



Dixon Sand's Response to the Independent Environmental Audit 2016 for DA250-09-01 and DA165-07-05

Dixon Sand (Penrith) Pty Ltd

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1.0	15/02/2017	Hunsamon Churcher Environmental Officer	David Dixon Director – Dixon Sands (Penrith) Pty Ltd	DP&E Submission (submitted to Lauren Evans on 15/02/2017)
2.0	26/05/2017	Hunsamon Churcher Environmental Officer	David Dixon Director – Dixon Sands (Penrith) Pty Ltd	DP&E Submission as requested by the letter dated 12/05/2017. Submitted to DP&E's Compliance Team on 26/05/2017

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1. Development Consent Requirements	1
1.2. Background	2
1.3. Objective	3
2. OLD NORTHERN ROAD (DA250-09-01, MOD4) NON-COMPLIANCES, PROPOSED ACTIONS AND STATUS.....	4
3. HAERSES ROAD (DA165-07-05) NON-COMPLIANCES, PROPOSED ACTIONS AND STATUS.....	9
4. REPORTING.....	13

TABLES

Table 1: Non-Compliance and Action Plan for Old Northern Road quarry site (DA No. 250-09-01, MOD4).

Table 2: Non-Compliance and Action Plan for Haerses Road quarry site (DA No. 165-07-05)

ABBREVIATIONS

Dixon Sand	Dixon Sand (Penrith) Pty Ltd
DP&E	NSW Department of Planning and Environment
IEA	Independent Environmental Audit (Trevor Brown & Associates, 2016)
SEMP	Site Environmental Management Plan

1. INTRODUCTION

1.1. Development Consent Requirements

Dixon Sand (Penrith) Pty Ltd (Dixon Sand) operates two sand quarries in Maroota under two development consents.

Development Consent DA250-09-01 (Modification 4) contains consent conditions for the operation of the Old Northern Road Quarry site. Development Consent DA165-07-05 contains consent conditions for the operation of the Haerses Road Quarry site.

Development Consent DA 250-09-01 (Mod 4)

Condition 4.11 of Schedule 2 requires:

The Applicant shall commission an independent person(s) to undertake an Environmental Audit of the entire quarry at the following stages of the development:

- a) Before commencement of operations on strips 2, 3, 4, 5, and 6;
- b) At the end of the period of approval set out in condition 1.5; and
- c) At the completion of the Flora and Fauna Monitoring Program in condition 4.10, or as otherwise required by the **Secretary**.

The independent person(s) shall be approved by the **Secretary** prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted

to the **Secretary**, the **OEH**, the **EPA**, the **RMS** and Council within one month of the

completion of the Audit. The Audit shall:

- a) Be carried out in accordance with *ISO 14010 – Guidelines and General Principles for Environmental Auditing* and *ISO 14011 – Procedures for Environmental Auditing*;
- b) Assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
- c) Assess the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent;
- d) Review the effectiveness of the environmental management of the development, including any environmental impact mitigation works; and
- e) Independently review and validate monitoring systems and outcomes.

The **Secretary** may, having considered any submission made by the **OEH/ EPA**, the **RMS** or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the **Secretary** may require. The Applicant shall make the Environmental Audit Report available for public inspection on request. The **Secretary** may make the Environmental Audit Report available on the Department's internet site.

Condition 4.12 of Schedule 2 requires:

The Applicant shall provide a compliance report(s) to the **Secretary** detailing the implementation of the recommendations of the Environmental Audit Report (refer to condition 4.11). The compliance report(s) shall be submitted to the **Secretary** within such time, and at such frequency, as the **Secretary** may require. The Applicant shall make the compliance report(s) available for public inspection.

Development Consent DA 165-07-05

Condition 6 of Schedule 5 requires:

Within 3 years of the date of this consent, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
- b) be consistent with ISE 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or equivalent versions of these guidelines;
- c) assess the environmental performance of the development, and its effects on the surrounding environment;
- d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
- e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
- f) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.

Condition 7 of Schedule 5 requires:

Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations contained in the audit report.

1.2. Background

The appointment of Mr. Trevor Brown of Trevor Brown and Associates Pty Ltd was approved by the Department of Planning and Environment (DP&E) on 8 November 2016 as a suitably qualified person to undertake the IEA for the Old Northern Road and Haerses Road quarries.

Mr. Brown carried out the IEA for both quarries on site between 17 and 19 November 2016 which satisfied DA250-09-01 (Mod 4) Condition 4.11 of Schedule 2 and DA165-07-05 Condition 6 of Schedule 5.

Two IEA reports were issued to Dixon Sand:

- 1) Independent Environmental Audit – Old Northern Road Quarry Project (Brown, December 2016); and
- 2) Independent Environmental Audit – Haerses Road Quarry Project (Brown, December 2016).

Dixon Sand submitted the above IEA reports to the DP&E and relevant agencies on 16 December 2016.

1.3. Objective

The *Dixon Sand – Response and Action Plan for the Independent Environmental Audit v1.0* was previously submitted to the DP&E on 15 February 2017 within three months of the IEA being undertaken.

The DP&E requested Dixon Sand to submit action plans detailing the progress of each of the non-compliances identified during the IEA 2016 (letter dated 12 May 2017).

The *Dixon Sand – Response and Action Plan for the Independent Environmental Audit v2.0* (this document) has been prepared to satisfy the DP&E's abovementioned request.

This document contains Dixon Sand's response, proposed action plans and the status of the non-compliances identified during the IEA.

2. OLD NORTHERN ROAD (DA250-09-01, MOD4) NON-COMPLIANCES, PROPOSED ACTIONS AND STATUS

The Independent Environmental Audit – Old Northern Road Quarry Project (Trevor Brown and Associates, December 2016) identified five (5) Administrative Non-Compliances and one (1) Low Risk Non-Compliance with Development Consent DA250-09-01 Mod 4 conditions.

Table 1 lists the non-compliances identified during the IEA, Dixon Sand's proposed actions and the status of the proposed actions.

Table 1 – Non-Compliance and Action Plan for Old Northern Road quarry site (DA No. 250-09-01, MOD4).

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 2 Condition 3.34	The Applicant shall advise its drivers and its clients not to arrive at the site prior to 5.45 am on any day. Certified (under company seal) weighbridge dockets and a log book or equivalent computer records are to be kept to verify the arrival and departure times of vehicles. Copies of these records shall be summarized in the Annual Review.	Drivers and its clients are advised not to arrive at the Old Northern Road Quarry site prior to 5.45 am on any day in accordance with the approved Traffic Management Plan. Truck Movement Data for July 2015 to June 2016 have recorded the time-in of each truck arriving at the Old Northern Road Quarry site between 6.00am and 7.00am, and these records indicated that trucks had not arrived at site prior to 5.45am. Arrival time-in between 6.00am and 7.00 Monday to Friday is recorded for all trucks entering the site. Arrival time-in after 7.00am Monday to Friday is not recorded. Weighbridge dockets record departure time for every loaded truck that leaves the Old Northern Road Quarry site.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): An application to amend the quarry start time to 5:45am has been included in DA250-09-01 Modification 5 application which is in the process of being lodged.</p> <p>Status (May 2017): The DA250-09-01 Modification 5 application was lodged on 9 March 2017. Dixon Sand proposed:</p> <ul style="list-style-type: none"> • trucks be let in on-site at 5:45am and not allowed to leave site until 6:00am. • There is ambiguity between Conditions 3.30, 3.32 and 3.42 • The requirement to certify weighbridge dockets under company seal is obsolete <p>The submissions for DA250-09-01 Modification 5 did not raise any objections to the proposed time amendment. Dixon Sand is currently addressing the submissions and anticipated to submit the response to submissions in June 2017.</p>

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 2 Condition 3.42	<p>Loading of trucks and truck movements at the site must only be carried out between 6am and 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.</p> <p>All other activities at the premises must only be carried out between 7am and 6pm Monday to Saturday, and at no times on Sundays and Public Holidays.</p>	<p>Refer to condition 3.34. Loading of trucks and truck movements at the site do not commence until 6.00am Monday to Saturday. Drivers and its clients are advised not to arrive at the Old Northern Road Quarry site prior to 5.45 am on any day in accordance with the Development Consent 250-09-01 Schedule 2 condition 3.34 and approved EP5-Traffic Management Plan. Arrival times of vehicles at the Old Northern Road Quarry site are recorded on the Truck Movement Data Sheets recorded for each load at the weighbridge.</p>	Administration Non-Compliance	<p>Proposed Action (Feb 2017): See above.</p> <p>Status (May 2017): See above.</p>
Schedule 2 Condition 3.49A	By the end of June 2016, unless the Secretary agrees to extend this date, the Applicant shall make suitable arrangements to protect the Haerses Road Biodiversity Offset Area in perpetuity to the satisfaction of the Secretary.	Arrangements to protect the Haerses Road Biodiversity Offset Area in perpetuity were in the process of execution with the Dixon Sand solicitor at the date of this audit (November 2016).	Administration Non-Compliance	<p>Proposed Action (Feb 2017): Dixon Sand is in the process of arranging for a Public Positive Covenant in combination with Restrictions in Use of Land on the land titles of the Offset Area to protect the Haerses Road Biodiversity Offset Area in perpetuity. This matter is being dealt through Dixon Sand's Solicitor.</p> <p>Status (May 2017): The matter is still in progress. The progress has been delayed due to the requirement for the Bank to release the Property Title Deed to the Solicitor.</p>

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 2 Condition 3.49C	By the end of June 2016, unless the Secretary agrees to extend this date, the Applicant shall lodge a Conservation Bond with the Department to ensure that the Biodiversity Management Plan is implemented.....	The Conservation Bond had not been lodged at the date of this audit (November 2016). The calculation of the cost of implementing the Biodiversity Management Plan is to be prepared by a specialist ecological consultant. Dixon Sand corresponded with DP&E in relation to the requirement for a 'quantity surveyor' to be employed 'to verify the calculated costs' and was advised that a 'quantity surveyor' must be commissioned in accordance with the condition, or to include any proposed change to use a Senior Ecologist should be addressed through a Modification to the Development Consent.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): Dixon Sand proposes to substitute the 'quantity surveyor' with 'suitably qualified person' in the DA250-09-01 Modification 5 application. Calculation and lodgement of the conservation bond will be actioned following the determination of Modification 5.</p> <p>Status (May 2017): The DA250-09-01 Modification 5 application was lodged on 9 March 2017. The submissions for DA250-09-01 Modification 5 did not raise any objections to the proposed changes to this condition. Dixon Sand is currently addressing the submissions and anticipated to submit the response to submissions in June 2017. Calculation and lodgement of the conservation bond will be actioned once Modification 5 is approved.</p>

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 2 Condition 6.3(e)	A Rehabilitation and Landscape Plan to detail the proposed final land use and landform for the site and measures to be undertaken to create that landform and vegetation cover..... xi. details of all backfilling works, including source of materials and the grades and stability of all batters. Batter design should be in accordance with the provisions of DCP No 500 – Extractive Industries, and certification is to be provided by appropriately qualified engineers regarding the stability of all designed batters. Details of backfilling works were not available at the date of this audit.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): DCP No 500 is now obsolete. Dixon Sand is seeking to remove this condition in the DA250-09-01 Modification 5 application.</p> <p>Status (May 2017): The DA250-09-01 Modification 5 application was lodged on 9 March 2017. The submissions for DA250-09-01 Modification 5 did not raise any objections to the proposed changes to this condition. Dixon Sand is currently addressing the submissions and anticipated to submit the response to submissions in June 2017.</p>
Schedule 2 Condition 3.11	Any topsoil removed during operations must be stockpiled for use in the rehabilitation of the site. Topsoil should not be mixed with other overburden products. The topsoil stockpile location should have easy access and be protected from erosion. The topsoil stockpiles shall be sown with appropriate vegetation to stabilise the soil if they are to be stored for longer than six months. Topsoil stockpiles must have a maximum depth of 1.5 metres.	<p>The approved EP15 - Rehabilitation and Final Landscape Management specifies that stockpiles are to be kept to less than 3m high, left for less than 12months and revegetated with non-invasive, sterile species.</p> <p>A topsoil stockpile established in 1994, prior to the issue of Development Consent 796/00/HE is greater than 3m in height. This matter will be addressed in the next Modification to 250-09-01 when lodged.</p>	Low Risk Non-Compliance	<p>Proposed Action (Feb 2017): An amendment of stockpile height from 1.5 metres to 3 metres will be proposed in the DA250-09-01 Modification 5 application. An exemption of the topsoil stockpile established in 1994 will also be included in the modification.</p> <p>Status (May 2017): The DA250-09-01 Modification 5 application was lodged on 9 March 2017. The submissions for DA250-09-01 Modification 5 did not raise any objections to the proposed changes to this condition. Dixon Sand is currently addressing the submissions and anticipated to submit the response to submissions in June 2017.</p>

3. HAERSES ROAD (DA165-07-05) NON-COMPLIANCES, PROPOSED ACTIONS AND STATUS

The *Independent Environmental Audit – Haerses Road Quarry Project (Trevor Brown and Associates, December 2016)* identified six (6) Administrative Non-Compliances with Development Consent DA165-7-2005.

Table 2 lists the non-compliances identified during the IEA, Dixon Sand's proposed actions and the status of the proposed actions.

Table 2 – Non-Compliance and Action for Haerses Road quarry site (DA No. 165-07-05).

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 3 Condition 3.3	Within 3 months of the completion of the Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review and update the Maximum Extraction Depth Map for the development to the satisfaction of the Director-General.	The Maximum Extraction Depth Map had not been reviewed and/or revised following the 2012 Independent Environmental Audit. The Maximum Extraction Depth Map should be reviewed and updated if necessary following the assessment of the groundwater data conducted to address the recommendation in condition 2.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): The review of the Maximum Extraction Depth Map is in progress. Dixon Sand has commissioned a groundwater specialist to undertake this task.</p> <p>Status (May 2017): The Maximum Extraction Depth Map and Wet Weather Groundwater Levels were reviewed by Peter Dundon of Dundon Consulting. The revised Maximum Extraction Depth Map was submitted to the DP&E on 5 May 2017 and subsequently approved on 22 May 2017.</p>
Schedule 3 Condition 3.20	Within 3 months of the completion of each Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review, and if required, revise the Site Water Management Plan to the satisfaction of the Director-General.	The Site Water Management Plan was not reviewed/revise following the 2012 Independent Environmental Audit. The Site Water Management Plan and Environmental Monitoring Program should be reviewed, and revised if necessary, to ensure the Plan and Program still represent the soil and water management procedures implemented on the Haerses Road Quarry site.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): The review of the Site Water Management Plan is in progress.</p> <p>Status (May 2017): The SWMP was reviewed and no changes have been proposed. A letter outlining the review was submitted to the DP&E on 19 May 2017 (via registered mail).</p>

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 3 Condition 3.23	Within 3 months of the completion of each Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review and if required revise the Rehabilitation and Landscape Management Plan for the development to the satisfaction of the Director-General.	The Rehabilitation and Landscape Management Plan was not reviewed / revised following the 2012 Independent Environmental Audit, or the DP&E Compliance Audit 2015. The Rehabilitation and Landscape Management Plan should be reviewed, and revised if necessary, to ensure the Plan and Program still represent the soil and water management procedures implemented on the Hearses Road Quarry site.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): The review of the Rehabilitation and Landscape Management is in progress.</p> <p>Status (May 2017): The RLMP was reviewed and no changes have been proposed. A letter outlining the review was submitted to the DP&E on 19 May 2017 (via registered mail).</p>
Schedule 5 Condition 2	Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below) the Applicant shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the Director-General.	The Environmental Management Strategy was not reviewed/revised following the 2012 Independent Environmental Audit, or the DP&E Compliance Audit 2015. The Environmental Management Strategy should be reviewed, and revised if necessary, to ensure the Environmental Management Strategy still represents the procedures implemented on the Hearses Road Quarry site.	Administration Non-Compliance	<p>Proposed Action (Feb 2017): The review of the Environmental Management Strategy is in progress.</p> <p>Status (May 2017): The EMS was reviewed and minor changes have been proposed. A letter outlining the proposed changes and the reviewed EMS were submitted to the DP&E on 19 May 2017 (via registered mail).</p>

Condition	Condition Details	IEA 2016 Findings	Non-Compliance Classification	Dixon Sand Comments and Proposed Action
Schedule 5 Condition 3	Prior to the commencement of the development the Applicant, shall prepare (and following approval) implement an Environmental Monitoring Program for the development in consultation with relevant agencies, and to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in Schedule 3 of this consent into a single document.	<p>The Environmental Monitoring Program was prepared and approved by DoP on 31 August 2006 for the Haerses Road Quarry project. This Environmental Monitoring Program consolidates the various monitoring requirements in Schedule 3 of this consent into a single document. Monitoring requirements in Schedule 3 Include:</p> <ul style="list-style-type: none"> Condition 10 - noise monitoring Condition 14 - air quality monitoring Condition 19 – groundwater monitoring Condition 23 – rehabilitation performance monitoring Condition 32 – waste generation Monitoring <p>The Environmental Monitoring Program does not include waste and rehabilitation monitoring. The Environmental Monitoring Program should be reviewed and revised to include all monitoring required under Development Consent 16507-2005 Schedule 3.</p>	Administration Non-Compliance	<p>Proposed Action (Feb 2017): The review of the Environmental Monitoring Program is in progress. Dixon Sand will ensure all relevant consent conditions have been included in the review: Condition 10 - noise monitoring Condition 14 - air quality monitoring Condition 19 – groundwater monitoring Condition 23 – rehabilitation performance monitoring Condition 32 – waste generation Monitoring</p> <p>Status (May 2017): The EMP was reviewed and the proposed inclusion of Conditions 10, 14, 19, 23 and 32 actioned. A letter outlining the proposed changes and the reviewed EMP were submitted to the DP&E on 19 May 2017 (via registered mail).</p>
Schedule 5 Condition 4	Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.	<p>The Environmental Monitoring Program was not reviewed/revised following the 2012 Independent Environmental Audit, or the DP&E Compliance Audit 2015. The Environmental Monitoring Program should be reviewed, and revised if necessary, to ensure the Plan and Program still represents the monitoring required for the Hearses Road Quarry site.</p>	Administration Non-Compliance	<p>Proposed Action (Feb 2017): See above.</p> <p>Status (May 2017): See above.</p>

4. REPORTING

The status and progress of the proposed actions will be reported in the next Annual Review for the period of 1 July 2016 to 30 June 2017.