

**Hodgsons Roberts Rd Sand Quarry Independent Audit 16/3/2017 to 4/6/2020**

**Non-compliances, finding, recommendations and proposed actions**

**DA Conditions**

	Condition Text	Findings and Recommendations	Action Plan	Due Date
<b>General</b>				
<b>Adherence to Terms of DA and EIS</b>				
2	The Applicant shall:(a) carry out the development generally in accordance with the EIS, Modification 1, Modification 3 and Modification 2; and (b) comply with the conditions of this consent	The development is generally being carried out in accordance with the EIS, Mod 1, Mod 2 and Mod 3, and with the conditions of development consent, however a number of non-compliances were identified. Recommendations are provided against the specific conditions below.	Noted	See individual Conditions
<b>Air Quality</b>				
<b>Air Quality Criteria</b>				
28	The Applicant shall take all practical steps to manage the development so that the ambient air quality goals for total suspended particles (TSP) of 90 µg/m <sup>3</sup> (annual average), particulate matter (PM10) of 50 µg/m <sup>3</sup> (24 hours average) and 30 µg/m <sup>3</sup> (annual average) and the dust deposition goal of 4gm/m <sup>2</sup> (annual average) are not exceeded as a result of the development, when measured at any monitoring location specified in the Air Quality Management Plan.	Air quality exceedances were noted for exceedance of 24 hour average PM10 criteria on 15 February 2018, 6th March, 5th April, 29 April, 19 November, and on 7, 19 and 31st December 2019. Exceedances were also noted for 12th, 18th, 24th and 30th January 2020 and 5th February 2020. 2018 - This exceedance was reported in the 2018 Annual Review and Compliance Report. There was no correspondence observed from the Department with respect to this result. 2019 - Exceedances for the months of November and December 2019 and for January 2020 were reported to the Department once results were available. There was no correspondence available to indicate if there was any follow up required for these exceedances. The operator is to ensure correspondence is followed up with the relevant regulators and that this correspondence is appropriately filed and documented for compliance purposes.	The operator will ensure that all department correspondence is followed up and that copies of the follow up are filed and documented.	Following all relevant regulator communications, ongoing
<b>Air Quality Monitoring</b>				
36 (a)	Operation of dust deposition gauges and monitoring must be carried out in accordance with; (a) Australian Standard 3580.10. 01 (1991) Particulates – Deposited Matter – Gravimetric Method. Approved method AM-19 referred to in Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales, December 1999.	Note - location of Dust Gauge 2 is impeded by trees. The trees in this area are part of remnant vegetation and subsequently can't be disturbed. It is recommended that the location of dust gauge 2 is reviewed in light of the current constraints of this location, and current monitoring equipment in other locations.	The operator contacted the relevant neighbour in person on 21st July 2020 regarding relocating the dust gauge onto their premises. They denied permission. There is no other suitable location that covers the relevant sensitive receptor, while remaining accessible to monitoring staff. The AS states "Sampling sites not meeting the above criteria require a statement in the monitoring data report noting this". This statement will be included on all relevant reports and correspondence.	21/7/2020 and ongoing
<b>Soil and Water</b>				
<b>Water Management Plan</b>				
42	The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with DPI-Water by suitably qualified and experienced person/s whose appointment has been approved by the Secretary, and be submitted to the Secretary for approval by 31 December 2016. The plan must be updated on an annual basis in consultation with DPI-Water for three years from the date of approval of Modification 2 and thereafter as agreed with by the Secretary.	The most current Water Management Plan is dated 20 March 2018. This was received and acknowledged by DPE. The Water Management Plan has not been subject to annual review in consultation with DPIE-W for the three years from the date of approval of Mod 2. The current version is dated 20 March 2018. The Water Management Plan should be updated in consultation with DPIE-W in order to meet this requirement, and then subject to ongoing review as agreed by the Secretary.	The Water Management Plan is to be updated by a suitably qualified and experienced person whose appointment has been approved by the Secretary, in consultation with the DPIE-W	31st December 2020.
<b>Process Water Dam Design and Construction</b>				

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45	The Applicant must ensure that the Process Water Dam is designed and constructed in a manner that satisfies the design and construction criteria for the Process Water Dam as developed under the Surface Water Management Plan (see condition 42(b) above).	Surface Water Management Plan has been revised to address this condition (refer Section 8 of the SWMP). This section contains conflicting recommendations with respect to the requirement to consult with the Dam Safety Committee and the requirement for assessment by a suitably qualified engineer (refer section 8.2). It is recommended that the SWMP is reviewed to detail and explain why the Dam Safety Committee and engineering sign-off is no longer relevant to the development.	The Water Management Plan is to be updated by a suitably qualified and experienced person whose appointment has been approved by the Secretary, in consultation with the DPIE-W	31st December 2020.
<b>Flora and Fauna</b>				
54	In construction of the bund walls at the corner of Roberts Road and Old Northern Road, the Applicant shall minimise disturbance to existing native vegetation.	No additions to this bund wall observed. Vegetation established on these bunds has been removed by an Endeavour Energy contractor in 2015. No replanting has been undertaken to maintain vegetation and visual screening in this area. Planted vegetation on the bund walls at the corner of Roberts Road and the Old Northern Road was removed during the prior audit period. It is recommended that revegetation of these areas is carried out in consultation with the electricity utility to establish and maintain this visual screening.	Revegetation in consultation with the utility company is to be undertaken	31st December 2020.
<b>Landscape and Rehabilitation Management Plan</b>				
61	By 31 December 2017, the Applicant shall lodge a Conservation and Rehabilitation Bond with the Department to ensure that the management of biodiversity and the rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the Flora and Fauna Management Plan and Landscape and Rehabilitation Plan. The sum of the bond shall be determined by:	Advice from the DPIE was requested when the Landscape and Rehabilitation Plan was developed. This plan includes a proposed approach to the calculation of the rehabilitation bond, however this has not been finalised or lodged. The Landscape and Rehabilitation Plan includes a proposed approach, but this has not been determined, and consequently the bond has not been lodged. It is recommended that DPIE be formally followed up in writing (not email) again. If a response is not forthcoming, then the bond should be calculated and lodged by a suitably qualified rehabilitation consultant in accordance with the methodology previously presented to DPIE.	The department will be contacted in writing requesting approval of the bond calculation method and a procedure for lodgement. The operator will ensure that all department correspondence is followed up and that copies of the follow up are filed and documented.	31st October 2020.
	(a) calculating the cost of rehabilitating the site taking into account the likely surface disturbance over the following 3 years of quarrying operations; and			
	(b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Secretary. Note: If the rehabilitation of the site is completed to the satisfaction of the Secretary, then the Secretary will release the bond. If the rehabilitation of the site is not completed to the satisfaction of the Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.			
<b>Reporting</b>				
<b>Incident Reporting</b>				

**Hodgsons Roberts Rd Sand Quarry Independent Audit 16/3/2017 to 4/6/2020**

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**DA Conditions**

	Condition Text	Findings and Recommendations	Action Plan	Due Date
68	The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Air quality exceedances were noted for exceedance of 24 hour average PM10 criteria on 15 February 2018, 6 March, 5 April, 29 April, 19 November, and on 7, 19 and 31 December 2019. Exceedances were also noted for 12, 18, 24 and 30 January 2020 and 5 February 2020. 2018 - This exceedance was reported in the 2018 Annual Review and Compliance Report. There was no correspondence observed from the Department with respect to this result. 2019 - Exceedances for the months of November and December 2019 and for January 2020 were reported to the Department once results were available. There was no correspondence available to indicate if there was any follow up required for these exceedances. The operator should ensure correspondence is followed up with the relevant regulators and that this correspondence is appropriately filed for compliance purposes.	The operator will ensure that all department correspondence is followed up and that copies of the follow up are filed and documented.	Following all relevant regulator communications
<b>EPL Licence no. 6535</b>				
<b>Operating Conditions</b>				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Site inspection identified that hydraulic oils were stored in the workshop area without secondary containment. Approximately 13 x 200L drums of hydraulic oils were stored in the workshop. These drums were stored on standard timber pallets without any form of secondary containment. The workshop area is not bunded. While the storage of these materials is inside the workshop, and consequently low risk, due to the movement of these items by forklift, and the evidence of minor spills it is recommended that these drums should be stored on bunded pallets, or in an appropriately bunded area to mitigate this risk.	A roll-bund will be purchased and installed around the drums to prevent minor spills.	31st October 2020.
<b>Reporting Conditions</b>				
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	The EPA licence register was checked which showed that the 2020 Annual Return was lodged on 19 May 2020. The licence holder shall ensure that Annual Returns are prepared and lodged within the 60 day period for reporting.	This was an error caused by intermittent internet access. The operator will allow more time prior to the lodgement date to ensure that the Annual Return is lodged on time.	3 working days prior to 11th May 2021.
<b>Opportunities for Improvement</b>				
		Regular inspection and maintenance of screen plantings	Inspection to be added to quarterly environmental management checklist	3 months after new plantings installed
		Regular inspection and maintenance of areas of erosion	Inspection to be added to quarterly environmental management checklist	31st October 2020.
		Provision of additional spill kits in operational areas in the event of a hydrocarbon spill or leak	Additional spill kits will be purchased and placed in relevant mobile plant. Their use and location will be discussed at a regular toolbox meeting.	31st December 2020.
		Further onsite segregation of wastes to allow for better recycling opportunities	Recycling opportunities will be added to the regular toolbox meetings.	Ongoing

**From:** [Hala Fua](#)  
**To:** [Lisa Thomson](#)  
**Cc:** [hodgsonquarries](#); [Tara O'Brien](#)  
**Subject:** RE: Roberts Road Quarry - Response to Independent Environmental Audit - Service Level Agreement  
**Date:** Friday, 6 November 2020 1:43:49 PM  
**Attachments:** [image005.png](#)

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Dear Lisa,

Thank you for your email. Your request to delay the update and submission of the Water Management Plan following the determination of MOD 4 has been accepted. However, to ensure action is taken on the plan in a timely manner, please update and submit the plan by COB 31 March 2021 if MOD 4 has not yet been determined by this time.

Happy to discuss. Thank you.

Regards,

**Hala Fua**

**Senior Compliance Officer**

Planning & Assessment | Department of Planning, Industry and Environment

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**Planning,  
Industry &  
Environment**

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**From:** Lisa Thomson <Lisa@vgt.com.au>  
**Sent:** Thursday, 5 November 2020 2:32 PM  
**To:** Hala Fua <Hala.Fua@planning.nsw.gov.au>  
**Cc:** hodgsonquarries <hodgsonquarries@gmail.com>; Tara O'Brien <Tara@vgt.com.au>  
**Subject:** RE: Roberts Road Quarry - Response to Independent Environmental Audit - Service Level Agreement

Dear Hala Fua,

I am writing regarding the Independent Environmental Audit undertaken on DA 267-11-99 and the resultant Action Plan. One of the actions following from the IEA was that the project's Water Management Plan be updated. Tara O'Brien from VGT has been approved to undertake these works, and a draft report is nearing the consultation phase.

As you are aware, the project has an application for a fourth modification close to approval, which will require the Water Management Plan to undergo a further update. We are therefore seeking approval to delay the current update (due December 2020) until after the Mod 4 conditions are received by the proponent.

Thanking you in anticipation,

Regards,

Lisa Thomson  
BAppSc, CChem

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**From:** [no-reply@majorprojects.planning.nsw.gov.au](mailto:no-reply@majorprojects.planning.nsw.gov.au) <[no-reply@majorprojects.planning.nsw.gov.au](mailto:no-reply@majorprojects.planning.nsw.gov.au)>  
**Sent:** Monday, 7 September 2020 10:17 AM  
**To:** Submissions <[Submissions@vgt.com.au](mailto:Submissions@vgt.com.au)>  
**Cc:** [Hala.Fua@planning.nsw.gov.au](mailto:Hala.Fua@planning.nsw.gov.au)  
**Subject:** Roberts Road Quarry - Response to Independent Environmental Audit - Service Level Agreement

The Department has now commenced its detailed assessment of the Response to Independent Environmental Audit for the Roberts Road Quarry.

The Department has classified this document as 'Regular'.

The Department may ask for additional information to complete its assessment.

If you have any enquiries, please contact Hala Fua on 8837 6328 /at [Hala.Fua@planning.nsw.gov.au](mailto:Hala.Fua@planning.nsw.gov.au).

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

Department of Planning, Industry and Environment



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Lisa Thomson  
VGT Environmental Compliance Solutions Pty Ltd  
PO Box 2335  
compliance@planning.nsw.gov.au  
Greenhills, NSW 2323

Contact: Alfarid Hussain  
Phone: 02 9274 6456  
Email:

19 May 2020

Dear Ms Thomson

**Agreement of Independent Auditor  
Roberts Road Maroota Sand Quarry - DA267-11-99**

I refer to your request relating to DA267-11-99-PA-4 seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (**Department**) for a suitably qualified, experienced and independent audit team to undertake the 2020 Independent Environmental Audit of the Roberts Road Maroota Sand Quarry.

In accordance with Condition 70 of DA 267-11-99, as modified (**Consent**) the Secretary has approved the appointment of the following audit team:

1. Lead auditor - Ian Richardson of RPS Australia East Pty Ltd and
2. Assisting auditor - Shaun Smith of RPS Australia East Pty Ltd

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Conditions 70 and 71 of the Consent. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements* (Department 2018) to the extent that it does not contradict Schedule 5, Condition 6 of the Consent. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you wish to discuss the matter further, please contact Alfarid Hussain on 02 9274 6456.

Yours sincerely

Julia Pope

**Team Leader- Compliance - Metro**

*As the Secretary's nominee*

**From:** [Submissions](#)  
**To:** [Hala Fua](#); [Submissions](#)  
**Cc:** [hodgsonquarries](#)  
**Subject:** RE: Roberts Road Quarry - Independent Environmental Audit  
**Date:** Thursday, 24 September 2020 1:49:00 PM  
**Attachments:** [image006.png](#)  
[Roberts Road Quarry - Post Approval Document Received - \(DA267-11-99-PA-4\).msg](#)  
[Request for auditor approval 2020.pdf](#)

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Dear Hala Fula,

The Auditor Declaration was included with the request for approval of the audit team uploaded to the portal on 15<sup>th</sup> May 2020.

It is included again now for convenience.

Apologies for the delay in beginning the audit – there were issues finding an available auditor due to the Covid-19 pandemic. Apologies for not including this fact in the approval request.

Regards,  
Lisa Thomson  
BAppSc, CChem

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**From:** Hala Fua <Hala.Fua@planning.nsw.gov.au>  
**Sent:** Tuesday, 22 September 2020 12:39 PM  
**To:** Submissions <Submissions@vgt.com.au>  
**Cc:** hodgsonquarries <hodgsonquarries@gmail.com>  
**Subject:** RE: Roberts Road Quarry - Independent Environmental Audit

Dear relevant person,

I refer to Independent Environmental Audit (IEA) dated 5 August 2020 prepared by RPS Australia East Pty Ltd (reference 147039-2) in accordance with Condition 70 to Schedule 2 of Development Consent no. DA 267-11-99 as modified (Consent), which authorises the extraction and on-site processing of sand, clay and pebble at the Roberts Road Maroota Sand Quarry situated at 28 Roberts Road, Maroota NSW.

Condition 70 relevantly states:

*Every 3 years from the date of this consent and at the completion of works under this consent, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:*  
*(a) be conducted by a suitably qualified, experienced and independent team of experts whose*



- appointment has been endorsed by the Secretary;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this Consent and any relevant EPL (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.*

My adequacy review of the IEA against the reporting requirement of Condition 70 is now complete, and it revealed that the audit was carried out late. Condition 70 requires an IEA every 3 years. This IEA audited the period between 18 March 2016 and 4 June 2020 inclusive. The Department considers that 18 March 2020 likely represents the expiry date of the statutory 3 year audit period, and given the reporting timeframe ended on 4 June 2020, this IEA is about 10 weeks late. Therefore, please ensure all future IEA's are carried out within the statutory timeframe of 3 years. Should a similar non-compliance occur in future, you are warned that the Department may take enforcement action in accordance with our Compliance Policy. Other than that, the IEA generally satisfies the reporting requirements of Condition 70.

My adequacy review of the IEA against the Independent Audit Post Approval Requirements (Department 2018) (PAR 18) is also complete, and it revealed that an independent audit declaration for auditor Mr. Shaun Smith was not provided as per Section 3.1.2 & 4.4 of PAR 18. The IEA states that Mr. Smith undertook the background document review, site inspection, audit report preparation, and project coordination. In this regard, it is appropriate that Mr. Smith provided a declaration. I note that while the Department recommended consideration of PAR 18 in the preparation of this IEA in our letter dated 3 August 2020 signed by Compliance Officer Mr. Alfarid Hussain, I take this opportunity to highly recommend that all auditors involved in the IEA sign independent audit declaration forms, and append these to future IEA's.

In relation to the non-compliances identified in the IEA, the Department shall commence a detailed review of these shortly. You shall receive separate correspondence regarding this investigation either seeking further information or clarification, or advising the outcome of the Department's investigation into the non-compliances.

If you'd like to discuss this email further, please call me.

Regards,

**Hala Fua**

**Senior Compliance Officer**

Planning & Assessment | Department of Planning, Industry and Environment

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**From:** [no-reply@majorprojects.planning.nsw.gov.au](mailto:no-reply@majorprojects.planning.nsw.gov.au) <[no-reply@majorprojects.planning.nsw.gov.au](mailto:no-reply@majorprojects.planning.nsw.gov.au)>

**Sent:** Monday, 7 September 2020 10:14 AM

**To:** [submissions@vgt.com.au](mailto:submissions@vgt.com.au)

**Cc:** Hala Fua <[Hala.Fua@planning.nsw.gov.au](mailto:Hala.Fua@planning.nsw.gov.au)>

**Subject:** Roberts Road Quarry - Independent Environmental Audit - Service Level Agreement

The Department has now commenced its detailed assessment of the Independent Environmental Audit for the Roberts Road Quarry.

The Department has classified this document as 'Regular'.

The Department may ask for additional information to complete its assessment.

If you have any enquiries, please contact Hala Fua on 8837 6328 /at [Hala.Fua@planning.nsw.gov.au](mailto:Hala.Fua@planning.nsw.gov.au).

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Department of Planning, Industry and Environment



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