



11 October 2019

Department of Planning, Industry and Environment
PO Box 3145
Singleton NSW 2330
Attention: Ann Hagerthy

Dear Ann,

In accordance with (Schedule 5 Condition 7) of Project Approval MP09_0091 please find enclosed a copy of the Independent Environmental Audit (IEA) prepared by Pitt & Sherry and the subsequent Response to Auditor Recommendations (RAR) prepared by Sibelco (Table 1) in accordance with (Schedule 5 Condition 8).

If you require any further information, please contact Liam O'Grady on 02 9458 2968 or email: liam.ograde@sibelco.com.au

Regards,

A handwritten signature in blue ink, appearing to read "Peter Dunn", is written over a light blue horizontal line.

Peter Dunn
Sustainability Manager



Independent Environmental Audit

Sibelco Northern Dune Extension

Prepared for
Sibelco

Client representative
Liam O'Grady

Date
11 October 2019

Rev1.1



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Appendices

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Prepared by — S Bourke



Date — 11/10/2019

Reviewed by — K Holmes



Date — 11/10/2019

Authorised by — K Holmes



Date — 11/10/2019

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A	Draft	S Bourke	K Holmes and A Bishop	K Holmes and A Bishop	9-10-2019
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Acronyms	
CCC	Community Consultative Committee
DECC	Department of Environment and Climate Change
DoI	Department of Industries
DPI	Department of Planning and Infrastructure
DP&E	Department of Planning and Environment (formerly DP&I)
DRE	Department of Resources and Energy
EMP	Environmental Management Plan
EMS	Environmental Management Strategy
EPA	NSW Environment Protection Authority
EPBC	Environmental Protection and Biodiversity Conservation Act
EPL	Environmental Protection License
IEA	Independent Environmental Audit
ONMP	Operational Noise Management Plan
NOW	NSW Office of Water
NPWS	National Parks and Wildlife Services
NRAR	Natural Resources Access Regulator
OEH	NSW Office of Environment and Heritage
PA	Project Approval
RAPs	Registered Aboriginal Parties
RFS	Rural Fire Service
RMP	Rehabilitation Management Plan
SoC	Statement of Commitments

Executive Summary

pitt&sherry was engaged by Sibelco to conduct an Independent Environmental Audit (IEA) of the Tanilba Northern Dune Extension Project, located off Oyster Cove Road, Tanilba Bay, NSW. The audit comprised a site inspection on 7 August 2019, as well as document reviews, interviews with personnel and report preparation.

The purpose of the audit, that was undertaken in accordance with the **pitt&sherry** proposal (dated 6 June 2019), was to determine if the compliance obligations contained in the Project Approval (MP09_0091 of Schedule 5, Condition 7) were being met. The Condition states:

Within 1 month of the completion of quarrying operations, unless the Director-General 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 suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;

(b) include consultation with the relevant agencies;

(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval 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 approval or licences; and

(e) be completed within 2 months of the approval of the audit team.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

The mining operations were completed in January 2019 and site rehabilitation has commenced and all disturbed areas have been planted. The site was found to be in good condition during the site inspection and no evidence of significant environmental harm was identified. The site inspection, detailed review of documentation and interviews identified several compliance issues. These issues are outlined in the compliance section of this audit report (Table 5) as well as summarised below.

In general, operational environmental management activities observed during the site inspection were being carried out in a competent manner, with the non-compliances identified by the Auditors being the exception. Those non-compliances and other recommendations are detailed in the body of this report. During the site inspection and audit review, non-compliances and opportunities for improvement were identified in the following areas:

1. Implementation of all actions required by the Director General (or delegate) in accordance with the timelines requested.
2. Implementation of future monitoring to be undertaken on this project is conducted by appropriately qualified personnel.
3. Implementation of fauna monitoring to be undertaken in accordance with the Biodiversity Management Plan.
4. Lodgement of all rehabilitation bonds with DPIE.
5. Implementation of all DPIE recommendations and the scope of works as provided in Kleinfelder's proposals to Sibelco.
6. Implementation of all future audit and reporting actions on time as required by the Approval.

Auditor Certification

Independent Audit Certification Form	
Development Name	Tanilba Northern Dune Extension Project
Development Approval No.	MP09_0091
Description of Development	Post Closure Sand Quarry
Development Address	Oyster Cove Road, Tanilba Bay, NSW
Proponent	Sibelco Australia Limited
Operator Address	Level 16, 111 Pacific Hwy, North Sydney, NSW, 2060
Independent Audit	
Title of Audit	Sibelco Northern Dune Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>• The audit has been undertaken in accordance with relevant approval condition(s) and in general accordance with the auditing standard AS/NZS ISO 19011:2011 and in general conformance with the DPE's Independent Audit Post Approval Requirements (June 2018).</i> <i>• The findings of the audit are reported truthfully, accurately and completely;</i> <i>• I have exercised due diligence and professional judgement in conducting the audit;</i> <i>• I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> <i>• I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> <i>• I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> <i>• Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> <i>• I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p><i>Note.</i></p> <p><i>a) The Independent Audit is an 'environmental audit' for the purposes of section 122B (2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead/Principal Auditor	Ken Holmes
Address	4 Baeckea Place, Frenchs Forest, NSW
Email Address	ken@baeckea.com.au
Auditor Certification (if relevant)	Exemplar Global 14065
Date	6 October 2019

1. Introduction

pitt&sherry was engaged by Sibelco to conduct an Independent Environmental Audit (IEA) of the Tanilba Northern Dune Extension Project, located off Oyster Cove Road, Tanilba Bay, NSW. The audit comprised a site inspection on 7 August 2019, as well as document reviews, interviews with personnel and report preparation.

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(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval 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 approval or licences; and

(e) be completed within 2 months of the approval of the audit team.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

1.1 Auditee Details

Audit Title:	Sibelco Northern Dune Independent Environmental Audit
Site:	Oyster Cove Road, Tanilba Bay, NSW
Client Contact:	Liam O'Grady
Position:	Sustainability Officer
Client:	Sibelco Australia Limited
Client Address:	Level 16, 111 Pacific Hwy, North Sydney, NSW, 2060
Client Phone Number	0294582968
Client Email:	Liam.ogrady@sibelco.com.au
Audit Team:	Ken Holmes – Certified Lead Auditor Samantha Bourke – Environmental Auditor
Auditor's Telephone:	0438 046 261
Auditor's Email:	ken@baeckea.com.au
Date of Site Visit	7 August 2019
Audit Scope:	The audit was undertaken as per the brief outlined in the pitt&sherry proposal (dated 6 June 2018). As such, the audit provides an assessment of the compliance of the project with the operational Conditions of Approval MP09_0091.

2. Audit process

The audit process and methodology are described in this section, and comprised the following key undertakings:

- Preliminary planning activities
- Review of information and preparation of a compliance register (audit protocol / checklist)
- Site inspection and interviews:
 - Opening meeting
 - Site inspection
 - Review of relevant records
- Review of additional information provided after the site inspection
- Preparation of this audit report.

2.1 Preliminary activities

Off-site planning for the site audit comprised:

- Initial discussions with Liam O’Grady, to organise the site inspection
- Prepare the audit compliance checklist
- Completion of a pitt&sherry Site Risk Assessment
- Undertake site safety induction
- Review of online information
- Submission of a preliminary document / record request
- Consultation with relevant agencies.

2.1.1 Approval of audit teams

Sibelco sought the Secretary’s endorsement for the audit team to undertake this Independent Environmental Audit.

The Secretary approved the following team on 11 June 2019 (**Appendix C**):

- Ken Holmes – Certified Lead Auditor
- Samantha Bourke – Environmental Auditor

2.1.2 Consultation with Agencies

The Audit team consulted with the following agencies during the audit planning stage:

- Department of Planning, Industry and Environment (DPIE);
- Office of Environment and Heritage (OEH);
- Natural Resources Access Regulator (NRAR)
- NSW Environment Protection Authority (EPA);
- Port Stephens Council (Council)

Letters were sent (via Email) to each of the above agencies advising them of the audit and the scope of the audit and inviting them to provide comments/requirements or specific environmental issues they required the audit to target.

2.2 Information Review and Compliance Register

Prior to the site inspection the Auditors developed a detailed audit checklist (spreadsheet) that was used to assess and track compliance. This spreadsheet formed the basis of the compliance register presented in **Appendix B** of this report.

2.3 Site audit

The audit team conducted the site inspection component of the audit on 7 August 2019.

2.3.1 Opening Meeting

Following site inductions, the opening meeting was held on-site. It was attended by the following personnel:

- Liam O’Grady, Sustainability Officer – Sibelco Australia Limited;
- Paul Bourne, QSE Coordinator – Sibelco Australia Limited
- Rob Townsend, Senior Environmental Advisor - Kleinfelder
- Ken Holmes (Lead Auditor) – Barnett and May; and
- Samantha Bourke (Auditor) – Pitt and Sherry.

Introductions were made, and the purpose and scope of the audit was outlined. An explanation of the audit process was communicated. That is, a site inspection, site interviews and detailed review of records in order to identify compliance with the approval conditions relevant to the current operations at the site.

2.3.2 Site Inspections

A general tour of the site was attended by the audit team, Ken Holmes and Samantha Bourke, accompanied by Mr O’Grady and Mr Bourne. As the site was no longer operational, the site inspection included observation of:

- Site Access and Security;
- Rehabilitation Works; and
- Groundwater Monitoring Bores.

2.3.3 Site Interviews

Audit interviews comprised of a series of meetings and telephone conversations with:

- Liam O’Grady, Sustainability Officer – Sibelco Australia Limited
- Paul Bourne, QSE Coordinator – Sibelco Australia Limited and;
- Rob Townsend – Senior Environmental Advisor Kleinfelder

2.3.4 Document review

Compliance related documents that were not available prior to, and during site discussions of, the audit, were requested to be provided following the audit. Sibelco personnel assisted with the provision of documentation following the audit, through secure file transfer mechanisms. The key documents reviewed during this audit are listed in the Compliance Registers against specific conditions.

2.4 Reporting

The compliance register was completed using notes and observations recorded during the site inspection / interviews and review of appropriate documentation. The completed compliance register is presented in **Appendix B**. A summary of the non-compliances identified during this audit are provided in Table 5. The audit criteria used to determine compliance for this audit is defined in Table 1.

Table 1 Compliance assessment criteria

Assessment	Criteria
Compliance	<p>Compliance</p> <p>The site complies with the requirements of applicable pre-operational Approval Conditions.</p> <p>A judgment made by an auditor that the activities undertaken, and the results achieved fulfil the specified requirements of the audit criteria. While further improvements may still be possible, the minimum requirements are being met.</p>
Non-Compliance	<p>Non-Compliance</p> <p>Clear evidence has been collected to demonstrate the requirement has not been complied with and is within the scope of the audit.</p> <p>Site displays little or no evidence of compliance with the requirements of the regulatory documentation.</p> <p>Note: Where the auditor has not been able to collect enough verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit, non-compliance would be recorded. In the absence of enough verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. As the condition cannot be verified it is treated as a non-compliance.</p>
Not Triggered	<p>Not Applicable / Not Triggered</p> <p>The respective condition / requirement was not activated within the scope of the audit.</p>
Noted	<p>A statement or fact, where no assessment of compliance is required.</p>

Risk levels for any non-compliances were identified consistent with Table 2.

Table 2 Risk Assessment Matrix

Risk Level	Description
High	Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium	<p>Non-compliance with:</p> <ul style="list-style-type: none"> • potential for serious environmental consequences, but is unlikely to occur; or • potential for moderate environmental consequences but is likely to occur.
Low	<p>Non-compliance with:</p> <ul style="list-style-type: none"> • potential for moderate environmental consequences, but is unlikely to occur; or • potential for low environmental consequences but is likely to occur.
Administrative non-compliance	Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

3. Stakeholder Consultation

Table 3 provides a summary of the Stakeholder Consultation undertaken by the Auditors.

Table 3 Stakeholder Consultation Summary

Department	Contact	Consultation Actions	Stakeholder Comments	Auditor Response
NSW Department of Planning, Industry and Environment	Anne Hagerthy – Senior Compliance Officer.	<ol style="list-style-type: none"> 1. Email sent on date 8/8/2019 2. Email received on date 13/08/2019. 3. Email reply on date 13/9/2019 to Anne Hagerthy noting DPIE comments. <p>No further consultation was undertaken.</p>	<p>Anne Hagerthy – DPIE</p> <p>“Hi Samantha, Thanks for your email. Please draw particular attention to the performance of the rehabilitation and whether it will meet final landuse/completion criteria, as well as current performance goals.</p> <p>Unfortunately, I am unable to respond on behalf of the OEH and DRE sections of the department. Please consult with the relevant contacts directly.</p> <p>Regards, Ann Hagerthy Senior Compliance Officer”</p>	<p>The Auditee inspected the site and rehabilitation works including all areas associated with the Extension Area. Planting has occurred in all areas. Monitoring reports prepared by Kleinfelder indicate that the rehabilitation works in the Extension Area is satisfactory.</p> <p>The initial rehabilitation plantings were completed in 2019 and at this stage it is not possible to predict if final landuse / completion criteria will be met.</p>
Port Stephens Council	Jordan Skinner – Natural Resources Team Leader.	<ol style="list-style-type: none"> 1. Email sent on date 8/8/2019 2. Email received on date 9/8/2019 from Jordan Skinner 3. Email reply on date 13/9/2019 to Jordan Skinner noting Port Stephens Council comments. <p>No further consultation was undertaken.</p>	<p>Jordan Skinner – Port Stephens Council</p> <p>“Hi Folks</p> <p>I am booked in to inspect this site on the 29th of September in relation to their annual monitoring report, but at present I am unfamiliar with the report and the conditions of their approval.</p> <p>If there is something in particular you would like me to look into on site, I am more than happy to do so, or something else in particular you would like help with, please let me know.</p> <p>This is not top priority for me as there is no Council land nearby. I have a passing interest in that my role is to restore natural environments in PSC, but that about it.</p>	<p>Council had no concerns or issues requiring investigation by the Auditor.</p>

Department	Contact	Consultation Actions	Stakeholder Comments	Auditor Response
			<p>Was Council the determining authority on the approval? If so, I may be able to point you in the direction of our compliance team."</p>	
<p>NSW EPA</p>	<p>NSW EPA officer Michael Howat</p>	<p>1. Email sent on date 13/8/2019 2. Email notification of sent email 13/8/2019. 3. Follow up email sent on date 3/10/2019.</p> <p>Email reference ID: 00868789 (ref:_00D7F6iTix._5007Fp0n4F:ref)</p> <p>Email reference ID: Id is 00868789 (ref:_00D7F6iTix._5007Fp0n4F:ref)</p> <p>No further consultation was undertaken.</p>	<p>Samantha, Apologies that you had not received a reply on this matter. When it was received in August it was assigned to an officer that is no longer with the EPA and was subsequently missed, so I apologise for that.</p> <p>Regarding the audit – the only issues the EPA wishes to note is about the recent finding of asbestos material fragments at the site. The EPA and Department of Planning Industry and Environment (DPIE) have been in consultation with Sibelco on this matter. The proposed action/response from DPIE to Sibelco is to require an assessment by a certified environmental consultant to determine the extent of asbestos contamination, appropriately remediate per the Managing Asbestos in Soils Guideline (2014) and legally dispose of, then conduct validation sampling and site walk over to confirm it has been removed and meets the NEPM Schedule B1, Health Screening Level C for Recreation/Open Space. Although I have not seen the outgoing correspondence from DPIE to Sibelco confirming this, that's my understanding from discussion with DPIE.</p> <p>If you would like to discuss any of this further please don't hesitate to contact me on the numbers below or the relevant DPIE contact is Ann Hagerthy (6575 3407 or ann.hagerthy@planning.nsw.gov.au).</p> <p>Kind regards Michael Howat</p>	<p>The Auditor noted this requirement during the Audit.</p> <p>Sibelco have yet to complete the investigation and clean-up of the asbestos cement sheet fragments.</p>

Department	Contact	Consultation Actions	Stakeholder Comments	Auditor Response
OEH	Sibelco did not provide main contact.	1. Email sent on date 13/8/2019 2. Email notification of sent email 13/8/2019. 3. Follow up email sent on date 3/10/2019. No further consultation was undertaken.	Email reference ID – as above.	No response was received from OEH
DRE / NRAR	Sibelco did not provide main contact.	1. Email sent on date 13/8/2019 2. Email notification of sent email 13/8/2019. 3. Follow up email sent on date 3/10/2019. No further consultation was undertaken.	Email reference ID- FIN0017935. Email reference ID: FIN0039743.	No response was received from DRE / NRAR

4. Statutory Compliance and Recommendations

Compliance with the Conditions of Approval and the Environment Protection Licence has been reviewed by assessing compliance against the various documentation related to project approval, as listed in Section 2.2 of this report. The Compliance Register presented in **Appendix B** provides a detailed review of the compliance status of the site, including recommendations to address non-conformances.

4.1 Summary of Compliance Status

A summary of compliance with statutory requirements is provided in *Table 4*. The number of conditions include sub-clauses within each approval document.

Table 4 Summary of Statutory Compliance

Approval/ Licence	No. of Conditions	Compliant	Non- Compliant	Noted	Not Assessed	n/a or Not Triggered
MP09_0091. EPL 11633	132	82	17	9	0	24

4.2 Non-Compliances and other recommendations

Non-compliances identified during the site inspection, interviews and document reviews are recorded in detail in the Compliance Registers in **Appendix B** and are summarised in *Table 4*. Other recommendations are listed in *Table 5*. Recommendations have been made to address all identified Non-Compliances and other identified recommendations.

Table 5 Non-Compliances and Recommendations

No.	Condition	Observation	Recommendation	Risk Level
PROJECT APPROVAL - MP09_0091				
Sch 2 Condition 2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Statement of Commitments; and (c) conditions of this approval.	The Auditor has identified non-compliances against a number of Conditions of Approval and therefore a non-compliance is recorded against this Condition. Specific non-compliances are detailed and discussed below.	Refer to specific recommendations below.	Administrative non-compliance
Sch 2 Condition 4	The Proponent shall comply with any reasonable requirement/s of the Director-General 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.	Sibelco failed to report the status of compliance with extraction depth limits despite DPIE requiring this be provided by the following dates: 21 October 2016, 28 February 2017, 6 July 2017, 28 November 2018 and 13 December 2018. Another survey was also requested in accordance with this condition in December 2018, however, this was not submitted until 8 February 2019, following three prompts from the department. Sibelco failed to provide the requested landform survey report to DPIE within the required three-week time frame specified by DPIE.	Ensure that all current and future actions required by the Director General (or delegate) are implemented in accordance with the timelines requested.	Administrative non-compliance
Sch 3 Condition 2	The Proponent shall ensure that the operational noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.	The auditors reviewed the Monitoring data sheets from the Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 onwards. Prior to 23/01/2017 through to May 2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring to the required standard and consequently undertook the monitoring in the incorrect locations (at the dust monitoring sites) using inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring. Noise levels were recorded on 22/02/2017 and 23/05/2017 and reported in the 2017-18 AEMR. The results suggested an exceedance with the noise limits, however the monitoring was conducted in the incorrect location by Sibelco staff. The Auditor accepts that the monitoring undertaken prior to the appointment of Global Acoustics may not have been accurate, therefore the Auditor is unable to verify compliance with noise limits for that period.	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Low

No.	Condition	Observation	Recommendation	Risk Level
Sch 3 Condition 5	<p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be submitted to the Director-General for approval prior to commencing quarrying operations;</p> <p>(b) include quarterly attended noise monitoring during at least the first two years of quarrying operations, to be conducted on days when at least 30 truck dispatches occur from the site; and</p> <p>(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 criteria in this approval.</p>	<p>The proponent has prepared a Noise Monitoring Program in accordance with Appendix F - Noise Monitoring Program in the Environmental Management Plan May 2018.</p> <p>a) The Environmental Management Strategy was submitted to the Director General prior which included the subplans and programs in the EMP Appendices. Approved by DPIE on date 6/2/2018.</p> <p>b) The auditors sighted the Monitoring Data Summary 23/11/2017 Onwards which provides a summary of the results of the monitoring in accordance with the program.</p> <p>c) The Auditors sighted Appendix F of the EMP which provides the details of how noise performance of the project would be monitored including the Noise Monitoring Locations in Figure F1 of Appendix F.</p> <p>While an appropriate Noise Monitoring Program was prepared and approved, the Program was not properly implemented prior to August 2017. This is evident in letter from DPIE dated 8/03/2018.</p>	<p>Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.</p>	<p>Low</p>
Sch 3 Condition 7	<p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the dust emissions of the project;</p> <p>(b) regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise any visible off-site air pollution; and</p> <p>(d) minimise surface disturbance of the site, other than as permitted under this approval.</p>	<p>Dust Deposition monitoring ceased at location TB2/D4 in February due to the dust deposition bottle being vandalized. The monitoring recommenced in March. However, the results were not included in the AR.</p> <p>The Auditors have not viewed or have been provided with evidence confirming Sibelco's notification that dust monitoring ceased at location TB2/D4 in February to DPIE.</p>	<p>Ensure the approved Dust Monitoring Program is implemented.</p>	<p>Low</p>
Sch 3 Condition 10	<p>The Proponent shall not extract sand or other extractive materials or carry out any work in the extraction area below a level of 0.7 m above the predicted maximum</p>	<p>The proponent has extracted material in the extraction area below a level of 0.7m above the predicted maximum groundwater elevation.</p> <p>This non-compliance was identified on 6 July 2018, following a review of the May 2018 survey for works in a different part of the site (central and east), the</p>	<p>As quarrying operations ceased in January 2019, no operational</p>	<p>Low</p>

No.	Condition	Observation	Recommendation	Risk Level
	groundwater elevation (see condition 14 of schedule 3), other than the construction of any bores approved by NOW.	<p>Department wrote to Sibelco advising of a potential non-compliance with extraction limits.</p> <p>That investigation led to the Department issuing a Warning Letter (28 November 2018) for failing to comply with extraction depth limits (Schedule 3, Condition 10). Subsequently a penalty notice was issued. Sibelco paid the \$15,000 penalty notice on 10/05/2019.</p>	recommendation can be made.	
Sch 3 Condition 11	The Proponent shall ensure that the final landform of the extraction area must be at least 1 metre above the predicted maximum groundwater elevation.	<p>*Not verified</p> <p>In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that DPIE has reviewed of the final landform survey indicates several areas in the southwestern portion of the site are approximately 0.1 metre below the final landform limit, and consequently are non-compliant with Schedule 3, Condition 11.</p> <p>The elevation of the final landforms could not be verified by the auditor.</p> <p>In a phone call with Sibelco Liam O'Grady and Peter Dunne and the Auditors Ken Holmes and Samantha Bourke on 11/10/2019 Sibelco are planning on engaging surveyors to redo the site survey to resubmit to DPIE.</p>	<p>The final landform of the extraction area cannot be verified of meeting this condition.</p> <p>Ensure Sibelco actions the re-survey of the extraction area and submits to DPIE for approval.</p>	Low
Sch 3 Condition 15	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General.	<p>The Biodiversity Management Plan has been prepared and the report author was approved by DPIE. The plan has been approved by DPIE.</p> <p>The Plan has been implemented with the following exception: The auditor has reviewed the AEMR 2019 and notes the proposal for Kleinfelder to conduct fauna monitoring has been provided to DPIE. However, no monitoring of the fauna has been undertaken.</p> <p>The implementation of the plan is generally compliant except for instances including:</p> <p>Annual Rehabilitation monitoring 2018:</p> <ul style="list-style-type: none"> - Weed control is ongoing and required to be increased - Key species planting is on track but not complete 	Ensure that all actions / outcomes committed to in the Biodiversity Management Plan are implemented.	Low

No.	Condition	Observation	Recommendation	Risk Level
		<p>In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that the following were not complete:</p> <ul style="list-style-type: none"> - The weed and pest control in rehabilitation and biodiversity offset areas was not undertaken during the reporting period 2018-2019 AEMR. - Biodiversity monitoring (targeted species) of the Wallum Froglet, Koala and Uperoleia species was not undertaken as required, including annual and targeted surveys. - Biodiversity monitoring of vegetation and fauna habitats (in addition to Wallum Froglet, Koala and Uperoleia species) was not undertaken in the biodiversity offset areas. - Rehabilitation and regeneration of Regenerating Grassland – Heath was not undertaken in the biodiversity offset areas. - Expansion and enhancement of the koala habitat was not undertaken. <p>In an email from Sibelco (Liam O'Grady - Sustainability Officer) to the Auditors dated 19/09/2019 the final planting began on the 10 July 2019 and was complete on the 13 July 2019.</p> <p>The auditor has reviewed the Annual Rehabilitation Report 2018 and the Kleinfelder report provides evidence that the rehabilitation has not been completed in accordance with BMP. Due to the number of weeds onsite.</p> <p>The auditor has reviewed the AEMR 2019 and notes the proposal for Kleinfelder to conduct fauna monitoring has been provided to DPE. However, no monitoring of the fauna has been undertaken.</p>		
Sch 3 Condition 20	Prior to commencing quarrying operations, the Proponent shall lodge a rehabilitation bond for the project with the Director-General. The Proponent may lodge the rehabilitation bond in two portions. The first portion for 4.5 hectares must be lodged with the Department prior to commencing quarrying operations, with no land disturbance to exceed 4.5 hectares until the second portion of the bond is accepted by the Department.	<p>The Proponent has not lodged the second instalment of the rehabilitation bond. Evidence provided shows compliance with the first portion for 4.5 hectares was lodged with the Department prior to commencing quarrying operations. However, no evidence was provided to show that no land disturbance exceeded 4.5 hectares prior to the second portion of the bond being accepted by the Department.</p> <p>The evidence provided confirms the sum of the bond is calculated at \$2.50/m² for the area to be disturbed by quarrying operations, to the satisfaction of the Director-General.</p>	Ensure that all rehabilitation bonds are lodged with DPIE	Administrative non-compliance

No.	Condition	Observation	Recommendation	Risk Level
	<p>The sum of the bond shall be calculated at \$2.50/m² for the area to be disturbed by quarrying operations, to the satisfaction of the Director-General.</p> <p>If rehabilitation and revegetation works have been completed in accordance with the Rehabilitation Management Plan and to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond.</p> <p>If rehabilitation and revegetation works are not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the rehabilitation bond and arrange for the satisfactory completion of the relevant works.</p>	<p>It is noted that if rehabilitation and revegetation works have been completed in accordance with the Rehabilitation Management Plan and to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond.</p> <p>It is noted that if rehabilitation and revegetation works are not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the rehabilitation bond and arrange for the satisfactory completion of the relevant works.</p>		
Sch 3 Condition 24	<p>Prior to commencing quarrying operations, the Proponent shall:</p> <p>(a) install “Trucks Crossing” and “Trucks Entering” warning signs on Nelson Bay Road on both the western and eastern approaches to the intersection of Lemon Tree Passage Road; and</p> <p>(b) pay the full cost of this installation, to the satisfaction of RMS.</p>	<p>a) No evidence provided. No signs sighted during site visit in August 2019.</p> <p>(b) No evidence of payment of the full cost of the installation, or correspondence confirming the satisfaction of RMS with the installation.</p>	As quarrying operations were ceased in January 2019, no operational recommendation can be made.	Administrative non-compliance
Sch 5 Condition 1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must:</p> <p>(a) be submitted to the Director-General for approval prior to the commencement of quarrying activities;</p> <p>(b) provide the strategic framework for environmental management of the project;</p>	<p>The Environmental Management Plan May 2018 has been approved by DPIE however has not been implemented in accordance with the approved EMP 2018.</p> <p>In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O’Grady - Sustainability Officer) dated 4/10/2019 it was noted that the following were non-compliant:</p> <p>- Groundwater monitoring – monitoring events (TPH in September 2018, and monthly water levels) were not undertaken in accordance with the approved Groundwater Monitoring Program (2017).</p>	Ensure the approved Environmental Management Strategy is implemented.	Low

No.	Condition	Observation	Recommendation	Risk Level
	<p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> - keep the local community and relevant agencies informed about the operation and environmental performance of the project; - receive, handle, respond to, and record complaints; - resolve any disputes that may arise during the course of the project; - respond to any non-compliance; and - respond to emergencies; and <p>(f) include: copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and a clear plan depicting all the monitoring to be carried out in relation to the project.</p>	<p>In 2017, Sibelco failed report the status of compliance with extraction depth limits (21 October 2016, 28 February 2017, 6 July 2017, 28 November 2018 and 13 December 2018).</p> <p>Another survey was also requested in accordance with this condition December 2018, however, this was not submitted until 8 February, following three prompts from the department.</p> <p>In 2019, Sibelco failed to provide the requested landform survey report to DPE within the required three week time frame specified by DPE.</p>		
Sch 5 Condition 3	<p>Within 12 months of the commencement of quarrying operations, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works (including rehabilitation) that were carried out in the previous year, and the works that are proposed to be carried out over current year;</p>	<p>The AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019 have been sighted and the documents cover the environmental performance of the Project to the satisfaction of the Director General/Department of Environment.</p> <p>The AEMRs have been prepared in accordance with the Director-General's guidelines and adequately address the requirements of this with this condition.</p> <p>The DPIE review of 2017-2018 Annual Review (AR) for the reporting period 1 April 2017 to 31 March 2018 noted the following deficiencies:</p>	<p>Ensure that all DPE recommendations are implemented and that the scope of works as provided in Kleinfelder's proposals are implemented.</p>	Low

No.	Condition	Observation	Recommendation	Risk Level
	<p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> · the relevant statutory requirements, limits or performance measures/criteria; · the monitoring results of previous years; and · the relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	<ul style="list-style-type: none"> - Weed monitoring and weed control has not been undertaken in the biodiversity offset areas as committed to in the Biodiversity Management Plan (BMP) (Section 5.1.5) - no monitoring undertaken in the biodiversity offset areas for the Wallum Froglet, Uperoleia sp. Nov., or Koalas as committed to in Statement of Commitment (Appendix 3 of the approval) and the BOMP (Section 5.2). <p>DPIE Requested that these be deficiencies addressed in the next AEMR. No evidence was provided that the 2019 AEMR had included the progress of weed monitoring or the monitoring undertaken in the biodiversity offset areas for the Wallum Froglet, Uperoleia sp. Nov., or Koalas.</p>		
Sch 5 Condition 7	<p>Within 1 month of the completion of quarrying operations, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General; (b) include consultation with the relevant agencies; 	<p>Sibelco did not engage an Independent Environmental Auditor within 1 month of the completion of quarrying operations.</p>	<p>Ensure that all future audit and reporting actions required by the Approval are implemented on time.</p>	Administrative non-compliance

No.	Condition	Observation	Recommendation	Risk Level
	<p>(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL (including any assessment, plan or program required under these approvals);</p> <p>(d) review the adequacy of strategies, plans or programs required under the abovementioned approval or licences; and</p> <p>(e) be completed within 2 months of the approval of the audit team.</p>			
ENVIRONMENTAL PROTECTION LICENCE 11633				
A1.1	<p>The works and activities must be undertaken in accordance with the proposal contained in:</p> <p>(a) "Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2" (ERM, August 2012) unless otherwise specified in this licence or conditions of Project Approval 09_0091 dated 8 March 2013.</p>	<p>The development was generally being undertaken in accordance with:</p> <p>The Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2 (ERM, 2012) and the conditions of Project Approval 09_0091 (March 2013).</p> <p>Last operations 8 January 2019.</p> <p>Some works were not conducted in accordance with the Environmental Assessment specifically PA Schedule 3, Condition 17</p> <p>"The Proponent shall not extract sand or other extractive materials or carry out any work in the extraction area below a level of 0.7 m above the predicted maximum groundwater elevation (see condition 14 of schedule 3), other than the construction of any bores approved by NOW". All monitoring records were reviewed by the auditor as well as the Annual Reports 2017-2019 which have been kept in accordance with the requirements of this condition.</p>	Refer to specific recommendations in this Table.	Administrative non-compliance
L2.1	Noise generated at the premises must not exceed the noise limits specified in the table (*see pg 8 of EPL*).	<p>The auditors reviewed the Monitoring data sheets from the Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 onwards.</p> <p>Prior to 23/01/2017 through to May 2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring to the required standard and consequently undertook the monitoring in the incorrect locations (at the dust monitoring sites) using</p>	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Administrative non-compliance

No.	Condition	Observation	Recommendation	Risk Level
		<p>inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring.</p> <p>Noise levels were recorded on 22/02/2017 and 23/05/2017 and reported in the 2017-18 AEMR. The results suggested an exceedance with the noise limits , however the monitoring was conducted in the incorrect location by Sibelco staff.</p> <p>The Auditor accepts that the monitoring undertaken prior to the appointment of Global Acoustics may not have been accurate, therefore the Auditor is unable to verify compliance with noise limits for that period.</p>		
L2.3	<p>To determine compliance with the LAeq(15 minute) noise limits referred to above, the noise measurement equipment must be located;</p> <p>a) at the most effected point at a location where there is no dwelling at the location; or</p> <p>b) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or c) within 30 metres of a dwelling facade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or d) where applicable, within approximately 50 metres of the boundary of a National Park or a Nature Reserve.</p>	<p>The auditors reviewed the Monitoring data sheets from the Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 onwards.</p> <p>Prior to 23/01/2017 through to May 2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring to the required standard and consequently undertook the monitoring in the incorrect locations (at the dust monitoring sites) using inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring.</p> <p>Noise levels were recorded on 22/02/2017 and 23/05/2017 and reported in the 2017-18 AEMR. The results suggested an exceedance with the noise limits , however the monitoring was conducted in the incorrect location by Sibelco staff.</p> <p>The Auditor accepts that the monitoring undertaken prior to the appointment of Global Acoustics may not have been undertaken at the locations required by this Condition, therefore the Auditor is unable to verify compliance with this Licence Condition.</p>	<p>Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.</p>	<p>Administrative non-compliance</p>
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <p>a) a Statement of Compliance; and</p> <p>b) a Monitoring and Complaints Summary.</p> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of</p>	<p>All monitoring records were reviewed by the auditor as well as the Annual Reports 2017-2019 which have been kept in accordance with the requirements of this condition.</p> <p>The exception is the noise monitoring sampling method in which Sibelco Staff undertook in Quarter 1- Quarter 3 in 2017. They did not comply with the methodology of noise sampling. Evidence of this inaccurate methodology was provided and detailed in Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance and investigating whether there was a breach</p>	<p>Revise and reissue (to the EPA) the Annual Return for 2017.</p>	<p>Administrative non-compliance</p>

No.	Condition	Observation	Recommendation	Risk Level
	the form that must be completed and returned to the EPA.	of Schedule 3, Condition 5 (due to monitoring at the dust locations rather than noise locations monitoring a 30 second period rather than 15 minute period, and not monitoring quarterly (Jan, May, Sep, Feb)).		

5. Independent Audit Post Approval Requirements

This audit focused on the operational compliance requirements established by the Conditions of Approval. While the scope of the audit, as specified in the Conditions of Approval do not refer specifically to the DPIE Independent Audit Post Approval Requirements (DPIE, June 2018), for completeness the Audit has, where possible made an assessment of the environmental performance of the project.

5.1 Project Environmental Management System

Sibelco operates under a “Business Management System” that incorporates the company environmental policy and related company-wide procedures and site specific Standard Operational Procedures. An environmental management plan has been developed for the project and is understood by the Auditor to equate to a Standard Operational Procedure as specified in the BMS.

An audit of the BMS is outside the scope of this report. The Auditor has therefore focused on the implementation of the project specific Environmental Management Plan as this overarching environmental management tool for the project.

It is noted that there are several non-compliances, this suggests that full implementation of the EMP and therefore the relevant environmental elements of the BMS have not been consistent throughout the operational life of the project.

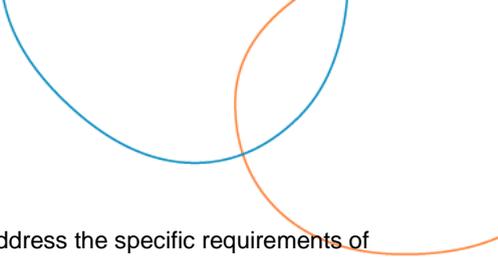
5.2 Implementation of the Operational Environmental Management Plan and Sub-plans

The Conditions of Approval required the preparation and implementation of the following management plans:

- Noise Monitoring Program;
- Dust Monitoring Program;
- Soil and Water Management Plan;
- Erosion and Sediment Control Plan;
- Groundwater Monitoring Program;
- Biodiversity Management Plan;
- Landscape Management Plan;
- Rehabilitation Management Plan;
- Cultural Heritage Management Plan;
- Traffic Management Plan; and
- Environment Management Strategy.

During the document review phase of the audit the contents of each of the plans was reviewed and found to meet the requirements of the Approval. In addition, the Plans and Programs adequately identified the relevant project risks and proposed appropriate risk management controls. However, it was noted that some of the non-compliances identified during the audit were related to the implementation of the Plans. For example, the Noise Monitoring Program that was not implemented correctly during the early stages of the project.

This audit, being conducted after completion of operational activities, cannot therefore assess implementation of the majority of the Plans and Programs. It is apparent however that during the current stage (rehabilitation) of the project that the project risks and therefore the required risk management strategies have changed. This change in focus therefore may have impacted management focus in relation to this project and led to non-compliances against for example the late commissioning of this audit.



It is therefore recommended that the Environmental Management Plan be revised to address the specific requirements of this post operations stage, and in particular cover:

1. Post Operational Risks
2. Stakeholder communications and consultation
3. Environmental monitoring and reporting
4. Rehabilitation
5. Rehabilitation Monitoring and reporting
6. Site inspections and audits
7. Allocation of management responsibilities.

5.3 Status of Previous IEA Findings

This audit is the first Independent Audit of this Project, therefore there are no previous audit findings to review.

5.4 Specialist Auditor Reports

No specialist auditor reports were prepared as part of this audit.

5.5 Assessment of Actual Impacts Against Predicted Impacts

The Auditor has undertaken a desktop review of the actual environmental impacts of the project against the impacts predicted in the EIS. Please note that no independent sampling, testing, monitoring or other studies have been undertaken by the Auditor. Each area of potential impact described in the EIS has been reviewed. Where there is no available information in relation to each potential impact, a finding of “not verified” has been made Table 6 lists the key EIS predications and the Auditor’s assessment of actual impacts. In summary the findings of the audit confirm that in general the actual impacts of the project align with the impacts predicted in the EIS.

Table 6 Assessment of Environmental Impacts

EIS Section	Issue	Predicted Impact	Assessment of actual Impact
5.4	Soils / Acid Sulphate Soils	Extraction of sand will remove the elevated dune and result in a lowering of the landform, with the final landform being similar to the Pleistocene sand sheets that dominate the locality	The project has resulted in the removal of the upper dune. The final landform meets the final landform presented in the EIS.
		Topsoil will be replaced, and the underlying Waterloo Rock will not be disturbed.	No evidence of disturbance of the underlying waterloo rock was observed on the project site.
		The likelihood of the works impacting acid sulphate soils is negligible.	No instances of disturbance acid sulphate soils have been identified during the audit.
6.1.2	Surface Water	The potential for adverse impacts on drainage networks or surface waters is negligible.	No impacts on surface water features in the area or evidence of erosion has been identified during this audit.
6.7	Groundwater	The project would not adversely impact groundwater	No impacts (for example to groundwater quality or groundwater levels) were identified during this audit.
8.7	Noise and Vibration	Operational noise emissions will comply with the relevant criteria	The review of noise monitoring results indicated that the project is unlikely to have impacted nearby sensitive receivers, however issues with environmental noise monitoring undertaken prior to 23 January 2017 mean that this prediction cannot be verified.
9.9	Air Quality	The project will have no significant impact on local air quality	No impacts on local air quality have been identified during this audit.
10	Traffic and Transport	No impacts on safety and operations of the local road network will occur.	No traffic related incidents were recorded in the quarry incident register and no traffic related complaints were recorded. It is therefore considered that the traffic impacts of the project were not significant.
11.4.1	Flora and Fauna	The project will result in the removal of: <ul style="list-style-type: none"> • 8.2 Ha of native vegetation • Supplementary Koala habitat • 5408 m² of Koala habitat buffer • Up to 17 hollow bearing trees • Habitat for locally significant flora species • Habitat for several threatened and migratory species. 	Based on the biodiversity reports prepared by Kleinfelder, the Auditor understands that the project has been undertaken within the approved site boundaries. Therefore, the impacts listed in the EIS have been realised. It is noted that the rehabilitation of the project is intended to mitigate these impacts. However, at the time of the audit it too early in the rehabilitation timeline to confirm the extent to which the habitat removed for the quarry has been successfully reinstated.
12.3	Heritage	It is unlikely that archaeological sites of scientific (or cultural)	No records of archaeological finds were identified during the

EIS Section	Issue	Predicted Impact	Assessment of actual Impact
		significance will be disturbed by the project.	audit.
13.4	Visual Impact	The visual impact of the development will not significantly decrease the current visual amenity	The auditor viewed the project site from the adjacent roads. The former quarry site (other than the site access road) is readily visible from outside of the site.
14.4	Economic	The assessment of economic impacts was not assessed during this audit	Could not be verified.
14.5	Social	The noise, vibration, air quality and traffic impacts on the surrounding community would be minimal.	Based on the review environmental monitoring, complaints and incidents the social impacts of the project are considered to have been minimal.
15.3	Bushfire	None stated	No bushfires were started on the project site.
16.2	Waste Management	Small amounts of waste will be generated by the project during operations.	Could not be verified.

6. Limitations

This section should be read before reliance is placed on any of the opinions, advice, recommendations or conclusions herein set out.

This report has been prepared for and at the request of Sibelco (The Client) pursuant to their appointment of Pitt & Sherry (Operations) Pty Ltd, (**pitt&sherry**), to act as its Independent Environmental Auditor. Save for the Client, no duty is undertaken, or warranty or representation made to any party in respect of the opinions, advice, recommendations or conclusions herein set out.

Regard should be had to the terms and conditions of **pitt&sherry's** Proposal when considering this report and reliance to be placed on it.

All work carried out in preparing this report has used, and is based upon, **pitt&sherry's** professional knowledge and understanding of the current relevant environmental legislation.

Changes in the below may cause the opinion, advice, recommendations or conclusions set out in this report to become inappropriate or incorrect. **pitt&sherry** will have no obligation to advise the Client of any such changes, or of their repercussions.

This report is based on observations during the Environmental Audit and information provided by the client. The information collected during the audit is believed to be true and is solely based on visual inspection (or site conditions and documentation presented) and information provided by the auditee. **pitt&sherry** is of the belief that all the information provided by the auditee is correct and true at the time of the audit.

Assessment of the adequacy of any environmental management strategies, plans and programs was limited to a brief desktop review only with regards to the Audit Scope. The EMS was not reviewed against ISO14001.

The content of this report represents the professional opinion of experienced environmental consultants. **pitt&sherry** does not provide specialist legal advice and the advice of appropriate legal professionals may be required.

Appendix A

Audit Site Photographs



Site photographs taken during audit inspection on 7 August 2019

Description	Photograph
Groundwater monitoring wells	

Rehabilitation



Dust monitoring



Access road to
the site



Mine Manager
number outside
access gate –
Complaints
phone number



Rehabilitation



Hollow bearing tree





Appendix B

Compliance Register

Condition Reference	Short Title	Condition	Documented Evidence	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2SD Environmental Protection Licence EPL11633	A1.1	The works and activities must be undertaken in accordance with the proposal contained in: (a) "Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2" (ERM, August 2012) unless otherwise specified in this licence or conditions of Project Approval 09_0091 dated 8 March 2013.	Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2 (ERM, 2012)	<ol style="list-style-type: none"> Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2 (ERM, 2012) EPL Licence application AEMR 2017, 2018, 2019 Environmental Management Plan - Sibelco Northern Dune May 2018 Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans. 			<p>The Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2 (ERM, 2012) and the conditions of Project Approval 09_0091 (March 2013).</p> <p>Last operations 8 January 2019.</p> <p>Some works were not conducted in accordance with the Environmental Assessment specifically PA Schedule 3, Condition 17 "The Proponent shall not extract sand or other extractive materials or carry out any work in the extraction area below a level of 0.7 m above the predicted maximum groundwater elevation (see condition 14 of schedule 3), other than the construction of any bores approved by NOW".</p>	Non Compliance	As quarrying operations were ceased in January 2019, no operational recommendation can be made.
2SD Environmental Protection Licence EPL11633	A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. Scheduled Activity Fee Based Activity Scale > 100000 - 500000 T extracted, processed or stored	Records of annual production for each of the past five years	<ol style="list-style-type: none"> S96 Royalty Letters 2017-2019 and Road Levy payments provides evidence of the carrying out scheduled activities specified in Condition A2. The Royalty letters and Road Levy amount discussed does not exceed the 150,000 tonnes per annum. The letters are from Sibelco to agencies including Port Stephens Council, Crown Land and Hunter Water Corporation. 			<p>The auditors reviewed the 2017, 2018 and 2019 Annual Returns and Annual Environmental Management Reports for the audit period. The Annual Returns and AEMRs were provided as evidence, each Annual Return and AEMR document for 2017-2019 contains the required details.</p> <p>Between 2016 and 2019 Northern Dune site did not exceed 150,000 tonnes per annum.</p> <p>Annual Environmental Management Report April 2015 -March 2016: 69,433 tonnes of sand was extracted in the reporting period.</p> <p>Annual Environmental Management Report 2017: 1st of April 2016 and 31st March 2017 record a total of 88,735 tonnes extracted and transported from the Northern Dune operations to the nearby Salt Ash processing facility.</p> <p>Annual Environmental Management Report 2018: Stock reports between the 1st of April 2017 and 31st March 2018 record a total of 85 327 tonnes extracted and transported from the Northern Dune operations to the nearby Salt Ash processing facility.</p> <p>Annual Environmental Management Report 2019: Stock reports between the 1st of April 2018 and 31st March 2019 record a total of 59,987 tonnes extracted and transported from the Northern Dune Extension operations to the nearby Salt Ash processing facility.</p> <p>Note that extraction at the site ceased in December 2018. There will be no further extraction from the site.</p>	Complies	
2SD Environmental Protection Licence EPL11633	A1.3	Extraction of sand from the premises must not exceed 150,000 tonnes per annum.		<ol style="list-style-type: none"> S96 Royalty Letters 2017-2019 and Road Levy payments provides evidence of the carrying out scheduled activities specified in Condition A2. The Royalty letters and Road Levy amount discussed does not exceed the 150,000 tonnes per annum. The letters are from Sibelco to agencies including Port Stephens Council, Crown Land and Hunter Water Corporation. 			<p>The auditors reviewed the 2017, 2018 and 2019 Annual Returns and Annual Environmental Management Reports for the audit period. The Annual Returns and AEMRs were provided as evidence, each Annual Return and AEMR document for 2017-2019 contains the required details.</p> <p>Between 2016 and 2019 Northern Dune site did not exceed 150,000 tonnes per annum.</p> <p>Annual Environmental Management Report April 2015 -March 2016: 69,433 tonnes of sand was extracted in the reporting period.</p> <p>Annual Environmental Management Report 2017: 1st of April 2016 and 31st March 2017 record a total of 88,735 tonnes extracted and transported from the Northern Dune operations to the nearby Salt Ash processing facility.</p> <p>Annual Environmental Management Report 2018: Stock reports between the 1st of April 2017 and 31st March 2018 record a total of 85 327 tonnes extracted and transported from the Northern Dune operations to the nearby Salt Ash processing facility.</p> <p>Annual Environmental Management Report 2019: Stock reports between the 1st of April 2018 and 31st March 2019 record a total of 59,987 tonnes extracted and transported from the Northern Dune Extension operations to the nearby Salt Ash processing facility.</p> <p>Note that extraction at the site ceased in December 2018. There will be no further extraction from the site.</p>	Complies	
2SD Environmental Protection Licence EPL11633	A2.1	The licence applies to the following premises: TANILBA NORTHERN DUNE OFF OYSTER COVE ROAD OYSTER COVE NSW 2318 AS SHOWN ON PLAN TITLED "EPL 11633 PREMISES BOUNDARY MAP (MARCH 2014)", WHICH IS FILED AS DOC14/46203 ON EPA FILE EF13/3579.	Detailed site map / plan	<ol style="list-style-type: none"> EPL Google Earth imagery 2016 - 2019 			The extractive and associated approved works were within the boundary.	Complies	
2SD Environmental Protection Licence EPL11633	A3.1	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. 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.						Noted	
2SD Environmental Protection Licence EPL11633	P1.1	The following points referred to in the table (*see Table in Permit on pg 7*) are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	Plan showing location of all active monitoring points	<ol style="list-style-type: none"> Sibelco Tanilba Northern Dune Groundwater Monitoring Locations Plan (EPA ID 2,5,13 and 14) 2015. 		Site visit on 7 August 2019 confirmed groundwater monitoring sites.	The points have been identified on a plan within the Environmental Management Plan within Appendix 2: Northern Dune Groundwater Monitoring Network. However due to the stage of the development only locations with EPA ID 2 (bore 2), 5(bore 5), 13 (bore 13) and 14 (bore SAL4) are monitored. This is viewed on the 2015 Groundwater Monitoring Locations Plan.	Complies	
2SD Environmental Protection Licence EPL11633	P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids of liquids to the utilisation area.		<ol style="list-style-type: none"> Sibelco Tanilba Northern Dune Groundwater Monitoring Locations Plan (EPA ID 2,5,13 and 14) 2015. 		Site visit on 7 August 2019 confirmed groundwater monitoring sites.	The points have been identified on a plan within the Environmental Management Plan within Appendix 2: Northern Dune Groundwater Monitoring Network. However due to the stage of the development only locations with EPA ID 2 (bore 2), 5(bore 5), 13 (bore 13) and 14 (bore SAL4) are monitored. This is viewed on the 2015 Groundwater Monitoring Locations Plan.	Complies	

25D Environmental Protection Licence EPL11633	L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.						Noted	
25D Environmental Protection Licence EPL11633	L2.1	Noise generated at the premises must not exceed the noise limits specified in the table (*see pg 8 of Permit*). Note: For the purposes of the noise table above receiver locations are shown in Appendix 2 of Project Approval 09_0091, dated 8 March 2012.	Noise monitoring reports for the past three years	1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onward 2. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance of Schedule 3, Condition 5. 3. AEMR 2017 (Section 2.1.4 references the detail of the reasoning of the exceedance in noise monitoring data including untrained staff - wrong monitoring locations, wrong duration of monitoring), 2018 (Section 2.1.4 references the detail of the exceedance corrective actions including engaging Global Acoustics to carry out noise monitoring at Northern Dune on behalf of Sibelco to ensure compliance with the recently approved Noise Management Plan) Tanilba Northern Dune Extension.			The auditors reviewed the Monitoring data sheets for Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 Onwards. Prior to January 2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring and consequently undertook the monitoring in the incorrect locations (dust monitoring sites) using inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring. Noise exceedances were reported for 22/02/2017 to 23/05/2017 at all receivers (R1, R2,R3) were monitored (incorrectly) by Sibelco staff. The noise monitoring results showed no exceedances in LAeq(15 min) from 11/08/2017 to 29/03/2019. While the Auditor accepts that the monitoring undertaken prior to the appointment of Global Monitoring may not have been accurate, the Auditor is unable to verify compliance with noise limits for that period.	Non Compliance	Ensure that all future monitoring undertaken on this project is conducted by appropriately qualified personnel.
25D Environmental Protection Licence EPL11633	L2.2	For the purposes of the conditions of this licence: • Day is defined as the period from 7am to 6pm; and • Evening is defined as the period 6pm to 10pm.		1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix H - Northern Dune Traffic Management Plan 2. Global acoustic quarterly noise monitoring reports 2017 Q4, 2018 - Q1,Q2,Q3,Q4, 2019 - Q1.			Addressed in Section H.3 of the Environmental Management Plan May 2018-Appendix H Northern Dune Traffic Management Plan. The Global acoustic reports 2017 Q4, 2018 - Q1,Q2,Q3,Q4, 2019 - Q1. noise assessment reports address the operating hours: "For the purposes of the conditions of this licence: day is defined as the period from 7am to 6pm and evening is defined as the period from 6pm to 10pm".	Noted	
25D Environmental Protection Licence EPL11633	L2.3	To determine compliance with the LAeq(15 minute) noise limits referred to above, the noise measurement equipment must be located; a) at the most effected point at a location where there is no dwelling at the location; or b) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or c) within 30 metres of a dwelling facade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or d) where applicable, within approximately 50 metres of the boundary of a National Park or a Nature Reserve.	Plan showing location of noise monitoring points (as monitored over the past three years)	1. 1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onward 2. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance of Schedule 3, Condition 5. 3. AEMR 2017 (Section 2.1.4 references the detail of the reasoning of the exceedance in noise monitoring data including untrained staff - wrong monitoring locations, wrong duration of monitoring), 2018 (Section 2.1.4 references the detail of the exceedance corrective actions including engaging Global Acoustics to carry out noise monitoring at Northern Dune on behalf of Sibelco to ensure compliance with the recently approved Noise Management Plan) Tanilba Northern Dune Extension.			The auditors reviewed the Monitoring data sheets for Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 Onwards. Prior to January 2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring and consequently undertook the monitoring in the incorrect locations (dust monitoring sites) using inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring. Noise exceedances were reported for 22/02/2017 to 23/05/2017 at all receivers (R1, R2,R3) were monitored (incorrectly) by Sibelco staff. The noise monitoring results showed no exceedances in LAeq(15 min) from 11/08/2017 to 29/03/2019. While the Auditor accepts that the monitoring undertaken prior to the appointment of Global Monitoring may not have been accurate, the Auditor is unable to verify compliance with noise limits for that period.	Non Compliance	Ensure that all future monitoring undertaken on this project is conducted by appropriately qualified personnel.
25D Environmental Protection Licence EPL11633	L2.4	For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.		1. Global acoustic quarterly noise monitoring reports 2017 Q4, 2018 - Q1,Q2,Q3,Q4, 2019 - Q1. The sampling data site locations R1, R2 and R3 are provided in this report.				Noted	
25D Environmental Protection Licence EPL11633	L3.1	Unless otherwise specified by any other condition of this licence, all activities are: (a) restricted to between the hours of 7:00am and 6:00pm Monday to Friday; or (b) restricted to between the hours of 7:00am and 7:00pm Monday to Friday (during daylight savings); and (c) not to be undertaken on Saturdays, Sundays or Public Holidays.	How has this condition been communicated to site personnel . Copy of complaints register (covering the past three years)	1. Complaints register - 2017-2019 2. Environmental Management Plan			There are no complaints in the complaints register 2017-2019. The scheduled operation hours are provided and confirmed with L3.1 in Section 5.1 of the Environmental Management Plan.	Complies	
25D Environmental Protection Licence EPL11633	O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.		1. DPE Letter (Leah Cook) to Sibelco (Shane Pont) dated 11 June 2019 regarding the appointment of the independent audit team. The letter confirms that quarrying operations had ceased before 12 February 2019.		Audit Inspection 7 August 2019 confirmed that quarrying operations had been completed. No plant or equipment was present at the site.	Quarrying operations were completed in late 2018.	Not Triggered	
25D Environmental Protection Licence EPL11633	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.	plant and equipment maintenance records (examples) Plant operations procedures	1. DPE Letter (Leah Cook) to Sibelco (Shane Pont) dated 11 June 2019 regarding the appointment of the independent audit team. The letter confirms that quarrying operations had ceased before 12 February 2019.		Audit Inspection 7 August 2019 confirmed that quarrying operations had been completed. No plant or equipment was present at the site.	Quarrying operations were completed in late 2018.	Not Triggered	
25D Environmental Protection Licence EPL11633	O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.		1. DPE Letter (Leah Cook) to Sibelco (Shane Pont) dated 11 June 2019 regarding the appointment of the independent audit team. The letter confirms that quarrying operations had ceased before 12 February 2019.		Audit Inspection 7 August 2019 confirmed that quarrying operations had been completed. No plant or equipment was present at the site.	Quarrying operations were completed in late 2018.	Not Triggered	
25D Environmental Protection Licence EPL11633	O4.1	Fuel, oil, grease and any other potential groundwater contaminants must not be stored on the site.	Details of fuel, oil and grease storage	1.Environmental Management Plan - Sibelco Northern Dune May 2018 2. Complaints register - 2017-2019			The EMP has been sighted by the auditor and in Sections 5.6, 6.2.4, H19 and Figure G3 have addressed that no fuel, oil, grease or other potential groundwater contaminants would be stored onsite. Complaints register sighted by the auditor provided evidence of no complaints of refuelling issues onsite or offsite.	Complies	

2SD Environmental Protection Licence EPL11633	M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Copies of all monitoring undertaken over the past three years					Noted	
2SD Environmental Protection Licence EPL11633	M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.		1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards. 2. Sibelco noise monitoring 2017 Q1-Q3. 3. Global acoustic reports 2017 Q4, 2008 -Q1,Q2,Q3,Q4, 2019 - Q1 complied with the conditions. 4. 2017-2019 Dust monitoring undertaken by Sibelco staff at the nominated collection areas and in accordance with this condition 5. 2017-2019 AECOM Groundwater monitoring reports complied with these conditions.			All monitoring data records have been kept in accordance with the requirements of this condition.	Complies	
2SD Environmental Protection Licence EPL11633	M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.		1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards. 2. Sibelco noise monitoring 2017 Q1-Q3. 3. Global acoustic reports 2017 Q4, 2008 -Q1,Q2,Q3,Q4, 2019 - Q1 complied with the conditions. 4. 2017-2019 Dust monitoring undertaken by Sibelco staff at the nominated collection areas and in accordance with this condition 5. 2017-2019 AECOM Groundwater monitoring reports complied with these conditions.			All monitoring records have been kept in accordance with the requirements of this condition.	Complies	
2SD Environmental Protection Licence EPL11633	M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns: (table on page 10).		1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards. 2. Sibelco noise monitoring 2017 Q1-Q3. 3. Global acoustic reports 2017 Q4, 2008 -Q1,Q2,Q3,Q4, 2019 - Q1 complied with the conditions. 4. 2017-2019 Dust monitoring undertaken by Sibelco staff at the nominated collection areas and in accordance with this condition 5. 2017-2019 AECOM Groundwater monitoring reports complied with these conditions.. 6. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance and investigating whether there was a breach of Schedule 3, Condition 5			All monitoring records have been kept in accordance with the requirements of this condition.	Complies	
2SD Environmental Protection Licence EPL11633	M2.2	Summarised: Water and/ or Land Monitoring Requirements. See Table on Page 10 of Permit.						Noted	
2SD Environmental Protection Licence EPL11633	M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Details of laboratories used to test environmental samples and list of analytical methods used.	1. AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019. 2. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards.			The 2017-2019 AEMRs and the Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards were reviewed during the audit including reference any relevant guidelines relating to the sampling of the pollutant. No Discharge to waters occurred during the operational life of the project.	Not Triggered	
2SD Environmental Protection Licence EPL11633	M4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Complaints register	1. Complaints register - 2017-2019			The complaints register is provided on the publicly accessible Sibelco website was reviewed for the audit period 2017 - 2019. No complaints were made to Sibelco Northern Dune Extension during the audit period.	Complies	
2SD Environmental Protection Licence EPL11633	M4.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.		1. Complaints register - 2017-2019			The complaints register is provided on the publicly accessible Sibelco website was reviewed for the audit period 2017 - 2019. No complaints were made to Sibelco Northern Dune Extension during the audit period.	Not Triggered	
2SD Environmental Protection Licence EPL11633	M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints register records for the past 4 years	1. Complaints register - 2017-2020			The complaints register is provided on the publicly accessible Sibelco website was reviewed for the audit period 2017 - 2019. No complaints were made to Sibelco Northern Dune Extension during the audit period.	Not Triggered	
2SD Environmental Protection Licence EPL11633	M4.4	Complaints and incident register - 2017-2019		1. Complaints register - 2017-2021			The complaints register is provided on the publicly accessible Sibelco website was reviewed for the audit period 2017 - 2019. No complaints were made to Sibelco Northern Dune Extension during the audit period.	Not Triggered	
2SD Environmental Protection Licence EPL11633	M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.		1. Complaints line was sighted by the auditor which was available on the publicly accessible Sibelco website.		1. The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019.	The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019. Complaints line was sighted by the Auditor which was available on the publicly accessible Sibelco website.	Complies	

25D Environmental Protection Licence EPL11633	M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.		1. Complaints line was sighted by the auditor which was available on the publicly accessible Sibelco website.		1. The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019.	The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019. Complaints line was sighted by the Auditor which was available on the publicly accessible Sibelco website.	Complies	
25D Environmental Protection Licence EPL11633	M5.3	The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.		1. Complaints line was sighted by the auditor which was available on the publicly accessible Sibelco website.		1. The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019.	The Auditor sighted and took a photograph of the Operations Manager phone number provided on the sign in front of the Northern Dune access gate during site visit to Sibelco Northern Dune Site on 7 August 2019. Complaints line was sighted by the Auditor which was available on the publicly accessible Sibelco website.	Complies	
25D Environmental Protection Licence EPL11633	M6.1	Where monitoring is required for the pollutants in the table below the following practical quantification limits list in the table below must be able to be achieved (refer to table on page 11)	Copies of lab result reports for the past three years	1. AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019. 2. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards.			The 2017-2019 AEMRs and the Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards were reviewed by the auditor and can confirm the monitoring data records meet the quantification limits.	Complies	
25D Environmental Protection Licence EPL11633	R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	will be taken from the EPA Public Register	1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onwards. 2. Sibelco noise monitoring 2017 Q1-Q3. 3. Global acoustic reports 2017 Q4, 2008 -Q1,Q2,Q3,Q4, 2019 - Q1 complied with the conditions. 4. 2017-2019 Dust monitoring undertaken by Sibelco staff at the nominated collection areas and in accordance with this condition 5. 2017-2019 AECOM Groundwater monitoring reports complied with these conditions.. 6. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance and investigating whether there was a breach of Schedule 3, Condition 5 7. Annual Return 2017, 2018, 2019. 8. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.			All monitoring records were reviewed by the auditor as well as the Annual Reports 2017-2019 which have been kept in accordance with the requirements of this condition. The exception is the noise monitoring sampling method in which Sibelco Staff undertook in Quarter 1- Quarter 3 in 2017. They did not comply with the methodology of noise sampling. Evidence of this inaccurate methodology was provided and detailed in Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance and investigating whether there was a breach of Schedule 3, Condition 5 (due to monitoring at the dust locations rather than noise locations monitoring a 30 second period rather than 15 minute period, and not monitoring quarterly (Jan, May, Sep, Feb)).	Non Compliance	Revise and reissue (to the EPA) the Annual Return for 2017
25D Environmental Protection Licence EPL11633	R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided in the below conditions.		1. Annual Return 2017, 2018, 2019. 2. NSW EPA Public Register Website.			All Annual Returns 2017, 2018 and 2019 were sighted to be submitted and prepared in accordance with this condition to NSW EPA by the auditor on the NSW EPA public register website.	Complies	
25D Environmental Protection Licence EPL11633	R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.					No transfer of ownership	Not Triggered	
25D Environmental Protection Licence EPL11633	R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.					Not surrendered	Not Triggered	
25D Environmental Protection Licence EPL11633	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').	Copy of transmittal correspondence - Annual returns to the EPA for the past three years	1. Auditors sighted the submitted Annual Returns 2017, 2018 and 2019 to NSW EPA on the NSW EPA Annual Returns website. 2. Annual Returns 2017, 2018 and 2019 were sighted by the Auditor during the audit period.			All Annual Returns 2017, 2018 and 2019 were sighted to be submitted and prepared in accordance with this condition to NSW EPA by the auditor on the NSW EPA public register website.	Complies	
25D Environmental Protection Licence EPL11633	R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.		1. Auditors sighted the submitted Annual Returns 2017, 2018 and 2019 to NSW EPA on the NSW EPA Annual Returns website. 2. Annual Returns 2017, 2018 and 2019 were sighted by the Auditor during the audit period.			All Annual Returns 2017, 2018 and 2019 were sighted to be submitted and prepared in accordance with this condition to NSW EPA by the auditor on the NSW EPA public register website.	Complies	
25D Environmental Protection Licence EPL11633	R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.		1. Auditors sighted the submitted Annual Returns 2017, 2018 and 2019 to NSW EPA on the NSW EPA Annual Returns website. 2. Annual Returns 2017, 2018 and 2019 were sighted by the Auditor during the audit period.			All Annual Returns 2017, 2018 and 2019 were sighted to be submitted and prepared in accordance with this condition to NSW EPA by the auditor on the NSW EPA public register website.	Complies	
25D Environmental Protection Licence EPL11633	R1.8	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.		1. Auditors sighted the submitted Annual Returns 2017, 2018 and 2019 to NSW EPA on the NSW EPA Annual Returns website. 2. Annual Returns 2017, 2018 and 2019 were sighted by the Auditor during the audit period.			All Annual Returns 2017, 2018 and 2019 were sighted to be submitted and prepared in accordance with this condition to NSW EPA by the auditor on the NSW EPA public register website.	Complies	

MP09_0091	S2.1	1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation or rehabilitation of the project.	1. Sibelco's obligations for rehabilitation, maintenance and monitoring of the rehabilitated (former) extraction areas and off-set areas. 2. The extent Sibelco has meet those obligations.	1. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy. 2. Figure 1 "Extent of August 2018 Fire", Kleinfelder, dated 4 September 2018. The map shows that extent of the bushfire impact. The fire did not impact the subject site.		During the site inspection the Auditor observed that rehabilitation works had commenced in all areas and that there were no issues likely to result in environmental harm.	The bush fire of August 2018 significantly impacted sites adjacent to this site. Bush fire did not impact this specific site. Sibelco are implementing their environmental management plans and therefore have satisfied the requirements of this Condition.	Complies	
MP09_0091	S2.2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Statement of Commitments; and (c) conditions of this approval. Note: The general layout of the project is shown in the figure in Appendix 1.	Copy of the Environmental Assessment	1. Environmental Assessment titled "Tanilba Northern Dune Sand Extraction Extension Volume I and Volume II" by ERM dated August 2012.			The Auditor has identified non-compliances against some of these conditions. They are detailed and discussed below.	Non Compliance	Refer to recommendations below.
MP09_0091	S2.3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.					Administrative Statement		
MP09_0091	S2.4	The Proponent shall comply with any reasonable requirement/s of the Director-General 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.	Copy of any correspondence with the DG over the past three years.	1. Penalty notice letter from Department of Planning and the Environment (Lauren Sims - Director Compliance and Investigations) dated 9/5/2019 to Sibelco (Shane Pont - Operations Manager) Works exceeded the extraction depth limit, and failure to report the status of compliance with extraction depth limits. 2. Warning Letter from the Department's Leah Cook - Team leader Compliance dated 11/06/2019 to Sibelco Northern Dune Extension Project. RE: non-compliance with Schedule 2, Condition 4 due to on the 6 July 2018. The Department also noted a delay with IEA which was due to be commissioned and paid for one month following completion of quarrying operations (Schedule 5, Condition 7). 3. Letter from DPE (Leah Cook - Team Leader Compliance) as nominee of the Executive Director, Newcastle to Sibelco (Shane Pont) dated 11 June 2019 regarding the appointment of the independent audit team. The letter confirms that quarrying operations had ceased before 12 February 2019.			In 2017, Sibelco failed report the status of compliance with extraction depth limits (21 October 2016, 28 February 2017, 6 July 2017, 28 November 2018 and 13 December 2018). Another survey was also requested in accordance with this condition December 2018, however, this was not submitted until 8 February, following three prompts from the department. In 2019, Sibelco failed to provide the requested landform survey report to DPE within the required three week time frame specified by DPE.	Non Compliance	Ensure that all actions required by the Conditions of Approval are implemented in accordance with the timelines established by the Conditions.
MP09_0091	S2.5	The Proponent may carry out quarrying operations on the site until 31 December 2020. Under this Approval, the Proponent is required to rehabilitate and revegetate the site and implement a Biodiversity Offset Strategy.		1. DPE Letter (Leah Cook) to Sibelco (Shane Pont) dated 11 June 2019 regarding the appointment of the independent audit team. The letter confirms that quarrying operations had ceased before 12 February 2019.		Audit Inspection 7 August 2019 confirmed that quarrying operations had been completed. No plant or equipment was present at the site.	Quarrying operations were completed in late 2018.	Complies	
MP09_0091	S2.6	The Proponent shall not transport more than 150,000 tonnes of extractive materials from the site in any calendar year.	Records of sand dispatched from the site for the past three years	1. AEMR 2017, 2018, 2019 - Tanilba Northern Dune Extension 2. Stock Movement Report was reviewed for Warehouse 2SD to 2SD			A review of the 2017, 2018 and 2019 AEMRs noted that none of the years within the audit period exceeded the 150,000 tonnes threshold for each calendar year. 2017 AEMR transported 88,735 tonnes between 1/04/2016 and 31/03/2017. 2018 AEMR transported 85,327 tonnes between 1/04/2017 and 31/03/2018 2019 AEMR identified no extractive mining activities took place on the Lots exclusive to the Special Areas Approval during the AEMR period. Activities undertaken during this period relate to rehabilitation management and ongoing monitoring requirements. Stock Movement Report was reviewed for Warehouse 2SD to 2SD -Records of sand dispatched from the site for the past three years. Provided as a hard copy file. The stock report confirmed AEMR results.	Complies	
MP09_0091	S2.7	The Proponent shall ensure that no more than three hectares of the site would be exposed (ie cleared but not re-vegetated) at any one time.	Plan showing the current extent of cleared areas	1. Google Maps: - June 2016 - September 2016 - November 2016 - July 2017 - August 2018		The Northern Dune site was inspected by the Auditor during 7 August 2019 and lots 11, 12 and 13 were viewed. There were evidence of rehabilitation in the area including juvenile vegetation throughout the site.	A review of available historical aerial imagery - Google Maps and Near Maps (the Auditor measured the approximate area of un-rehabilitated cleared areas) indicated that at the time of that those images were captured that the extent of exposed areas on the site were less than 3 hectares.	Complies	
MP09_0091	S2.8	With the approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.						Noted	
MP09_0091	S2.9	The Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure damaged by the project; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure.	Details of any damage done to public infrastructure Incident register	1. Complaints register - 2017-2019			The auditor did not find any evidence that any public infrastructure was impacted by the project.	Not Triggered	
MP09_0091	S2.10	The Proponent shall ensure that all plant and equipment used at the site, or to transport extractive materials from the site, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Copy of plant maintenance program and records	1. Complaints register - 2017-2019			At the time of the audit, no quarrying operations were occurring and no plant or equipment was located at the site.	Not Triggered	
MP09_0091	S2.11	For the life of quarrying operations under the project, the Proponent shall pay Council a Section 94 contribution rate in accordance with the Port Stephens Section 94 Development Contributions Plan 2007.	Details of contributions made to Council (for example transmittal letters / emails)	1. Road levies (including transmittal documents, email correspondence and calculation sheet) paid to Port Stephens Council. Evidence of documents provided between April 2018- January 2019.			All council contributions and road levies have been paid.	Complies	
MP09_0091	S2.12	The Proponent shall notify the Department of its intention to commence quarrying operations at least two weeks prior to the commencement of quarrying operations.		1. Letter from Sibelco (Jeffrey Clarkson Operations Manager) to DPE dated 12 January 2016 notifying DPE of Sibelco's intention to commence quarrying on 28 January 2016.			Sibelco notified DPE of the intention to commence quarrying at least 2 weeks prior to commencement of quarrying operations.	Complies	

MP09_0091	S3.1	Prior to the commencement of quarrying operations, the Proponent shall: (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction; and (b) 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.				At the time of the audit, no quarrying operations were occurring. Operations ceased in late 2018, therefore delineation of the limits of extraction were no longer required.	Not Triggered	
MP09_0091	S3.2	The Proponent shall ensure that the operational noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land. (See Table 1 in Permit on Pg 7) Notes: · Receiver locations are shown in the Figure in Appendix 2; and · Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.	Noise monitoring records / reports for the past three years	1. Tanilba Northern Dune Pollution Monitoring Data Summary Reporting period 23.01.2017 onward 2. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance of Schedule 3, Condition 5. 3. AEMR 2017 (Section 2.1.4 references the detail of the reasoning of the exceedance in noise monitoring data including untrained staff - wrong monitoring locations, wrong duration of monitoring), 2018 (Section 2.1.4 references the detail of the exceedance corrective actions including engaging Global Acoustics to carry out noise monitoring at Northern Dune on behalf of Sibelco to ensure compliance with the recently approved Noise Management Plan) Tanilba Northern Dune Extension.		The auditors reviewed the Monitoring data sheets for Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 onwards. Prior to 23/01/2017 Sibelco was conducting their own noise monitoring. The monitoring personnel (Sibelco staff) were not trained to conduct noise monitoring and consequently undertook the monitoring in the incorrect locations (dust monitoring sites) using inappropriate equipment. After 11/08/2017 Sibelco commissioned Global Acoustics to undertake all future monitoring. Noise exceedances were reported for 22/02/2017 to 23/05/2017 at all receivers (R1, R2,R3) were monitored (incorrectly) by Sibelco staff. The noise monitoring results showed no exceedances in LAeq(15 min) from 11/08/2017 to 29/03/2019. While the Auditor accepts that the monitoring undertaken prior to the appointment of Global Monitoring may not have been accurate, the Auditor is unable to verify compliance with noise limits for that period.	Non Compliance	Ensure that all future monitoring undertaken on this project is conducted by appropriately qualified personnel.
MP09_0091	S3.3	The Proponent shall only conduct quarrying operations on the site: (a) between 7.00 am and 6.00 pm EST, Monday to Friday; (b) between 7.00 am and 7.00 pm DST, Monday to Friday; and (c) at no time on Saturday, Sunday or public holidays.					Not Triggered	
MP09_0091	S3.4	The Proponent shall: (a) implement best practice noise management to minimise the construction, operational and traffic noise of the project (b) maintain the effectiveness of any noise suppression equipment on site at all times and ensure defective equipment is not used operationally until fully repaired; and (c) conduct extraction activities in a south to north direction so that the topography shields the sensitive receivers, to the satisfaction of the Director-General.	Noise Management Plan	1. Complaints register - 2017-2019 2. Sibelco Northern Dune Environmental Management Plan May 2018. Noise mitigation measure are addressed in Sections: (a) Mitigation measures addressed in Section 6.2.3 of the EMP. (b) Equipment maintenance addressed in Section 5.6 of the EMP . (c) Mention of extraction activities to be completed south to north in Section 3 of the EMP.		No noise complaints were received during the audit period. The noise management strategies contained in the EMP are considered representative of good practice.	Complies	
MP09_0091	S3.5	The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval prior to commencing quarrying operations; (b) include quarterly attended noise monitoring during at least the first two years of quarrying operations, to be conducted on days when at least 30 truck dispatches occur from the site; 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 criteria in this approval.		1. Environmental Management Program - Sibelco Northern Dune May 2018- Appendix F - Noise Monitoring Plan. 2. Letter from DPE (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to Sibelco (James Epstein - QSE Coordinator - Newcastle) dated 6/2/2018 RE: The Department reviewed the revised Environmental Management Strategy and the Secretary approved the revised Environmental Management Strategy. 3. Tanilba Northern Dune Pollution Monitoring Data Summary 23/01/2017 Onwards 4. Show Cause letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (James Epstein - QSE Coordinator) dated 08.03.2018 RE: non-compliance of Schedule 3, Condition 5. Sibelco did not implement the Noise Monitoring Program in 2017.		The proponent has prepared a Noise Monitoring Program in accordance with Appendix F - Noise Monitoring Program in the Environmental Management Plan May 2018. a) The Environmental Management Strategy was submitted to the Director General prior which included the subplans and programs in the EMP Appendices. Approved by DPE on date 6/2/2018. b) The auditors sighted the Monitoring Data Summary 23/11/2017 Onwards which provides a summary of the results of the monitoring in accordance with the program. c) The Auditors sighted Appendix F of the EMP which provides the details of how noise performance of the project would be monitored including the Noise Monitoring Locations in Figure F1 of Appendix F. While an appropriate Noise Monitoring Program was prepared and approved, The Program was not properly implemented prior to August 2017. This is evident in letter from DPE dated 8/03/2018.	Non Compliance	Ensure that all future monitoring undertaken on this project is conducted by appropriately qualified personnel.
MP09_0091	S3.6	The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 2 to 4 at any privately-owned land. See Tables 2 - 4, including the notes on page 7 of the permit	Air Quality Monitoring Results / reports for the past three years	1. Sibelco Northern Dune Environmental Management Plan May 2018 Appendix J - Dust Monitoring Program. 2. Complaints register - 2017-2019 3. Tanilba Northern Dune Pollution Monitoring Data Summary 23/01/2017 Onwards 4. AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019 5. Evidence in relation to incident 28/07/2017: Email notification from Sibelco James Epstein - QAE Coordinator to DPE Ann Hagerthy dated 28/07/2017 RE: Northern Dune Dust Exceedance (June). The explanation of exceedance being that TB1 exceeded limit in May. The previous investigation found this was due to its current location which has been determined as prone to tampering and external influences with respect to recreational activities in the area (e.g. dirt bikes, 4WD and cars etc). 6. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.		The auditors reviewed the Monitoring data sheet for Tanilba Northern Dune Pollution Monitoring Data Summary. Reporting period from 23/01/2017 Onwards. 2017 AEMR - all exceedances listed in the 2017 AEMR occurred in 2016 were not attributable to the quarrying operations. Exceedance dated 28/07/2017 was due to dirt bikes and 4WD use on adjacent land. 2018 AEMR - there were no instances where TIM exceeded the nominal trigger limit of 4 g/m2/month. There were 5 instances at the comparison points where the trigger level was exceeded, however as noted in the recently updated DMP, these were for comparison only and do not constitute the final compliance results. The auditor reviewed the provided complaints register 2017-2019 and no dust complaints were received during any period of operation.	Complies	
MP09_0091	S3.7	The Proponent shall: (a) implement best management practice to minimise the dust emissions of the project; (b) regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the relevant conditions of this approval; (c) minimise any visible off-site air pollution; and (d) minimise surface disturbance of the site, other than as permitted under this approval.		1. Sibelco Northern Dune Environmental Management Plan May 2018 Appendix J - Dust Monitoring Program. 2. Complaints register - 2017-2019 3. Tanilba Northern Dune Pollution Monitoring Data Summary 23/01/2017 Onwards 4. AEMR 2017, 2018, 2019 - Tanilba Northern Dune Extension 5. 2018 AEMR - including Appendix Q 6. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.		Dust Deposition monitoring ceased at location TB2/D4 in February due to the dust deposition bottle being vandalized. The monitoring recommenced in March. However, the results were not included in the AR. The Auditors have not viewed or have been provided with this notification of change in monitoring program from Sibelco to DPIE. Evidence confirming Sibelco's notification of this dust monitoring change to DPIE.	Non Compliance	Ensure the approved Dust Monitoring Program is implemented.

MP09_0091	S3.8	The Proponent shall prepare and implement a Dust Monitoring Program for the project to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval prior to commencing quarrying operations; (b) include a program for the use of a water tanker on unsealed roads; (c) include details of how the air quality performance of the project would be monitored, and a protocol for evaluating compliance with the relevant air quality criteria in this approval.	Dust Monitoring Program Correspondence from the DG approving the strategy	1. Letter from DPE (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to Sibelco (James Epstein - QSE Coordinator - Newcastle) dated 6/2/2018 RE: The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy. 2. Environmental Management Plan May 2018 - Appendix J - Dust Monitoring Program. 3. ALS dust monitoring analysis results 2017-2019 4. AEMR 2017, 2018, 2019 Tanilba Northern Dune Extension- Inspection sheets			The proponent has prepared and implemented a Dust Monitoring Program in accordance with the condition and in Appendix J - Dust Monitoring Program in the Environmental Management Plan May 2018. a) The Environmental Management Strategy was submitted to the Director General prior to commencing operations which included the subplans and programs in the EMP Appendices. Including Appendix J - Dust Monitoring Program. b) The dust suppression mitigation measures including "water cart will be available to prevent dust" and that "Induction of trucking contractors shall be undertaken to make them aware of dust issues" is provided in Section 6.2.5 of the Environmental Management Plan May 2018 and in Appendix J. No specific program has been provided in the Environmental Management Plan May 2018 for a program for the use of a water tanker on unsealed roads, however the project is in care, maintenance and rehabilitation with no quarrying since 2018. c) Appendix J of the EMP May 2018 provides the details of how dust performance of the project would be monitored including the Dust Monitoring Locations in Figure J1 of Appendix J.	Complies	
MP09_0091	S3.9	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 in carrying out the project.		1. Annual return 2017, 2018, 2019 and 2019 Northern Dune Extension 2. Complaints register - 2017-2019 3. AEMR 2017, 2018, 2019 Tanilba Northern Dune Extension			No evidence of water pollution incidents was found by the auditors.	Complies	
MP09_0091	S3.10	The Proponent shall not extract sand or other extractive materials or carry out any work in the extraction area below a level of 0.7 m above the predicted maximum groundwater elevation (see condition 14 of schedule 3), other than the construction of any bores approved by NOW.	Procedures for ensuring compliance with this requirement. Survey data / reports demonstrating compliance	1. Penalty notice letter from Department of Planning and the Environment (Lauren Sims - Director Compliance and Investigations) dated 9/5/2019 to Sibelco Shane Point (Operations Manager) RE: Penalty notice - Sibelco's response to the Department's show cause notice. It was determined that it is appropriate to issue Sibelco with a penalty notice in the amount of \$15,000. On 6 July 2018, following a review of the May 2018 survey for works in a different part of the site (central and east), the Department wrote to Sibelco advising of a potential non-compliance with extraction limits. That investigation led to the Department issuing a Warning Letter (28 November 2018) for failing to comply with extraction depth limits (Schedule 3, Condition 10). 2. Payment of \$15,000 for penalty notice from Sibelco to NSW Department of Environment and Planning due to 'failure to comply with Schedule 3, Condition 10 of the project approval MP09_0091'			The proponent has extracted material in the extraction area below a level of 0.7 m above the predicted maximum groundwater elevation. This non-compliance was identified on 6 July 2018, following a review of the May 2018 survey for works in a different part of the site (central and east), the Department wrote to Sibelco advising of a potential non-compliance with extraction limits. That investigation led to the Department issuing a Warning Letter (28 November 2018) for failing to comply with extraction depth limits (Schedule 3, Condition 10). Sibelco paid the \$15,000 penalty notice on 10/05/2019 to the NSW Department of Planning and Environment.	Non Compliance	As quarrying operations were ceased in January 2019, no operational recommendation can be made.
MP09_0091	S3.11	The Proponent shall ensure that the final landform of the extraction area must be at least 1 metre above the predicted maximum groundwater elevation.	Rehabilitation plan Survey data / reports	1. AEMR 2017, 2018, 2019 Tanilba Northern Dune Extension 2. Email from Liam O'Grady - Sustainability Officer at Sibelco to Ann Hagerthy - Senior Compliance Officer at Department of Planning and the Environment dated 14/06/2019 RE: Attached the Final Landform Survey as requested following topsoil spreading for Northern Dune Extension Project MP09_0091 satisfying the requirements outlined in (Schedule 3, Condition 11). 3. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.			*Not verified In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that DPIE has reviewed of the final landform survey indicates several areas in the southwestern portion of the site are approximately 0.1 metre below the final landform limit, and consequently are non-compliant with Schedule 3, Condition 11. The elevation of the final landforms could not be verified by the auditor. In a phone call with Sibelco Liam O'Grady and Peter Dunne and the Auditors Ken Holmes and Samantha Bourke on 11/10/2019 Sibelco are planning on engaging surveyors to redo the site survey to resubmit to DPIE.	Not Verified	The final landform of the extraction area cannot be verified of meeting this condition. Ensure Sibelco actions the re-survey of the extraction area and submits to DPIE for approval.
MP09_0091	S3.12	The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared: by suitably qualified person(s), approved by the Director-General; and in consultation with HWC and NOW; (b) include an Erosion and Sediment Control Plan; and Groundwater Monitoring Program; and (c) be submitted to the Director-General for approval prior to commencing quarrying operations.	Soil and Water Management Plan Erosion and Sediment Control Plan Groundwater Monitoring Plan Correspondence from the DG approving the Plan(s) Letter from the DG approving the person who prepared the Plan Evidence of consultation with NOW and HWC	1. Environmental Management Plan May 2018 - Appendix B: Soil and Water Management Plan. This plan includes the Erosion and sediment control plan. 2. Environmental Management Plan May 2018 - Appendix C: Groundwater Management Plan. This plan includes groundwater monitoring plan in Section 2. 3. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans and the Secretary approved the revised Environmental Management Strategy. 4. Letter DPE (Howard Reed - Manager Mining Projects, as nominee of the Secretary) to Sibelco (Donald Cheong- Environmental Advisor) dated on 20/01/2015 RE: Secretary approval of the Soil and Water Management Plan. 5. Letter DPI (Howard Reed- Manger Mining Projects as nominee of the Director General to Sibelco (Ian Clark - Area Manager) dated 28.6.2013 RE: Appointment of Suitably Qualified Experts. The Director General approves the following persons: Ian Oppy - Senior Hydrogeologist Sibelco (Soil and Water Management Plan, Condition 12 of Schedule 3), Rhonda Lenardon - Environment Advisor Sibelco (Soil and Water Management Plan, Condition 12 of Schedule 3), Dan Pedersen- Ecologist/Bushfire Consultant Kleinfelder (Biodiversity Management Plan and Landscape Management Plan, Condition 15,17,18 and 19 of Schedule 3), Nigel Fisher - Soil Microecologist Kleinfelder (Biodiversity Management Plan and Landscape Management Plan, Condition 15,17,18 and 19 of Schedule 3), Daniel O'Brien - Ecologist Kleinfelder (Biodiversity Management Plan and Landscape Management Plan). 6. Letter Office of Water (M Isaacs) to Sibelco, dated 26 November 2014 providing input into the draft plan. 7. Letter Hunter Water Corporation (P McKoy) to Sibelco, dated 10 November 2014 providing input into the draft plan.			The Soil and Water Management Plan has been prepared in consultation with HWC and NOW and was approved by DPE. The Proponent has prepared the Soil and Water Management Plan: (a) Specialists approved by the Director-General in correspondence letter from DPE (Howard Reed) to Sibelco (Ian Clark) dated 28/06/2013. (b) The auditor sighted the Soil and Water Management Plan which includes the Erosion and Sediment Control Plan (provided in Appendix B of the EMP); and Groundwater Monitoring Program (provided in Appendix C of the EMP). (c) The Soil and Water Management Plan was sighted as provided by Sibelco to DPE and approved by the Director General on Letter dated 20/01/2015 RE: Secretary approval of the Soil and Water Management Plan. Quarrying operations commenced post the DPE approval letters. The commencement of quarrying was viewed on Nearmap imagery of the site in 2016.	Complies	
MP09_0091	S3.13	The Erosion and Sediment Control Plan shall: (a) be consistent with the requirements of Managing Urban Stormwater, Soils and Construction Volume 2E Mines and Quarries, (DECC 2008), 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.		1. Environmental Management Plan May 2018 - Appendix B: Soil and Water Management Plan. This plan includes the Erosion and sediment control plan.			The Erosion and Sediment Control Plan adequately addresses the requirements of this condition. (a) Section B.4 in the Soils and Water Management Plan is consistent with the requirements and addresses Managing Urban Stormwater, Soils and Construction, Volume 1 (Landcom 2004). (b) Section B.2 in the Soils and Water Management Plan addresses activities that may cause soil erosion or generate sediment. (c) Section B.3 in the Soils and Water Management Plan addresses measures to minimise soil erosion and the potential for the transport of sediment off site. (d) Section B.4 of the Soils and Water Management Plan addresses the location (however states 'as required'), function, and capacity of erosion and sediment control structures would be employed as required and structure diagram was provided in the SWMP appendices. (e) Section B.5 of the Soils and Water Management Plan addresses maintenance of measures including monthly EHS site inspection which would cover drainage, extraction faces, rehabilitation areas and condition of stockpiles.	Complies	

MP09_0091	S3.14	The Ground Water Monitoring Program shall include: (a) detailed baseline data on groundwater levels and quality, based on statistical analysis; (b) groundwater impact assessment criteria; (c) a program to monitor groundwater levels and quality; (d) a protocol for the investigation, notification and mitigation of any identified exceedances of the groundwater impact assessment criteria; (e) the outcome of groundwater modelling to establish the predicted maximum groundwater elevation for the site; (f) a program to monitor any impacts of the project on groundwater dependent ecosystems, and (g) a contingency plan to manage any acid sulphate soils and potentially acid sulphate soils encountered during quarrying operations.		1. Environmental Management Plan May 2018 - Appendix C: Groundwater Management Plan - Includes groundwater monitoring plan in Section 2.			This Groundwater Management Plan January 2017 - Ground Water Monitoring Program adequately addresses the requirements of this condition. (a) Detailed baseline data of groundwater levels and quality based on statistical analysis is addressed in Section 2.2, 2.3 and Appendix 4. (b) Groundwater impact assessment criteria is addressed in Section 2.3 and Appendix 4. (c) Groundwater monitoring program (levels and quality) is addressed in Section 2 and Section 2.4. (d) Protocol for the investigation, notification and mitigation of any identified exceedances of the groundwater impact assessment criteria is addressed in Section 2.4 to 2.5. (e) The outcome of groundwater modelling to establish the predicted maximum groundwater elevation for the site is addressed in Section 2.2. (f) Program to monitor any impacts of the project on groundwater dependent ecosystems is addressed in Section 3.2 - Risk of encountering GDE is low and was discussed in the section. Result of no GDE program. (g) A contingency plan to manage any acid sulphate soils and potentially acid sulphate soils encountered during quarrying operations is addressed in Section 3.3 - Risk of encountering acid sulphate soil at lots 1-13 is low and was discussed in the section. Result of no acid sulphate soil contingency plan within the plan.	Complies	
MP09_0091	S3.15	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General.	Biodiversity Management Plan Letter from DG approving the person who prepared the plan Evidence of Consultation with OEH and Council Letter from the DG approving the plan	1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2014 2. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, and the Secretary approved the revised Environmental Management Strategy. 3. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.	1. In an email from Liam O'Grady to the Auditors dated 19/09/2019 the final planting began on the 10 July 2019 and was complete on the 13 July 2019. 2. There are no rehabilitation works to be completed in offset areas, by virtue of the area being a vegetation offset this area remains undisturbed. - Paul Bourne Sibelco QES Coordinator		The Biodiversity Management Plan has been prepared and the report author was approved by DPIE. The plan has been approved by DPIE. The Plan has been implemented with the following exception: The auditor has reviewed the AEMR 2019 and notes the proposal for Kleinfelder to conduct fauna monitoring has been provided to DPIE. However, no monitoring of the fauna has been undertaken. The implementation of the plan is generally compliant except for instances including: Annual Rehabilitation monitoring 2018: - Weed control is ongoing and required to be increased - Key species planting is on track but not complete In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that the following were not complete: - The weed and pest control in rehabilitation and biodiversity offset areas was not undertaken during the reporting period 2018-2019 AEMR. - Biodiversity monitoring (targeted species) of the Wallum Froglet, Koala and Uperoleia species was not undertaken as required, including annual and targeted surveys. - Biodiversity monitoring of vegetation and fauna habitats (in addition to Wallum Froglet, Koala and Uperoleia species) was not undertaken in the biodiversity offset areas. - Rehabilitation and regeneration of Regenerating Grassland – Heath was not undertaken in the biodiversity offset areas. - Expansion and enhancement of the koala habitat was not undertaken. In an email from Sibelco (Liam O'Grady - Sustainability Officer) to the Auditors dated 19/09/2019 the final planting began on the 10 July 2019 and was complete on the 13 July 2019. The auditor has reviewed the Annual Rehabilitation Report 2018 and the Kleinfelder report provides evidence that the rehabilitation has not been completed in accordance with BMP. Due to the amount of weeds onsite. The auditor has reviewed the AEMR 2019 and notes the proposal for Kleinfelder to conduct fauna monitoring has been provided to DPIE. However, no monitoring of the fauna has been undertaken.	Non Compliance	Ensure that all actions / outcomes committed to in the Biodiversity Management Plan are implemented.
		This plan must: (a) be prepared by suitably qualified person(s), approved by the Director-General; and in consultation with Council and OEH;		1. Letter from Office of Environment and Heritage (Richard Bath - Senior Team Leader Planning, Hunter Central Coast Region, Regional Operations) to Sibelco (Rhonda Lenardon- Environmental Advisor) dated 7.04.2014 RE: OEH acknowledges that Sibelco as consulted with OEH in the development of the Tanilba Northern Dune Extension Biodiversity Management Plan . 2. Letter from Department of Planning and Infrastructure (Howard Reed- Manager Mining Projects as nominee of the Director General to Sibelco (Ian Clark - Area Manager) dated 28.6.2013 RE: Appointment of Suitably Qualified Experts. The Director General approving the following persons: - Ian Oppy - Senior Hydrogeologist Sibelco (Soil and Water Management Plan, Condition 12 of Schedule 3), - Rhonda Leardon - Environment Advisor Sibelco (Soil and Water Management Plan, Condition 12 of Schedule 3), - Dan Pedersen - Ecologist/Bushfire Consultant Kleinfelder (Biodiversity Management Plan and Landscape Management Plan, Condition 15,17,18 and 19 of Schedule 3), - Nigel Fisher - Soil Microecologist Kleinfelder (Biodiversity Management Plan and Landscape Management Plan, Condition 15,17,18 and 19 of Schedule 3), - Daniel O'Brien - Ecologist Kleinfelder (Biodiversity Management Plan and Landscape Management Plan)			The Biodiversity Management Plan was prepared, the report author was approved by DPE, the Plan was approved by DPE, and evidence of consultation with Council, DPE and OEH was sighted.	Complies	
		(b) be submitted to the Director-General for approval prior to commencing quarrying operations;		1. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, and the Secretary approved the revised Environmental Management Strategy. 2. Letter from DPE (Howard Reed - Manager Mining Projects, as nominee of the Secretary) to Sibelco (Donald Cheong - Environmental Advisor) dated 19.08.2014 RE: Approval from Secretary on the following plans: Noise Monitoring, Dust Monitoring, Biodiversity Management Plan, Landscape Management Plan, Landscape Management Plan, Aboriginal Cultural Heritage Plan, Traffic Management Plan and Environmental Management Strategy.			The plan was presented to DPE prior to extractive operations;	Complies	

		(c) address both the project site and the offset areas;		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2014 addresses project site in Sections 1-4 and Section 4 provides a summary of the offset areas. 2. AEMR 2017-2019 3. Incident register 2017-2019 4. Complaints register 2017-2019.			Both project and Offset areas are addressed throughout the BMP within each section.	Complies	
		(d) provide for the retention of hollow-bearing trees, wherever practicable;		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2014 2. Letter from Kleinfelder (Luke Foster- Ecologist) to Sibelco (Elizabeth Alexander) dated 24/12/2015 RE: Installation of 52 nest boxes within the Northern Offset Area on 21 and 23rd December 2015 as per requirements for Tanilba Northern Dune Extension. 3. Annual Vegetation Rehabilitation Monitoring Report 2018 prepared by Kleinfelder.			(d) Retention of hollow-bearing trees, wherever practicable is addressed in Section 3.2.2.1 and Table 5 - 13 of the 26 hollow bearing trees will be removed with the commitment to replace each hollow bearing tree with two nest boxes. Sibelco had engaged a third party consultant (Kleinfelder) to conduct the calculation and installation of 52 nest boxes within the Northern Offsets area.	Complies	
		(e) ensure the establishment and on-going monitoring (at least 6 years) of a least 2 nest boxes for each tree hollow removed during clearing;		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2015			(e) Ensuring the establishment and on-going monitoring (at least 6 years) of a least 2 nest boxes for each tree hollow removed during clearing is addressed in Section 5.1.2 B.	Complies	
		(f) include a program to undertake targeted surveys for the novel Uperoleia sp.;		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2015 2. Landscape Management Plan - Tanilba Northern Dune Extension January 2014			(f) A program to undertake targeted surveys for the novel Uperoleia sp. is provided in Section 5.1.4 A and Section 5.3.3 of the BMP, and Section 4.3.2 of the LMP.	Complies	
		(g) identify any areas within the offset areas requiring rehabilitation and/or re-vegetation and implement a program for this;		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2015			(g) The identification any areas within the offset areas requiring rehabilitation and/or re-vegetation and implement a program is addressed in Section 5.1.5 and Section 5.2 of the BMP	Complies	
		(h) include a detailed description of the measures that would be implemented, including the procedures to be implemented for: - enhancing the quality of existing vegetation, fauna habitat and wildlife corridors; - landscaping the site to minimise any visual impacts of the project; - maximising the salvage of resources within the approved disturbance area – including vegetative, soil and cultural heritage resources – for beneficial reuse in the offset areas and/or rehabilitation areas; - minimising the impacts of the project on fauna, including undertaking pre-clearance surveys and minimising the use of insecticides, herbicides, pesticides and biocides; - controlling weeds and feral pests; - maintenance of a buffer zone at the northern edge of the extraction area; - controlling access; - minimising edge effects; and - bushfire management; and		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2016			(h) A detailed description of the measures that would be implemented, including the procedures to be implemented for this condition is addressed in the BMP and LMP. - Section 5.1.5 in the BMP provides detail on enhancing the quality of existing vegetation, fauna habitat and wildlife corridors; - Section 4.3.11 of the LMP provides detail on landscaping the site to minimise any visual impacts of the project; - Section 5.1.3 of this BMP and Section 4.3.3 of the LMP provides detail on maximising the salvage of resources within the approved disturbance area - Section 5.1.7 of this BMP and Section 4.3.2 of the LMP including vegetative, soil and cultural heritage resources for beneficial reuse in the offset areas and/or rehabilitation areas; - Section 5.1.7 of this BMP and Section 4.3.2 of the LMP details the minimising the impacts of the project on fauna, including undertaking pre-clearance surveys and minimising the use of insecticides, herbicides, pesticides and biocides; controlling weeds and feral pests; - Section 5.1.5 details the maintenance of a buffer zone at the northern edge of the extraction area; - Section 5.1.1 details the controlling access; - Section 5.1.5 details the minimising edge effects; and bushfire management	Complies	
		(i) include: - management measures; - monitoring procedures; - performance indicators; and - reporting frameworks, with particular reference to the novel Uperoleia sp., Koala, and Wallum Froglet.		1. Biodiversity Management Plan - Tanilba Northern Dune Extension February 2015 2. Landscape Management Plan - Tanilba Northern Dune Extension January 2014			Management Measures, monitoring procedures and performance indicators are covered in the Plan. Section 4.3.2, Section 4.3.3 and 4.3.8 of the Landscape Management Plan details the reporting frameworks, with particular reference to the novel Uperoleia sp., Koala, and Wallum Froglet.	Complies	
MP09_0091	53.16	By 31 December 2013, or otherwise agreed by the Director-General, the Proponent shall: a) enter into a Biobanking agreement in respect of the proposed offset areas (see Appendix 4) with the Minister for the Environment, in accordance with Part 7A of the Threatened Species Conservation Act 1995, to implement the Biodiversity Offset Strategy; or b) enter into an agreement with OEH to transfer the offset areas into the national parks estate, to the satisfaction of the Director-General.	Biobanking agreement Map/ Plans showing locations and extent of off-set areas	1. Letter from Don Cheong NSW Environmental Advisor for Sibelco to Richard Bath, Head Hunter Planning Unit of the Office of Environment and Heritage dated 20/11/2012 RE: Tanilba Northern Dune - Biodiversity offset transfer. Proposed offer to transfer of the offset lands to Office of Environment and Heritage for reservation. (Lots 11-13). • Email was sighted to Donald Cheong - NSW Environmental Advisor at Sibelco from Richard Bath at Office of Environment and Heritage dated 29/11/2012 RE: receipt of letter and copy of Biodiversity Offsets Strategy. 2. Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report Volume III August 2012 Annex P - Biodiversity Offset Strategy. 3. Letter including BioBanking agreement ID Number 225 from the Department of Environment and Planning by John Seidel - Team leader Ecosystem Assessment - Conservation Programs Branch to Tom Cutbush - Sibelco dated 23/01/2019. RE: Successful establishment of a biobanking site on the land through the Biodiversity Banking and Offsets (BioBanking) Scheme. The BioBanking agreement BA 225 Lemon Tree Passage Road was finalised on 23 January 2019. BioBanking agreement ID: 225 and credit owner ID: 287. The BioBanking sites consist of Lot 21 in Deposited Plan number 579700, Lot 22 in Deposited Plan number 579700, Lot 23 in Deposited Plan number 579700 and Lot 24 in Deposited Plan number 579700.			The Auditor sighted evidence provided in two letters relating to the Biobanking agreement in respect of the proposed offset areas with the Minister for the Environment, in accordance with Part 7A of the Threatened Species Conservation Act 1995, to implement the Biodiversity Offset Strategy.	Complies	
MP09_0091	53.17	The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared: by suitably qualified person(s), approved by the Director-General; and in consultation with Council and HWC; (b) be submitted to the Director-General for approval prior to commencing quarrying operations; and (c) include: a Rehabilitation Management Plan; and a Long Term Management Strategy.	Landscape Management Plan Rehabilitation Plan	1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder 2. Letter Office of Water (M Isaacs) to Sibelco, dated 26 November 2014 providing input into the draft plan. 3. Letter Hunter Water Corporation (P McKoy) to Sibelco, dated 10 November 2014 providing input into the draft plan.			The Landscape Management Plan has been prepared. (a) Evidence of approved personnel by the Director General was sighted by the Auditor. (b) evidence of consultation with Council and HWC was sighted. (b) Evidence that the LMP was submitted to the Director-General for approval prior to commencing quarrying operations was sighted. (c) The Rehabilitation Management Plan was covered in Section 4. and the Long Term Management Strategy in Section 5.	Complies	
MP09_0091	53.18	The Rehabilitation Management Plan must include: (a) rehabilitation objectives for the site; (b) a description of the measures that would be implemented to: rehabilitate and stabilise the site; minimise the removal of mature trees; and manage the remnant vegetation and habitat on the site;		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4. 1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4. 1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			The Rehabilitation Management Plan has been prepared and includes the detail required by this condition: Section 4.1.provides rehabilitation objectives for the site. Section 4.2.provides a description of the measures that would be implemented to: rehabilitate and stabilise the site; minimise the removal of mature trees; and manage the remnant vegetation and habitat on the site;	Complies Complies Complies	

		(c) detailed performance and completion criteria for the rehabilitation and stabilisation of the site;		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			Section 4.5 provides a detailed performance and completion criteria for the rehabilitation and stabilisation of the site;	Complies	
		(d) a detailed description of how the performance of rehabilitation would be monitored over time to measure achievement of the performance and completion criteria and the rehabilitation objectives		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			Section 4.3.6. provides a detailed description of how the performance of rehabilitation would be monitored over time to measure achievement of the performance and completion criteria and the rehabilitation objectives.	Complies	
		(e) a detailed description of what measures would be implemented to rehabilitate and manage the landscape of the site, including the procedures to be implemented for: progressively rehabilitating and stabilising areas disturbed by quarrying; implementing revegetation and regeneration within the disturbance areas; protecting areas outside the disturbance 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, particularly threatened fauna and the novel Uperoleia sp.; controlling weeds and pests; controlling access; bushfire management; and reducing the visual impacts of the project;		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			Section 4.3.5. provides a detailed description of what measures would be implemented to rehabilitate and manage the landscape of the site, including the procedures to be implemented for: progressively rehabilitating and stabilising areas disturbed by quarrying; implementing revegetation and regeneration within the disturbance areas; protecting areas outside the disturbance 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, particularly threatened fauna and the novel Uperoleia sp.; controlling weeds and pests; controlling access; bushfire management; and reducing the visual impacts of the project;	Complies	
		(f) a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to mitigate these risks		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			Section 4.7 provides a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to mitigate these risks.	Complies	
		(g) details of who is responsible for monitoring, reviewing, and implementing the plan.		1. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Rehabilitation Management Plan provided in Section 4.			Section 7.1.provides details of who is responsible for monitoring, reviewing, and implementing the plan.	Complies	
MP09_0091	S3.19	The Long Term Management Strategy must:		Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder - Long Term Management Strategy.			The Long Term Management Strategy has been prepared has been prepared and includes the detail required by this condition:	Complies	
		(a) define the objectives and criteria for quarry closure and post-extraction management;					Section 5.1 defines the objectives and criteria for quarry closure and post-extraction management.	Complies	
		(b) investigate and/or describe options for the future use of the site;					Section 5.2 investigates and/or describe options for the future use of the site.	Complies	
		(c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and					Section 5.2 describes the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and	Complies	
		(d) describe how the performance of these measures would be monitored over time.					Section 5.2 describes how the performance of these measures would be monitored over time.	Complies	
MP09_0091	S3.20	Prior to commencing quarrying operations, the Proponent shall lodge a rehabilitation bond for the project with the Director-General. The Proponent may lodge the rehabilitation bond in two portions. The first portion for 4.5 hectares must be lodged with the Department prior to commencing quarrying operations, with no land disturbance to exceed 4.5 hectares until the second portion of the bond is accepted by the Department. The sum of the bond shall be calculated at \$2.50/m2 for the area to be disturbed by quarrying operations, to the satisfaction of the Director-General. If rehabilitation and revegetation works have been completed in accordance with the Rehabilitation Management Plan and to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond. If rehabilitation and revegetation works are not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the rehabilitation bond, and arrange for the satisfactory completion of the relevant works.	Details of Bond paid to the Department Correspondence with the Department relating to the Bond	1. Letter from Planning Industry and the Environment by Lauren Sims - Director Compliance to Sibelco Quality, Safety and Environment Coordinator Paul Bourne dated 3/09/2019. RE: Show cause. Failed to lodge the second portion of the rehabilitation bond, for disturbance that exceeds 4.5 hectares, as noted in Schedule 3, Condition 20. It was noted that on 4th July 2016 the first portion of the rehabilitation bond for the first 4.5 hectares of the site disturbance was lodged with DPE. However a vegetation clearing report dated 12/01/2018, review of aerial imagery dated 16/01/2018 indicates that further disturbance has occurred to date. As a consequence, an additional rehabilitation bond should have been submitted to the department for the remaining approximate 3 hectares of the site disturbance. The bond has been outstanding for at least 20 months. 2. Letter including BioBanking agreement ID Number 225 from the Department of Environment and Planning by John Seidel - Team leader Ecosystem Assessment - Conservation Programs Branch to Tom Cutbush - Sibelco dated 23/01/2019. RE: Successful establishment of a biobanking site on the land through the Biodiversity Banking and Offsets (BioBanking) Scheme. The BioBanking agreement BA 225 Lemon Tree Passage Road was finalised on 23 January 2019. BioBanking agreement ID: 225 and credit owner ID: 287. The BioBanking sites consist of Lot 21 in Deposited Plan number 579700, Lot 22, Lot 23 and Lot 24 . 3. Letter from Don Cheong NSW Environmental Advisor for Sibelco to Richard Bath Head Hunter Planning Unit for Office of Environment and Heritage dated 20/11/2012 RE: Tanilba Northern Dune - Biodiversity offset transfer. Proposed offer to transfer of the proposed offset lands to Office of Environment and Heritage for reservation. (Lots 11-13). 4. Email was sighted to Donald Cheong - NSW Environmental Advisor at Sibelco from Richard Bath at Office of Environment and Heritage dated 29/11/2012 RE: receipt of letter and copy of Biodiversity Offsets Strategy			The Proponent has not lodged the second instalment of the rehabilitation bond. Evidence provided shows compliance with the first portion for 4.5 hectares was lodged with the Department prior to commencing quarrying operations. However no evidence was provided to show that no land disturbance to exceed 4.5 hectares until the second portion of the bond is accepted by the Department. The evidence provided confirms the sum of the bond is calculated at \$2.50/m2 for the area to be disturbed by quarrying operations, to the satisfaction of the Director-General. It is noted that if rehabilitation and revegetation works have been completed in accordance with the Rehabilitation Management Plan and to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond. It is noted that if rehabilitation and revegetation works are not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the rehabilitation bond, and arrange for the satisfactory completion of the relevant works.	Non Compliance	Ensure that all rehabilitation bonds are lodged with DPIE
MP09_0091	S3.21	Within 3 months of each Independent Environmental Audit (see condition 8 of schedule 5), the Proponent shall review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the Director-General. This review must consider: (a) the effects of inflation; and (b) performance under the Rehabilitation Management Plan to date.	Evidence of review of the Rehabilitation Plan following the last audit (revised plan / correspondence with the DG / consultation with OEH / Council)				This Independent Audit it the first audit undertaken for this project.	Not Triggered	

MP09_0091	S3.22	The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with all relevant local Aboriginal communities; (b) be submitted to the Director-General for approval prior to commencing quarrying operations; and (c) include: - measures for the protection and management of site 38-4-0318 within Lot 13 DP601306; - a program to complete prospective pre-clearance surveys of the extraction area in consultation with Aboriginal stakeholders; - measures for ongoing consultation with local Aboriginal communities and the involvement of these communities in pre-clearance surveys and the ongoing management of any Aboriginal cultural heritage values identified within the site; - an Aboriginal cultural education program for the induction of personnel and contractors involved in quarrying operations; and- a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project.	Aboriginal Cultural Heritage Management Plan Evidence of consultation with RAPs Evidence of consultation with	1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix G - Aboriginal Cultural Heritage Management Plan • Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix G - Aboriginal Cultural Heritage Management Plan • Environmental Assessment Vol II Tanilba Northern Dune - Section 2 Aboriginal Community Consultation including Annex A (Communications between ERM and local Aboriginal stakeholders) and Annex B (copies of relevant correspondence). 2. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy. 3. AEMR 2019 Tanilba Northern Dune Extension Area Appendix 6: Cultural Heritage Inspections. Undertaken Tuesday 1st of May, Murrooma, Nurrungee and Worimi LALC completed an Aboriginal site investigation and salvage of cultural material collected through the spoils of sand mining and from being exposed during top soil removal and vegetation clearing and previous sand mining as requested by Sibelco. Also completed on Wednesday 22nd of August, Murrooma, Nurrungee and Worimi LALC completed an Aboriginal site investigation and salvage of cultural material collected through the spoils of sand mining and from being exposed during top soil removal and vegetation clearing and previous sand mining as requested by Sibelco. 4. Meeting at Sibelco, Tanilba Bay on the 20/02/2017 with Registered Aboriginal Parties (RAP). RE: Aboriginal Cultural Heritage Management Plan consultation and included addendum items in which was to be provided in the ACHMP addendum. RAPs also attended the vegetation removal of Lot 11 DP601306 on 21 February 2017. The meeting with stakeholders/organisations included Mur-Roo-Ma Inc, Nur-Run-Gee Pty Ltd and the Worimi LALC.			The Aboriginal Cultural Heritage Management Plan was reviewed by auditors in accordance with this condition. (a) The auditor has viewed evidence of consultation with all relevant local aboriginal communities for the Aboriginal Heritage Management Plan. Consultation was conducted on 20/02/2017. (b) Evidence of letter from DPE of the Environmental Management Strategy including sub plans approved viewed by the auditor. (c) Including: - Section G.3 provides measures for the protection and management of site 38-4-0318 within Lot 13 DP601306. - Section G.4 provides a program to complete prospective pre-clearance surveys of the extraction area in consultation with Aboriginal stakeholders - Section G.5 provides measures for ongoing consultation with local Aboriginal communities and the involvement of these communities in pre-clearance surveys and the ongoing management of any Aboriginal cultural heritage values identified within the site - Section G.6 provides an Aboriginal cultural education program for the induction of personnel and contractors involved in quarrying operations; and- a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project.	Complies	
MP09_0091	S3.23	All extractive materials dispatched from the site must be delivered to Sibelco's Salt Ash Sand Processing Plant by the most direct route available.	Details of route used to transport sand to the processing plant Induction or other training documentation for drivers / contractors	1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix H - Northern Dune Traffic Management Plan			All extractive materials dispatched from the site must be delivered to Sibelco's Salt Ash Sand Processing Plant by the most direct route available is addressed in Appendix H and Figure G2 of the EMP.	Complies	
MP09_0091	S3.24	Prior to commencing quarrying operations, the Proponent shall: (a) install "Trucks Crossing" and "Trucks Entering" warning signs on Nelson Bay Road on both the western and eastern approaches to the intersection of Lemon Tree Passage Road; and (b) pay the full cost of this installation, to the satisfaction of RMS.		1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix H - Northern Dune Traffic Management Plan			(a) No evidence provided. No signs sighted during site visit in August 2019. (b) No evidence of payment of the full cost of the installation, or correspondence confirming the satisfaction of RMS with the installation.	Non Compliance	As quarrying operations were ceased in January 2019, no operational recommendation can be made.
MP09_0091	S3.25	The Proponent shall ensure that: (a) all vehicles do not exceed a speed of 25 kph on the site; (b) all loaded vehicles entering or leaving the site have their loads covered; and (c) all loaded vehicles leaving the site are cleaned of sand and other materials that may fall on the road, before leaving the site.		1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix H - Northern Dune Traffic Management Plan			(a) All vehicles do not exceed a speed of 25 kph on the site is addressed in Section H.6 (b) All loaded vehicles entering or leaving the site have their loads covered is addressed in Section H.15 (c) All loaded vehicles leaving the site are cleaned of sand and other materials that may fall on the road, before leaving the site is addressed in Section H.15	Complies	
MP09_0091	S3.26	The Proponent shall prepare and implement a Traffic Management Plan for the project, to the satisfaction of the Director-General. This plan must: (a) be submitted to the Director-General for approval prior to commencing quarrying operations; (b) include a drivers' code of conduct to minimise the impacts of project-related trucks on local residents and road users; and (c) describe the measures that would be put in place to ensure compliance with the drivers' code of conduct.	Traffic Management Plan Letter from DG approving plan	1. Environmental Management Plan - Sibelco Northern Dune May 2018 - Appendix H - Northern Dune Traffic Management Plan 2. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy and the Secretary approved the revised Environmental Management Strategy. 3. Letter from DPE (Howard Reed - Manager Mining Projects, as nominee for the Secretary) to Sibelco (Donald Cheong - Environmental Advisor) dated 19.08.2014 RE: Approval from Secretary on the following plans: Noise Monitoring, Dust Monitoring, Biodiversity Management Plan, Landscape Management Plan, Aboriginal Cultural Heritage Plan, Traffic Management Plan and Environmental Management Strategy.			(a) Letter evidence was viewed by the auditor for approved EMP including sub plans prior to quarrying activities. Letter evidence was viewed by the auditor of the letter approving EMP including subplans during quarrying activities. (b) A drivers' code of conduct to minimise the impacts of project-related trucks on local residents and road users is addressed in Section H.20 of the EMP Appendix H. (c) A description of the measures that would be put in place to ensure compliance with the drivers' code of conduct is addressed in Section H.20 of the EMP Appendix H	Complies	
MP09_0091	S3.27	The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director- General.	Correspondence with the DG regarding visual amenity	1. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, and the Secretary approved the revised Environmental Management Strategy. 2. Landscape Management Plan - Northern Dune Extension dated January 2014 prepared by Kleinfelder			Environmental Management Plan May 2018 including sub plans such as the Landscape Management Plan 2014 were approved by the DG/Secretary.	Complies	
MP09_0091	S3.28	The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Director-General.		1. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy. 2. Environmental Management Plan - Sibelco Northern Dune May 2018			Environmental Management Plan May 2018 was approved by the DG/Secretary. This is included Section 6.2.7 of the EMP 2018.	Complies	
MP09_0091	S3.29	The Proponent shall ensure that wastewater and/or sewage disposal is not undertaken on the site.	Waste Management Plan Copies of waste transport / disposal records for each waste stream.	1. Environmental Management Plan - Sibelco Northern Dune May 2018		No bathroom facilities were viewed onsite by the auditor.	Section 6.2.4 Land Management addresses the condition stating that "No toilets are to be provided on site. All personnel will return to the Salt Ash site to prevent wastewater being discharged to land".	Complies	

MP09_0091	S3.30	The Proponent shall not undertake any refuelling or maintenance of vehicles or equipment on the site, except to the extent necessary to remove vehicles or equipment from the site in the case of breakdowns.	Refuelling procedure(s)	1. Environmental Management Plan - Sibelco Northern Dune May 2018 2. Complaints register - 2017 - 2019 3. Incidents register - 2017 - 2019			This condition detailing that "The Proponent shall not undertake any refuelling or maintenance of vehicles or equipment on the site, except to the extent necessary to remove vehicles or equipment from the site in the case of breakdowns" is addressed in Section 5.6, 6.2.4, H19 and the location of refuelling sites are provided in Figure G3 of the EMP. Complaints register and incidents register were both sighted by the auditor and no complaints of refuelling issues onsite or offsite were recorded.	Complies	
MP09_0091	S3.31	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 Director-General and as expressly permitted by a licence under the Protection of the Environment Operations Act 1997. 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.		1. Environmental Management Plan - Sibelco Northern Dune May 2018 2. Complaints register - 2017 - 2019 3. Incidents register - 2017 - 2020			Waste management relating to this condition is addressed in Section 6.2.7 of the EMP 2018. Complaints register and incidents register were both sighted by the auditor and no complaints or issues relating to waste recorded within the audit period.	Complies	
MP09_0091	S3.32	The Proponent shall ensure that chemicals and/or petroleum products are not stored on site.		1. Environmental Management Plan - Sibelco Northern Dune May 2018 2. Complaints register - 2017 - 2019 3. Incidents register - 2017 - 2021		7 August 2019 Site inspection of Sibelco Northern Dune - no storage of chemicals and/or petroleum products onsite.	The detail that no chemicals and/or petroleum would stored onsite and is addressed in Section 6.2.4 of the EMP 2018. Complaints register and incidents register were both sighted by the auditor and no issues relating to chemicals or petroleum products stored onsite recorded within the audit period. Auditors viewed no storage of chemicals and/or petroleum products onsite.	Complies	
MP09_0091	S3.33	The Proponent shall ensure public safety at the site to the satisfaction of the Director-General.	OH&S Plan or similar	1. Environment Health and safety Management System Procedures - internal sibelco document procedure.	Interview with the Quality, Environment and Safety Coordinator Paul Bourne on 7 August 2019.		During the audit site visit, the auditors sighted the OH&S Plan which is located on Sibelco internal system and an interview also was conducted with the Quality, Environment and Safety Coordinator Paul Bourne on 7 August 2019. Described system used which is the Site Action Management System (SAM).	Complies	
MP09_0091	S3.34	The Proponent shall: (a) provide annual quarry production data to DRE using the standard form for that purpose; and (b) include a copy of this data in the Annual Review (see condition 3 of Schedule 5).	Annual Review (report) for each of the last three years	1. AEMR 2017, 2018, 2019 Tanilba Northern Dune Extension			The AEMR 2017 -2019 was sighted which included annual transported tonnes from the site and complies with this condition requirements.	Complies	
MP09_0091	S4.1	If the results of the monitoring required in schedule 3 identify that the impacts generated by the project on site are greater than the relevant impact assessment criteria, and there is no negotiated agreement in place to allow the impact, then within 2 weeks of obtaining the monitoring results the Proponent shall: (a) notify the Director-General, the affected landowners and tenants (including tenants of any quarry-owned properties) accordingly, and provide monitoring results to each of these parties until the results show that the project is complying with the relevant criteria in schedule 3; and (b) in the case of exceedances of the relevant air quality criteria, send the affected landowners and/or tenants a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time).	Document / plan etc that specifies the environmental impact assessment criteria Monitoring data related to the above criteria for the past three years	1. Complaints register - 2017-2019 2. Incident register - 2017 - 2019 3. Email from Sibelco (Neil Stewart - Operations Manager) to DPE (Ann Hagerthy) dated 8/06/2017 RE: Notification of monthly dust exceedance and quarterly noise reading above limits to DPE. 4. Email from Sibelco (Neil Stewart - Operations Manager) to DPE (Ann Hagerthy) dated 28/07/2017 RE: Notification of dust exceedance at TB1 to DPE. 6. Email response from DPE (Ann Hagerthy - Senior Compliance officer) to Sibelco (James Epstein) dated 19/10/2017 RE: DPE reviewed Sibelco's incident reports for the Tanilba Northern Dune extension for the dust dep gauge exceedances of May, June, August and September 2017 monitoring events. 7. Email from Sibelco (James Epstein) to DPE (Ann Hagerthy) dated 22/06/2017.RE: Notification of PMGE of ACI-7 was exceeded on 20/06/2017 following 138.4mm of rainfall between 06/06/2017 and 12/06/2017. The monitoring, again, returned a level of 8.40 with the trigger value calculated to be 8.38..			The complaints register is provided and has been sighted by the auditor on the publicly accessible Sibelco website was reviewed for the audit period 2017 - 2019. No complaints were made to Sibelco Northern Dune Extension during the audit period. Incident register was sighted by the auditor: 1. Incident on date 7/06/2017 regarding monthly dust exceedance and quarterly noise reading above limits was notified to DPE on 8/06/2017 by Sibelco Neil Stewart. 2. Incident on date 28/07/2017 dust exceedance at TB1 was notified to DPE on 28/07/2019 by Sibelco Neil Stewart. 3. Incident recorded in register on date 3/10/2017 (Dust exceedance reported on Northern Dune September monthly sample) was notified to DPE (as per evidence provided - response of DPE) on date 19/10/2017. 4. Incident recorded in register on date 27/08/2018 (Extracted below PMGE level resulting in non-compliance) was notified to DPE on date 22/06/2017. No further operation related incidents were recorded in the incident register. The exceedances for dust were not attributed to the operation. Exceedances for noise was due to incorrect monitoring implementation.	Not Triggered	
MP09_0091	S4.2	If a landowner of privately-owned land considers the project to be exceeding the relevant criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to: - consult with the landowner to determine his/her concerns; - conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and - if the project is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and (b) give the Director-General and landowner a copy of the independent review.	Correspondence (communications) related to exceedances of environmental impact criteria.					Not Triggered	
MP09_0091	S5.1	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must: (a) be submitted to the Director-General for approval prior to the commencement of quarrying activities; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;	Environmental Management Strategy Letter from DPE approving the Strategy	1. Environmental Management Plan - Sibelco Northern Dune May 2018 2. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy. 3. Letter from DPE (Howard Reed - Manager Mining Projects, as nominee for the Secretary) to Sibelco (Donald Cheong - Environmental Advisor) dated 19.08.2014 RE: Approval from Secretary on the following plans: Noise Monitoring, Dust Monitoring, Biodiversity Management Plan, Landscape Management Plan, Aboriginal Cultural Heritage Plan, Traffic Management Plan and Environmental Management Strategy. 4. Complaints register - 2017-2019 5. Environmental Management Plan May 2018 - Appendix C: Groundwater Management Plan Includes groundwater monitoring plan in Section 2.		1. Letters from Sibelco to DPE regarding non-compliances were viewed by the auditor.	Proponent has prepared an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must: (a) The EMP was submitted to the Director-General for approval prior to the commencement of quarrying activities - the EMP was provided to DPE prior to the commencement of operations; (b) Section 1 provides the strategic framework for environmental management of the project. The Environmental Management Plan May 2018 has been sighted and deemed compliant with this condition; (c) Section 1 and Section 6.3 provides the statutory approvals that apply to the project are provided in Section 6.3 - Legal and other Requirements provided in the Environmental Management Plan May 2018;	Complies Complies Complies	

		<p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the project; receive, handle, respond to, and record complaints; resolve any disputes that may arise during the course of the project; respond to any non-compliance; and respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and a clear plan depicting all the monitoring to be carried out in relation to the project. 	<p>6. Incident register 2017 - 2019</p> <p>7. Letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.</p>			<p>(d) Section 7 provides the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project is described in the Environmental Management Plan May 2018 and is provided in Section 7 of the EMP.</p> <p>(e) In Section 9 of the EMP May 2018 it describes the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the project (Section 9.1 to Section 9.4 of the EMP); receive, handle, respond to, and record complaints (Section 12 of the EMP and the complaints register 2017-2019 template); resolve any disputes that may arise during the course of the project (provided in Section 12.2 and 12.4 of the EMP); respond to any non-compliance (provided in Section 12.1 of the EMP); and respond to emergencies (demonstrated in Complaints register and letters to the Department); and <p>(f) The EMP details the requirement to include: copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved (auditors viewed these plans and strategies that are required for the conditions of the approval and EPL); and</p> <p>The EMP details clear plans depicting all the monitoring to be carried out in relation to the project (monitoring plans provided in the EMP May 2018 in Appendix F- Figure F1, Appendix J - Figure J-1 and Groundwater Management Plan January 2017 in Appendix 2 - Northern Dune Groundwater Monitoring Network and Appendix 3- PMGE surface and piezometer PMGE.</p> <p>The Environmental Management Plan May 2018 has been approved by DPIE however has not been implemented in accordance with the approved EMP 2018.</p> <p>In a letter from DPIE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that the following were non-compliant:</p> <ul style="list-style-type: none"> Groundwater monitoring – monitoring events (TPH in September 2018, and monthly water levels) were not undertaken in accordance with the approved Groundwater Monitoring Program (2017). <p>In 2017, Sibelco failed report the status of compliance with extraction depth limits (21 October 2016, 28 February 2017, 6 July 2017, 28 November 2018 and 13 December 2018).</p> <p>Another survey was also requested in accordance with this condition December 2018, however, this was not submitted until 8 February, following three prompts from the department.</p> <p>In 2019, Sibelco failed to provide the requested landform survey report to DPE within the required three week time frame specified by DPE.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Non-Compliance</p>	<p>Ensure the approved Environmental Management Strategy is implemented.</p>
MP09_0091	SS.2	<p>The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; and the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the project; and effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p> <p>Note: At the discretion of the Director-General, some of these requirements may be waived where they are either not relevant or necessary.</p>	<p>1. Environmental Management Plan - Sibelco Northern Dune May 2018</p> <p>2. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy.</p> <p>3. Letter from DPE (Howard Reed - Manager Mining Projects, as nominee for the Secretary) to Sibelco (Donald Cheong - Environmental Advisor) dated 19.08.2014 RE: Approval from Secretary on the following plans: Noise Monitoring, Dust Monitoring, Biodiversity Management Plan, Landscape Management Plan, Landscape Management Plan, Aboriginal Cultural Heritage Plan, Traffic Management Plan and Environmental Management Strategy.</p>			<p>The Environmental Management Plan May 2018 including sub plans of the EMP has been approved of meeting the requirements of the Department of Planning and the Environment. The plans have not been updated since date 6/02/2018.</p>	<p>Complies</p>	

MP09_0091	SS.3	<p>Within 12 months of the commencement of quarrying operations, and <u>annually thereafter</u>, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works (including rehabilitation) that were carried out in the previous year, and the works that are proposed to be carried out over current year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> · the relevant statutory requirements, limits or performance measures/criteria; · the monitoring results of previous years; and · the relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>		<p>1. AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019</p> <p>2. Letter from Department of Planning and the Environment (Leah Cook: Team Leader- Compliance) to Sibelco (Shane Pont -QSE Coordinator) dated on 24/05/2019 RE: DPE review of 2017-2018 Annual Review (AR) for the reporting period 1 April 2017 to 31 March 2018. Which included responses from DPE regarding non compliances.</p>		<p>The AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019 have been sighted and the documents cover the environmental performance of the Project to the satisfaction of the Director General/Department of Environment.</p> <p>The AEMRs have been prepared in accordance with the Director-General's guidelines and adequately address the requirements of this with this condition.</p> <p>The DPE review of 2017-2018 Annual Review (AR) for the reporting period 1 April 2017 to 31 March 2018. Notified the following deficiencies:</p> <ul style="list-style-type: none"> - Weed monitoring and weed control has not been undertaken in the biodiversity offset areas as committed to in the Biodiversity Offset Management Plan (BOMP) (Section 5.1.5) - no monitoring undertaken in the biodiversity offset areas for the Wallum Froglet, Uperoleia sp. Nov., or Koalas as committed to in Statement of Commitment (Appendix 3 of the approval) and the BOMP (Section 5.2). <p>DPE Requested that these deficiencies addressed in the next AMER. No evidence was provided that the 2019 AMER had included the progress of weed monitoring or the monitoring undertaken in the biodiversity offset areas for the Wallum Froglet, Uperoleia sp. Nov., or Koalas.</p>	Non-Compliance	Ensure that all DPE recommendations are implemented and that the scope of works as provided in Kleinfelder's proposal are implemented.
MP09_0091	SS.4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under condition 3 above;</p> <p>(b) the submission of an incident report under condition 5 below;</p> <p>(c) the submission of an audit report under condition 8 below; and</p> <p>(d) any modifications to this approval,</p> <p>the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.</p> <p>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 project.</p>		<p>1. Environmental Management Plan - Sibelco Northern Dune May 2018</p> <p>2. AEMR 2017, 2018, 2019 and Annual Environmental Management Report - Tanilba Northern Dune Extension 2019</p> <p>3. Email notification from Sibelco (Neil Stewart- Operations Manager) to DPE (Ann Hagerthy- Senior Compliance) dated 22/08/2017 RE: Northern Dune Dust Exceedance. The exceedance being that TB1 investigation results. Noted that through the investigation of June dust exceedance at sample point TB1 at Northern Dune, it was noted that the current TB1 position does not match that stated in the approved Environmental Management Plan. Sibelco's plan was to relocate TB1 to the approved position when the samples bottles are refreshed at the start of September. Sibelco asked DPE to advise if they agree to TB1 being moved to the original position.</p> <p>4. Email from DPE (Ann Hagerthy - Senior Planning Officer Compliance) to Sibelco (Neil Stewart- Operations Manager) dated 28/08/2019 RE: DPE confirming Sibelco can move the monitoring location TB1 to the correct approved location shown in the approved management plan.</p> <p>5. Email from DPE (Ann Hagerthy - Senior Compliance Officer) to Sibelco (James Epstein) dated 19 October 2017 RE: DPE revised Sibelco's incident reports and following an inspection on 25 September 2017, the Department noted that Sibelco wishes to revise the Air Quality Monitoring Plan.</p> <p>6. Letter from Department of Planning and the Environment (Howard Reed - Director Resource Assessments, as nominee of the Secretary) to James Epstein (QSE Coordinator - Newcastle Sibelco) dated on 6/2/2018 RE: Tanilba Northern Dune Extension Project (MP 09_0091) Environmental Management Plans. The Department reviewed the revised Environmental Management Strategy, incorporating the updated Dust Monitoring Program (version 3, dated 21 January 2018) and the Secretary approved the revised Environmental Management Strategy.</p>		<p>The auditor sighted evidence provided in letters of notification of exceedances to DPE, requests for the monitoring equipment was sent from Sibelco to DPE to consider. During this stage of the discussion it became known the dust monitoring location at the time was incorrect. Sibelco followed up with an email to DPE and mentioned the dust monitor had been placed in the incorrect position and to move it back to the original position.</p> <p>DPE agreed to move the dust monitoring location to the correct location in the provided approved EMP.</p> <p>Sibelco resubmitted the EMP including the revised Dust Monitoring Program to DPE for approval. DPE approved revised EMP including Dust Monitoring program on 6/02/2018.</p>	Compliance	
MP09_0091	SS.5	<p>The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.</p>	<p>Definition of "incident" used by Northern Dune Project</p> <p>Notification of incidents to DG /EPA/ Council for the past three years.</p>	<p>1. AEMR 2017, 2018, 2019 Tanilba Northern Dune Extension</p> <p>2. Complaints register - 2017-2019</p> <p>3. Incident register - 2017-2019</p> <p>4. Evidence in relation to incident 7/06/2017: Email notification from Sibelco Neil Stewart - Operations Manager to DPE Ann Hagerthy dated 8/06/2017 RE: Dust and Noise exceedances - Northern Dune and email reply from DPE- Ann Hagerthy dated 8/06/2019 accepting the notification of the incident.</p> <p>5. Evidence in relation to incident 28/07/2017: Email notification from Sibelco James Epstein - QAE Coordinator to DPE Ann Hagerthy dated 28/07/2017 RE: Northern Dune Dust Exceedance (June). The explanation of exceedance being that TB1 exceeded limit in May. The previous investigation found this was due to its current location which has been determined as prone to tampering and external influences with respect to recreational activities in the area (e.g. dirt bikes, 4WD and cars etc).</p> <p>6. Letter from DPE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 RE: Annual Review 2018-2019, inspection findings, non-compliances and revise management plans.</p>		<p>The auditors sighted letters and correspondence emails between DPE and Sibelco regarding incidents including follow up incident reports within the timeframe DPE provided to Sibelco.</p> <p>In a letter from DPE (Leah Cook - Team Leader Compliance, as nominee of the Secretary) to Sibelco (Liam O'Grady - Sustainability Officer) dated 4/10/2019 it was noted that Sibelco failed to notify the Department of the dust deposition air quality exceedances (May 2018 and March 2019), in accordance with Schedule 5, Condition 5, and as outlined in the Dust Monitoring Program. The Auditors reviewed the ALS laboratory results, dust monitoring results report and discussed with Sibelco staff. Sibelco noted that the D3 sample was tampered which resulted in an exceedance of results in dust deposition in March 2019. This has been supported by Peter Dunne (Sibelco) statement noted that in March 2019- D3 had a high reading, however to determine a non-compliance (as per DMP) you need to compare the two comparison sites. D6 (comparison site) has a reading of 1.2 and 3.9 which suggests that the high reading at D3 was not a result of site activities therefore not a reportable exceedance.</p> <p>The Auditor reviewed the COA provided by ALS and noted the sites D4, D5 samples are 2.3 and 1.2 respectively. D3 is recorded in the ALS results as 9.6.</p> <p>During the May 2018 TB4 sample did not exceed the criteria of 4mg/m2 and was recorded on the ALS COA of 3.9g/m2 month</p>	Complies	
MP09_0091	SS.6	<p>The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.</p>		<p>1. Sibelco Northern Dune publicly accessible website including strategies, plans and programs - https://www.sibelco.com/aus-nz-reporting-nsw/</p> <p>2. Complaints register</p> <p>3. AEMR 2017, 2018, 2019</p> <p>4. Annual return 2017, 2018, 2019</p> <p>5. Development consent and licences</p>		<p>The auditors have viewed the information publicly available on the website. The information loaded onto the Website complies with the general requirements of the condition.</p> <p>The updated complaints register has been sighted on the website by the auditor.</p> <p>No incident register has been sighted on the website by the auditor however, the Annual Environmental Management Reports 2017, 2018 and 2019 provide the summary of incidents and had been sighted on the website from the auditor.</p>	Complies	

MP09_0091	SS.7	<p>Within 1 month of the completion of quarrying operations, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL (including any assessment, plan or program required under these approvals);</p> <p>(d) review the adequacy of strategies, plans or programs required under the abovementioned approval or licences; and</p> <p>(e) be completed within 2 months of the approval of the audit team. Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.</p>		<p>1. Letter from Department of Planning and the Environment (Leah Cook - Team Leader Compliance) to Shane Pont - Sibelco Operations Manager dated 11/06/2019 RE: Tanilba Northern Dune Extension Project MP 09_0091 Approval of Independent Environmental Audit Team 2019. Ken Holmes (Lead Auditor), Samantha Bourke (Auditor). DPE also notified Sibelco that the IEA was due to be commissioned and paid for by at least 12 March 2019 (one month following completion of quarrying operations) (Schedule 5, Condition 7).</p> <p>2. Consultation evidence provided in IEA 2019 Appendices.</p>			<p>Sibelco did not engage an Independent Environmental Auditor within 1 month of the completion of quarrying operations.</p> <p>a) Sibelco engaged Ken Holmes (Lead Auditor) and Samantha Bourke (Auditor) to conduct the IEA. DPE endorsed Pit & Sherry, with the following audit team, to undertake the IEA: Ken Holmes, Lead Environmental Auditor and Samantha Bourke, Auditor and Project Manager dated 11/06/2019.</p> <p>b) Consultation has commenced with DPE, NRAR, OEH, Port Stephens Council.</p> <p>c) The environmental performance of the project and the assessment of compliance is provided in the audit table and the main audit report.</p> <p>d) The auditor has reviewed the adequacy of the strategies, plans and programs as required in the conditions in the IEA.</p> <p>e) The auditors were endorsed on date 11/06/2019 and is currently in progress.</p>	Non-Compliance	Ensure that all future audit and reporting actions required by the Approval are implemented on time.
MP09_0091	SS.8	<p>Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>						Not Triggered	
MP09_0091	SS.9	<p>From 1 July 2013, the Proponent shall:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> · a copy of all approved strategies, plans and programs; · a summary of all monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval, updated on a quarterly basis; · a complaints register, updated on a quarterly basis; · copies of any Annual Reviews; · copies of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; · copies of the development consent and approved management plans for existing adjacent quarrying operations; and · any other matter required by the Director-General; and <p>(b) keep this information up-to-date, to the satisfaction of the Director-General.</p>		<p>1. Sibelco Northern Dune publicly accessible website including strategies, plans and programs - https://www.sibelco.com/aus-nz-reporting-nsw/</p> <p>2. AEMR provided on the Sibelco website: 2017, 2018, 2019</p> <p>3. Annual return 2017, 2018, 2019 Northern Dune Extension</p> <p>4. Independent Environmental Audit 2008 and 2015 (Other Northern Dune sites, excluding extension area.</p> <p>5. Development consent and licences</p> <p>6. Letter from DPE (Leah Cook - Team Leader Compliance) to Sibelco (Shane Pont) dated 24/05/2019 regarding the requirement to update publicly accessible information. As of date 24/05/2019 Sibelco was required to update plans and documents by 21 June 2019. * No further correspondence from DPE was provided to Sibelco regarding the update of plans on the Sibelco website.</p>			<p>From 1 July 2013, the auditors have viewed the Proponent to have:</p> <p>(a) The following information is publicly available on Sibelco's website including:</p> <ul style="list-style-type: none"> · The auditors have sighted all the approved strategies, plans and programs from the publicly accessible website. · The auditors have sighted the summary of all monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval, updated on a quarterly basis have been viewed from the publicly accessible website through the AEMRs 2017-2019; · The auditors have sighted the complaints register, updated on a quarterly basis has been viewed from the publicly accessible website - no recorded complaints; · The auditors have sighted the copies of any Annual Reviews which have been provided on the publicly accessible website; · This is the first IEA therefore no IEA nor response to recommendations in accordance with condition regarding the Northern Dune Extension Area would be available. · The auditors have sighted the copies of the development consent and approved management plans for existing adjacent quarrying operations and have been viewed from the publicly accessible website; and · The auditors have sighted any other matters required by the Director-General; and <p>(b) The auditors can confirm this information is up-to-date during the audit period and has been viewed from the publicly accessible website.</p> <p>However, letter evidence had been provided from DPE (Leah Cook - Team Leader Compliance) to Sibelco (Shane Pont) dated 24/05/2019 regarding the requirement to update publicly accessible information. As of date 24/05/2019 Sibelco was required to update the following plans and documents: Annual Reviews 2015-2016 and 2016 - 2017 Reporting periods, current version of EMP January 2018 including Soil and Water Management Plan, Noise Monitoring Program, Dust Monitoring Program, Dust Monitoring Program, Aboriginal Cultural Heritage Management Plan, Traffic Management Plan and Complaints register (last updated in May 2017) by 21 June 2019.</p> <p>This has been completed by Sibelco.</p>	Complies	



Appendix C

Approval of Audit team

Sibelco Australia Limited
PO Box 114

TANILBA BAY NSW 2319

Contact: Ann Hagerthy
Phone: 02 6575 3407
Email: ann.hagerthy@planning.nsw.gov.au
compliance@planning.nsw.gov.au
Our Ref: MP 09_0091

Attn: Shane Pont, Operations Manager

Dear Mr Pont

**Tanilba Northern Dune Extension Project MP 09_0091
Independent Environmental Audit Team**

Reference is made to an email received by the Department of Planning and Environment (the Department) on 7 June 2019 from Sibelco Australia Limited (Sibelco) proposing Pitt & Sherry (Operations) Pty Ltd (Pit & Sherry) to undertake the Independent Environmental Audit (IEA) of the Tanilba Northern Dune Extension Project (the site) in accordance with Schedule 5, Condition 5 of Project Approval MP 09_0091, as modified (the approval).

The Department has reviewed the information provided and endorses Pit & Sherry, with the following audit team, to undertake the IEA:

- Ken Holmes, Lead Environmental Auditor
- Samantha Bourke, Auditor and Project Manager

The Department requests that the IEA focus on rehabilitation and biodiversity offsets, in addition to the requirements in Schedule 5, Condition 7 of the approval. Please complete the audit (the audit inspection date) by 11 August 2019.

The Department requests that the auditor consider the Department's guideline *Independent Audit – Post Approval Requirements, June 2018* (PAR). Please only use the compliance descriptors "compliant", "non-compliant" or "not triggered" when describing the compliance status of each condition.

In accordance with Schedule 5, Condition 8 of the approval, the Department expects that within six weeks of completion of the IEA (the audit inspection date), Sibelco shall submit a copy of the audit report to compliance@planning.nsw.gov.au and relevant agencies, with a response to any of the recommendations (RAR) (including completion dates DD/MM/YYYY) in the audit report. As such, the IEA and RAR is due by **22 September 2019**.

The Department notes that quarrying operations were completed at the site by at least 12 February 2019, as indicated in a Nearmap aerial image and an email from Sibelco on 1 March 2019. As such, the IEA was due to be commissioned and paid for by at least 12 March 2019 (one month following completion of quarrying operations) (Schedule 5, Condition 7).

The Department also notes that the proposed IEA team was submitted on 7 June 2019, and as such, should not yet be commissioned and paid for. The Department may provide further correspondence in relation to this non-compliance.

Should you need to discuss the above, please contact Ann Hagerthy on the details provided above.

Yours sincerely ,

 11/06/19
Leah Cook

Team Leader – Compliance
as nominee of the Secretary

Independent Environmental Audit

Sibelco Northern Dune Extension

Contact

Ken Holmes
0438 046 261
ken@baeckea.com.au

**Pitt & Sherry
(Operations) Pty Ltd**
ABN 67 140 184 309

Phone 1300 748 874
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Located nationally —

Melbourne
Sydney
Brisbane
Hobart
Launceston
Newcastle
Devonport
Wagga Wagga



pitt&sherry

Table 1: Tanilba Northern Dune Extension Project (MP09_0091) – Response to Auditor Recommendations

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
PROJECT APPROVAL: MP09_0091				
Sch 2 Condition 2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Statement of Commitments; and (c) conditions of this approval.	Refer to specific recommendations below.	Administrative non-compliance	N/A – Specific recommendations are addressed below.
Sch 2 Condition 4	The Proponent shall comply with any reasonable requirement/s of the Director-General 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.	Ensure that all current and future actions reasonably required by the Director General (or there delegate) are implemented in accordance with the timelines requested.	Administrative non-compliance	Sibelco will ensure that any reasonable requirement/s of the Director-General put in writing to Sibelco in the future will be actioned within the specified timeframe unless an alternative requirement and/or timeframe is agreed.
Sch 3 Condition 2	The Proponent shall ensure that the operational noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Low	Concur with Recommendation.
Sch 3 Condition 5	The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval prior to commencing quarrying operations; (b) include quarterly attended noise monitoring during at least the first two years of quarrying operations, to be	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Low	Concur with Recommendation. However, Sibelco is of the view that there is no evidence to suggest that noise generated from Sibelco activities at the project site has directly resulted in noise levels exceeding the noise limits at the noise sensitive places. Future noise monitoring will be conducted in the event a community complaint is received in relation to noise

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
	conducted on days when at least 30 truck dispatches occur from the site; 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 criteria in this approval.			generated from Project activities at the project site as per the DPIE approved Noise Monitoring Program contained within to Environmental Management Plan (May 2018).
Sch 3 Condition 7	The Proponent shall: (a) implement best management practice to minimise the dust emissions of the project; (b) regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the relevant conditions of this approval; (c) minimise any visible off-site air pollution; and (d) minimise surface disturbance of the site, other than as permitted under this approval.	Ensure the approved Dust Monitoring Program is implemented.	Low	<p>Sibelco does not agree with this non-compliance Audit finding. Sibelco implements controls to minimize dust generation from the site as required under part (a). such controls are outlined in the approved EMP and no dust related complaints have been received with respect to site activities.</p> <p>Sibelco regularly assesses air quality monitoring data collected as per the Dust Monitoring Program which is evidenced through the Annual Reviews. There are also examples of Sibelco relocating monitoring points with approval from DPIE as summarised in the Auditors Observations (page 14).</p> <p>Visible offsite air pollution (c) has been minimized from the operations which is evidenced by the fact no dust related complaints have been received.</p> <p>Surface disturbance (d) has been minimised to no more than 3ha as permitted under Schedule 2, condition 7. Furthermore, Sibelco notes the compliant audit finding for this condition.</p>

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
Sch 3 Condition 10	The Proponent shall not extract sand or other extractive materials or carry out any work in the extraction area below a level of 0.7 m above the predicted maximum groundwater elevation (see condition 14 of schedule 3), other than the construction of any bores approved by NOW.	As quarrying operations ceased in January 2019, no operational recommendation can be made.	Low	Concur with the Recommendation. Sibelco is of the understanding that the matter identified in the Audit Report has since been resolved through the issuance of a Penalty Notice received on 10 May 2019 which has since been paid. The final landform has since been established in accordance with Schedule 3, Condition 11.
Sch 3 Condition 11	The Proponent shall ensure that the final landform of the extraction area must be at least 1 metre above the predicted maximum groundwater elevation.	The final landform of the extraction area cannot be verified of meeting this condition. Ensure Sibelco actions the resurvey of the extraction area and submits to DPIE for approval.	Low	Sibelco agrees with the Recommendation but does not agree with this non-compliance Audit finding. Sibelco is in the process of verifying whether the alleged non-compliance referenced in DPIE letter dated 4/10/2019 is accurate. Sibelco will respond to this matter separately.
Sch 3 Condition 15	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General.	Ensure that fauna monitoring as committed to in the Biodiversity Management Plan is implemented.	Low	Sibelco does not agree with this non-compliance Audit finding with respect to the following: <ul style="list-style-type: none"> The BMP specifies biodiversity monitoring under section 5.1.4 which requires targeted vegetation and habitat monitoring “<i>within the first 3 months of operation</i>” and targeted fauna monitoring “<i>initial monitoring prior to operations</i>”. As such there is no specific requirement in the BMP for monitoring to have been conducted annually thereafter or during the 2018-19 reporting period. Section 5.2 of the BMP presents a proposal for further monitoring but specifies no specific frequency.

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
				<p>Sibelco will ensure fauna monitoring is considered though the review of the BMP over the coming 3 months as requested in the DPIE letter dated 4/10/2019.</p> <p>Other alleged non-compliances stated in the DPIE letter dated 4/10/2019 will be investigated and Sibelco will respond to these matters separately.</p>
Sch 3 Condition 20	<p>Prior to commencing quarrying operations, the Proponent shall lodge a rehabilitation bond for the project with the Director-General. The Proponent may lodge the rehabilitation bond in two portions. The first portion for 4.5 hectares must be lodged with the Department prior to commencing quarrying operations, with no land disturbance to exceed 4.5 hectares until the second portion of the bond is accepted by the Department. The sum of the bond shall be calculated at \$2.50/m² for the area to be disturbed by quarrying operations, to the satisfaction of the Director-General.</p> <p>If rehabilitation and revegetation works have been completed in accordance with the Rehabilitation Management Plan and to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond.</p> <p>If rehabilitation and revegetation works are not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the rehabilitation bond and arrange for the</p>	Ensure that all rehabilitation bonds are lodged with DPIE	Administrative non-compliance	<p>Concur with Recommendation. Sibelco is currently working with the Department to lodge the required Rehabilitation Bond. On 6 September 2019 Sibelco submitted to the DPIE for endorsement the following information:</p> <ul style="list-style-type: none"> the second Rehabilitation Bond calculation as per Schedule 3 Condition 20; mapping requested; and a draft bank guarantee for the sum of \$75,000 (New Bank Guarantee) <p>Recent communications with the Department confirm that the endorsement letter is awaiting signoff from the Director-General. Sibelco will raise the second Bank Guarantee as soon as practicable following the DPIE endorsement of the amount put forward by Sibelco.</p>

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
	satisfactory completion of the relevant works.			
Sch 3 Condition 24	Prior to commencing quarrying operations, the Proponent shall: (a) install "Trucks Crossing" and "Trucks Entering" warning signs on Nelson Bay Road on both the western and eastern approaches to the intersection of Lemon Tree Passage Road; and (b) pay the full cost of this installation, to the satisfaction of RMS.	As quarrying operations were ceased in January 2019, no operational recommendation can be made.	Administrative non-compliance	<p>Concur with Recommendation with the following additional information:</p> <ul style="list-style-type: none"> • It is noted that there are installed warning signs on approach to Nelson Bay Road on both the western and eastern approaches to the intersection of Lemon Tree Passage Road which direct traffic movements at the intersection round-about; • The intersection has a large number of truck movements daily along Nelson Bay Road and from other companies situated on Oakvale Drive. i.e. (Mackas Sand); and • There have been no traffic incidents on this round-about involving Sibelco or Sibelco contracted vehicles while extractive operations were undertaken at Tanilba Northern Dune Extension.
Sch 5 Condition 1	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The strategy must: (a) be submitted to the Director-General for approval prior to the commencement of quarrying activities; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that	Ensure the approved Environmental Management Strategy is implemented.	Low	Concur with Recommendation. Sibelco has reverted back to the groundwater monitoring frequency specified in the approved EMP.

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
	<p>apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> - keep the local community and relevant agencies informed about the operation and environmental performance of the project; - receive, handle, respond to, and record complaints; - resolve any disputes that may arise during the course of the project; - respond to any non-compliance; and - respond to emergencies; and <p>(f) include: copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and a clear plan depicting all the monitoring to be carried out in relation to the project.</p>			
Sch 5 Condition 3	<p>Within 12 months of the commencement of quarrying operations, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p>	<p>Ensure that all DPE recommendations are implemented and that the scope of works as provided in Kleinfelder's proposals are implemented.</p>	Administrative non-compliance	<p>Sibelco does not agree with this non-compliance Audit finding with respect to the following:</p> <ul style="list-style-type: none"> • The BMP specifies Biodiversity monitoring under section 5.1.4 which requires targeted vegetation and habitat monitoring “<i>within the first 3 months of operation</i>” and targeted fauna

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
	<p>(a) describe the works (including rehabilitation) that were carried out in the previous year, and the works that are proposed to be carried out over current year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> · the relevant statutory requirements, limits or performance measures/criteria; · the monitoring results of previous years; and · the relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>			<p>monitoring “<i>initial monitoring prior to operations</i>”. As such there is no specific requirement in the BMP for monitoring to have been conducted annually thereafter.</p> <ul style="list-style-type: none"> • Section 5.2 of the BMP presents a proposal for further monitoring but specifies no specific frequency. <p>Having said that, Sibelco is communicating with and actively responding to the recommendations provided by the DPIE on 12 May 2019 in response to the 2018 Annual Review. Sibelco acknowledges that its response to these recommendations were not summarised in the 2019 Annual Review, which was an oversight. However this does not retract from the fact that Sibelco is actioning these recommendations.</p> <p>The following progress update is provided as follows:</p> <p>Koala Monitoring of the Northern Dune Offset Area</p> <ul style="list-style-type: none"> • Completed – submitted to DPIE on 29 August 2019. <p>Weed Management in the Northern Dune Offsets area</p> <ul style="list-style-type: none"> • There is an existing engagement through Kleinfelder, weed mapping has now been complete and results will be reported in the 2020 Annual Review.

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
				<p>Amphibian Monitoring of the Northern Dunes Offset Area</p> <ul style="list-style-type: none"> Survey timing will be undertaken during December as previous surveys of <i>Wallum Froglet</i>, <i>Uperoleia sp. nov</i> in the region have detected both species calling after significant rainfall during Summer. <p>Sibelco will ensure a specific fauna monitoring program is proposed though the review of the BMP over the coming 3 months.</p>
Sch 5 Condition 7	Within 1 month of the completion of quarrying operations, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project.	Ensure that all future audit and reporting actions required by the Approval are implemented on time.	Administrative non-compliance	Concur with Recommendation.
PROJECT APPROVAL: EPL11633				
A1.1	The works and activities must be undertaken in accordance with the proposal contained in: (a) "Tanilba Northern Dune Sand Extraction Extension Environmental Assessment Report, Volumes 1-2" (ERM, August 2012) unless otherwise specified in this licence or conditions of Project Approval 09_0091 dated 8 March 2013.	Refer to specific recommendations in this Table.	Administrative non-compliance	N/A – Specific recommendations are addressed below.

No.	Condition	Recommendation	Risk Level	Response to Auditor Recommendations
L2.1	Noise generated at the premises must not exceed the noise limits specified in the table (*see pg 8 of EPL*).	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Administrative non-compliance	Sibelco does not agree with this Audit finding. There is no evidence to suggest that noise generated from Sibelco activities at the project site has directly resulted in noise levels exceeding the noise limits at the noise sensitive places referred to in the EPL.
L2.3	To determine compliance with the LAeq(15 minute) noise limits referred to above, the noise measurement equipment must be located; a) at the most effected point at a location where there is no dwelling at the location; or b) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or c) within 30 metres of a dwelling facade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or d) where applicable, within approximately 50 metres of the boundary of a National Park or a Nature Reserve.	Ensure that any future monitoring undertaken on this project is conducted by appropriately qualified personnel.	Administrative non-compliance	Concur with Recommendation. Future noise monitoring will be conducted in the event a community complaint is received in relation to noise generated from Project activities at the project site as per the DPIE approved Noise Monitoring Program contained within to Environmental Management Plan (May 2018).
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Revise and reissue (to the EPA) the Annual Return for 2017.	Administrative non-compliance	Sibelco will advise the EPA of the error reported in the 2017 Annual Return and follow any reasonable request from the EPA in terms of rectifying the error.