

**Independent Environmental Audit:
Cudgen Lakes Sand Quarry
Project Approval MP 05_0103B Modification 2**



Audit Organisation:	Gales-Kingscliff Pty Ltd
Auditors:	James Hart
Date of Audit:	9 November 2022
Draft Report Submitted:	14 December 2022
Final Report Submitted:	20 December 2022

Independent Audit Declaration Form

Project Name: Cudgen Lakes Sand Quarry
Consent Number: Project Approval MP 05_0103B Modification 2
Description of Project: Sand Quarry
Project Address: Altona Road, Cudgen NSW 2487
Proponent: Cudgen Lakes Sand Quarries Pty Ltd
Date: 20 of December 2022

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Name of Auditor: James Hart

Signature: 

Qualification: Lead Environmental Auditor – Exemplar Global Certificate No. 12105

Company: James Hart Consulting

1	INTRODUCTION	6
1.1	Overview	6
1.1	Project Details	6
1.2	Audit Team	7
1.3	Audit Objectives	7
1.4	Audit Scope	7
1.5	Audit Period	8
2	Methodology	8
2.1	Approval of Auditors	8
2.2	Audit scope development	8
2.3	Audit Process	8
2.4	Interviewed Persons	9
2.5	Details of Site Inspection	9
2.6	Agency and Community Consultation	9
2.7	Audit Compliance Status Descriptors	10
2.8	Approvals and Documents Audited	10
2.9	Issues to be considered in reviewing this report	11
3	AUDIT FINDINGS	12
3.1	Overview	12
3.2	Assessment of Compliance	13
3.2.1	Air Quality	13
3.2.2	Noise Management	13
3.2.3	Traffic Management	13
3.2.4	Soil and Water Management	14
3.2.5	Waste Management	14
3.2.6	Rehabilitation	14
3.2.7	Aboriginal Cultural Heritage	14
3.3	Previous Audit Findings	14
3.4	Notices, Incidents and Complaints	15
3.5	Audit Site Inspection	15
3.6	Suitability of Plans and the EMS	15
3.7	Additional Matters Raised During Consultation	16
3.8	Key Strengths	16
3.3	Audit Findings and Recommendation	16
3.9	Areas of Non-compliance	17
3.10	Areas of compliance	19
4	CONCLUSIONS	20
5	Substantive Changes.	21

Appendices

Appendix A. - Previous Audit Findings	22
Appendix B. – Auditor Approval	26
Appendix C. – Audit Tables	28
6 Audit Checklist – Project Approval MP 05_0103B Modification 2	29
7 Water Access Licence 40902	85
8 Statement of Commitments	87
Appendix D. Consultation Records	101

Abbreviations

ACHMP	Aboriginal Cultural Heritage Management Plan
AQMP	Air Quality Management Plan
AS	Australian Standard
CCC	Community Consultative Committee
DA	Development Approval
DDG	Deposition Dust Gauge
DPE	Department of Planning and Environment
DPI	Department of Primary Industries
DRG	Department of Resources and Geoscience
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EPL	Environment Protection Licence
LMP	Landscape Management Plan
NMP	Noise Management Plan
OEH	Office of Environment and Heritage
POEO Act	Protection of the Environment Operations Act 1997
RMP	Rehabilitation Management Plan
SoC	Statement of Commitments
TMP	Traffic Management Plan
TSP	Total Suspended Particulates
TSS	Total Suspended Solids
SWMP	Soil and Water Management Plan
WAL	Water Access Licence

1 INTRODUCTION

1.1 Overview

The Cudgen Lakes Sand Quarry is located on Altona Road in Cudgen north-eastern NSW, approximately 8 km south of the New South Wales/Queensland Border.

The Proposal by Gales-Kingscliff Pty Ltd to develop and operate the sand extraction and processing operation was approved on 16 June 2009 and last modified on 22 January 2019. The approved quarry provides for the hydraulic delivery of sand within two pipeline corridors for use as fill at nominated locations within the local area to raise the elevation of land for development in accordance with a proposed strategic development plan. The quarry will also supply construction materials to the surrounding region and receive virgin excavated natural material (VENM) and other EPA approved materials for backfilling and rehabilitation purposes.

The sand resource within the approved extraction areas totals approximately 7.275 million m³. The maximum approved annual extraction rate is 650,000m³ of which up to 300,000tpa of products, including fine-grained concrete/construction sand, mortar sand/brickies loam and fill sand, may be transported from site by road registered trucks.

1.1 Project Details

Project Name	Cudgen Lakes Sand Quarry
Project Application Number	Project Approval MP 05_0103B Modification 2
Project Address	The Cudgen Lakes Sand Quarry is located on Altona Road in Cudgen north-eastern NSW, approximately 8 km south of the New South Wales/Queensland Border.
Project Phase	Operational. Wet extraction and processing of sand by dredge since 2020. Operator: Kingscliff Sands Pty Limited.
Project Description	<p>The Proposal by Gales-Kingscliff Pty Ltd to develop and operate the sand extraction and processing operation was approved on 16 June 2009 and last modified on 22 January 2019. The approved quarry provides for the hydraulic delivery of sand within two pipeline corridors for use as fill at nominated locations within the local area to raise the elevation of land for development in accordance with a proposed strategic development plan. The quarry will also supply construction materials to the surrounding region and receive virgin excavated natural material (VENM) and other EPA approved materials for backfilling and rehabilitation purposes.</p> <p>The sand resource within the approved extraction areas totals approximately 7.275 million m³. The maximum approved annual extraction rate is 650,000m³ of which up to 300,000tpa of products, including fine-grained concrete/construction sand, mortar sand/brickies loam and fill sand, may be transported from site by road registered trucks.</p> <p>The first extraction campaign for the Cudgen Lakes Sand Quarry commenced on 30 October 2017 and concluded on 8 February</p>

Project Name	Cudgen Lakes Sand Quarry
	<p>2018 with up to 352 195m³ of sand hydraulically transferred to the Cudgen Heights fill site.</p> <p>During April 2020 extraction operations recommenced and processing operations and road transportation of Quarry products commenced for the first time.</p> <p>Following rehabilitation, it is proposed to retain the extraction pond as a recreational lake tying into the broader strategic development plan of Gales-Kingscliff Pty Ltd.</p>

1.2 Audit Team

The audit was conducted by the following:

Auditor	Role	Qualifications
James Hart	Lead Auditor	Lead Environmental Auditor Exemplar Global No 12105 Newcastle University, Graduate Diploma in Environmental Science, 1997

The independent audit declaration form is attached as Appendix C.

1.3 Audit Objectives

The objective of this audit was to undertake the independent environmental audit in compliance with the Project Approval MP 05_0103B Modification 2 Schedule 5 (14 & 15), and in accordance with the Department of Planning Industry and Environment Independent Audit Post Approval Requirements June 2018 (DPAR 2018).

1.4 Audit Scope

The scope of this audit comprised of the following:

- Consultation with stakeholders to obtain their input into the scope of the audit;
- Review of compliance against Project Approval MP 05_0103B Modification 2;
- Review of requirements of EPL 12385;
- Review of requirements of Water Licence 40902;
- Review of implementation of the following management plans:
 - 61723a Environmental Management Strategy. Approved, 5 July 2017;
 - 61737b Air Quality Monitoring Program. Approved April 2020;
 - 61723d Aboriginal Cultural Heritage Management Plan. Approved 5 July 2017;
 - 61737c Soil and Water Management Plan. Approved May 2021;
 - 61737a Noise Management Plan. Approved April 2020;
 - 61710 Landscape Management Plan July 2016;

- 61737h Flood Evacuation Plan. Final April 2020.
- the performance of the operation;
- results from previous audits;
- any incidents or community complaints;
- Site inspection of the development area.

The audit criteria were developed by the Lead Auditor, and are included as a checklist at the end of this report.

1.5 Audit Period

This was the second independent environmental audit carried out on the project, which covered the period November 2019 to November 2022.

2 Methodology

2.1 Approval of Auditors

Gales-Kingscliff Pty Ltd engaged James Hart as the independent environmental auditor to conduct this audit. The auditor details and certification were discussed in Section 1.2 of this report. Auditor's approval letter from DPE is attached as Appendix C.

2.2 Audit scope development

The audit scope and a checklist was developed based on the Project Approval MP 05_0103B Modification 2 and statement of commitments, requirements of Environment Protection License (EPL) 12385, requirements of Water License 40902 and feedback from agencies consulted.

2.3 Audit Process

The audit commenced with an Opening Meeting to confirm the scope, purpose, and timeline of the audit. The Opening Meeting was held at 09.00am on 9 November 2022.

Key operational documents were reviewed, and evidence of compliance was sought through the interview process. Key documents were the various management plans required under the approval. Documentation included a combination of hard copy records and electronic records maintained by Cudgen Lakes Sand Quarry.

The audit activities included the following:

- A site walk to review implementation of mitigation measures and environmental controls on 9 November 2022 accompanied by the Site Manager;
- Desktop review of the project documentation (EMP and its sub-plans) to verify compliance with the Project Approval, EPL and WAL requirements;
- Review of available records on the project website and records provided during the site audit and records provided subsequently as evidence of compliance; and
- Submission of draft report to Gales-Kingscliff Pty Ltd and R.W.Corkery & Co Pty Ltd for review prior to finalisation of report and submission to DPE.

A closing meeting was held at 2.30pm on 9 November 2022 where the preliminary audit findings were presented. Where aspects of the audit remained unresolved, Cudgen Lakes

Sand Quarry was requested to provide additional information. This information was provided on 12/12/2022.

2.4 Interviewed Persons

Name and position of persons interviewed:

Name	Organisation	Position
Brad Holloway	Kingscliff Sands Pty Ltd	Quarry Manager
Nick Gould	Kingscliff Sands Pty Ltd	Quarry Supervisor
Mathew Holloway	Kingscliff Sands Pty Ltd	Truck Allocator

2.5 Details of Site Inspection

A site walk around the quarry was conducted with focus on the following controls:

- Erosion and sedimentation controls;
- Pond bunding;
- Presence of Blue Green Algae on the lake;
- Stabilised access/egress;
- Roads surrounding the site for dust/mud tracking;
- Dust management;
- Waste management;
- Site fence and vegetation screening;
- Boundary markers;
- Chemical storage;
- Site signage; and
- General housekeeping.

2.6 Agency and Community Consultation

Consultation with the following was undertaken prior to the audit to obtain feedback and to focus the audit criteria on key issues.

Refer to **Appendix C** for consultation records provided.

Contact	Agency	Comments
Shelly McPhee Team Leader Compliance – Far North Region	Department of Planning and Environment	No response
Michael Ulph Chair	Community Consultative Committee	I have chaired just one CCC for Cudgeon Lakes Sand Quarry, with another planned for February. They are every six months. While I am aware that the Gales company is not viewed favourably by some – they are a developer as well as running a quarry – however I have seen nothing in the way they report things in the CCC, or in the operations etc, that causes me any concern.

Tweed Shire Council – Generic Email address Colleen Forbes Team Leader Development Assessment	Tweed Shire Council	No response
Melissa Hundy Water Regulation Specialist	Water NSW	WaterNSW has no comment and suggests you forward this request to DPE Water https://www.industry.nsw.gov.au/water/what-we-do/contact-us
Waterenquiries@dpie.nsw.gov.au	DPE Water	No response
James Hunt Operations Officer	NSW Environment Protection Authority	The EPA does not have any areas of concern that we would like you to focus on during your audit.
Angus Mc Douall Inspector of Mines	NSW Resources Regulator Department of Regional NSW	The Resources Regulator is responsible for the administration of WHS legislation on site and has no environmental jurisdiction with respect to extractive sites. As such I have no concerns to raise

Issues raised during the agency consultation process were considered in development of the audit checklist and checked and reviewed during the site inspection and review of records.

2.7 Audit Compliance Status Descriptors

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Not Compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

2.8 Approvals and Documents Audited

The following documents and approvals were reviewed and included within the audit:

- Project Approval MP 05_0103B Modification 2.
- Environment Protection Licence 12385.
- Water Access Licence 40902.
- 61723a Environmental Management Strategy. Approved, 5 July 2017.
- 61737b Air Quality Monitoring Program. Approved April 2020.
- 61723d Aboriginal Cultural Heritage Management Plan. Approved 5 July 2017.

- 61737c Soil and Water Management Plan. Approved May 2021.
- 61737a Noise Management Plan. Approved April 2020.
- 61710 Landscape Management Plan July 2016.
- 61737h Flood Evacuation Plan. Final April 2020.
- 61737g Transport Management Plan, May 2020.
- Community Consultative Committee meeting minutes up to 4 June 2021.
- Community Consultative Committee meeting minutes 1 July 2022.
- Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25 February 2022.
- Cudgen Lakes Sand Quarry Independent Environmental Audit 2019 Response and Action Plan.
- Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020.
- Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021.
- Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022.
- Cudgen Lakes Sand Quarry Deposited Dust Monitoring, July 2017 to August 2022.
- Cudgen Lakes Sand Quarry Environmental Monitoring – Groundwater, 23/08/2022.
- Cudgen Lakes Sand Quarry Environmental Monitoring – Surface Water, 23/08/2022.
- Cudgen Lakes Sand Quarry Compliance Noise Monitoring, Craig Hill Acoustics, August 2021.
- Cudgen Lakes Sand Quarry - Laden Truck Summary, 22 May 2020 to 30 June 2022.
- Cudgen Lakes Sand Quarry – Complaints Register 1109/2017 to 09/11/2022.
- Cudgen Lakes Sand Quarry – Complaints Record Form
- Cudgen Lakes Sand Quarry - Drivers Code of Conduct and Induction record.
- KS-H&S-F12 Workplace Inspection Checklists
- Laboratory Test Results – Chromium Reducible Sulphur- MazLab Pty Ltd, 14/07/2020.
- Cudgen Lakes Sand Quarry – Site Inspection Sheet.
- Compliance Certificate – Virgin Excavated Natural Material, 29/11/2021.

2.9 Issues to be considered in reviewing this report

This audit was based on a review of compliance with the approval conditions for the operation of the Cudgen Lakes Sand Quarry.

In particular, the audit focused on the implementation of measures described in the various Environmental Management Plans to manage the impacts of the activities on the surrounding environment. The checklist appended to this report identifies those compliance issues that could be assessed given the stage of the project.

By its very nature an audit does not guarantee full compliance of all aspects of the project with the undertakings of the Management Plans and associated documentation. However; in the opinion of the auditor, the extent and scope of the field inspection together with the records maintained by Cudgen Lakes Sand Quarry were sufficient evidence to verify general compliance of the activities with the requirements of the conditions of approval.

3 AUDIT FINDINGS

3.1 Overview

Specific activities being undertaken at the time of audit were:

- Dredging of sand;
- Screening and stockpiling of material; and
- Loading of trucks for dispatch.

The attached checklists record the outcomes of the audit process. Nine non-compliances were identified where compliance with the conditions of consent, EPL, WAL, Statement of Commitments or management plans could not be verified, summarised as following:

	Requirements	Findings
Schedule 2 – Administrative Controls	26	Compliant – 21
		Non-Compliant – 2
		Not Triggered – 3
Schedule 3 – Environmental Performance Conditions	43	Compliant – 32
		Non-Compliant – 4
		Not Triggered – 7
Schedule 4 – Additional Procedures	5	Compliant – 1
		Non-Compliant – 0
		Not Triggered – 4
Schedule 5 – Additional Procedures	13	Compliant – 9
		Non-Compliant – 1
		Not Triggered – 0
EPL 12385	50	Compliant – 36
		Non-Compliant – 4
		Not Triggered – 10
Statement of Commitments	89	Compliant – 33
		Non-Compliant – 4
		Not Triggered – 52
WAL 40902	7	Compliant – 6
		Non-Compliant – 0
		Not Triggered – 1

3.2 Assessment of Compliance

Overall, the project had implemented processes to generally manage compliance with the Conditions of Approval MP 05_0103B Modification 2, Environmental Assessments for the original approval, Modification 1 and Modification 2.

The attached checklists record the outcomes of the audit process. Nine non-compliances were identified where compliance with the conditions of consent, EPL, WAL, Statement of Commitments or management plans could not be verified.

3.2.1 Air Quality

An Air Quality Management Plan had been developed and approved for the project, which included controls to minimise air quality impacts and monitoring requirements.

Controls had been implemented to minimise the impact of the project on air quality. The site was generally covered with grass and stabilised. Irrigation sprays had been installed on the truck access road to minimise dust generation, and a subcontract sweeper engaged to maintain the site entry and exit.

Deposited dust monitoring had been conducted, with results generally below the site annual average deposited dust criteria. TSP/PM₁₀ dust monitoring was not required as no dry processing had occurred.

No issues were identified in relation to air quality management.

3.2.2 Noise Management

A Noise Management Plan had been developed, approved and implemented which identified noise monitoring requirements.

Noise monitoring had been conducted quarterly in general accordance with the consent conditions. No monitoring was conducted in Quarter 1 in 2021, which had been reported as a non-compliance by the Company through incident reporting procedures. Noise monitoring in Quarter 3 2022 was delayed until April 2022 due to flooding on site.

Noise monitoring results show no adverse impact from the site, with monitoring showing noise levels monitored were below site criteria at receptors.

3.2.3 Traffic Management

A Transport Management Plan (TMP) had been developed and approved for the management of site traffic.

The TMP incorporated approved transport routes for vehicles entering and exiting the site and parking areas. Light and heavy vehicles had been segregated, with a dedicated light vehicle parking area provided.

Requirements of the TMP were communicated via the site induction and driver inductions. Records of inductions were verified.

Records available verified that the number of truck movements per hour did not exceed the maximum allowed, and truck movements had been restricted to comply with approved hours

of operation. The number of laden truck movements did not exceed 12 per hour for the period covered by this audit.

3.2.4 Soil and Water Management

A Soil and Water Management Plan (Version 4b dated 5/05/2021) had been developed and approved for the project. The SWMP had been verified as compliant with the conditions of approval.

Water quality monitoring had been conducted in accordance with the SWMP, with no adverse impacts from the quarry operations on water quality identified. No controlled water discharges had occurred from the site. Following a flood event in 2022, excess water in the bunded lake area was allowed to seep down into the groundwater.

Two non-compliances were identified in relation to monitoring requirements identified in the SWMP:

- Records were not available to verify that daily visual inspections for cyanobacterial presence had been conducted and
- Records do not clearly show that weekly surface water monitoring had been consistently conducted as required by Section 7.5 of the SWMP

3.2.5 Waste Management

Facilities had been provided for the storage and disposal of waste on site. Records were available to verify that waste had been collected by an approved waste contractor and disposed of at an appropriate facility, including sewage waste.

3.2.6 Rehabilitation

A draft Rehabilitation Management Plan (RMP) had been developed for the project, which had been submitted to DPE for approval. The draft RMP had not been approved at the time of audit.

A rehabilitation bond had been previously established (2017) The rehabilitation bond has not been reviewed, awaiting approval of the RMP.

No final areas have become available for rehabilitation. Temporary rehabilitation has been completed on the bund walls and topsoil stockpile using pasture species thereby minimising potential erosion and weed invasion.

3.2.7 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Management Plan, Version 3, 23/07/2017 had been developed and implemented for the project. Requirements of the ACHMP were included in the site induction. No Aboriginal objects or skeletal remains have been identified during the period covered by the current audit.

3.3 Previous Audit Findings

Previous audit findings were reviewed as part of the current audit to assess implementation of actions identified to address issues. Actions to address previous audit findings had been

identified and previous non-compliances closed out. Close out of NC-02 remains open awaiting DPE response on the draft Altona Road Maintenance Agreement.

3.4 Notices, Incidents and Complaints

No agency notices, orders, penalty notices or prosecutions have been issued, and no reportable environmental incidents that constitute material harm to the environment occurred during the period covered by this audit.

A Complaints Register is available where information regarding complaints was recorded, including the relevant resolution. A summary of complaints was included in the Summary of Environmental Monitoring Data published on the company website. One complaint had been received from Tweed Shire Council during the period covered by the current audit. Records were sighted to verify that complaints had been actioned and closed out.

CLSQ001	24/07/2020	Tweed Shire Council	Exit from processing area had excessive dirt build up. Material swept from road and photographs sent to Council within 2 hrs to demonstrate road cleaned. No further action required.
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3.5 Audit Site Inspection

The site inspection was conducted on 9 November 2022 by the Lead Auditor James Hart assisted by Brad Holloway (Site Manager). Specific activities being undertaken at the time of audit were:

- Dredging of sand;
- Screening and stockpiling of material; and
- Loading of trucks for dispatch.

The site environmental controls and mitigation measures were verified including:

- bunding around the lake,
- stabilised access/egress, roads surrounding the site were free of dust/mud, dust management – area was mostly vegetated,
- no Blue Green Algae was present on the lake,
- no chemicals on site,
- Receptacles were provided for waste management,
- Inspections had been completed on equipment in use,
- Spill kits were available on site,
- site fence and vegetation screening were noted in good condition,
- boundary markers were noted, site signage were installed, and
- site is clean and tidy.

One issue was identified during the site inspection:

- A height gauge was not present within the extraction pond so that water levels can be monitored daily.

3.6 Suitability of Plans and the EMS

Environmental Management System (EMS) was robust with strengths in communication processes, documentation and record keeping, induction, training and competence,

environmental controls and non-conformance/corrective action processes.

Revision of all management plans was conducted to comply with Project Approval Modification 2. All required management plans have been revised and submitted to DPE for approval within the timeframe as per the approval conditions. Approval of all management plans, with the exception of the Rehabilitation Management Plan and the Environmental Management Strategy had been received. The Rehabilitation Management Plan and the Environmental Management Strategy have been submitted to DPE and are awaiting approval.

Where compliance with requirements of the requirements of management plans could not be demonstrated, non-compliances were raised. Details of non-compliances are provided in Section 3.19.

3.7 Additional Matters Raised During Consultation

No additional matters were raised during the consultation process with agencies.

3.8 Key Strengths

Overall, the project environmental performance in compliance with Project Approval MP 05_0103B Modification 2 was satisfactorily met with the following key strengths noted:

- Consultation with the stakeholders, community and sensitive receivers were well managed;
- The process for managing complaints and non-conformances has been implemented and recorded;
- Implementation of environmental control, including:
 - erosion and sedimentation controls;
 - boundary markings;
 - bunding pond;
 - vegetation screening and fencing;
 - Dust management; and
 - the site was maintained in a clean and tidy condition.

3.3 Audit Findings and Recommendation

The table following outlines the identified non-compliances as well the auditor's recommendations. Auditor's notes are detailed in the attached **Appendix A – Audit Table**.

3.9 Areas of Non-compliance

Issue No.	Condition	Requirement	Issue sighted	Recommendation
NC-01	Schedule 2 Condition 2	The Proponent, in acting on this approval, must carry out the project in accordance with: (a) the conditions of this approval; and (b) all written directions of the Secretary	Non-compliances has been recorded against Conditions of Approval Schedule 2 (Condition 21), Schedule 3 (Conditions 2,3,4,18,28), Schedule 5 (Condition 16) and Statement of Commitment 9.3 and 12.5.	It is recommended that all non-compliances identified are addressed and closed out. Consider implementing a process to track compliance requirements and status.
NC-02	Schedule 2 Condition 21	The Proponent must: (a) from the commencement of quarrying operations provide annual quarry production data to DRG using the standard form for that purpose; and (b) Include a copy of this data in the Annual Review.	DRG Extractive Materials Return form not included in Annual Review	A copy of the DRG Extractive Materials Return form should be included in the Annual Review.
NC-03	Schedule 3 Condition 3 Condition 4 SoC 11.4	The Proponent must: (a) implement best practice management to minimise the construction, operational and road transportation noise of the project; (b) minimise the noise impacts of the project during meteorological conditions when the noise criteria in this approval do not apply (see Appendix 3); (c) carry out attended noise monitoring (at least every 3 months or as otherwise agreed by the Secretary) to determine whether the project is complying with the operational noise criteria in Table 2 (see Appendix 3); and (d) Regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.	Noise monitoring had not always been conducted on a quarterly basis. Noise monitoring was not conducted in Q1 2021. This was reported by the Company through incident reporting procedures.	Noise monitoring should be scheduled and completed as required by the approved Noise Management Plan.
NC-04	Schedule 3 Condition 18 SoC 9.3	The Proponent must implement the approved Soil and Water Management plan as approved from time to time by the Secretary.	Records do not clearly show that inspections were conducted as required by the SWMP. Records of daily visual inspections for cyanobacterial presence were not available.	Inspections required by Section 4.4 of the SWMP should be completed and records retained.

Independent Environmental Audit – Cudgen Lakes Sand Quarry

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Issue No.	Condition	Requirement	Issue sighted	Recommendation
NC-05	Schedule 3 Condition 18 SoC 9.3	The Proponent must implement the approved Soil and Water Management plan as approved from time to time by the Secretary.	Records do not clearly show that surface water monitoring had been consistently conducted as required by Section 7.5 of the SWMP. Records did not show that weekly monitoring had been completed.	Surface water monitoring should be conducted in accordance with Section 7.5 of the SWMP and records retained.
NC-06	Schedule 3 Condition 28	<p>The Proponent must prepare a Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with Council, Water NSW, DoL and OEH; (c) be submitted to the Secretary within three months of the determination of Modification 2, unless the Secretary agrees otherwise; (d) describe how the rehabilitation of the site and pipeline corridors would achieve the objectives identified in Table 4; (e) describe the short, medium, and long term measures that would be implemented to: <ul style="list-style-type: none"> • rehabilitate and stabilise the site and pipeline corridors; and • manage the restored vegetation and wetland habitat established on the site; (f) include detailed performance and completion criteria for the rehabilitation and stabilisation of the site (including appropriate water quality criteria); (g) include a detailed description of the measures to be implemented to: <ul style="list-style-type: none"> • enhance existing vegetation and increase littoral and terrestrial habitat potential; • protect areas outside the disturbance areas, including vegetation adjoining pipelines; • control terrestrial and aquatic weeds and pests; • control access; and • reduce the visual impacts of the project; (h) include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (g) above, and progress against the detailed performance and completion criteria in paragraph (f); (i) include a vegetation clearance protocol; (j) include a Long-Term Management Strategy, which: <ul style="list-style-type: none"> • defines the objectives and criteria for quarry closure and post-extraction management; • investigates options for the future use of the site; • describes the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; an 	The draft Rehabilitation Management Plan has not been updated and resubmitted to DPE for acceptance.	The draft Rehabilitation Management Plan should be updated and resubmitted to DPE for acceptance.

Independent Environmental Audit – Cudgen Lakes Sand Quarry

Commercial in Confidence

Issue No.	Condition	Requirement	Issue sighted	Recommendation
		<ul style="list-style-type: none"> • describes how the performance of these measures would be monitored over time; (k) describe the potential risks to successful rehabilitation and/or revegetation, including a description of the contingency measures that would be implemented to mitigate these risks; and (l) Detail who is responsible for monitoring, reviewing, and implementing the plan. <p>The Proponent must implement the approved Rehabilitation Management Plan as approved from time to time by the Secretary</p>		
NC-07	Schedule 5 Condition 16 EPL M6.2 SoC 10.1	<p>Within 1 month of the determination of Modification 2, and for the life of the project, the Proponent must:</p> <p>a. make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ul style="list-style-type: none"> • the documents listed in conditions 2 and 3 of Schedule 2; • contact details to enquire about the project or to make a complaint 	<p>Project approval provided. EA, EA (Mod 1), EA (Mod 2) not included.</p> <p>Current version of the EPL not included.</p> <p>No specific site contact details provided</p>	<p>Update the website to include all required information.</p>
NC-08	EPL R1.5	<p>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').</p>	<p>Annual return for 2019-2020 not submitted within the required timeframe.</p> <p>This was reported by the Company to EPA as a non-compliance.</p>	<p>Annual Returns should be submitted within the required timeframe.</p>
NC-09	SoC 5.2	<p>Install a height gauge within the extraction pond so that water levels can be monitored daily to m AHD.</p>	<p>It was reported that a height gauge had been installed but had been removed during dredging operation.</p> <p>Not present at time of audit.</p>	<p>Instal a height gauge within the extraction pond to enable monitoring of water levels</p>

3.10 Areas of compliance

All other relevant conditions audited were found to be either compliant or not triggered. Refer to the audit checklist provided as an attachment for full details of compliance.

4 CONCLUSIONS

Cudgen Lakes Sand Quarry had developed and generally implemented management plans and associated documentation to address the requirements of the conditions of consent.

While compliance with aspects of the conditions of the project approval and management plans was found, nine non-compliances were raised where compliance with requirements of the conditions of consent, EPL, WAL, Statement of Commitments or management plans prepared for the site was not demonstrated.

Cudgen Lakes Sand Quarry should ensure that actions are identified and implemented to address the findings contained within this audit to enable compliance with all obligations and ensure environmental impacts of the developments are appropriately managed.

ATTACHMENTS

- ✓ **Substantive Changes**
- ✓ **Auditor CV**
- ✓ **Audit Checklists**

CIRCULATION

- ✓ **Cudgen Lakes Sand Quarry**

5 Substantive Changes.

No substantive changes were made to the draft audit report.

Appendix A. - Previous Audit Findings

Issue No.	Condition	Requirement	Issue sighted	Cudgen Lakes Sand Quarry Response	2022 Status
NC-01	Schedule 2 (2)	The Proponent, in acting on this approval, must carry out the project in accordance with: (a) the conditions of this approval; and (b) all written directions of the Secretary	Non-compliances have been recorded against Conditions of Approval Schedule 2 (28), Schedule 5 (3) and Statement of Commitment (SOC) 9.3 and 12.5. Based on the non-compliances raised against the conditions of the Project Approval, a non-compliance to this requirement is raised.	Implement actions as outlined within this response.	Non-compliances identified in the previous audit have been addressed and generally closed out. Closed
NC-02	Schedule 3 (28)	By 20 August 2019, the Proponent must enter into a cost sharing agreement with the owner of the Tweed Sand Quarry, in consultation with Council, for the maintenance of Altona Road between the site entrance and intersection with Crescent Street.	A draft agreement between Gales and the owner of the Tweed Sand Quarry, in consultation with Council, was referred to the Secretary on 25/9/2019. It is noted that some areas remained in dispute. An extension to the timeframe had also been sought from the Department. Evidence sighted: CL_18-2019_Time Extension Request for Altona Road Maintenance Agreement - Hanson and Gales. However, The extension letter to DPIE was sent on 21 August 2019. Therefore, this is non-compliant to the requirement of this condition based on not achieving the timing set before 20 August 2019.	A quarterly compliance meeting will be held and will focus upon and record regular and upcoming compliance actions/matters as contained within PA 05_0103, EPL 12385 and WAL 40902.	Draft agreement has been submitted to DPE for approval. Awaiting response from DPE. Remains open awaiting DPE response.
NC-03	Schedule 5 (3)	The Proponent must continue to apply existing approved management plans, strategies or monitoring programs that have most recently been approved under this approval, until the approval of a similar plan, strategy or program following a modification to this approval.	Deposited dust monitoring has not been undertaken in accordance with the existing AQMP which did not explicitly confirm that monitoring was not required during nonoperational periods. This has been amended in the updated AQMP, however, its approval remains pending. Water monitoring was also not undertaken at all sites at the frequency required by the existing SWMP. This was	This matter has previously been reported to DPIE. Approval of the updated management plans is pending a response from NRAR. Further formal follow up of NRAR will be undertaken.	Approved management plans have generally been implemented during the current audit period. Closed

Issue No.	Condition	Requirement	Issue sighted	Cudgen Lakes Sand Quarry Response	2022 Status
			<p>reported as an incident on 4 and 11 March 2019. Refer to Sections 4.3, 5 and 11.1 of this report for further information.</p> <p>Non-compliant to the implementation of the monitoring programs for dust and water quality as indicated in the approved AQMP and SWMP was raised.</p>	<p>Should no response be received prior to end March 2020, final management plans will be submitted to DPIE with a request for approval in lieu of NRAR comments.</p>	
NC-04	Statement of Commitment 9.3	Undertake frequent and regular monitoring of temperature, dissolved oxygen, nutrients, colour and concentrations of blue-green algae.	<p>No monitoring was undertaken during the non-operational days.</p> <p>Water monitoring was not undertaken at all sites at the frequency required by the existing SWMP. This was reported as an incident on 4 and 11 March 2019.</p>		
NC-05	Statement of Commitment (SOC) 12.5	Undertake monitoring in accordance with the Air Quality Monitoring Program.	<p>Deposited dust monitoring has not been undertaken in accordance with the existing AQMP which did not explicitly confirm that monitoring was not required during nonoperational periods. This has been amended in the updated AQMP, however, its approval remains pending.</p>		
OFI-01	Schedule 2 (20)	The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.	<p>As no operations were being undertaken during this audit this requirement cannot be reviewed during this audit. However, an opportunity for improvement was noted under recommendation column.</p>	<p>All operators will be required to include as part of their induction process a clear requirement that all employees and contractors undertaking works on site must comply with the requirements of PA 05_0103, EPL 12385 and WAL 40902 as relevant and directed by the Quarry Manager. Copies</p>	<p>Records of site inductions were available.</p> <p>Closed</p>

Independent Environmental Audit – Cudgen Lakes Sand Quarry

Commercial in Confidence

Issue No.	Condition	Requirement	Issue sighted	Cudgen Lakes Sand Quarry Response	2022 Status
				of each approval will also be accessible to all employees / contractors.	
OFI-02	Schedule 3 (20a)	be consistent with the relevant requirements of the Department of Housing’s Managing Urban Stormwater: Soil and Construction Manual, the NSW Acid Sulphate Soil Advisory Committee’s Acid Sulphate Soil Manual, and relevant Council codes, or most recent versions of these documents;	<p>Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 08/07/2019 Section 4 defined the process for erosion and sedimentation controls. Sections 4.1 and 5.1 of SWMP.</p> <p>However, an opportunity for improvement was noted under recommendation column.</p>	Applicable standard erosion and sediment control drawings will be included as part of the final update of the SWMP.	<p>Erosion and sediment control plan included in SWMP Section 4.</p> <p>Closed</p>

Appendix B. – Auditor Approval



Department of Planning and Environment

Mr Scott Hollamby
R W Corkery & Co20
Level 54, 111 Eagle Street
Brisbane QLD 4000

16/09/2022

Dear Scott Hollamby

Cudgen Lakes Quarry - 2022 IEA Auditor Approval (MP05_0103B)

I refer to your request (MP05_0103B-PA-4) for the Secretary's approval of suitably qualified persons to prepare the Independent Environmental Audit (IEA) for the Cudgen Lakes Sand Quarry (MP05_0103B).

The Department of Planning and Environment (the department) has reviewed the nomination and information you have provided and is satisfied that James Hart of James Hart Consulting is suitably qualified and experienced. Consequently, in accordance with Schedule 5 Condition 14 of MP05_0103B I can advise that the Secretary approves the appointment of James Hart to prepare the 2022 IEA.

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

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

Should you wish to discuss the matter further, please contact Shelley McPhee on 02 6670 8675 or compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley McPhee'.

Shelley McPhee
Compliance Team Leader
Compliance
As nominee of the Planning Secretary

Appendix C. – Audit Tables

6 Audit Checklist – Project Approval MP 05_0103B Modification 2

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
SCHEDULE 2 ADMINISTRATIVE CONDITIONS						
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT						
1.	1	In addition to meeting the specific performance measures and criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the project, and any rehabilitation required under this approval.		No environmental harm has been identified from the construction and operation of the project.	Compliant	
TERMS OF APPROVAL						
2.	2	The Proponent, in acting on this approval, must carry out the project in accordance with: (a) the conditions of this approval; and (b) all written directions of the Secretary	Non-compliance has been recorded against Conditions of Approval Schedule 2 (28), Schedule 5 (3) and Statement of Commitment 9.3 and 12.5.	Non-compliances have been identified with the requirements of the conditions of consent, triggering a non-compliance with this condition.	Not Compliant	NC-01
3.	3	The Proponent, in acting on this approval, must carry out the project generally in accordance with the EA, EA (Mod 1), EA (Mod 2) and project layout		Results of the current audit show that the development has generally been conducted in accordance with the EIS, EA (Mod 1), EA (Mod 2), EA (Mod 3) and EA (Mod 4).	Compliant	
4.	4	The conditions of this approval and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document referenced in condition 3 of this Schedule. In the event of an inconsistency, ambiguity or conflict between any of the documents referenced in condition 3 of this Schedule, the most recent document prevails.	Noted	No inconsistencies were identified.	Compliant	
5.	5	Consistent with the requirements of this approval, the Secretary may make written directions to the Proponent in relation to:		Cudgen Lakes Sand Quarry has updated documentation to reflect comments from the Department for the Mod 2 approval.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in (a) above				
LIMITS ON APPROVAL						
Quarrying Operations						
6.	6	The Proponent may carry out quarrying operations on the site until 31 December 2047		Current year 2022.	Compliant	
7.	7	The Proponent must not undertake extraction of extractive materials to a depth greater than -20 metres AHD.	Site Interview	To date extraction has reached a maximum depth of approximately -12m AHD. It was reported that the current dredge has a maximum dredge depth of 8 metres.	Compliant	
8.	8	The Proponent must not extract more than 650,000 cubic metres of quarry products from the site in any financial year.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	2019-2020 – 3000m ³ 2020-2021 – 22,250m ³ 2021-2022 – 24,447m ³	Compliant	
Quarry Product Transport						
9.	9	The Proponent must not transport more than 300,000 tonnes of quarry products from the site by road in any financial year.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	2019-2020 – 1,196t transported 2020-2021 – 28,974t transported 2021-2022 – 29,171t transported	Compliant	
10.	10	The Proponent must not import more than 45,000 tonnes of VENM (or material that otherwise meets the classification of VENM as approved by the EPA) to the site in any financial year. The Proponent must ensure that all VENM imported to the site does not contain waste.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review VENM Certificate 29/11/2021 provided by Boyds Bay Environmental Services	2019-2020 Nil imported 2020-2021 – 3,000t imported 2021-2022 – Nil imported VENM Certificates obtained for material imported.	Compliant	
11.	11	Prior to the upgrade of Altona Road and the Tweed Coast Road / Crescent Street intersection, as required under	2019-2020 Annual Review 2020-2021 Annual Review	No laden truck movements prior to Upgrade works to Altona Road and the	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		conditions 27 and 29 of Schedule 3, the Proponent may dispatch up to: (a) 4 laden trucks per hour; and (b) 10 laden trucks per day; between the hours of 9.00 am and 3.00 pm.	2021-2022 Annual Review CL_06-2022_Road Upgrades Acceptance Letter.pdf	Tweed Coast Road / Crescent Street intersection, which was completed and Executed Compliance Certificate, dated 7 May 2020 issued by Council. Laden truck movements commenced 22/05/2020.		
12.	12	Following the completion of road upgrades required under conditions 27 and 29 of Schedule 3, the Proponent must not dispatch more than 12 laden trucks from the site in any hour, during the hours specified in Table 1.	Cudgen Lakes Sand Quarry - Laden Truck Summary up to Oct 2022	Records show a maximum of 12 laden truck movements per hour (multiple occasions).	Compliant	
Hours of Operation						
13.	13	The Proponent must comply with the operating hours set out in Table 1.	Site interview Site Induction Form	Reported that no loading occurs before 7am. Times included in driver inductions	Compliant	
14.		The following activities may be carried out outside the hours specified in condition 13 above: (a) delivery or dispatch of materials as requested by Police or other public authorities; and (b) Emergency work to avoid the loss of lives, property or to prevent environmental harm. In such circumstances, the Proponent must notify the Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter.		Noted. It is reported that no such circumstances have occurred.	Not Triggered	
STRUCTURAL ADEQUACY						
15.	15	The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	During the 2020-2021 period, the following were constructed: <ul style="list-style-type: none"> fixed wash plant was installed Temporary facilities provided. No buildings or structures on site require certification or assessment against the Building Code of Australia.	Compliant	
DEMOLITION						

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
16.	16	The Proponent must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.		No demolition works have been undertaken.	Not Triggered	
PROTECTION OF PUBLIC INFRASTRUCTURE						
17.	17	Unless the Proponent and the applicable authority agree otherwise the Proponent must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.		No repair works or relocation of infrastructure was required during the reporting period. The previous installation of a culvert beneath Crescent Street for placement of pipelines required repair of the road surface which were completed at the cost of the Company. Verified previous audit.	Compliant	
18.		OPERATION OF PLANT AND EQUIPMENT				
19.	18	The Proponent must ensure that all the plant and equipment used at the site, or to monitor the performance of the project is: (a) maintained in a proper and efficient condition; and (b) Operated in a proper and efficient manner.	Daily prestart inspections HL 770-9 loader Wash plant Pre-start checklist KS-H&S-F0 Dredge pre-start checklist KS-H&S-F22 KS-H&S-F10 Excavator prestart checklists. Servicing monitored via prestart inspections KS-H&S-F20 Plant/Equipment Register and Maintenance schedule.	Operator competency verifications. Verified Volvo Service history through Construction Equipment Telematic System. SP1158 – KS Wash plant Schedule – identifies servicing requirements and completed. Loader scale – Calibration checks in cab – verified. No monitoring equipment on site which requires calibration	Compliant	
CONTRIBUTIONS						
20.	19	The Proponent must pay to Council a financial contribution toward the upgrade and construction of distributor roads (other than Altona Road and the upgrade of the Tweed Coast Road / Crescent Street intersection). The contribution must be:	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes	Correspondence from Council dated 7 September 2016 confirms Council's acceptance that the contribution be paid prior to receipt of VENM to the site. The contribution amount was confirmed	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		(a) determined in accordance with the Tweed Road Contributions Plan September 2016 (as indexed); (b) paid prior to the dispatch of any laden trucks from the site, unless otherwise agreed by Council; (c) Reported in the Annual Review.	Sand Quarry 1 July 2021 to 30 June 2022. Sighted Invoice/ Receipt for council contributions 16-21/10/2020.	with Tweed Shire Council on 13 October 2020 and subsequently paid (i.e. prior to receipt of VENM). Included in Appendix 1 – Compliance Review		
COMPLIANCE						
21.	20	20. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.	Driver inductions SWMS 11 Operation of as tethered SWMS	Reported that CoA requirements are communicated via toolbox meetings. Controls associated with CoA compliance included in site SWMS.	Not Triggered	
PRODUCTION DATA						
22.	21	21. The Proponent must: (a) from the commencement of quarrying operations provide annual quarry production data to DRG using the standard form for that purpose; and (b) Include a copy of this data in the Annual Review.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Production data is included in Section 4.1 of the Annual Review. DRG form not included in the Annual Review. Recommendation: A copy of the DRG Extractive Materials Return form should be included in the Annual Review.	Not Compliant	NC-02
LIMITS OF EXTRACTION						
23.	22	22. The Proponent must ensure that the surveyed boundaries of the approved limits of extraction are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.	Site Inspection	Verified previous audit - The modified extraction boundary (per MOD2) has been surveyed by registered surveyors (B&P Surveys) and star pickets placed with ~2m high orange electrical conduit to enhance the visibility of the markers. Markers were sighted onsite during the current audit.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
PIPELINE CORRIDOR						
24.	23	Prior to commencing work to install pipelines in the pipeline corridors (shown conceptually in Appendix 1), the Proponent must submit for the approval of the Secretary: (a) a survey plan of the route of the pipeline; (b) evidence that this route does not require native vegetation clearing; (c) evidence that the fill sites have approval for filling; and (d) in relation to the eastern pipeline: (i) evidence that any vegetation cleared from the eastern pipeline corridor following the date of this approval has been lawfully carried out in accordance with another approval; (ii) details of proposed measures to protect vegetation during pipeline installation, operation and removal; and (iii) Details of measures, developed in consultation with OEHL, to provide opportunities for the Wallum Froglet to cross the eastern pipeline.	Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Verified previous audit. Reported that no additional sections of pipeline were placed during the reporting period.	Compliant	
25.	24	The Proponent must maintain the pipelines, ensuring that any leak or maintenance issues are detected and repaired to the satisfaction of the Secretary.	Site interview	No pipelines in use during the current audit period.	Compliant	
26.	25	The Proponent must ensure that the office facilities for the processing area: (a) are designed with ventilation emanating from the side facing away from the Kingscliff Waste Water Treatment Plant; and (b) Have air conditioning facilities installed prior to occupation.	Site Inspection	Temporary office facilities placed within the Processing Area include appropriate ventilation away from the WWTP. Air conditioning provided.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS						
NOISE						
Operational Noise Criteria						
27.	1	<p>The Proponent must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p>Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Appendix 3 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.</p> <p>However, the noise criteria in Table 2 do not apply if the Proponent has an agreement with the relevant landowner to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	<p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020.</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022</p>	<p>Noise monitoring results should that noise from the Quarry was generally not measurable/ distinguishable above background noise.</p> <p>Other noise sources such as traffic noise from Tweed Coast Road dominated background</p>	Compliant	
Cumulative Noise Criteria						
28.	2	<p>The Proponent must take all reasonable and feasible measures to ensure that noise generated by the project combined with the noise generated by other industrial development does not exceed the following amenity criteria on any privately-owned land, to the satisfaction of the Secretary:</p> <p>(a) LAeq (11 hour) 50 dB(A) – Day; (b) LAeq (4 hour) 45 dB(A) - Evening and (c) LAeq(9 hour) 40 dB(A) - Night</p>	<p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020.</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020</p>	<p>Noise monitoring reports conclude that: “Distance calculations of measured noise levels from operating plant on site indicate that operations would be within the criteria of 47LAeq and not likely to be a major contributor the 50 LAeq cumulative criteria.</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
			Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022			
Operating Conditions						
29.	3	The Proponent must: (a) implement best practice management to minimise the construction, operational and road transportation noise of the project; (b) minimise the noise impacts of the project during meteorological conditions when the noise criteria in this approval do not apply (see Appendix 3); (c) carry out attended noise monitoring (at least every 3 months or as otherwise agreed by the Secretary) to determine whether the project is complying with the operational noise criteria in Table 2 (see Appendix 3); and (d) Regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.	Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020. Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022	Noise management measures implemented include use of broadband reversing alarms, regular maintenance of equipment and adherence to hours of operation. Noise monitoring results show noise from the site was compliant with the conditions of approval. Noise monitoring not conducted in Q1 2021. Recommendation: Noise monitoring should be scheduled and completed in accordance with the approved Noise Management Plan.	Not Compliant	NC-03

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
Noise Management Plan						
30.	4	<p>The Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (b) be submitted to the Secretary for approval within three months of the determination of Modification 2; (c) be prepared in consultation with the EPA; (d) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> • compliance with the noise criteria and operating conditions of this approval; • best practice management is being employed; and • the noise impacts of the project are minimised during meteorological conditions under which the noise criteria in this approval do not apply (see Appendix 3); (e) describe the proposed noise management system; and (f) Include a monitoring program to be implemented to measure noise from the project against the noise criteria in Table 2, and which evaluates and reports on the effectiveness of the noise management system on site. 	Noise Management Plan for the Cudgen Lakes Sand Quarry Project Approval No. 05_0103 (MOD2), April 2020.	Verified previous audit	Compliant	
31.		The Proponent must implement the Noise Management Plan as approved from time to time by the Secretary		<p>Noise management measures identified in NMP Section 3 have been implemented.</p> <p>Noise monitoring has not been conducted on a quarterly basis as required by NMP Section 4.</p> <p>Recommendation: Noise monitoring should be scheduled and completed in accordance with the approved Noise Management Plan.</p>	Not Compliant	NC-03

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
AIR QUALITY						
Air Quality Impact Assessment Criteria						
32.	5	The Proponent must ensure that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land.	Cudgen Lakes Sand Quarry Deposited Dust Monitoring 11/07/2017 to 6/08/2021. Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Dust monitoring results were generally below the site annual average deposited dust criteria.	Compliant	
Operating Conditions						
33.	6	The Proponent must: (a) implement best management practice to minimise the dust emissions of the project, including routinely watering haul roads being used by heavy vehicles and equipment; (b) regularly assess meteorological and air quality monitoring data to guide the day-to-day planning of operations and implementation of air quality mitigation measures to ensure compliance with the relevant conditions of this approval; (c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above); (d) monitor and report on compliance with the relevant air quality conditions in this approval; and (e) Minimise surface disturbance of the site, other than as permitted under this approval, to the satisfaction of the Secretary.	Site inspection Steven's Earthworx Invoice for Sweep of road entrance at Kingscliff Sands 8/11/2022. Drawing No 27301-ALL-P027 Sand Processing Plant Industrial Driveway Crossover	Site inspection found that the site was generally covered with grass and stabilised. Wet processing operation. Irrigation sprays had been installed for truck access road to minimise dust generation. Subcontract sweeper was utilised for sweeping entry to site. No dust generation sighted. Noted that a shaker grid was provided at the site exit. Plans before Council to seal the site entry to reduce the potential for offsite migration of fines.	Compliant	
Air Quality Management Plan						
34.	7	The Proponent must prepare an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:	Air Quality Management Plan for the Cudgen Lakes Sand Quarry, April 2020.	AQMP reviewed and verified previous audit.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary</p> <p>(b) be prepared in consultation with the EPA</p> <p>(c) be submitted to the Secretary within three months of the determination of Modification 2;</p> <p>(d) describe the measures to be implemented to ensure: • compliance with the air quality criteria and operating conditions of this approval; • best practice management is being employed; and • the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;</p> <p>(e) describe the air quality management system in detail; and</p> <p>(f) Include and air quality monitoring program that: • is capable of evaluating the performance of the project against the air quality criteria; • adequately supports the air quality management system; and • includes a protocol for determining any exceedances of the air quality criteria.</p> <p>The Proponent must implement the Air Quality Management Plan as approved from time to time by the Secretary.</p>		AQMP shows plan approved by the Secretary's nominee, Matthew Sprott, on 22 June 2020.		
Meteorological Monitoring						
35.	8	For the life of the project, the Proponent must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales guideline.	<p>Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020</p> <p>Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021</p> <p>Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022</p>	<p>Reliance was placed upon an on-site rain gauge, the BOM Coolangatta Station No. 040717 and BOM Tweed Heads Golf Course Station No. 058056.</p> <p>Rain and wind data is presented in Section 6.2 of the Annual Reviews.</p> <p>Tipping bucket rainfall gauge installed on office, as well as a plastic rain gauge.</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
Greenhouse Gas Emissions						
36.	9	The Proponent must implement all reasonable measures to minimise the release of greenhouse gas emissions from the site.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Reported that, given the limited scale of activities, appropriate maintenance, operation and sizing of equipment for tasks are considered reasonable measures and were implemented. Records were available to verify that machinery had been regularly maintained	Compliant	
SOIL AND WATER						
Water Supply						
37.	10	The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations under this approval to match its available water supply.	Gales holds Water Access Licence 40902 which provides for 'take' of up to 700ML per year.	Sufficient water was available for project.	Compliant	
Water Discharges						
38.	11	11. The Proponent must comply with the discharge limits in any EPL for the site, or with section 120 of the POEO Act.		No reported discharges occurred during the period covered by the current audit. Flood event in March 2022 resulting in impacted the dredge ponds.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
Fines Management						
39.	12	12. The Proponent must ensure that: (a) no potential acid sulphate soil is removed from the site, unless adequately neutralised in accordance with methods approved under the Soil and Water Management Plan (see condition 18 below); (b) all excavated potential acid sulphate soil fines material is discharged into the dredge pond at a depth greater than 3 metres below the water surface as soon as possible to prevent oxidisation; and (c) All fines are deposited to a final depth of at least 8 metres below the water surface, unless an alternative method(s) is approved by the EPA and the Secretary.	Site inspection	All material is processed through the plant prior to removal from site. No unwashed material sold. Reported that all fines were returned to the pond at least 4m below the water. Depth of the dredge pond was reported to be at least 8m.	Compliant	
Flood Management						
40.	13	All earthworks, including drainage and bunding works, must be contained wholly within the site.	Site inspection	All earthworks, including drainage and bunding works were contained within the site boundary.	Compliant	
41.	14	The Proponent must cease dredging and processing activities not less than 24 hours prior to the commencement of overflow from any dredge pond. No dredging or processing may occur when the dredge ponds are overflowing.	Onsite Master Report – Dredge Operating Hours	Reported that dredging and processing did not occur during periods of localised flooding. Flood event February – March 2022. Ceased dredging 26/02/2022 till 11/03/2022. Flooding in area commenced 27/02/2022. No flooding on site 28/02/2022.	Compliant	
42.	15	The Proponent must ensure that the flood storage capacity of the site throughout all stages of the project is not less than the pre-project flood storage capacity, unless otherwise agreed by the Secretary. Details of the available flood storage capacity must be reported in each Annual Review.	Post dredge survey plan NC-CL-WAE-001, 13/02/2018	Based on survey of the extraction pond and the volume of material imported to create the transformer pad, net flood storage capacity has increased by at least ~4000m ³ (4ML).	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				Flood storage capacity reported in Appendix 1 of the Annual Review.		
43.	16	16. The Proponent must ensure that the top of the earth bund around the extraction ponds does not exceed 1.8 metres AHD. Spillways must be provided at the eastern and western extents of each bund and must be a minimum of 50 metres wide and not exceed 1.3 metres AHD. Bunds and spillways must be suitably surfaced (for example grassed or rock lined) to avoid scour and erosion during storm and flood events.	Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Reported that all bunding surrounding the extraction area has been constructed in accordance with these requirements Verified previous audit.	Compliant	
44.	17	17. The Proponent must ensure that the pad of the processing area does not exceed a height of 1.8 metres AHD.	Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Pad for the processing area verified previous audit. The transformer pad has been formed to 3.8m AHD per Essential Energy requirements – it is noted that the transformer is owned and controlled by Essential Energy.	Compliant	
Soil and Water Management Plan						
45.	18	18. Within three months of the determination of Modification 2, unless otherwise agreed by the Secretary, the Proponent must prepare a Soil and Water Management Plan for the project in consultation with EPA, Water NSW, DoI and Council, to the satisfaction of the Secretary. This plan must be prepared by a suitably qualified expert whose appointment has been approved by the Secretary, and include: (a) a Site Water Balance; (b) an Erosion and Sediment Control Plan; (c) a Surface Water Monitoring Program; (d) a Groundwater Monitoring Program; and (e) a Blue-green Algae Management Plan.	Correspondence from DPE - Cudgen Lakes Sand Extraction Project (MP05_0103B) Soil and Water Management Plan Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021. Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021. Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water, 24/08/2022.	Previous audit identified: Extensions were granted by the Department on 18 April and 31 May 2019 for the submission of the updated Soil and Water Management Plan (SWMP) by 8 July 2019. The updated SWMP was submitted to the Department on 8 July 2019. A copy of the SWMP was also provided to the required agencies for comment on 24 June 2019. The Department approved of RWC, AGECC and HMC as being suitably qualified to prepare the SWMP on 31 May 2019	Not Compliant	NC-04

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		The Proponent must implement the approved plan as approved from time to time by the Secretary.	Cudgen Lakes Sand Quarry Environmental Monitoring – Groundwater, 23/08/2022.	Evidence provided: email to DPIE 08/07/2019 for copy of SWMP as submitted -CL_27-2019-2019 M.Plan Correspondence included correspondence with Council, NRAR, Water NSW, Algal Committee, EPA, DPIE. SWMP approved 20/07/2021 Records on implementation of the surface water and ground water monitoring programs verified. Erosion and Sediment Control plan available and implemented Records do not clearly show that inspections were conducted as required by Section 4.4 of the SWMP. Recommendation: Inspections required by Section 4.4 of the SWMP should be completed and records retained.		
46.	19	19. The Site Water Balance must include details of: (a) sources and security of water supply; (b) water use and management on site; (c) any off-site water transfers; d) reporting procedures; and (e) Measures to be implemented to minimise clean water use on site.	Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021.	Section 3.2 of the SWMP. Section 3.3 of the SWMP. Section 3.3 of the SWMP. Section 9 of the SWMP. Section 3.5 of the SWMP.	Compliant	
47.	20	20. The Erosion and Sediment Control Plan must (a) be consistent with the relevant requirements of the Department of Housing’s Managing Urban Stormwater: Soil and Construction Manual, the NSW Acid Sulphate Soil Advisory Committee’s Acid Sulphate Soil Manual, and	Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021.	a. Section 4.1 b. Sections 4.2 and 5.2 of the SWMP. c. Section 4.3 of the SWMP. d. Section 4.3 of the SWMP. e. Sections 5.3 and 5.4 of the SWMP.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>relevant Council codes, or most recent versions of these documents;</p> <p>(b) describe construction and operational activities that could cause soil erosion, sedimentation or generation of acid sulphate soils;</p> <p>(c) describe the location, function, and capacity of soil and water management and control structures during construction, stabilisation and operational stages;</p> <p>(d) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</p> <p>(e) define procedures for managing the potential acid sulphate soils on the site;</p> <p>(f) define procedures for managing water releases from the site; and</p> <p>(g) Define procedures for the maintenance of soil and water management structures on the site during the life of the project.</p>		<p>f. Section 7.8 of the SWMP.</p> <p>g. Section 4.4 of the SWMP.</p>		
48.	21	<p>The Surface Water Monitoring Program must include:</p> <p>(a) a detailed description of the surface water management system;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor bank and bed stability;</p> <p>(d) a program to monitor and manage pH in the dredge pond;</p> <p>(e) a program to monitor and report on adverse impacts of the project on surface water flows and quality, including any surface water discharges; and</p> <p>(f) A protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria.</p>	<p>Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021.</p>	<p>Surface Water Monitoring Program was included in SWMP.</p> <p>a) Section 7.2 of the SWMP.</p> <p>b) Section 7.4 of the SWMP.</p> <p>c) Section 4.4 of the SWMP.</p> <p>d) Section 7.5 of the SWMP.</p> <p>e) Sections 7.7 and 7.8 of the SWMP.</p> <p>f) Section 7.7 of the SWMP.</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
49.	22	22. The Groundwater Monitoring Program must include: (a) detailed baseline data on groundwater levels and quality, based on statistical analysis; (b) groundwater impact assessment criteria; (c) a program to monitor and report on adverse impacts of the project on groundwater flows and quality; (d) a program to monitor groundwater level effects on vegetation, and on groundwater supply to adjoining properties; and (e) A protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.	Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021.	Groundwater Monitoring Program was included in SWMP. a) Section 6.2 of the SWMP. b) Section 6.3 of the SWMP. c) Sections 6.4 and 6.5 of the SWMP. d) Section 6.4 of the SWMP. e) Section 6.5 of the SWMP.	Compliant	
50.	23	23. The Blue-Green Algae Management Plan must: (a) be consistent with extant guidelines for blue-green algae management including the National Health and Medical Research Council’s Guidelines for Managing Risks in Recreational Water; (b) describe the measures that would be implemented to prevent and control the sources of algal blooms over the short, medium and long term; (c) include a detailed recovery plan that aims to reduce algae levels to meet the water quality completion criteria in the Rehabilitation Management Plan; (d) include reasonable and feasible measures to reduce nutrient levels in the pond/s over the short, medium and long term, and include interim water quality targets for nutrients based on continual improvement and established water quality objectives for the Tweed River catchment; and (e) Define procedures for the management and notification of identified algal blooms.	Soil and Water Management Plan for the Cudgen Lakes Sand Quarry Version 4b dated 5/05/2021.	The Blue-Green Algae Management was included in SWMP. a) Section 8.2 of the SWMP. b) Section 8.5 of the SWMP. c) Section 8.5 of the SWMP. d) Sections 8.5 and 8.6 of the SWMP. e) Section 8.8 of the SWMP.	Compliant	
Additional Groundwater Requirements						

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
51.	24	24. Within six months of the determination of Modification 2, the Proponent must: (a) review the site’s existing groundwater monitoring data (including water quality data) and groundwater management and mitigation measures; (b) identify any additional monitoring, management or mitigation measures required to achieve the site’s groundwater impact assessment criteria, as required under condition 22(c) of this Schedule; and (c) Prepare an amended Groundwater Monitoring Program to reflect any additional measures, to the satisfaction of the Secretary.	As part of the updated SWMP an extensive review was completed of the existing water monitoring data and management measures. These details were included as part of the updated SWMP. The completion of this review was advised within the correspondence to the Department with the submission of the SWMP on 8 July 2019.	Verified previous audit. Amended groundwater monitoring program included in Section 6.4 of the SWMP.	Compliant	
52.	25	Prior to extracting beyond the previously-proposed realigned Altona Drive (as shown in Figure 2 of the Department’s Assessment Report for Modification 2), the Proponent, following consultation with DoI, must: (a) update the existing groundwater model for the project to address the consolidated extraction area as approved under Modification 2; (b) re-assess the potential groundwater impacts of the project; and (c) Review and if necessary revise the Groundwater Monitoring Program and the groundwater management and mitigation measures for the project in response to the updated groundwater modelling; to the satisfaction of the Secretary.		Noted. Extraction has not yet encroached upon the previously proposed Altona Road.	Not Triggered	
TRANSPORT						
Site Access						
53.	26	The Proponent must ensure that all heavy vehicle access to and from the site is via the Tweed Coast Road/Crescent Street/Altona Road route. Heavy vehicles must not travel	Operational Transport Management Plan Cudgen Lakes Sand Quarry Report No. 617/37g, Approval Date – 21 May 2020 Driver induction records 2022.	TMP Section 3.5 details approved transportation route.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		via Crescent Street through Cudgen Village, except for local deliveries to Cudgen Village.		TMP Appendix 2 – Drivers Code of Conduct includes approved transportation route.		
Upgrade and Maintenance of Altona Road						
54.	27	The Proponent must upgrade Altona Road between the site entrance and intersection with Crescent Street. This upgrade must: (a) provide for the construction of an acceleration lane of not less than 200 metres in length on Tweed Coast Road, northbound from the intersection, to the satisfaction of Council (as roads authority); (b) provide for channelized right turn treatment (line marking only) on Tweed Coast Road for vehicles turning right into Crescent Street; (c) be designed and constructed in accordance with Austroads Guidelines, Australian Standards and RMS Supplements; and (d) be funded by the Proponent, or by a cost sharing agreement between the Proponent and the owner of the Tweed Sand Quarry, in consultation with Council;		Hanson, operator of the Tweed Sand Quarry sought and received approval for the construction of a single longer passing bay. Upgrade works were completed by Hanson during the reporting period with Council confirming satisfaction with the works through the issue of a Works as Executed Compliance. Reported that the owner of Tweed Sand Quarry (Hanson) opted to complete the works at their expense.	Compliant	
55.	28	By 20 August 2019, the Proponent must enter into a cost sharing agreement with the owner of the Tweed Sand Quarry, in consultation with Council, for the maintenance of Altona Road between the site entrance and intersection with Crescent Street. This agreement must: (a) provide for ongoing repairs and maintenance of the road; (b) apply to the existing or any future approved alignment of Altona Road; and (c) Provide for proportionate and equitable contributions between the Proponent and the owner of the Tweed Sand		A draft agreement was prepared between Gales and Hanson, in consultation with Council, a number of matters remained in dispute. A request for an extension was requested from DPIE on 21 August 2019. A response to the time extension was not received from the Department with the draft agreement ultimately referred to the Secretary for resolution on 25/09/19. Whilst a response was not received, during the period covered by this audit,	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>Quarry (based on actual annual product road transport or other measure/s agreed by the parties).</p> <p>If a cost sharing agreement cannot be reached or if there is any dispute regarding the finalisation of the terms of the cost sharing agreement, or its implementation, then either party may refer the matter to the Secretary for resolution.</p> <p>Upgrade of the Crescent Street and Tweed Coast Road Intersection</p>		Gales, Hanson and Council have operated in accordance with the agreement without dispute.		
56.	29	<p>The Proponent must upgrade the intersection of Crescent Street and Tweed Coast Road. This upgrade must:</p> <p>(a) provide for the construction of an acceleration lane of not less than 200 metres in length on Tweed Coast Road, northbound from the intersection, to the satisfaction of Council (as roads authority);</p> <p>(b) provide for channelized right turn treatment (line marking only) on Tweed Coast Road for vehicles turning right into Crescent Street;</p> <p>(c) be designed and constructed in accordance with Austroads Guidelines, Australian Standards and RMS Supplements; and</p> <p>(d) be funded by the Proponent, or by a cost sharing agreement between the Proponent and the owner of the Tweed Sand Quarry, in consultation with Council;</p> <p>If a cost sharing agreement cannot be reached or if there is any dispute regarding the finalisation of the terms of the cost sharing agreement, or its implementation, then either party may refer the matter to the Secretary for resolution.</p>	<p>Subdivision Works as Executed Compliance Certificate No. WAX20/0005 - Subdivision Works Certificate relating to DWY19/0137 at ROAD 2378; Altona Road CHINDERAH; Lot 0 ROAD 1435; Crescent Street CUDGEN; Lot 0 ROAD 2219; Tweed Coast Road CUDGEN, Issued by Tweed Shire Council 7/05/2022.</p>	<p>Upgrade works were completed by Hanson during the reporting period with Council confirming satisfaction with the works through the issue of a Works as Executed Compliance Certificate dated 7 May 2020.</p>	Compliant	
Operating Conditions						
57.	30	The Proponent must:	<p>Site Inspection</p> <p>Records of operational hours</p>	<p>On-site parking is available within the Processing Area.</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>(a) provide sufficient parking on the site for all project-related traffic and visitors, in accordance with any applicable Council parking code and ensure that no on street parking is undertaken;</p> <p>(b) ensure that trucks do not enter the site prior to 7.00 am on any day;</p> <p>(c) ensure that on-site parking and pedestrian facilities are adequately signposted;</p> <p>(d) ensure that all laden trucks entering or exiting the site have their loads covered</p> <p>(e) ensure that all laden trucks exiting the site are cleaned of material that may fall from vehicles, before leaving the site;</p> <p>(f) use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport quarry products from the project so they can be easily identified by road users; and</p> <p>(g) Keep accurate records of all laden truck movements to and from the site and publish a summary of these records on its website every month.</p>	Cudgen Lakes Sand Quarry - Laden Truck Summary	<p>No off-site parking was identified during the site inspection</p> <p>Reported that no loading of trucks occurred prior to 7am.</p> <p>All trucks sighted during the site inspection had their loads covered.</p> <p>g. Cudgen Lakes Sand Quarry - Laden Truck Summary</p>		
Transport Management Plan						
58.	31	<p>The Proponent must prepare a Traffic Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with RMS, Transport for NSW and Council, and in accordance with the RTA – Traffic Control at Worksites Manual;</p> <p>(c) describe the processes in place for the management of truck movements entering and exiting the site;</p>	<p>Operational Transport Management Plan for the Cudgen Lakes Sand Quarry, Version 3, 20/05/2020.</p> <p>letter Cudgen Lakes Sand Extraction Project (MP 05_0103B) Traffic Management Plan providing approval by the Secretary’s nominee, Matthew Sprott, on 21 May 2020 -</p>	<p>a. Prepared by R.W Corkery &co Pty Ltd.</p> <p>b. TMP Appendix 1 provides evidence of consultation with RMS, Transport for NSW and Council.</p> <p>c. Section 3.4</p> <p>d. Section 3.5, Appendix 2 – Drivers Code of Conduct</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>(d) prohibit trucks departing the site from turning right from Crescent Street to Tweed Coast Road;</p> <p>(e) include a Drivers' Code of Conduct that includes:</p> <ul style="list-style-type: none"> • details of the safe and quiet driving practices that must be used by drivers travelling to and from the quarry; • a map of the primary haulage route; • safety initiatives for haulage through residential areas, school zones and along school bus routes; • an induction process for vehicle operators and regular toolbox meetings; • complaints resolution and disciplinary procedures; and • Details of community consultation measures for peak haulage periods. <p>(f) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct;</p> <p>(g) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during road upgrade works; and</p> <p>(h) Propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles leaving the quarry.</p> <p>The Proponent must not dispatch any trucks from the site until the Traffic Management Plan is approved by the Secretary.</p> <p>The Proponent must implement the approved Traffic Management Plan as approved from time to time by the Secretary.</p>		<p>e. Appendix 2</p> <p>f. Section 4 . Training and Community Consultation Section 5 – Evaluation of Compliance</p> <p>g. Not applicable – road upgrade works completed. Any future off-site road-works would be addressed in a separate or updated TMP.</p> <p>h. 3.3 General Transportation Management</p> <p>The Operational Transport Management plan was approved by DPIE 21/05/20. Dispatch of product trucks commenced 22 May 2020.</p>		
REHABILITATION						
Rehabilitation Objectives						
59.	32	The Proponent must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the proposed rehabilitation	Site inspection	Tree planting had occurred around the quarry office and parking areas.	Not Triggered	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		activities described in the documents listed in condition 3 of Schedule 2, and comply with the objectives in Table 4.		Rehabilitation works had commenced on the southeast bank of the dredge pond.		
Progressive Rehabilitation						
60.	33	The Proponent must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.	Site inspection.	Site inspection was conducted as part of this audit most the areas were covered with grass with only the processing area was exposed.	Compliant	
Rehabilitation Management Plan						
61.	34	The Proponent must prepare a Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with Council, Water NSW, DoI and OEH; (c) be submitted to the Secretary within three months of the determination of Modification 2, unless the Secretary agrees otherwise; (d) describe how the rehabilitation of the site and pipeline corridors would achieve the objectives identified in Table 4; (e) describe the short, medium, and long term measures that would be implemented to: • rehabilitate and stabilise the site and pipeline corridors; and • manage the restored vegetation and wetland habitat established on the site;	Draft Rehabilitation Management Plan, Version 4b, 6/05/2021. RW Corkery was approved as being suitably qualified to prepare the Rehabilitation Management Plan (RMP) on 31 May 2019. Rehabilitation Management Plan , Appendix 1.	Draft Rehabilitation Management Plan prepared. Approval remains pending subject to satisfactorily addressing Agency comments. Verified previous audit Response Table – Rehabilitation Management Plan shows comments received from DPE, Bioconservation Division, Tweed Shire Council Extensions were granted by the Department on 18 April and 31 May 2019 for the submission of the updated RMP by 8 July 2019. The updated RMP was submitted to the Department on 8 July 2019. Comments from DPIE was provided on 29/08/2019 giving a deadline to address the comments by 11/09/2019. Sections 3.2 and 3.3 of the RMP. Section 3.2 of the RMP.	Not Compliant	NC-05

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>(f) include detailed performance and completion criteria for the rehabilitation and stabilisation of the site (including appropriate water quality criteria);</p> <p>(g) include a detailed description of the measures to be implemented to:</p> <ul style="list-style-type: none"> • enhance existing vegetation and increase littoral and terrestrial habitat potential; • protect areas outside the disturbance areas, including vegetation adjoining pipelines; • control terrestrial and aquatic weeds and pests; • control access; and • reduce the visual impacts of the project; <p>(h) include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (g) above, and progress against the detailed performance and completion criteria in paragraph (f);</p> <p>(i) include a vegetation clearance protocol;</p> <p>(j) include a Long-Term Management Strategy, which:</p> <ul style="list-style-type: none"> • defines the objectives and criteria for quarry closure and post-extraction management; • investigates options for the future use of the site; • describes the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and • describes how the performance of these measures would be monitored over time; <p>(k) describe the potential risks to successful rehabilitation and/or revegetation, including a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>(l) Detail who is responsible for monitoring, reviewing, and implementing the plan.</p>		<p>Sections 3.4 and 4.3 of the RMP.</p> <p>Section 3.2 of the RMP.</p> <p>Section 3.5 of the RMP.</p> <p>Section 3.3.8 of the RMP.</p> <p>Section 4 of the RMP.</p> <p>Section 3.3.8 of the RMP.</p> <p>Section 4 of the RMP.</p> <p>Section 3.6 of the RMP.</p> <p>Section 3.7 of the RMP.</p> <p>Approval of the updated RMP remains pending.</p>		

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		The Proponent must implement the approved Rehabilitation Management Plan as approved from time to time by the Secretary				
Rehabilitation bond						
62.	35	<p>Within 6 months of the approval of the Rehabilitation Management Plan, the Proponent must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of approval. The sum of the bond must be an amount agreed to by the Secretary and determined by:</p> <p>(a) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and</p> <p>(b) Employing a suitably, independent and experienced person to verify the calculated costs.</p> <p>The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the lodgement of the bond</p>	<p>20170413 Bank Guarantee Dept Water Bond 250k ax.pdf CL_31-2019_Correspondence re Bonds</p>	<p>Not yet triggered. The RMP has not been approved yet by DPIE. However, a rehabilitation bond was previously established (correspondence from DPE dated 12/04/17 confirms receipt of bank guarantee for the agreed rehabilitation bond of \$163,375). The review of the bond is required within 6 months of the approval of the RMP. Approval of the RMP remains pending.</p>	Not Triggered	
63.	36	<p>36. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:</p> <p>(a) any update or revision to the Rehabilitation Management Plan;</p> <p>(b) the completion of an Independent Environmental Audit; or</p> <p>(c) In response to a request by the Secretary.</p>	Noted. Not yet triggered.	RMP has not been approved.	Not Triggered	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
ABORIGINAL CULTURAL HERITAGE						
64.	37	<p>37. The Proponent must prepare an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the relevant Aboriginal communities; (b) be submitted to the Secretary for approval prior to carrying out any development; and (c) include a description of the: <ul style="list-style-type: none"> • Aboriginal cultural heritage induction protocol for employees; • process for Aboriginal inspection of excavations for the northern pipeline corridor; • measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project either within or beyond the area of disturbance; and • Process for identifying a long-term storage location should Aboriginal relics be discovered within the project site requiring salvage. <p>The Proponent must implement the approved Aboriginal Cultural Heritage Management Plan as approved from time to time by the Secretary.</p>	<p>Aboriginal Cultural Heritage Management Plan for the Cudgen Lakes Sand Quarry, Version 3, 23/07/2017</p> <p>Prepared in consultation with Tweed-Byron LALC (correspondence dated 01/03/11)</p> <p>The initial ACHMP was submitted to the then DoP 09/02/11 and approved 14/05/14. An updated version was approved 05/07/17. As confirmed to the Department on 16 April 2019, as a result of the MOD2 approval, only administrative updates were required to the existing plan. These will be supplied to the Department prior to any further development.</p> <p>Section 7 of the ACHMP. Section 8 of the ACHMP. Section 10 and Appendix 1 of the ACHMP. Section 12 of the ACHMP.</p> <p>Pending approval of the updated ACHMP.</p>	<p>Aboriginal Cultural Heritage Management Plan was approved by the Secretary's Nominee, Howard Reed on 5 July 2017</p> <p>Verified previous audit Verified previous audit</p>	Compliant	
VISUAL						
65.	38	<p>The Proponent must establish and subsequently maintain the vegetation screen around the extraction area within 12 months of the date of this approval.</p>	<p>Site Inspection</p>	<p>Verified previous audit.</p> <p>During this audit site inspection was conducted and vegetation screening around the site and fencing were in good condition.</p>	Compliant	
66.	39	<p>The Proponent must implement all reasonable measures to minimise the visual and off-site lighting impacts of the project to the satisfaction of the Secretary.</p>	<p>Site Inspection</p>	<p>During site inspection four light were sighted which provided lighting around</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				the office and processing areas. Lights were directed toward the ground. The site was screened with vegetation. No complaints have been received in relation to site lighting.		
WASTE						
67.	40	40. The Proponent must: (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council; (b) minimise the waste generated by the project; (c) ensure that the waste generated by the project is appropriately stored, handled, and disposed of; and (d) Report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Portaloo provided which was pumped out regularly by a waste contractor. Waste generated by the site was generally a mix of general and recyclable waste. Appropriate storage facilities were provided. Noted that all waste from servicing was removed by contractors. Included in Section 6.8 of the Annual Review.	Compliant	
68.	41	Except as expressly permitted in an EPL, the Proponent must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	Site Interview	Reported that no waste has been received at the site for storage, treatment, processing, reprocessing or disposal.	Compliant	
LIQUID STORAGE						
69.	42	42. The Proponent must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.	Site inspection	No hydrocarbon tanks were retained on site. A mobile road-registered fuel tanker service was reported to be used to refuel the mobile equipment.	Not Applicable	
DANGEROUS GOODS						
70.	43	43. The Proponent must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards,	Site inspection	No dangerous goods stored on site.	Compliant	

AUDIT CHECKLIST: Project Approval MP 05_0103B Modification 2
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		particularly AS1940 and AS1596, and the Dangerous Goods Code.				

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
SCHEDULE 4 ADDITIONAL PROCEDURES						
NOTIFICATION OF EXCEEDANCES						
71.	1	<p>1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any criteria in Schedule 3 the Proponent must:</p> <p>(a) notify the affected land owners and tenants in writing of the exceedance, and provide quarterly monitoring results, to each affected party until the project is again complying with the relevant criteria; and</p> <p>(b) Publish on its website the full details of the exceedance.</p> <p>Any exceedance of any criteria in Schedule 3 is an incident that must be notified to the Department in accordance with conditions 9 to 12 of Schedule 5.</p> <p>For any exceedance of the air quality criteria or air quality measures in Schedule 3, the Proponent must also provide to any affected land owners and tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Minerals Council, 2011).</p>	Site interview	No exceedances have been identified.	Not Triggered	
INDEPENDENT REVIEW						
72.	2	<p>If a landowner considers the project to be exceeding the relevant criteria in Schedule 3, they may ask the Secretary in writing for an independent review of the impacts of the project on their land.</p> <p>If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.</p> <p>If the Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Secretary and the landowner, the Proponent must:</p>	Site interview	Not yet triggered. Request for independent review has not been received to date.	Not Triggered	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> • consult with the landowner to determine their 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 that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria; <p>(b) give the Secretary and landowner a copy of the independent review; and</p> <p>(c) comply with any written requests made by the Secretary to implement any findings of the review</p>				

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING						
ENVIRONMENTAL MANAGEMENT						
Environmental Management Strategy						
73.	1	<p>1. The Proponent must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:</p> <p>(a) be submitted to the Secretary for approval within three months of the determination of Modification 2;</p> <p>(b) provide the strategic framework for environmental management of the project;</p> <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 to 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, record, handle and respond to 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"> • reference to any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring to be carried out under the conditions of this approval <p>The Proponent must implement the Environmental Management Strategy as approved from time to time by the Secretary.</p>	<p>Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.</p>	<p>Verified previous audit - The updated EMS was submitted to the Department on 22 April 2019 which within 3 months of the determination date 22 January 2019.</p> <p>Approval remains pending awaiting approval of the RMP.</p> <p>Section 1.2 of the EMS.</p> <p>Section 3.0 of the EMS.</p> <p>Section 4.0 of the EMS.</p> <p>Section 6.1 of the EMS.</p> <p>Section 6.1 of the EMS.</p> <p>Section 6.2 of the EMS.</p> <p>Section 6.3 of the EMS.</p> <p>Section 7 of the EMS.</p> <p>Section 9 of the EMS.</p> <p>Section 5 of the EMS.</p> <p>Approval of the updated EMS remains pending.</p>	<p>Compliant</p>	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
Management Plan Requirements						
74.	2	<p>The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) a summary of relevant background or 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; <p>and</p> <ul style="list-style-type: none"> • 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 to 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 and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</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; and 	Refer to above NMP, AQMP, SWMP, RMP, TMP and ACHMP. Each plans included addressed this requirements respectively.	Verified	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<ul style="list-style-type: none"> • non-compliances with statutory requirements; (h) a protocol for periodic review of the plan; and (i) A document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of the person/s who prepared and reviewed the management plan, a description of any revisions made and the date of the Secretary's approval. 				
Application of Existing Management Plans						
75.	3	The Proponent must continue to apply existing approved management plans, strategies or monitoring programs that have most recently been approved under this approval, until the approval of a similar plan, strategy or program following a modification to this approval.		Management plans have continued to be implemented.	Compliant	
Revision of Strategies, Plans & Programs						
76.	4	<p>4. Within 3 months of:</p> <p>(a) the submission of an incident report under condition 10 of this Schedule;</p> <p>(b) the submission of an Annual Review under condition 13 of this Schedule;</p> <p>(c) the submission of an Independent Environmental Audit under condition 14 of this Schedule; or</p> <p>(d) The approval of any modification to the conditions of this approval.</p> <p>the Proponent must review the suitability of all strategies, plans and programs required under this approval. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.</p>	<p>Tweed Shire Council Email response re Review of Transport Management Plan.</p> <p>TfNSW response re review of Transport Management Plan 29/04/2020.</p> <p>Email response from EPA 30/04/2020 re review of NMP and AQMP.</p>	<p>One incident in the 2020-2021 period – noise monitoring not conducted in accordance with the Noise Management Plan.</p> <p>No review of NMP required.</p> <p>Sighted correspondence with TSC (and TfNSW re Transport Management Plan.</p>	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
Staging, Combining and Updating Strategies, Plans or Programs						
77.	5	5. With the approval of the Secretary, the Proponent may: (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).		The Traffic Management Plan was originally approved to be prepared on staged basis. Approval provided 20/05/2020.	Compliant	
Evidence of Consultation						
78.	6	6. Where the conditions of this approval require consultation with an identified party, the Proponent must: (a) consult with the relevant party prior to submitting the subject document; and (b) provide details of the consultation undertaken, including: • the outcome of that consultation, matters resolved and unresolved; and • details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed any unresolved matters.		Consultation were conducted for each management plans. Records of consultation were provided as evidence for each management plans i.e.: - Updated AQMP and NMP were sent to EPA on 18 April 2019 and EPA response with no comment. - Updated SWMP was sent to Council for consultation on 24 June 2019 and Council responded on 28 June 2019 agreeing with the	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				changes made on the plan. - Updated RMP was sent to Council on 1 July 2019 and Council responded on 24 September with their comments that needed to be addressed.		
79.	7	However, if the Secretary agrees, a strategy, plan or program may be prepared without consultation being undertaken with an identified party required under a condition of this approval.	Noted. Not triggered.		Not Triggered	
COMMUNITY CONSULTATIVE COMMITTEE						
80.	8	The Proponent must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. The CCC must be operated in general accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2016), for the duration of quarrying operations and for at least 6 months following the completion of quarrying operations.	Evidence provided: http://www.galeskingscliff.com.au/CommunityConsultativeCommittee.htm	The CCC was established in July 2017 with the approval of the Independent Chairperson by DPE 8 July 2017. No meetings held in 2019 as no operations occurred (November 2019 Status Report to CCC provided). CCC Meeting planned for 3/04/2020 cancelled due to Coronavirus. 19 April 2020 Status Report issued to CCC. December 2020 Status Report to CCC issued to CCC instead of holding a meeting due to Coronavirus. Meeting conducted 4 June 2021. Meeting scheduled for Nov/Dec 2021- not completed – Reported that cancelled due to Covid-19. Meeting conducted 1/07/2022.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
REPORTING						
Incident Notification, Reporting and Response						
81.	9	9. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident.	Email from Scott Hollamby to DPE 2/07/2021 - 617: Cudgen Lakes - Non-compliance with Noise Monitoring Program	The Department was notified by email 2 July 2021 following identification that the Q1 2021 noise monitoring was not undertaken.	Compliant	
82.	10	10. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent reoccurrence and must identify any non-compliance with this approval.	Email submission of incident report 8/07/2022 to 'compliance@planning.nsw.gov.au'.	An incident report addressing the required detail was submitted via the Major Projects Planning Portal on 8 July 2021 (i.e. within the required 7 days).	Compliant	
83.	11	Any written requirements of the Secretary or relevant public authority (as determined by the Secretary) which may be given at any point in time, to address the cause or impact of an incident must be complied with and within any timeframe specified by the Secretary or relevant public authority.		No specific requirements were received following submission of the incident report.	Not Triggered	
84.	12	12. If statutory notification is provided to EPA as required under the POEO Act in relation to the project, such notification must also be provided to the Secretary within 24 hours after the notification was provided to EPA.		No statutory notification was required to be provided to EPA during the reporting period.	Not Triggered	
Annual Review						
85.	13	By the end of September each year, or other timing as may be agreed by the Secretary, the Proponent must submit a report to the Department reviewing the environmental performance of the project, to the satisfaction of the Secretary. This review must: (a) describe the project (including any rehabilitation) that was carried out in the previous financial year, and the	Email response 30/09/2020 - Cudgen Lakes Quarry - Post Approval Document Received - (MP05_0103B-PA-3) – 2019-2020 Annual Review submission. Letter response from DPE 21/10/2021 - Cudgen Lakes Sand Quarry (MP05_0103B) Annual Review 2020-2021.	The 2019/2020 Annual Review was submitted to DPIE, Council, Water NSW, NRAR, EPA and the CCC on 30/09/20. The 2020/2021 Annual Review was submitted to DPE, Council, Water	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<p>project that is proposed to be carried out over the current financial year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the previous financial year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • requirements of any plan or program required under this approval; • monitoring results of years prior; and • relevant predictions in the documents listed in condition 3 of Schedule 2; <p>(c) detail any non-compliance over the past financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>(d) evaluate and report on:</p> <ul style="list-style-type: none"> • the effectiveness of the noise and air quality management systems; and • compliance with the performance measures, criteria and operating conditions in this approval; <p>(e) identify any trends in the monitoring data over the life of the project;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(G) Describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p> <p>The Proponent must ensure that copies of the Annual Review are submitted to Council and are available to the CCC and any interested person upon request.</p>	<p>Cudgen Lakes Quarry (MP05_0103B) Letter response from DPE 19/10/2022 - 2021-22 Annual Environmental Management Review</p>	<p>NSW, NRAR, EPA and the CCC on 30/09/21. The 2021/2022 Annual Review was submitted to DPE, Council, Water NSW, NRAR, EPA and the CCC on 30/09/22 Sections 4 and 8 describe the activities, including rehabilitation, undertaken during the reporting period. Section 6 and 7 provide a review of the results against the relevant limits, requirements and previous / baseline monitoring results. Sections 1 and 11 and Appendix 1 provide details of non-compliances. Section 6 and Table 6.1 provide an evaluation. Section 6 provides a summary of any discernible trends Section 6 would provide discuss any discrepancies. However, none have been identified to date. Section 6 outlines planned / further improvements to environmental management. Copies of the Annual Review have been provided to Council, CCC and other relevant agencies and were be made publicly available on the Gales website. http://www.galeskingscliff.com.au</p>		

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
INDEPENDENT ENVIRONMENTAL AUDIT						
86.	14	14. Within two years of the commencement of quarrying operations and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. The primary purposes of the audit are to ascertain information in relation to the environmental performance of the project and the adequacy of strategies, plans and programs. Audits must: (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies and the CCC; (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL or water licences for the project (including any assessment, strategy, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and (f) Be conducted and reported to the satisfaction of the Secretary.	Evidence: DPIE Letter Cudgen Lakes Quarry - 2022 IEA Auditor Approval (MP05_0103B) Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020. Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Site establishment activities commenced 26 June 2017 with extraction operations commencing 30 October 2017. Previous audit commissioned in October 2019 Current audit commissioned October 2022. Approval of James Hart as auditor provided 16/09/2022. Consultation with DPIE, EPA, NRAR, Council and Water NSW were conducted. Consultation records were included as attachment E of the previous audit report. Assessment of environmental performance described in Section 5 of this Audit Report. Section 5.6 Suitability of Plans and the EMS of the Audit Report. Section 6 of the audit report details the recommendations. Audit was conducted as per DPAR 2018 and Conditions of Approval requirements.	Compliant	
87.	15	15. Within 12 weeks of commencing each audit, unless otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary and any other agency that requests it, together with its response	Email correspondence from DPE 7/02/2020 - RE: 617: Cudgen - Audit Report Extension Request.	Site inspection was conducted on 18 November 2019 and review of records commenced in January 2020.	Compliant	

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The Proponent must implement these recommendations, to the satisfaction of the Secretary.	Email submission of audit report 2/03/2020 and response to findings 617: Cudgen - Independent Environmental Audit.	An extension for the submission of the audit report was granted by DPIE on 7 February 2020 for report submitted on or before 2/03/2022. Audit Report including response to the auditor's findings submitted 2/03/2022		
ACCESS TO INFORMATION						
88.	16	16. Within 1 month of the determination of Modification 2, and for the life of the project, the Proponent must: <ul style="list-style-type: none"> (a) make the following information and documents (as they are obtained or approved) publicly available on its website: <ul style="list-style-type: none"> • the documents listed in conditions 2 and 3 of Schedule 2; • current statutory approvals for the project; • all approved strategies, plans and programs required under the conditions of this approval; • regular reporting on the environmental performance of the project in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs; • a summary of the current stage and progress of the project; • contact details to enquire about the project or to make a complaint • a complaints register, updated monthly • the Annual Reviews of the project; 	https://www.galeskingscliff.com.au/cudgen-lakes-1 https://www.galeskingscliff.com.au/files/ugd/38d55b_7804fee95e4a44a0a868d7bdb32149d2.pdf https://www.galeskingscliff.com.au/files/ugd/38d55b_7804fee95e4a44a0a868d7bdb32149d2.pdf https://www.galeskingscliff.com.au/management-plans https://www.galeskingscliff.com.au/reports https://www.galeskingscliff.com.au/reports https://www.galeskingscliff.com.au/reports http://www.galeskingscliff.com.au/contact.htm https://www.galeskingscliff.com.au/reports https://www.galeskingscliff.com.au/reports https://www.galeskingscliff.com.au/reports https://www.galeskingscliff.com.au/reports http://www.galeskingscliff.com.au http://www.galeskingscliff.com.au	Project website was set up for public access to the information and documents. Project approval provided. EA, EA (Mod 1), EA (Mod 2) not included. Current version of the EPL not included. Project approval provided. Link to strategies, plans and programs provided Project Status Report Annual Review Monitoring data. Environmental monitoring data provided. Project Status Report (July 2021) Link provided to provide feedback, make an enquiry, etc. Complaints register available. No complaints received since 24/07/2020. Annual reviews 2009 – 2021 available.	Not Compliant	NC-06

AUDIT CHECKLIST: Project Approval MP 05_0103B Modification 2
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	CoA No	CoA Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<ul style="list-style-type: none"> any Independent Environmental Audit as described in condition 14 above, and the Proponent's response to the recommendations in any audit; and any other matter required by the Secretary; and (b) Keep this information up-to-date, to the satisfaction of the Secretary.		AQUAS Independent Audit 2020 and Response and Action Plan 2020 available. Project Status Report		

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No							
1. Administrative Controls													
A1 What the licence authorises and regulates													
1.	A1.1	<p>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.</p> <p>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.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Extractive Activities</td> <td>Land-based extractive activity</td> <td>> 100000 - 500000 T annual capacity to extract, process or store</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Extractive Activities	Land-based extractive activity	> 100000 - 500000 T annual capacity to extract, process or store	<p>2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review</p>	<p>2019-2020 – 3000m³ 2020-2021 – 22,250m³ 2021-2022 – 24.447m³</p>	Compliant		
Scheduled Activity	Fee Based Activity	Scale											
Extractive Activities	Land-based extractive activity	> 100000 - 500000 T annual capacity to extract, process or store											
2.	A1.2	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.	Scheduled development works related to creation of the initial dredge pond. These works were completed in 2006.	Verified previous audit	Compliant								
A2 Premises or plant to which this licence applies													
3.	A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>CUDGEN LAKES</td> </tr> <tr> <td>ALTONA DRIVE</td> </tr> <tr> <td>CUDGEN</td> </tr> <tr> <td>NSW 2487</td> </tr> <tr> <td>LOT 21 DP 1082482, Lot 51 DP 1268405</td> </tr> <tr> <td>ALSO INCLUDES ROAD EASEMENTS FOR CRESCENT STREET AND ALTONA ROAD.</td> </tr> </tbody> </table>	Premises Details	CUDGEN LAKES	ALTONA DRIVE	CUDGEN	NSW 2487	LOT 21 DP 1082482, Lot 51 DP 1268405	ALSO INCLUDES ROAD EASEMENTS FOR CRESCENT STREET AND ALTONA ROAD.		Noted	Compliant	
Premises Details													
CUDGEN LAKES													
ALTONA DRIVE													
CUDGEN													
NSW 2487													
LOT 21 DP 1082482, Lot 51 DP 1268405													
ALSO INCLUDES ROAD EASEMENTS FOR CRESCENT STREET AND ALTONA ROAD.													

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No			
A3 Other Activities									
4.	A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <table border="1"> <tr> <td>Ancillary Activity</td> </tr> <tr> <td>Crushing, grinding or separating</td> </tr> <tr> <td>Water-based extractive activity</td> </tr> </table>	Ancillary Activity	Crushing, grinding or separating	Water-based extractive activity	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	Water based extraction activities were undertaken during the audit period.	Compliant	
Ancillary Activity									
Crushing, grinding or separating									
Water-based extractive activity									
A4 Information supplied to the EPA									
5.	A4.1	<p>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.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <ul style="list-style-type: none"> 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. 	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	Activities during the reporting period were consistent with all relevant application information.	Compliant				
2 Discharges to Air and Water and Applications to Land									
P1 Location of monitoring/discharge points and areas									
6.	P1.1	<p>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 or liquids to the utilisation area.</p>	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water Cudgen Lakes Sand Quarry Environmental Monitoring - Groundwater	Monitoring undertaken at this monitoring points as applicable.	Compliant				

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
7.	P1.2	The following points referred to in the table 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.	Cudgen Lakes Sand Quarry Environmental Monitoring - Groundwater	Points 4, 5 and 6 were added in the 20 July 2017 licence version. As no surface water discharges have occurred, there is no monitoring records for Points 1 and 2 which are discharge points only. Groundwater monitoring has been undertaken in accordance with monitoring requirements at MB10, MB11 and MB15.	Compliant	
3 Limit Conditions						
L1 Pollution of waters						
8.	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.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	No pollution of waters has been identified during the audit period.	Compliant	
9.	L1.2	Exceedance of a quality limit specified in this licence for the discharge of TSS, pH or Oil and Grease from Point 1, 2 or 3 or a volume limit for discharge from Point 1, 2 or 3 is permitted if the discharge from Point 1, 2 or 3 occurs solely as a result of rainfall at the premises exceeding a total of 82.5millimetres over any consecutive five day period.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	No wet weather discharge occurred during the audit period. Floodwater entered the ponds in February/March 2022 and receded naturally.	Not Triggered	
10.	L1.3	The licensee must take all practical measures to avoid or minimise TSS, pH etc. contained in wet weather discharges.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water	No wet weather discharge occurred during the audit period. Monitoring of water quality in the dredge pond conducted.	Not Triggered	
L2 Concentration Limits						
11.	L2.1	For each monitoring/discharge point or utilisation area specified in the table\& below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water	No wet weather discharge occurred during the audit period. Monitoring of water quality in the dredge pond conducted.	Not Triggered	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
12.	L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water	No discharges occurred during the audit period.	Not Triggered	
13.	L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water	Noted. No incident occurred that caused material harm or pollution to waters during audit period.	Not Triggered	
14.	L2.4	Water and/or Land Concentration Limits POINT 1,2	http://www.galeskingscliff.com.au/pdf/617_Monitoring_SurfaceWater.pdf	No discharges occurred during the audit period.	Compliant	
L3 Waste						
15.	L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Site inspection 2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review	No wastes were received to the Quarry during the reporting period.	Compliant	
16.	L3.2	Virgin Excavated Natural Material (VENM) may be received at the premises for the purpose of land application.	2019-2020 Annual Review 2020-2021 Annual Review 2021-2022 Annual Review VENM Certificate 29/11/2021 provided by Boyds Bay Environmental Services	2019-2020 Nil imported 2020-2021 – 3,000t imported 2021-2022 – Nil imported VENM Certificates obtained for material imported to build transformer pad.	Not Triggered	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
L4 Noise limits						
17.	L4.1	Noise from the premises where extraction is occurring (being Lot 2 DP 216705 and Lot 21 DP 1082482) must not exceed an LAeq (15 minute) noise emission criterion of 47 dB(A) between the hours of 7am to 10pm, and 44dB(A) between the hours of 630am to 7am, except as expressly provided by this licence.	Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020. Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022	Noise monitoring reports identify that the site was complying with noise limits.	Compliant	
18.	L4.2	Noise from the premises where extraction is occurring (being Lot 2 DP 216705 and Lot 21 DP 1082482) is to be measured at: residences on privately owned land; and, locations specified in Section 7 (b) of Schedule 3 of Project Approval 75J Project Application 05_0103 dated 16 June 2009, to determine compliance with this condition.	Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020. Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022	Noise monitoring was conducted at the locations as identified in Schedule 3 of the Project Approval.	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
L5 Hours of operation						
19.	L5.1	This licence only allows activities to be carried out from the premises where extraction is occurring (being Lot 2 DP 216705 and Lot 21 DP 1082482) within the following times as follows: site establishment, sand or soil extraction by excavator, dry processing, product transport by road, other quarry related activities, maintenance (if audible at neighbouring residences)[Monday to Friday - 7am to 6pm, Saturday - 7am to 1pm, Sunday and Public Holidays - nil]; sand extraction by dredging and pumping to the processing plant, wet processing [Monday to Friday - 7am to 10pm, Saturday - 7am to 4pm, Sunday and Public Holidays - nil]; Sand extraction by dredging and pumping to fill sites [Monday to Friday - 7am to 6.30pm, Saturday - 7am to 1pm, Sunday and Public Holidays - nil]; operation of dredge to fill pipeline with water or pipeline flushing [Monday to Friday - 6.30am to 7pm, Saturday - 6.30am to 1.30pm, Sunday and Public Holidays - nil]; maintenance (if inaudible at neighbouring residences)[any day, any time].	Site interviews Site induction form.	All activities occurred within the approved hours.	Compliant	
4 Operating Conditions						
O1 Activities must be carried out in a competent manner						
20.	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.	Evidence: Annual Reviews from 2010 to 2019.	Only licensed activities was carried during the audit period. Activities were carried out in a competent manner. Ni incidents resulting in material harm to the environment had been identified.	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
O2 Maintenance of plant and equipment						
21.	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.	Daily prestart inspections HL 770-9 loader Wash plant Pre-start checklist KS-H&S-F0 Dredge pre-start checklist KS-H&S-F22 KS-H&S-F10 Excavator prestart checklists. Servicing monitored via prestart inspections KS-H&S-F20 Plant/Equipment Register and Maintenance schedule.	Operator competency verifications. Verified Volvo Service history through Construction Equipment Telematic System. SP1158 – KS Wash plant Schedule – identifies servicing requirements and completed. Loader scale – Calibration checks in cab – verified.	Compliant	
O3 Dust						
22.	O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Cudgen Lakes Sand Quarry Deposited Dust Monitoring 11/07/2017 to 6/08/2021. Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Dust monitoring results were generally below the site annual average deposited dust criteria. Temporary stabilisation of soil bunding, topsoil stockpile and sections of processing area has been achieved through re-establishment of pasture grass. No dust related complaints or issues have arisen.	Compliant	
O4 Processes and management						
23.	O4.1	Any pond subject to dredging, or containing turbid water due to recent dredging must be maintained and operated to prevent discharges of any water from these ponds. A vegetated barrier must be used at all times to ensure that the active dredge and fines placement area / pond are isolated from stormwater drainage channels.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	The grassed bunding surrounding the dredge pond prevents discharge of water from the pond. No discharges occurred during the audit period.	Compliant	
24.	O4.2	The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.	Site inspection	The grassed bunding surrounding the dredge pond prevents the inflow of surface water (except in flood events).	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
25.	O4.3	The licensee must ensure that sampling point(s) for water discharged from the Dredge Pond(s) and Sediment Dam are provided and maintained in an appropriate condition to permit: <ul style="list-style-type: none"> a) the clear identification of each Dredge Pond and Sediment Dam and discharge point(s); b) the collection of representative samples of the water discharged from the Dredge Pond(s) and Sediment Dam; and c) access to the sampling point(s) at all times by an authorised officer of the EPA. 	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water	Access to the dredge pond was maintained throughout the audit period except in periods of flooding.	Compliant	
26.	O4.4	All liquid chemicals, fuels and oils must be stored in tanks or containers inside suitable bund(s). Bunds are to be designed, constructed and maintained in accordance with AS1940-2004 Storage and Handling of Flammable and Combustible Liquids.	Site inspection	No diesel or other chemicals stored on site during the audit period. It was reported that all servicing was undertaken by contractors who were required to provide and remove all oils and wastes.	Not Triggered	
O5 Other operating conditions						
27.	O5.1	The licensee must assess and manage any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) in accordance with the 1998 <i>Acid Sulfate Soils Manual</i> published by the NSW Acid Sulfate Soil Management Advisory Committee (ASSMAC).	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Activities to date have been undertaken in accordance with the Acid Sulfate Soil Management Plan. No land-based extraction of sand was undertaken or raw sand products were produced	Compliant	
5. Monitoring and Recording Conditions						
M1 Monitoring records						
28.	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.	http://www.galeskingscliff.com.au	The monitoring records have been retained as required. Monitoring records were posted on the project website.	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
29.	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.	http://www.galeskingscliff.com.au	Monitoring has been retained in a legible form for more than 4 years. No requests from an EPA officer were received. Monitoring records were posted on the project website.	Compliant	
30.	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.	http://www.galeskingscliff.com.au HMC Environmental Monitoring Pty Ltd field sheets.	Monitoring records contain all required information.	Compliant	
M2 Requirement to monitor concentration of pollutants discharged						
31.	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:	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water Cudgen Lakes Sand Quarry Environmental Monitoring - Groundwater	Monitoring undertaken in accordance with these requirements. Monitoring records were posted on the project website.	Compliant	
32.	M2.2	Water and/ or Land Monitoring Requirements. POINT 1,2 POINT 4,5,6	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water Cudgen Lakes Sand Quarry Environmental Monitoring - Groundwater	All required analytes were sampled at least at the frequency required using in situ methods. It is noted that, as no discharges occurred, no sampling was required from Point 1 or 2. Monitoring records were posted on the project website.	Compliant	
33.	M2.3	Special Frequency 1 means: sampling once <24 hours prior to; and, sampling the discharge daily during, each discharge event arising from rainfall of less than 82.5mm falling in total over a period of up to five days duration.	http://www.galeskingscliff.com.au	No controlled discharge has occurred from the site.	Compliant	

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
M3 Testing methods - concentration limits						
34.	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.	Monitoring records were posted on the project website. http://www.galeskingscliff.com.au	Reported that no discharges or application of water occurred during the reporting period.	Compliant	
M4 Environmental Monitoring						
35.	M4.1	The licensee is required to install and maintain a rainfall depth measuring device.	Site inspection	Meteorological monitoring was undertaken in accordance with the Environmental Monitoring Program utilising an on-site automatic rain gauge and the Bureau of Meteorology's Coolangatta Station No. 040717.	Compliant	
36.	M4.2	Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day. Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L1.2.	Site inspection Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Meteorological monitoring was undertaken in accordance with the Environmental Monitoring Program utilising an on-site automatic rain gauge and the Bureau of Meteorology's Coolangatta Station No. 040717. Rainfall data was included in Section 6.2 of the Annual Review.	Compliant	
M5 Recording of pollution complaints						
37.	M5.1	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.	http://www.galeskingscliff.com.au	Complaint register available on the website. One complaint received during the audit period.	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
38.	M5.2	The record must include details of the following: the date and time of the complaint; a) the method by which the complaint was made; b) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; c) the nature of the complaint; d) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and e) if no action was taken by the licensee, the reasons why no action was taken.	http://www.galeskingscliff.com.au	Complaint register available on the website.	Compliant	
39.	M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	http://www.galeskingscliff.com.au Complaint Report No.1 24/07/2020	Complaint register available on the website only noted one compliant. Compliant report available on site.	Compliant	
40.	M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	http://www.galeskingscliff.com.au Complaint Report No.1 24/07/2020	Complaint report readily available in site office. Complaint register on website.	Compliant	
M6 Telephone complaints line						
41.	M6.1	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.	project website: http://www.galeskingscliff.com.au	Telephone Complaints Line for the Cudgen Lakes Sand Extraction Project is 0414 322 455 Displayed at site entry and on Kingscliff Sands Website.	Compliant	
42.	M6.2	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.	http://www.galeskingscliff.com.au/pdf/617_ComplaintsRegister.pdf	Details of complaints line, or how to make a complaint, were not included on the company website. Recommendation: Update the website to include all required information.	Not Compliant	NC-06
43.	M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.		The licence was issued 18/11/2005 (i.e. more than 3 months prior).	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
6 Reporting Conditions						
R1 Annual return documents						
44.	R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 1. a Statement of Compliance; and 2. a Monitoring and Complaints Summary. 3. Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <p>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.</p>	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12385&id=12385&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued	Completed Annual Returns were posted on the POEO Register.	Compliant	
45.	R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p>	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12385&id=12385&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued	<p>Completed Annual Returns were posted on the POEO Register.</p> <p>While the POEO register shows no licence return was submitted for the 2020-2021 period, evidence was sighted to show that the annual return had been submitted.</p>	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
46.	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.		The licence has not been transferred.	Not Triggered	
47.	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.		The licence has not been surrendered	Not Triggered	
48.	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').	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12385&id=12385&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued	Completed Annual Returns were posted on the POEO Register. Annual return for 2019-2020 period not submitted within the required timeframe. Recommendation: Annual Returns should be submitted within the required timeframe.	Not Compliant	NC-07
49.	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.	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12385&id=12385&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued	Copies of annual returns retained for more than 4 years.	Compliant	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
50.	R1.7	<p>Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <ul style="list-style-type: none"> a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. <p>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.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	<p>https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=12385&id=12385&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued</p>	<p>The Annual Returns were signed by the licence holder.</p>	Compliant	
R2 Notification of environmental harm						
51.	R2.1	<p>Notifications must be made by telephoning the Environment Line service on 131 555.</p>		<p>No environmental harm occurred during the reporting period.</p>	Not Triggered	
52.	R2.2	<p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p>		<p>No environmental harm occurred during the reporting period.</p>	Not Triggered	
R3 Written report						
53.	R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <ul style="list-style-type: none"> a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. 		<p>No requests received.</p>	Not Triggered	

AUDIT CHECKLIST – EPL12385

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
54.	R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.		No requests received.	Not Triggered	
55.	R3.3	The request may require a report which includes any or all of the following information: a. the cause, time and duration of the event; b. the type, volume and concentration of every pollutant discharged as a result of the event; c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g. any other relevant matters.		No requests received.	Not Triggered	
56.	R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.		No requests received.	Not Triggered	
7 General Conditions						
G1 Copy of licence kept at the premises or plant						
57.	G1.1	A copy of this licence must be kept at the premises to which the licence applies.		The license was posted on project website. http://www.galeskingscliff.com.au/pdf/EPL_12385.pdf	Compliant	

AUDIT CHECKLIST – EPL12385**Company: Cudgen Lakes Sand Quarry****James Hart Consulting****Date: 9 November 2022**

ID No.	No	EPL Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
58.	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.		The licence was readily available on site.	Not Triggered	
59.	G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.		A copy is retained within the on-site document tube during operation period and is posted on operator's website. http://www.galeskingscliff.com.au/pdf/EPL_12385.pdf	Compliant	

7 Water Access Licence 40902

ID No.	Condition No.	WAL Requirement	Audit Evidence	Audit Findings / Recommendation	Compliance Descriptor
Take of water					
1	MW0604-00001	Water allocations remaining in the account for this access licence must not be carried over from one water year to the next water year.		Water allocations have not been carried over.	Compliant
2	MW0603-00001	The total volume of water taken under this access licence in any water year must not exceed a volume equal to: A. the sum of water in the account from the available water determination for the current year, plus B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Water take is included in Section of the Annual Reviews. Water take estimated to be comprised from the following components. <ul style="list-style-type: none"> Quantity of sand removed from below the water table (conservatively assume 10% water loss through incorporation into products Water utilised for dust suppression Water take 2019-2020 – 2.72ML Water Take 2020-2021 - 17.94ML Water Take 2021-2022 - 19.79ML	Compliant
Monitoring and recording					
3	MW2338-00001	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Water access licence is for water taken during dredging activities, which is returned to the dredge pond. Records of material dredged retained, from which water take is calculated.	Compliant
4	MW2336-00001	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Water taken as a result of sand extraction only.	Compliant

AUDIT CHECKLIST - WAL40902

Company: Cudgen Lakes Sand Quarry

James Hart Consulting

Date: 9 November 2022

ID No.	Condition No.	WAL Requirement	Audit Evidence	Audit Findings / Recommendation	Compliance Descriptor
5	MW2337-00001	The following information must be recorded in the logbook for each period of time that water is taken: A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and B. the access licence number under which the water is taken, and C. the approval number under which the water is taken, and D. the volume of water taken for domestic consumption and/or stock watering.	Groundwater monitoring record posted on the project website. http://www.galeskingscliff.com.au/pdf/617_Monitoring_GroundWater.pdf	Quantity of material dredged recorded from which water take was estimated.	Compliant
6	MW2339-00001	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	Onsite Master Report – Dredge Operating Hours	Quantity of material dredged recorded from which water take was estimated.	Compliant
Reporting					
7	MW0051-00003	Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable. The Minister must be notified by: A. email: water.enquiries@dpi.nsw.gov.au , or B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.		No breaches identified.	Not Triggered

8 Statement of Commitments

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
APPENDIX 2 - STATEMENT OF COMMITMENTS						
1. Sand Extraction and Processing						
1.	1.1	1.1 Ensure terminal extraction batters are formed no steeper than 1:3 (V: H) (excludes stabilised backfilled final landform batters).		No terminal batters have yet been formed.	Not Triggered	
2. Waste Management						
2.	2.1	Dispose all recyclables and general waste in appropriate waste receptacles.	Site Inspection	Recyclable and general waste bins provided	Compliant	
3.	2.2	Use non-saleable oversize materials for final landform creation / return to the extraction area.	Site Inspection	Non-saleable material stored on site for landform creation	Not Triggered	
4.	2.3	Intern any oversize materials suspected of being acid generating so they settle beneath at least 8m of water.	Site Interview	Reported that no oversize materials suspected of being acid generating encountered	Not Triggered	
3. Rehabilitation						
5.	3.1	Progressively backfill selected finalised sections of the southern extraction pond to create wetland areas.		Not yet triggered as backfilling has not yet commenced.	Not Triggered	
6.	3.2	Stabilise all earthworks and disturbed areas no longer required for Quarry-related activities in order to minimise erosion and sedimentation, dust lift-off and to reduce visual intrusion.	Site Inspection	Pasture has been established on the surface of the bund walls. Exposed area were required for quarry activities.	Compliant	
7.	3.3	Cross-rip all unsealed roads and remove all buildings and structures not required for the final land use.		Not yet triggered.	Not Triggered	
4. Flooding and Drainage						
8.	4.1	Construct and maintain shallow spillways (approximate elevation 1.3m AHD) within the bunds surrounding the extraction pond at the eastern and western extent of the bunding.	Site Inspection	Spillways have been constructed at the eastern and western extent of the bunding as seen during the site inspection	Compliant	
9.	4.2	Remove sections of bunding once floodwaters have peaked to allow floodwaters trapped behind the	Site Interview	Not required. Floodwaters reported receded on their own accord.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		bunds to drain freely to the western drainage channel as the flood recedes.				
10.	4.3	Maintain drainage paths outside of the bunded and filled areas to allow floodwaters to drain freely.	Site inspection	Drainage paths were generally clear.	Not Triggered	
11.	4.4	Prepare a flood evacuation plan to ensure that personnel respond appropriately to a warning of an imminent Tweed River overbank flood.	Flood Evacuation Plan, Version 3, 20/04/2020	Flood Evacuation Plan developed	Compliant	
12.	4.5	Realign the western drainage channel within the Altona Road reserve to provide an equivalent or more efficient drain.		Altona Road has not yet been realigned.	Not Triggered	
5. Groundwater						
13.	5.1	Adjust sand extraction rates to ensure that groundwater drawdown levels remain within the predicted limits.		Monitored through continuous monitoring of water levels in bores. No adjustment to extraction rates was required.	Compliant	
14.	5.2	Install a height gauge within the extraction pond so that water levels can be monitored daily to m AHD.	Site inspection	Reported that a height gauge had been installed but had been removed during dredging operation. Not present at time of audit.	Not Compliant	NC-08
15.	5.3	Continue groundwater monitoring following the cessation of extraction and placement of VENM.		Extraction continuing	Not Triggered	
16.	5.4	Compile an annual summary of all monitoring results and forward to Water NSW as part of the Annual Review for the site.		A detailed monitoring summary has been included as part of this Annual Review which has been provided to Water NSW.	Compliant	
17.	5.5	Consult with each likely affected landowner and investigate complaints of poor water quality in neighbouring dams/bores.	Potentially affected landholders have previously been consulted. No issues or complaints arose during the audit period.	Verified previous audit	Not Triggered	
18.	5.6	Negotiate an agreement with each affected landholder in the event water quality or quantity is adversely affected to either: <ul style="list-style-type: none"> · deepen the existing bore or install a replacement bore; 		No landholders have been adversely affected to date.	Not Triggered	

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		<ul style="list-style-type: none"> pay a cash compensation equal to the assessed cost of deepening the bore; provide an alternative water supply, such as from the extraction ponds or groundwater bore registered to the Proponent; or provide an appropriately sized rainwater storage tank to enhance property water storage. 				
19.	5.7	Implement the provision of an alternative water supply or other agreed compensation.		No landholders have been adversely affected to date.	Not Triggered	
20.	5.8	Provide copies of any negotiated agreements to the Department of Planning and Department of Water and Energy for their records.	The signed agreement with R.W. Julius has been provided to DPE and Water NSW on 28/08/2017.	Verified previous audit	Compliant	
6. Surface Water						
21.	6.1	Reduce sand extraction and temporarily cease VENM placement if a significant deterioration in extraction pond water quality occurs, until the source is identified and appropriate amelioration measures are implemented.	Cudgen Lakes Sand Quarry - Environmental Monitoring – Groundwater Cudgen Lakes Sand Quarry - Environmental Monitoring - Surface Water	No significant deterioration in extraction pond water quality had been identified	Compliant	
22.	6.2	Regularly monitor surface water to provide an accurate assessment of the adequacy of practices implemented as part of the operation.	Cudgen Lakes Sand Quarry - Environmental Monitoring - Surface Water	Monitoring data reported to be reviewed upon receipt. No significant impact on surface water quality identified.	Compliant	
7. Acid Sulphate Soils and Sediments, Soil Contamination and Agricultural Suitability						
23.	7.1	Convey return water (from both the wash plant and fill sites) in a manner which ensures fines / silts remain in suspension and do not settle in the return pipelines. If a pipeline is not used, undertake sluicing in a manner that ensures turbulent flow and sufficient velocity to prevent the deposition of fines material within the drainage line.	Site Inspection	Pipeline used. Process had been implemented to minimise risk of fines settling in pipes.	Compliant	
24.	7.2	Do not extract residual clay material from the base of the sand resource.		Extraction operations to date have remained well above the expected residual marine clays.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				Dredge does not allow for dredging below 8m.		
25.	7.3	Ensure a suitably qualified or trained person assesses imported material (VENM) in accordance with the ASSMAC guidelines and confirms its classification as VENM prior to acceptance at the Quarry Site.	VENM Certificate 29/11/2021 provided by Boyds Bay Environmental Services	Approximately 3000t VENM was purchased and imported during the reporting period for the purpose of creating a pad for the ground-based transformer. VENM certificates were retained which confirm the material contained no waste.	Not Triggered	
26.	7.4	Place VENM (b) received at the premises which is intended to be dredged or interned at the base of the extraction pond within the nominated period.		No VENM (b) material received on site.	Not Triggered	
27.	7.5	Retain records of monitoring together with the application rates of the alkaline amendment used as neutralising agents. Provide these records to statutory authorities upon request.		No VENM (b) material received on site.	Not Triggered	
28.	7.6	Obtain documentation for each truck load of VENM (b) received at the Quarry Site that demonstrates that the excavation of VENM (b) and its transport and handling has been conducted in accordance with the NSW ASS Manual to prevent the generation of acid.		No VENM (b) material received on site.	Not Triggered	
29.	7.7	Retain documentation for each truck load of VENM(b) received at the site which indicates: <ul style="list-style-type: none"> · the details of the originating site (name, address, owner and developer, contact details); · the details of the transportee (name, address, contact details, vehicle registration); · date and time of the extraction of the VENM(b); · pH of the VENM(b) at the time of its extraction, and at the time immediately prior to its placement underwater; and · The name of the person (certified practicing soil scientist) who assessed the material and classified it as VENM (b). 		No VENM (b) material received on site.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
30.	7.8	Ensure verification of neutralising agent application volumes and verification results are available.		No VENM (b) material received on site.	Not Triggered	
31.	7.9	Treat any acid sulphate material excavated on site at determined rates prior to use in earthen bunds or for rehabilitation.		No VENM (b) material received on site.	Not Triggered	
32.	7.1	Collect and analyse samples of acid sulphate soil material that is to be recovered through excavation (i.e. not dredged) and is not to be washed using a hydro cyclone (or similar).		No analysis of samples required.	Not Triggered	
33.	7.11	Incorporate an alkaline amendment into the excavated acid sulphate material at the calculated rate (based on the results of sampling).		No treatment of ASS has been required.	Not Triggered	
34.	7.12	Complete the validation sampling of treated material in accordance with the approved Acid Sulphate Soil Management Plan.		No treatment of ASS has been required.	Not Triggered	
35.	7.13	Construct bunding around the extraction and processing areas to control drainage.	Site inspection	Bunding has been constructed around the dredge pond.	Compliant	
36.	7.14	Ensure all surface water and runoff from the extraction and processing areas drains or is pumped into the extraction ponds.		All water within the active extraction area is internally draining. The processing area will be drained back into the extraction area.	Compliant	
37.	7.15	Audit the effectiveness of the operational safeguards and monitoring by an external environmental consultant.	HMC Audit Report 31/08/2018.	HMC previously completed an audit of the acid sulphate soil monitoring and management. Verified previous audit. No further audit was required during the reporting period. HMC Audit Report 31/08/2018.	Compliant	
38.	7.16	Test the pH of the water into which the VENM (b) is placed to ensure it is not less than 6.5 at any time.		Importation of VENM (b) has not yet commenced.	Not Triggered	
39.	7.17 & 7.18	Undertake monitoring in accordance with the approved Acid Sulphate Soil Management Plan in relation to VENM (b) receipt and processing / internment.		Importation of VENM (b) has not yet commenced.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
40.	7.19	Test the pH of the VENM (b) immediately prior to under-water disposal / backfilling to ensure the pH is not less than 5.5.		Importation of VENM (b) has not yet commenced.	Not Triggered	
41.	7.2	Undertake internal environmental audits of VENM (b) receipt and treatment during the initial stages of the operation to ensure appropriate treatment is being conducted and records are up to date.		Importation of VENM (b) has not yet commenced.	Not Triggered	
42.	7.21	Complete the following in the event that validation or monitoring criteria are exceeded for any extracted materials. <ul style="list-style-type: none"> · Test the acid neutralising capacity of the material. · Incorporate alkaline amendments at the appropriate rate if the measured acid neutralising capacity is insufficient to neutralise the existing and potential acidity. · Undertake validation testing following treatment and apply additional alkaline amendments as required. Repeat process until compliance with action criteria is met. 		Importation of VENM (b) has not yet commenced.	Not Triggered	
43.	7.22	Terminate VENM (b) receipt at the premises if the pH of the water falls below accepted levels, until approval to continue is received in writing from the DECC (EPA).		Importation of VENM (b) has not yet commenced.	Not Triggered	
44.	7.23	Complete the following in the event monitoring criteria are exceeded for imported VENM (b). <ul style="list-style-type: none"> · Test the acid neutralising capacity of the material. · Incorporate alkaline amendments at the appropriate rate if the measured acid neutralising capacity is insufficient to neutralise the existing and potential acidity. · Undertake validation testing following treatment and apply additional alkaline amendments 		Importation of VENM (b) has not yet commenced.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		as required. Repeat process until compliance with action criteria is met.				
45.	7.24	Undertake the following as soon as possible after becoming aware that any waste/material accepted at the premises is not VENM. <ul style="list-style-type: none"> · Notify the EPA in writing. · Remove the material/waste from the premises and dispose of it at a facility licensed to take such waste. 		All material imported has been verified as VENM.	Not Triggered	
46.	7.25	Implement a procedure to audit all further incoming loads from that waste origin site prior to accepting any further waste, until such time as the results of such audits demonstrate that the waste origin site's screening and assessment procedures have been corrected to prevent further miss-classification of waste.		All material imported has been verified as VENM.	Not Triggered	
47.	7.26	Introduce hydrated lime at the appropriate rate if the extraction pond water quality fails accepted levels and ensure target pH level of 6.5 is not "overshot" leading to severely alkaline conditions (pH>9.0).		Monitoring did not record pH levels below the trigger action levels and therefore no treatment was required.	Not Triggered	
8. Flora and Fauna						
48.	8.1	Progressively rehabilitate completed works within the Quarry Site to maximise cover of native vegetation in appropriate areas and minimise opportunities for erosion and weed invasion.		No final areas have become available for rehabilitation. Temporary rehabilitation has been completed on the bund walls and topsoil stockpile using pasture species thereby minimising potential erosion and weed invasion.	Not Triggered	
49.	8.2	Define and clearly mark vegetation for retention prior to the commencement of site establishment to ensure that native vegetation clearing is confined only to those areas required.		Commitment relates to the pipeline corridors, principally the section of the eastern corridor east of Tweed Coast Road – the pipelines have not yet been installed in that location.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
50.	8.3	Control noxious weeds on the Quarry Site.		Records were available to verify that weed control had been undertaken.	Compliant	
51.	8.4	Place pipelines within pipeline corridors so as to avoid the need to clear trees or shrubs, wherever possible.	Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Verified previous audit.	Compliant	
52.	8.5	Utilise local native plant species recommended by Idyll Spaces (2008) for rehabilitation and landscaping within and adjacent the final lake (Note: vegetation set back from the final lake would reflect the specific land use – e.g. sporting fields, gardens, etc.).	Site Inspection	No final areas have become available for rehabilitation.	Not Triggered	
53.	8.6	Undertake replacement planting of the same tree species within the same area in the unlikely event that a small number of trees are required to be removed for the laying of the pipelines.		No native tree species were disturbed as a result of the pipeline to the Cudgen Heights fill site.	Not Triggered	
9. Aquatic Ecology						
54.	9.1	During the realignment of the western drainage channel as part of the realignment of Altona Road. <ul style="list-style-type: none"> – maintain the original connection to other upstream and downstream drainage channels; – avoid stranding native fish and, where possible, relocate them to similar habitat; – ensure fish free passage through the channel is made available where permanent crossings are to be constructed (e.g. access road crossings); and – consult with DPI – Fisheries officers during the realignment process. 		Altona Road has not yet been realigned.	Not Triggered	
55.	9.2	Create wetlands along finalised sections of the extraction pond in accordance with the approved Landscape Management Plan.		No final batters have been constructed.	Not Triggered	
56.	9.3	Undertake frequent and regular monitoring of temperature, dissolved oxygen, nutrients, colour and concentrations of blue-green algae.	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water, 22/08/2022.	Water monitoring was not undertaken at all sites at the frequency required by the existing SWMP. No weekly monitoring data	Non-Compliant	04

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				Recommendation: Inspections required by Section 4.4 of the SWMP should be completed and records retained.		
57.	9.4	Obtain samples and readings from the dredge pond in accordance with the approved Blue Green Algae Management Plan.	Cudgen Lakes Sand Quarry Environmental Monitoring - Surface Water, 22/08/2022.	The approved Blue-Green Algal Management Plan requires monitoring at a central location and two edge locations. This was undertaken during the reporting period.	Compliant	
10. Traffic and Transport						
58.	10.1	No vehicles permitted to turn right from Crescent Street to Tweed Coast Road. (Note: Light vehicles travelling south from the Quarry Site would be directed to travel on Crescent Street/Cudgen Road.	Drivers Code of Conduct Driver Induction records	Requirements included in Drivers Code of Conduct	Not Triggered	
59.	10.2	No heavy vehicles to turn right from Altona Road to Crescent Street.	Drivers Code of Conduct Driver Induction records	Requirements included in Drivers Code of Conduct	Not Triggered	
60.	10.3	Weigh all product trucks using the on-site weighbridge or other suitable weigh system and ensure all RMS weight restrictions are adhered to.		Front end loader equipment with bucket scales which were used to weight truck loads.	Compliant	
61.	10.4	Inform all truck drivers and staff of road rules, speed restrictions and considerate driving practices.	Truck driver inductions	Requirements communicated at truck driver inductions	Compliant	
62.	10.5	Ensure all drivers are aware of all relevant operational hours.	Truck driver inductions	Requirements communicated at truck driver inductions	Compliant	
63.	10.6	Undertake mechanical road sweeping of Altona Road and site access roads.	invoice from Steven's Earthworx 8/11/2022.	Sweeping of the site access was undertaken by a subcontractor.	Not Triggered	
64.	10.7	Cover all product loads to reduce dust lift off.	Site inspection	Verified during site inspection. All trucks sighted leaving the site had their loads covered.	Compliant	
65.	10.8	Realign Altona Road in accordance with DA 05/1450 (or other applicable development consent).		realignment of Altona Road not required at this stage of the project.	Not Triggered	
66.	10.9	Implement appropriate management controls including the use of warning signs and manual traffic control during the laying of pipelines adjacent to Tweed Coast Road and during the under boring of the road crossings.		The pipelines have not yet been installed.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
67.	10.1	Establish a telephone complaints line to enable any traffic-related incidents, unsafe operation or general concern to be reported. Investigate all complaints and act decisively on substantiated incidents.		A telephone complaints established. Displayed at site entry and on Kingscliff Sands website. Records show complaints received had been investigated and addressed	Compliant	
68.	10.11	Implement a truck driver's code of conduct required to be signed by all Company employed or contracted truck drivers. The code will outline each truck driver's responsibility and the process to be undertaken in the event of a complaint.	TMP Appendix 2 – Drivers Code of Conduct Driver induction records 2022.	Drivers Code of Conduct communicated at driver inductions.	Compliant	
11. Noise						
69.	11.1	Fit all mobile vehicles on the site with broadband type reversing beepers or alternative safety devices such as strobe lights and / or cameras.	Site inspection	Verified during site inspection	Not Triggered	
70.	11.2	Regularly service all equipment on site.	Daily prestart inspections HL 770-9 loader Wash plant Pre-start checklist KS-H&S-F0 Dredge pre-start checklist KS-H&S-F22 KS-H&S-F10 Excavator prestart checklists. Servicing monitored via prestart inspections KS-H&S-F20 Plant/Equipment Register and Maintenance schedule.	Verified Volvo Service history through Construction Equipment Telematic System. SP1158 – KS Wash plant Schedule – identifies servicing requirements and completed. Loader scale – Calibration checks in cab – verified. No monitoring equipment on site which requires calibration	Not Triggered	
71.	11.3	Maintain the internal road network to an acceptable standard to limit body noise from empty trucks.	Site inspection	Internal roads had been maintained.	Compliant	
72.	11.4	Undertake a monitoring program to demonstrate that noise emissions from the Quarry Site are within the Quarry specific noise limits at the surrounding assessment locations.	Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020.	Noise monitoring results should that noise from the Quarry was generally not measurable/ distinguishable above background noise.	Not Compliant	NC-03

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
			<p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022</p>	<p>Other noise sources such as traffic noise from Tweed Coast Road dominated background. Noise Management Plan requires Monitoring to demonstrate compliance with the applicable noise criteria will be undertaken on a quarterly basis for up to 2 years / up to eight occasions and then on an annual basis thereafter.</p> <p>However, records show that noise monitoring has not been conducted in Quarter 1 2021.</p> <p>Recommendation:</p> <p>Noise monitoring should be scheduled and completed on a quarterly basis.</p>		
73.	11.5	Regularly review the extent of noise monitoring throughout the life of the Project to ensure meaningful data is being collected.	<p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Stockpiling and Screening Friday, 01 May 2020.</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Dredging Monday, 13 July 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Thursday 10 December 2020</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring Friday, 18 June 2021</p> <p>Cudgen Lakes Sand Quarry Compliance Noise Monitoring August 2021</p>	<p>Noise monitoring results should that noise from the Quarry was generally not measurable/ distinguishable above background noise.</p> <p>Other noise sources such as traffic noise from Tweed Coast Road dominated background</p>	Compliant	

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
			Cudgen Lakes Sand Quarry Compliance Noise Monitoring Tuesday 12 October 2021 Cudgen Lakes Sand Quarry Compliance Noise Monitoring Saturday 23 April 2022			
12. Air Quality						
74.	12.1	Install water sprays or other suitable controls to minimise dusts generated during screening and dry processing.	Site Inspection	Wet screening process utilised.	Compliant	
75.	12.2	Undertake progressive rehabilitation / stabilisation of available areas of disturbance (e.g. finalised sections or backfilled areas of the extraction ponds).	Site Inspection	No final rehabilitation areas have become available. Notwithstanding, disturbed areas have been temporarily rehabilitated to pasture.	Compliant	
76.	12.3	Clean accumulated tracked road mud, dry dusts, sand or spillages on Altona Road using a street sweeper.	Site inspection Steven's Earthworx Invoice for Sweep of road entrance at Kingscliff Sands 8/11/2022. Drawing No 27301-ALL-P027 Sand Processing Plant Industrial Driveway Crossover	Site inspection found that the site was generally covered with grass and stabilised. Wet processing operation. Irrigation sprays had been installed for truck access road to minimise dust generation. Subcontract sweeper was utilised for sweeping entry to site. No dust generation sighted. Noted that a shaker grid was provided at the site exit. Plans before Council to seal the site entry to reduce the potential for offsite migration of fines. -	Not Triggered	
77.	12.4	Cover product trucks loads to prevent wind-borne losses and spillages.	Site inspection	All trucks sighted during the site inspection had their loads covered	Compliant	
78.	12.5	Undertake monitoring in accordance with the Air Quality Monitoring Program.	Cudgen Lakes Sand Quarry Deposited Dust Monitoring 2017 to 2021.	Deposited dust monitoring has not been undertaken between January 2018 and April 2020, i.e. during non-operational periods. This was amended in the updated AQMP,	Compliant	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
				however, approval of the updated AQMP was received in June 2020. This issue was raised in the previous audit with actions approved by the Secretary. No further action required. Air quality monitoring has been conducted in accordance with the AQMP since April 2020.		
79.	12.6	Annually review the dust monitoring program to ensure that the data being collected is meaningful.	Annual Review for the Cudgen Lakes Sand Quarry 1 July 2019 to 30 June 2020 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2020 to 30 June 2021 Annual Review for the Cudgen Lakes Sand Quarry 1 July 2021 to 30 June 2022	Annual review of the dust monitoring program undertaken as part of the Annual Review.	Compliant	
80.	12.7	Ensure the screening and blending plant does not exceed a daily average processing rate greater than 100tph.	Site inspection and interview	Dry processing operations have not yet commenced.	Not Triggered	
13. Aboriginal Heritage						
81.	13.1	Invite Aboriginal stakeholders to observe during the burying of the pipelines within the northern pipeline corridor.		The pipelines have not yet been installed within the northern pipeline corridor.	Not Triggered	
82.	13.2	Stop works at and adjacent to any Aboriginal sites or relics, if found.		No Aboriginal sites have been identified.	Not Triggered	
83.	13.3	Contact the regional archaeologist of the Coffs Harbour OEH and relevant Aboriginal Stakeholders if any Aboriginal sites or relics, if found.		No Aboriginal sites have been identified.	Not Triggered	
84.	13.5	Complete inductions and training in accordance with the approved Aboriginal Cultural Heritage Management Plan.	Verified previous audit	The Quarry Operator has previously been 'inducted' by the Tweed LALC.	Compliant	
85.	13.6	Undertake consultation with Aboriginal representatives in relation to the ongoing		No Aboriginal sites have been identified.	Not Triggered	

AUDIT CHECKLIST: Statement of Commitments
Company: Cudgen Lakes Sand Quarry

James Hart Consulting
Date: 9 November 2022

JHC No.	SoC No	SoC Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Descriptor	Issue No
		management of identified items of Aboriginal heritage.				
14. Visibility						
86.	14.1	Construct a 2m high bund on the eastern and southern perimeter of the processing area and plant with native shrub species.	Cudgen Lakes Sand Quarry Independent Environmental Audit, AQUAS, 25/02/2020.	Verified previous audit	Compliant	
87.	14.2	Progressively rehabilitate the Quarry Site such that non-vegetated areas would be minimised.	Site inspection.	Site inspection was conducted as part of this audit most the areas were covered with grass with only the processing area was exposed.	Compliant	
88.	14.3	Maintain the Quarry Site in a clean and tidy condition at all times.	Site Inspection	The Quarry Site is maintained in a clean and tidy condition.	Compliant	
89.	14.4	Position and direct floodlights or other lighting to minimise light emissions, with lighting not required at any given time not used.	Site Inspection	During site inspection four light were sighted which provided lighting around the office and processing areas. Lights were directed toward the ground. The site was screened with vegetation. No complaints have been received in relation to site lighting.	Compliant	

Appendix D. Consultation Records

James Hart

From: Michael Ulph <Michael.Ulph@ghd.com>
Sent: Tuesday, 18 October 2022 3:19 PM
To: James Hart
Subject: RE: Cudgen Lakes Sand Quarry - Independent Environmental Audit

Hi James

I have chaired just one CCC for Cudgen Lakes Sand Quarry, with another planned for February. They are every six months.

While I am aware that the Gales company is not viewed favourably by some – they are a developer as well as running a quarry – however I have seen nothing in the way they report things in the CCC, or in the operations etc, that causes me any concern.

Regards
Michael

Michael Ulph
MEMS M.Mktg BA(Comms)
Technical Director – Communications & Stakeholder Engagement

GHD
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Level 3 24 Honeysuckle Drive Newcastle NSW 2300
Awabakal Country
D 02 4910 7788 | M 0458 049 847 E Michael.ulph@ghd.com

→ The Power of Commitment

Connect



Please consider the environment before printing this email

From: James Hart <james_hart@bigpond.com>
Sent: Thursday, 13 October 2022 12:01 PM
To: Michael Ulph <michael.ulph@ghd.com>
Subject: FW: Cudgen Lakes Sand Quarry - Independent Environmental Audit

You don't often get email from james_hart@bigpond.com. [Learn why this is important](#)

Hi Michael,

I have been engaged to undertake an Independent Environmental Audit of the Cudgen Lakes Sand Quarry. As a requirement of the Independent Environmental Audit process, I am seeking feedback from various agencies, including the CCC, in regard to any issues that may have arisen or concerns which you may have in relation to the quarry operations. Any issues raised will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

James Hart

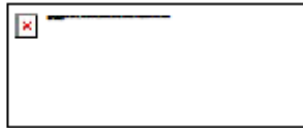
From: James Hunt <james.hunt@epa.nsw.gov.au>
Sent: Tuesday, 18 October 2022 11:05 AM
To: James Hart
Cc: Luke Davison; Geoffrey Cramb; Stan Viney
Subject: RE: Cudgen Lakes Sand Quarry - Independent Environmental Audit

Good afternoon James

The EPA does not have any areas of concern that we would like you to focus on during your audit.

Kind regards,

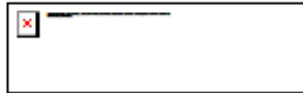
James Hunt
Operations Officer
Regulatory Operations Regional
NSW Environment Protection Authority
M 0499 010 566



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555



I acknowledge and respect the Traditional Custodians of the land on which I work and live.



NSW is banning certain **single-use plastics** from 1 November

 From 1 November Plastic cutlery

 From 1 November Plastic plates

 Fro

Independent Environmental Audit – Cudgen Lakes Sand Quarry

Commercial in Confidence

James Hart

From: Angus Mcdouall <angus.mcdouall@regional.nsw.gov.au>
Sent: Thursday, 13 October 2022 2:54 PM
To: James Hart
Subject: RE: Cudgen Lakes Sand Quarry - Independent Environmental Audit

James,

The Resources Regulator is responsible for the administration of WHS legislation on site and has no environmental jurisdiction with respect to extractive sites.

As such I have no concerns to raise

Angus

Angus Mc Douall
Inspector of Mines

NSW Resources Regulator | Department of Regional NSW
T 02 6773 9303 | M 0418293744 | [E angus.mcdouall@regional.nsw.gov.au](mailto:Angus.mcdouall@regional.nsw.gov.au)
134 Mossman St ARMIDALE NSW 2350

(please note my new email address)



**Regional
NSW**

The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.



From: James Hart <james_hart@bigpond.com>
Sent: Thursday, 13 October 2022 12:53 PM
To: Angus Mcdouall <angus.mcdouall@regional.nsw.gov.au>
Subject: FW: Cudgen Lakes Sand Quarry - Independent Environmental Audit

Hi Angus,

Independent Environmental Audit – Cudgen Lakes Sand Quarry

Commercial in Confidence

James Hart

From: James Hart <james_hart@bigpond.com>
Sent: Thursday, 13 October 2022 12:04 PM
To: 'tsc@tweed.nsw.gov.au'
Cc: 'CForbes@tweed.nsw.gov.au'
Subject: FW: Cudgen Lakes Sand Quarry - Independent Environmental Audit

To whom it may concern,

I have been engaged to undertake an Independent Environmental Audit of the Cudgen Lakes Sand Quarry. As a requirement of the Independent Environmental Audit process, I am seeking feedback from various agencies, including the CCC, in regard to any issues that may have arisen or concerns which you may have in relation to the quarry operations. Any issues raised will be included in the audit.

I would appreciate it if you would respond to this email identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

Please note that the audit will be conducted in November 2022.

Regards

James Hart | Management Consultant

James Hart Consulting

*Certified Exemplar Global Lead OHS Auditor
Certified Exemplar Global Lead Environmental Auditor
Certified Exemplar Global Lead Quality Management System Auditor*

Mobile: 0408 238 882
Email: james_hartbigpond.com

Independent Environmental Audit – Cudgen Lakes Sand Quarry

Commercial in Confidence

James Hart

From: James Hart <james_hart@bigpond.com>
Sent: Thursday, 13 October 2022 12:07 PM
To: 'water.enquiries@dpi.nsw.gov.au'
Subject: FW: Cudgen Lakes Sand Quarry - Independent Environmental Audit

To whom it may concern,

I have been engaged to undertake an Independent Environmental Audit of the Cudgen Lakes Sand Quarry. As a requirement of the Independent Environmental Audit process, I am seeking feedback from various agencies, including the CCC, in regard to any issues that may have arisen or concerns which you may have in relation to the quarry operations. Any issues raised will be included in the audit.

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Regards

James Hart | Management Consultant

James Hart Consulting

*Certified Exemplar Global Lead OHS Auditor
Certified Exemplar Global Lead Environmental Auditor
Certified Exemplar Global Lead Quality Management System Auditor*

Mobile: 0408 238 682
Email: james_hart@bigpond.com

James Hart

From: Melissa Hundy <Melissa.Hundy@waterNSW.com.au>
Sent: Thursday, 13 October 2022 1:34 PM
To: James Hart
Subject: RE: Cudgen Lakes Sand Quarry - Independent Environmental Audit

Hi James,

Thank you for your email.

It is my understanding the Cudgen Lakes Sand Quarry is a major project and therefore not a customer of WaterNSW.

Responsibilities for granting and managing water licences and approvals are shared between DPE Water <https://water.dppe.nsw.gov.au/> and WaterNSW.

DPE Water is responsible for water licences and approvals required by or for:

- Councils
- State or Commonwealth government agencies or authorities
- Major water utilities, water supply authorities or irrigation corporations
- Aboriginal commercial, Aboriginal community development, Aboriginal cultural or Aboriginal environmental subcategories of access licence
- Licensed network operators under the Water Competition Act 2006 (NSW)
- Entities carrying out activities under the Mining Act 1992 (NSW), the Offshore Minerals Act 1999 (NSW), the Petroleum (Onshore) Act 1991 (NSW) or the Petroleum (Offshore) Act 1982
- State Significant Development of State Significant Infrastructure.

DPE Water is also responsible for:-

- all controlled activity approvals for work carried out in, on or beside rivers, lakes and estuaries. Visit [approvals](#) for more information,
- Hydrogeological assessments and reviews, and
- Legislative development such as Water Sharing Plans.

WaterNSW has no comment and suggests you forward this request to DPE Water <https://www.industry.nsw.gov.au/water/what-we-do/contact-us>

Regards

Melissa Hundy
Water Regulation Specialist



PO Box 398, Parramatta NSW 2124
1300 662 077
customer.helpdesk@waterNSW.com.au
www.waterNSW.com.au