowners were affected by the exceedances (no complaints were received). Recommendation: As monitoring has ceased, the Auditor offers no recommendations related to the non-compliance.	Non-compliant	NC21
	INDEPENDENT REVIEW				
2	If a landowner of privately-owned land considers that the project is exceeding the impact assessment criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land. If the Secretary is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Secretary advising that an independent review is warranted: (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to conduct monitoring on the	• Site personnel interview	The Auditor understands from the site interview that no requests to undertake an independent review of impacts have been made.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	land, to determine whether the project is complying with the relevant criteria in schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and (c) give the Secretary and landowner a copy of the independent review.				
3	If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.	Site personnel interview	The Auditor understands from the site interview that no requests to undertake an independent review of impacts have been made.	Not triggered	
4	If the independent review determines that the project is not complying with the relevant criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall: (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and (b) conduct further monitoring to determine whether these measures ensure compliance; or (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3, to the satisfaction of the Secretary. If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Secretary	Site personnel interview	The Auditor understands from the site interview that no requests to undertake an independent review of impacts have been made.	Not triggered	
5	If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Secretary for resolution. If the matter cannot be resolved within 21 days, the Secretary shall refer the matter to an Independent Dispute Resolution Process (see Appendix 5).	Site personnel interview	The Auditor understands from the site interview that no requests to undertake an independent review of impacts have been made.	Not triggered	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT AND MONITORING CONDITIONS				
	ENVIRONMENTAL MANAGEMENT STRATEGY				
1	The Proponent shall prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must: (a) be submitted to the Secretary prior to commencing quarrying operations; (b) be prepared in consultation with the relevant agencies; (c) provide the strategic context for environmental management of the project; (d) identify the statutory requirements that apply to the project; (e) describe in general how the environmental performance of the project would be monitored and managed; (f) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the life of the project; • respond to any non-compliance; • manage cumulative impacts; and • respond to environmental emergencies; and (g) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the project. The Proponent shall implement the approved strategy as approved from time to time by the Secretary.	• EMS (Orogen, September 2009) • Independent Environmental Compliance Audit (Umwelt, 2013) • EMP (Orogen June 2016) • Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) • Email from DPI Water 'FW: DPI Water Document Review' (21/06/16) • Email from CSQP to Council 'Fullerton Cove' (20/06/16) • Email from Council 'RE: Fullerton Cove' (22/06/16) • Examples of completed Site Inspection Checklists (27 April 2017 and 4 September 2017) • Example of a Monthly Management Meeting	The requirements under this condition are addressed in EMS (superseded by the EMP) as follows: (a) Evidence of submission of the EMS prior to commencement of construction activities was confirmed in the previous audit. (b) Section 1.5 describes the consultation undertaken with agencies. (c) Described in Section 2.2. (d) Described in Section 2.1. (e) Described in Section 3. (f) Described in Section 2.4. (g) Described in Section 2.5. CSQP operated since 2016 in accordance with an EMP. The requirements under this condition are met as follows in the EMP: (a) The EMP was resubmitted to the Department on 11 May 2016 following CSQP acquisition of the site, and subsequent review and update of the plan. (b) Consultation records with Council, EPA and DPI Water are included in Appendix C to the EMP. (c) Described in Section 3 ('Implementation'), Section 4 ('Monitor and Review') and Section 5 ('Summary of Environmental	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		record (17 January 2018)	Monitoring and Reporting Requirements’). (d) Described in Section 2 (‘Approval and Licensing Requirements’) (e) Described in Section 5. This section provides an overview of the requirements under the relevant sub-plans (i.e. the NMP, DMP, SWMP, LMP and ACHMP) (f) The EMP includes the procedures listed under this condition in the following sections: • Keep the community/agencies informed – Section 4 (‘Communication’) • Complaints procedure – Section 4 and Appendix D • Non-compliances – Section 4 (‘Corrective Action’) and referenced as included in the relevant sub-plans • Cumulative impacts – Section 2 • Emergencies – Section 6 (‘Emergency Preparedness and Response Strategy’) and managed in accordance with the Pollution Incident Response Management Plan (PIRMP) (g) Described in Section 2 (‘Environmental Management Structure and Responsibility’). Evidence of the implementation of the EMP was observed by the Auditor as described in this table and including:		

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			• Examples of completed Site Inspection Checklists (27 April 2017 and 4 September 2017) • An example of a Monthly Management Meeting record (17 January 2018) • Noise monitoring (refer to schedule 3 condition 6) • Dust management (refer to response to schedule 3 condition 8) • Traffic management (refer to response to schedule 3 condition 32).		
	INCIDENT REPORTING				
2	Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.	• 2015/2016 AEMR • 2016/2017 AEMR • 2017/2018 AEMR • 2018/2019 AEMR	As discussed in the response to schedule 3, condition 7, several exceedances of the air quality criteria occurred throughout the audit period. There is no evidence to confirm that CSQP notified the Department of the air quality exceedances as discussed in the response to schedule 3, condition 7. Recommendation: As monitoring has ceased, the Auditor offers no recommendations related to the non-compliance.	Non-compliant	NC22
3	Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that: (a) describes the date, time, and nature of the exceedance/incident; (b) identifies the cause (or likely cause) of the exceedance/incident;	• 2015/2016 AEMR • 2016/2017 AEMR • 2017/2018 AEMR • 2018/2019 AEMR	There is no evidence to confirm that CSQP provided a report to the Department or other relevant agencies of the air quality exceedances as discussed in the response to schedule 3, condition 7.	Non-compliant	NC23

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(c) describes what action has been taken to date; and (d) describes the proposed measures to address the exceedance/incident.		Recommendation: As monitoring has ceased, the Auditor offers no recommendations related to the non-compliance.		
	ANNUAL REPORTING				
4	Within 12 months of the commencement of quarrying operations, and annually thereafter, the Proponent shall submit an AEMR to the Secretary and relevant agencies. This report must: (a) identify the standards and performance measures that apply to the project; (b) describe the works carried out in the last 12 months; (c) describe the works that will be carried out in the next 12 months; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: • impact assessment criteria/limits; • monitoring results from previous years; and • predictions in the EA; (g) identify any trends in the monitoring results over the life of the project; (h) identify any non-compliance during the previous year; and (i) describe what actions were, or are being, taken to ensure compliance.	• 2015/2016 AEMR • 2016/2017 AEMR • 2017/2018 AEMR • 2018/2019 AEMR	AEMRs are not available from 2013-2014 prior to CSQP acquisition of the site. For the AEMRs that are available (2015-2019), the requirements under this condition are met in the following sections of the AEMRs during the audit period: (a) 2015-2019 AEMRs – Section 2 (b) 2015-2019 AEMRs – Section 3 (c) 2015-2017 AEMRs – Section 4 2017-2019 AEMRs – Section 5 (d) 2015-2017 AEMRs – Section 5 2017-2019 AEMRs – Section 4 (e) 2015-2017 AEMRs – Section 6 2017-2019 AEMRs – Section 7 (f) 2015-2017 AEMRs – Section 6 and Section 7.3 2017-2019 AEMRs – Section 7 (g) 2015-2017 AEMRs – Section 6 2017-2019 AEMRs – Section 7 (h) 2015-2017 AEMRs – Section 7 2017/2018 AEMR – Section 8 2018/2019 AEMR – Section 9 (i) 2015-2019 AEMRs – The AEMRs do not describe any actions undertaken or planned to be undertaken in response to the non-compliances identified. Non-compliances identified in the audit period generally related to	Non-compliant	NC24

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			failure to undertake required noise monitoring, and air quality exceedances. Recommendation: Include a description of any actions to be undertaken in response to any non-compliances identified in any future AEMRs (if applicable). Given operations have ceased, AEMRs may no longer be required, however this should be confirmed by the Department in writing.		
	INDEPENDENT ENVIRONMENTAL AUDIT				
5	Within 2 years of the commencement of quarrying operations, and at the completion of quarrying operations, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced and independent person(s) whose appointment has been approved by the Secretary; (aa) be completed within 2 months of the approval of the audit team; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project, and its effects on the surrounding environment; (d) assess whether the project is complying with the relevant standards, performance measures and statutory requirements; (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary; (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.	This audit	This audit fulfils the requirement of the audit required at the completion of quarrying operations and addresses the requirements listed under the condition.	Compliant	

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
6	Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Secretary and relevant agencies, with a response to any of the recommendations in the audit report.	- Email from Ann Hagerthy (Department representative) dated 10/09/20 - Independent Environmental Compliance Audit (Umwelt, 2013)	The previous audit was not provided to CSQP by the previous owners. During consultation for the Audit, the Department provided a copy of the previous audit. The Auditor therefore concludes that the previous audit was provided to the Department. There is no evidence to confirm that the previous independent audit report was submitted to the Department within one month of completion along with a response to audit recommendations. Recommendation: Submit this audit report to the Department along with a response to audit recommendations within one month of completion.	Non-compliant	NC25
7	Following each Independent Environmental Audit, the Proponent shall review and if necessary revise each of the environmental management and monitoring strategies/plans/programs in schedules 3 and 5, to the satisfaction of the Secretary. The revised strategies/plans/programs shall be submitted to the Secretary within 3 months of completing the audit.	Independent Environmental Compliance Audit (Umwelt, 2013)	The previous independent audit is dated June 2013. Updates to the management plans were not made until 2015/2016 (when CSQP acquired the site) as discussed in the response to schedule 2, condition 9. Note: The timing for review of the management plans was within the previous ownership period and therefore there is no evidence to confirm if an internal review was undertaken. Recommendation: Following completion of this audit, review and revise the environmental management and monitoring plans as required.	Non-compliant	NC26

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	COMMUNITY CONSULTATION				
8	At least 2 weeks prior to commencing construction operations, the Proponent shall provide all landowners within one kilometre of the site with: (a) notification of its intention to commence construction; (b) notification of its intended date to commence quarrying operations; (c) a description of planned quarrying and transport operations and their likely duration; (d) the approved and planned hours of quarrying and transport operations; (e) a description of environmental mitigation measures to be undertaken during the operation of the project; and (f) contact details (including a telephone contact) of a person who is responsible for receiving and responding to any complaints from the community about the quarry and has the authority to direct that operations at the site either be modified or stopped.	Independent Environmental Compliance Audit (Umwelt, 2013)	Compliance with this condition was confirmed in the previous independent audit.	Not triggered	
	ACCESS TO INFORMATION				
9	Within 1 month of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), or the completion of any independent environmental audit or AEMR, the Proponent shall: (a) provide a copy of the relevant document/s to Council and relevant agencies; and (b) ensure that a copy of the relevant document/s is made publicly available at the Proponent's regional office and on the Proponent's website, to the satisfaction of the Secretary.	- Applicant's website: https://www.csqp.com.au/clients - ACHMP (McCardle Cultural Heritage, September 2009) - Letter to the Department 'Re: Fullerton Cove Sand Quarry – Review and Revision of Strategies, Plans and Programs' (CSQP, 11/05/16) - Email from DPI Water 'FW: DPI Water	(a) Revisions to the management plans were undertaken as discussion in the response to schedule 2 condition 9. The updated plans were provided to the relevant agencies in accordance with the development consent (refer to responses to schedule 3 conditions 14 (SWMP), 24 (LMP) and 29 (ACHMP). There is no evidence to confirm that AEMRs or the previous independent environmental audit was provided by the former owners to Council or other relevant agencies.	Non-compliant	NC27

Table A-1: Compliance with Project Approval PA 07_0145					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Document Review' (21/06/16) - Email from CSQP to Council 'Fullerton Cove' (20/06/16) - Email from Council 'RE: Fullerton Cove' (22/06/16)	(b) The applicant's website was viewed on 1 September 2020. The website included the relevant management plans, AEMR (2018/2019) and the noise testing report by RCA Australia (March 2020). The previous independent environmental audit was not available on the applicant's website as it was not provided to CSQP by the previous owners. Recommendation: Upload this independent environmental audit to the website within one month of submission to the Department.		
10	During the project, the Proponent shall: (a) make a summary of monitoring results required under this approval publicly available at the Proponent's website; and (b) update these results regularly (at least every 3 months), to the satisfaction of the Secretary.	- Applicant's website: https://www.csqp.com.au/clients - Spreadsheet titled 'CSQP_Lab_Results_summary 2012-2019'	The applicant's website was viewed on 1 September 2020. The website included the relevant management plans, AEMR (2018/2019), noise testing report by RCA Australia (March 2020), a spreadsheet summary of monitoring results (last updated July 2019).	Compliant	

APPENDIX 2

INDEPENDENT AUDIT DECLARATION FORM

INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Fullerton Cove Sand Quarry
Consent Number:	PA 07_1045
Description of Project:	Operation of a sand quarry and associated activities at Fullerton Cove
Project Address:	21 Coxs Lane Fullerton Cove
Proponent:	Coastal Developments Pty Ltd
Title of Audit:	Fullerton Cove Sand Quarry Independent Environmental Audit
Date:	09 October 2020

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

- the Audit has been undertaken in accordance with relevant condition(s) of consent and generally in accordance with the *Independent Audit Post Approval Requirements (Department 2018)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor: Victoria Sedwick
Signature: 

Qualification: Exemplar Global Lead Auditor Accreditation No.13180
Company: Ramboll Australia Pty Ltd
Company Address: PO Box 560, North Sydney NSW 2060

APPENDIX 3

AUDITOR ENDORSEMENT

Mr Luke Roberts
Production Manager
Coastal Sand and Quarry Products
PO Box 130
MEDOWIE NSW 2318

Via Email ONLY: luke@cehire.com.au
CC: Mr Shaun Taylor, Ramboll - staylor@ramboll.com

12/08/2020

Dear Mr Roberts

**FULLERTON COVE SAND EXTRACTION PROJECT (MP 07_0145)
AGREEMENT OF INDEPENDENT AUDITOR**

I refer to your request for the Secretary of the Department of Planning, Industry and Environment (the Department) to approve a suitably qualified, experienced and independent audit team to undertake the 2020 Independent Environmental Audit (IEA) for the Fullerton Cove Sand Extraction Project (the site) in accordance with Schedule 5 Condition 5 of MP 07_0145, as modified (the approval).

The Department has reviewed the information provided in accordance with the requirements of the approval and the Department's *Post-approval requirements for State Significant Developments Independent Audit Guideline, October 2015* (IEA Guideline) and subsequently endorses the following audit team from Ramboll Australia Pty Ltd:

- Ms Victoria Sedwick – Lead Environmental Auditor
- Mr Shaun Taylor – Project Manager and Auditor
- Ms Taylor Jackson – Assistant Auditor

Please ensure this correspondence is appended to the IEA report.

The IEA must be prepared, undertaken and finalised in accordance with the requirements of the approval and the IEA Guideline. Failure to meet these requirements will require revision and resubmission.

As per Schedule 5 Condition 6 of the approval, within four weeks of completing this audit (i.e. from the date of the site inspection), or as otherwise agreed with the Secretary, the IEA report and the response to audit recommendations (RAR) are to be submitted to the Department via the Major Project website.

The IEA period shall be from 17 April 2013 (end of last audit period) to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed no later than 15 September 2020, unless otherwise agreed by the Secretary.

Should you need to discuss the above, please contact Ms Ann Hagerthy, Senior Compliance Officer, on (02) 6575 3407 or email to compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance
As nominee of the Planning Secretary

APPENDIX 4 SITE PHOTOS



Photo 1: Site facing north



Photo 2: North-west property boundary



Photo 3: Former extraction area (south)



Photo 4: Former extraction area and mulching



Photo 5: Site boundary marker on north-eastern boundary facing the site



Photo 6: Offset area no. 1 boundary



Photo 7: Mulching on north-eastern bund



Photo 8: Site entry/exit onto Coxs Lane



Photo 9: Car and truck parking area