

Hodgsons Roberts Rd Sand Quarry Independent Audit 4/6/2020 to 28/03/2023

Non-compliances, finding, recommendations and proposed actions

DA Conditions

Issue No.	Condition	Requirement	Issue sighted	Recommendation	Proposed Action	Due Date	DPE Request for Information 22-23/6/2023	Documentation
NC-01	Schedule 2	The Proponent, in acting on this approval, must carry out the project in accordance with:	Non-compliances have been identified with conditions of consent, triggering a non-compliance with this condition.	It is recommended that all non-compliances identified are addressed and closed out. Consider implementing a process to track compliance requirements and status.	This table will be reviewed monthly until all listed NC's are closed out. The report and review section of the OEMP will be strengthened when updated.	Every month until all closed out		This sheet
	Condition 2	(a) the conditions of this approval; and (b) all written directions of the Secretary						
NC-02	Schedule 2	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 DPIE 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 DPIE Water for three years from the date of approval of Modification 2 and thereafter as agreed with by the Secretary.	Surface Water Management Plan requires the following monitoring to be conducted:	Documented records should be maintained to verify monitoring and inspections have been completed in accordance with the Surface Water Management Plan.	Environmental monitoring checklist to updated to include these items. Weather forecast is routinely monitored and maintenance works checked, this will be recorded more robustly. Alarms set on weather station to advise when more than 70mm rainfall has been received in 5 days or less. The report and review section of the OEMP will be strengthened when updated.	7/07/2023	<p>1. Was the following monitoring undertaken in accordance with the Surface Water Management Plan (SWMP):</p> <p>a. Section 4.9.1 – Regular monitoring of soil erosion, sediment and water within 18 hours of a rainfall event of sufficient intensity and duration to cause runoff (approximately 70 mm of rainfall over 5 days);</p> <p>b. Section 4.9.3 – Visual check of stability and operation of all banks, ponds, channels and spillways undertaken monthly; and</p> <p>c. Section 4.9.3 – Visual inspection for evidence of tailgate discharge and/or sediment build-up at the exit to site undertaken weekly.</p> <p>2. If the answer to items 1a)-c) above is no, please advise why the monitoring was not undertaken as required.</p> <p>3. If the answer to items 1a)-c) above is yes, please advise why this information was not captured.</p> <p>Please provide the following records:</p> <p>13. Evidence the monitoring outlined in items 1a)-c) were undertaken.</p>	<p>CLOSED:</p> <p>Appendix A: a) Weather Event; b) Monthly WMP checks c) Tailgate and Road check eg to 230704. Weather station alarm set to 15mm per day (cumulative totals to be performed manually)</p>
	Condition 42	The Applicant shall implement the approved management plan as approved from time to time by the Secretary.	<ul style="list-style-type: none"> monitoring of the soil erosion, sediment and water is undertaken regularly and within 24 hours of expected rainfall and within 18 hours of a rainfall event of sufficient intensity and duration to cause runoff (approximately 70mm of rainfall over 5 days). 					
			<ul style="list-style-type: none"> Visual check of stability and operation of all banks, ponds, channels and spillways undertaken monthly. 					
			<ul style="list-style-type: none"> Visual inspection for evidence of tailgate discharge and/or sediment build-up at exit to site – Weekly 					
			However, no records were available to verify that inspections had been conducted.					
NC-03	Schedule 2	The results of the Groundwater Monitoring Program shall be reported to the Department and DPIE Water, using contour plans depicting the surface topography, updated contour maps of the wet weather high groundwater level of the regional aquifer and proposed depth of extraction for each extraction Phase.	Reporting on the Groundwater Monitoring Program not undertaken on a six monthly basis.	A process should be implemented to ensure that the results of the Groundwater Monitoring Program are reported to the Department and DPIE Water on a six monthly basis.	The DPI-Water will be approached to advise whether this requirement is still valid, and how the reporting should occur. The report and review section of the OEMP will be strengthened when updated.	DPI to be contacted by 30th June. Actions to follow if/as required	<p>4. Has the proponent prepared and implemented, in consultation with DPE Water, a process for the reporting of Groundwater monitoring results to the Department and to DPE Water on a 6-monthly basis.</p> <p>5. If the answer to item 4 above is no, outline the actions the project will implement to bring this condition into compliance.</p>	<p>CLOSED:</p> <p>Appendix B. Uploaded to portal (DA267-11-99-PA-35). DPE Water has no comment.</p>
	Condition 44	Reporting is to occur on a six monthly basis for the duration of extractive operations, and throughout rehabilitation of the site, unless otherwise agreed with the Secretary.						
		The Applicant shall implement the Groundwater Monitoring Program as approved from time to time by the Secretary.						

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NC-04	Schedule 2	The Applicant must prepare a Traffic Management Plan that must:	Traffic Management plan requires formal observation of compliance of both the Drivers Code of Conduct and Covering of Loads at three monthly intervals to be undertaken to document any departures and identify any remedial actions with employees, heavy vehicle drivers or haulage companies that may be necessary as a result of these observations.	Formal observation of compliance of both the Drivers Code of Conduct and Covering of Loads should be undertaken and documented at three monthly intervals.	Observation of compliance to be undertaken and recorded. Observations to re-occur in accordance with TMP	Every 3 months starting April 2023	<p>6. Was the observation of compliance with both the Drivers Code of Conduct and/or Covering of Loads conducted at three monthly intervals as required by the Traffic Management Plan?</p> <p>7. If the answer to item 6 above is no, please advise why the observation of compliance was not undertaken at three monthly intervals.</p> <p>8. If the answer to item 6 above is yes, please advise why the observations were not formally recorded.</p> <p>Please provide the following records:</p> <p>14. Evidence of the observation of compliance with both the Drivers Code of Conduct and/or Covering of Loads was conducted at three monthly intervals.</p>	CLOSED: Appendix C. Truck Driver Audit
	Condition 50A	(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;	No records of completion of formal observations were available.					
		(b) be prepared in consultation with TfNSW and Council;						
		(c) include a Drivers' Code of Conduct that contains procedures to ensure that drivers:						
		(i) adhere to posted speed limits or other required travelling speeds;						
		(ii) adhere to designated transport routes;						
		(iii) implement safe and quiet driving practices; and						
		(iv) minimise potential conflict with school buses.						
		(d) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct; and						
	(e) propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site.							
	The Applicant must submit the Traffic Management Plan for the approval of the Secretary by the 31 October 2021, or as otherwise agreed by the Secretary. The Applicant must implement the Traffic Management Plan as approved.							

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Issue No.	Condition	Requirement	Issue sighted	Recommendation	Proposed Action	Due Date	DPE Request for Information 22-23/6/2023	Documentation
NC-05	Schedule 2	The Applicant shall prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:	The Landscape and Rehabilitation Plan has not been updated each 3 year period, or following approval of DA 267-11-99 Mod 4.	A process should be implemented to ensure that the Landscape and Rehabilitation Plan is 3 yearly as required by 60(d) and following changes to conditions of approval.	LRMP will be updated and reviewed every 3 years. The report and review section of the OEMP will be strengthened when updated.	31/07/2023	<p>9. As the Landscape and Rehabilitation Management Plan (LRMP) been revised every 3 years, in accordance with Schedule 2, Conditions 60(d)?</p> <p>10. If the answer to item 9 above is no, please advise why and when you expect the next revision to take place. Please provide the following records:</p> <p>15. A copy of the most recent draft of the LRMP.</p>	CLOSED: Submitted 22/08/2023
	Condition 60	(a) be submitted to the Secretary for approval by 30 June 2017, unless otherwise agreed by the Secretary;						
		(b) provide details of the conceptual final landform and associated land uses for the site;						
		(c) describe the short, medium and long-term measures that would be implemented to ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;						
		(d) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following the 3 years covered by the initial approval of the plan) including the procedures to be implemented for:						
		<ul style="list-style-type: none"> maximising the salvage of environmental resources within the approved disturbance area for beneficial reuse; 						
		<ul style="list-style-type: none"> protecting vegetation and fauna habitat outside the approved disturbance area on-site; 						
		<ul style="list-style-type: none"> minimising the impacts on native fauna; 						
		<ul style="list-style-type: none"> landscaping the site to minimise visual and lighting impacts; 						
		<ul style="list-style-type: none"> reviewing improved pasture species and application rates; 						
		<ul style="list-style-type: none"> controlling weeds and feral pests; 						
		<ul style="list-style-type: none"> controlling erosion; 						
		<ul style="list-style-type: none"> controlling access; and 						
		<ul style="list-style-type: none"> bushfire management; 						
		(e) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;						
	(f) include a mass balance calculation to ensure that appropriate volumes of material are available to implement the final landform as described in this plan;							
	(g) provide for the construction and maintenance of the process water dam in accordance with the approved design and construction criteria (see Condition 42(b));							
	(h) identify the potential risks to the successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks; and							
	(i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.							
	The Applicant shall implement the management plan as approved from time to time by the Secretary							

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Issue No.	Condition	Requirement	Issue sighted	Recommendation	Proposed Action	Due Date	DPE Request for Information 22-23/6/2023	Documentation
NC-06	Schedule 2	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	A Conservation and Rehabilitation Bond has not been lodged with the Department.	The Conservation and Rehabilitation Bond should be finalised and lodged to DPE	The Bond will be finalised and submitted	Calculation included in LRMP to be submitted by 31/07/2023.	11. When do you expect to finalise and lodge the Conservation and Rehabilitation Bond to the Department?	OPEN: Negotiations underway with Dept
	Condition 61	determined by:						
		(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.						
NC-07	Schedule 2	The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this Consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this Consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	Exceedance of PM2.5 criteria in October 2021 a result of local bushfire.	Neither exceedance was the result of dust generation by quarry activities. No further action required.	No action required	7/07/2023	12. Provide a detailed response outlining the date, time, cause and details of the incident resulting in an exceedance of site PM2.5 dust criteria in September 2021.	CLOSED: AppD Description of Dust Exceedance
	Condition 64	Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:	Exceedance of Dust deposition criteria in 2022. Exceedance was found to be the result of contamination of the ample with sand as a result of maintenance activities in the near vicinity of the dust gauge, and not the result of dust generated by the project.					
		(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;	Both exceedances were reported to DPE with no further action required.					
		(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and						
		(c) implement remediation measures as directed by the Secretary,						
		to the satisfaction of the Secretary.						
NC-08	Schedule 2	Within 3 months of the submission of:		Hodgson Quarries should ensure that a process is implemented to review, and if required update, the strategies, plans, and programs required under this Consent in accordance with Condition 66. The outcomes of the review should be submitted to the Secretary for approval.	The report and review section of the OEMP will be strengthened when updated.	31/07/2023	Please note, the proposed actions for Schedule 2, conditions 67, 68, 68A, and 70 do not directly correlate to the Auditor's recommendations. Please ensure that the project identifies relevant actions that are to be implemented to bring the project into compliance.	CLOSED: Submitted 26/07/2023
	Condition 67	(a) an annual review under Condition 66 above;						
		(b) an incident report under Condition 68 below;						
		(c) an audit report under Condition 70 below; or						
		(d) any modification to the conditions of this Consent (unless the conditions require otherwise), the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this Consent to the satisfaction of the Secretary.						
	Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.							
	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.							

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NC-09	Schedule 2	The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.	An exceedance of site PM2.5 dust criteria occurred in September 2021 as a result of a local grassfire.	Hodgson Quarries should ensure that all incidents, including exceedances of site monitoring criteria, are reported to DPE in accordance with Condition 68.	The report and review section of the OEMP will be strengthened when updated.	31/07/2023	Please note, the proposed actions for Schedule 2, conditions 67, 68, 68A, and 70 do not directly correlate to the Auditor's recommendations. Please ensure that the project identifies relevant actions that are to be implemented to bring the project into compliance.	CLOSED: Submitted 26/07/2023
	Condition 68		The exceedance was not reported to DPE in accordance with Condition 68.					
NC-10	Schedule 2	Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Non-compliances identified in the 2021 Annual Review had not been submitted.	All non-compliances should be notified to DPE be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	The report and review section of the OEMP will be strengthened when updated.	31/07/2023	Please note, the proposed actions for Schedule 2, conditions 67, 68, 68A, and 70 do not directly correlate to the Auditor's recommendations. Please ensure that the project identifies relevant actions that are to be implemented to bring the project into compliance.	CLOSED: Submitted 26/07/2023
	Condition 68A							
NC-11	Schedule 2	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:	Previous Independent Environmental Audit conducted 4 June 2020.	Hodgson Quarries should ensure that audit are planned and undertaken within 3 years of the date of consent.	The report and review section of the OEMP will be strengthened when updated.	31/07/2023	Please note, the proposed actions for Schedule 2, conditions 67, 68, 68A, and 70 do not directly correlate to the Auditor's recommendations. Please ensure that the project identifies relevant actions that are to be implemented to bring the project into compliance.	CLOSED: Submitted 26/07/2023
	Condition 70	(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;	Current audit commenced 29 March 2023.					
		(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.						
		Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.						
NC-12	EPL	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.	Non-compliances have been identified with the requirements of EPL 6535, which trigger a non-compliance with this condition.	It is recommended that all non-compliances identified are addressed and closed out. Consider implementing a process to track compliance requirements and status.	The report and review section of the OEMP will be strengthened when updated.	31/07/2023	Please also note, non-compliances identified in the IEA to the project's Environmental Protection License (EPL 6535) have been referred to the EPA for consideration.	CLOSED: Submitted 26/07/2023
	A3.1	In this condition the reference to "the licence application" includes a reference to:						
		a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.						

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NC-13	EPL O1.1	Licensed activities must be carried out in a competent manner.	During the current audit, it was found that oils and chemicals had been stored in unbunded locations.	All chemical and hydrocarbon containers should be stored in a banded area.	Metals are to be sorted into those that are required for spare parts and repairs, and that which can be recycled or otherwise disposed of. An additional bund will be built in accordance with the relevant Australian Standard to house additional chemicals and hydrocarbons and replace the oil sock around the drums in the workshop. Stock of chemicals and oils will be run down. Empty drums and unused tyres will be picked up by a licenced contractor.	Remaining waste tyres: 30/08/2023. Spill pallets to be installed by 8/12/23	Please also note, non-compliances identified in the IEA to the project's Environmental Protection License (EPL 6535) have been referred to the EPA for consideration.	CLOSED: EPA email 11/12/2023
		This includes:	In addition, waste material, including used tyres was present in various locations on site	Waste material stored on site should be gathered and removed by the licenced contractor.				
		a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and		Metal parts stored in various locations on site should be sorted and stored in a single location in a neat and tidy manner.				
		b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.		Consider reducing the quantity of containers on site to enable storage within the existing banded facility.				