

**Table 1 - Tinda Creek Quarry EPBC Approval 2013/7028 Expansion of Existing Sand Quarry, Tinda Creek, NSW
2017 EPBC Compliance Table**

CONDITION No.	Compliance Status	Supporting Evidence	Observations / Commentary	Recommended Action
1. The approval holder must undertake the action within a maximum area of 46.8 hectares (ha) and only within the footprint of the action.	Compliant	<p>The sand extraction activities approved under EPBC 2013/7028 and undertaken to date are limited to and contained within the Domain 6 extraction area boundary, as shown on Figure 1. (NB the aerial image shown on Figure 1 was captured during February 2017. Since this time the quarry has extended the clean water diversion surface water management infrastructure and the dredging activities to the west of the disturbance shown, but within the approved EPBC area.)</p> <p>The ground disturbance footprint from the sand extraction activities associated with Domain 6 is approximately 12.5 hectares (i.e. < the 46.8 hectares allowed by the EPBC approval).</p>	<p>Figure 1 also shows the ground disturbance footprint (approximately 27.6 hectares) associated with the operation of the Quarry approved under the 1996 Hawkesbury City Council development consent (DA 0134/95) and clean water management infrastructure associated with the Council and current operations.</p> <p>The ground disturbance associated with the 1996 Hawkesbury City Council development consent does not form part of the approved actions maximum area of 46.8 hectares.</p>	No action required
2. To minimise impacts to the Koala, the approval holder must clear no more than 25.4 ha of potential Koala habitat on the project site.	Compliant	<p>Figure 2 shows the extent of potential Koala habitat, the approved footprint of the action and the extent of ground disturbance from undertaking the approved sand extraction activities. Figure 2 demonstrates that 4.9 hectares of potential Koala habitat has been cleared, as at 3 November 2017 (i.e. < the 25.4 hectares allowed by the EPBC approval).</p>		No action required
3. To minimise impacts to the Small-flower Grevillea, the approval holder must remove no more than 3 individuals of Small-flower Grevillea, located within the Revised Domain 3 extraction area and identified at Annexure 2.	Compliant	<p>Extraction activities have not commenced within the Revised Domain 3 extraction area and the 3 individuals of Small-flower Grevillea have not been impacted.</p> <p>Following a direction by EPA, earthworks to address water management aspects associated with a previous owner of the property have been undertaken. While these works are located within Domain 3, they have not impacted the 3 individuals of Small-flower Grevillea, as shown on Figure 1.</p>		No action required
4. To reduce indirect impacts on Small-flower Grevillea, the approval holder must maintain a buffer distance of at least 40 metres (m) between the footprint and known locations of the species as identified at Annexure 2, except for the 3 individuals of Small-flower Grevillea, located within the Domain 3 extraction area.	Compliant	<p>The current sand extraction activities have been limited to the Domain 6 extraction area. The western boundary of the Domain 6 extraction area is approximately 750 metres away from the nearest known location of Small-flower Grevillea, as shown on Figure 1. This distance is in excess of the 40m buffer required under the approval.</p>		No action required
5. To prevent impacts to Small-flower Grevillea, the 40 m buffer zones for Small-flower Grevillea must be clearly marked out by a suitably qualified person prior to any clearing occurring. Buffer zones must be maintained for the life of the approval.	Compliant	<p>The boundary of each extraction domain has been marked by a surveyor and in doing so have defined the disturbance footprint and 40 metre buffer zones. Degotardi Smith and Partners has prepared survey plans for Domains 1, 2, 3, 6 and 7, see attachment. Survey pegs associated with Domain 6 were sighted during a quarry visit by Rod Williams (Umwelt) in June 2017.</p> <p>The Small-flower Grevillea locations are to the east of the Domain 3 and 7 extraction areas. The current sand extraction activities have been limited to the Domain 6 extraction area. The western boundary of the Domain 6 extraction area is approximately 750 metres away from the nearest known location of Small-flower Grevillea. This distance is in excess of the 40m buffer required under the approval.</p>		No action required

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6. To-reduce indirect impacts on World and National Heritage values of the Greater Blue Mountains Area, the approval holder must maintain buffer zones between the impact area and the Greater Blue Mountains Area as identified at Annexure 1, and in accordance with the minimum buffer distances identified at Annexure 1, for the life of the approval.	Compliant	<p>The sand extraction activities approved under EPBC 2013/7028 and undertaken to date are limited to and contained within the approved Domain 6 extraction area boundary, as shown on Figure 1.</p> <p>AUS-10 has marked out the Domain 6 footprint and thus established the required buffer zones between the impact area and the Greater Blue Mountains Area.</p>		No action required
7. To minimise impacts to the Small-flower Grevillea and the World and National Heritage values of the Greater Blue Mountains Area, the approval holder must not undertake activities other than conservation management activities within the buffer zones.	Compliant	<p>The sand extraction activities approved under EPBC 2013/7028 and undertaken to date are limited to and contained within the Domain 6 extraction area boundary, as shown on Figure 1. (NB the aerial image shown on Figure 1 was captured during February 2017. Since this time the quarry has extended the clean water diversion surface water management infrastructure and the dredging activities to the west of the disturbance shown, but within the approved EPBC area.)</p>	<p>Figure 1 also shows the ground disturbance footprint (approximately 27.6 hectares) associated with the operation of the Quarry approved under the 1996 Hawkesbury City Council development consent (DA 0134/95) and clean water management infrastructure associated with the Council and current operations.</p> <p>The previous ground disturbance associated with the 1996 Hawkesbury City Council development consent does not form part of the approved actions.</p> <p>During the 2017 review period AUS-10 became aware of redundant plant, equipment and other items located in the south eastern corner of Lot 2 DP 628806 (i.e. to the east of Domain 4 and within the buffer zones).</p> <p>The items within this area generally pre-dated AUS-10's ownership and operation of the Quarry, which has been in operation since 1980.</p> <p>AUS-10 responded promptly to this finding to appropriately manage the disposal of the items within is area.</p> <p>The removal of the redundant plant, equipment and other items has been undertaken in consultation with NSW government agencies. These removal works are consistent with conservation objectives for the area and as noted in the Landscape Management Plan.</p> <p>Prior to commencing the removal works Umwelt undertook a survey of the area to the east of Domain 4 on 15 June 2017 to confirm the presence of and identify any new locations of the Small-flower Grevillea. The inspection targeted the access track and a two metre buffer either side and where redundant plant, equipment and other items are located. No Small-flower Grevillea were located during the survey. Therefore the removal works have not impacted any known locations of the Small-flower Grevillea.</p>	No action required
8. To minimise indirect impacts on World and National Heritage values of the Greater Blue Mountains Area, Small-flower Grevillea and the Koala, the approval holder must implement the Tinda Creek Quarry Final Landscape Management Plan dated August 2016 or as revised under condition 19.	Non – Compliant (four of 22 elements)	<p>An Independent Environmental Audit of the Quarry was undertaken by James Hart (Exemplar Global Lead Environmental Auditor No 12107 in early 2017 – <i>Aus-10 Rhyolite Pty Ltd Tinda Creek Sand Quarry Independent Environmental Audit: Tinda Creek Sand Project SSD-4978, NSW (AQUAS 2017)</i>. The audit found the Quarry was complaint with 18 of the 22 Landscape Management Plan aspects audited.</p> <p>Checklists in place to ensure compliance with requirements of the LMP</p>	AUS-10 has revised the Quarry's checklists to incorporate a greater focus on these areas to address this finding.	No further action required
9. In order to maintain the quantity and quality of water entering the Greater Blue Mountains Area, the approval holder must implement the Tinda Creek Quarry Final Water Management Plan dated August 2016 or as revised under condition 19.	Non - Compliant (three of 32 elements) due to 2 x Penalty Notices issued by DP&E	<p>An Independent Environmental Audit of the Quarry was undertaken by James Hart (Exemplar Global Lead Environmental Auditor No 12107 in early 2017 – <i>Aus-10 Rhyolite Pty Ltd Tinda Creek Sand Quarry Independent Environmental Audit: Tinda Creek Sand Project SSD-4978, NSW (AQUAS 2017)</i>. The audit found the Quarry was complaint with 29 of the 32 Water Management Plan aspects audited.</p> <p>On 6 June 2017, the NSW Department of Planning and Environment ("DP&E") raised concerns about maintenance of clean water diversion drains, a minor breach to a bund wall and the closed water management system.</p> <p>In order to address the DP&E's concerns, Aus-10:</p> <ul style="list-style-type: none"> repaired the breach in the bund wall on the on the same day it was 	<p>AUS-10 has revised the Quarry's checklists to incorporate a greater focus on these areas to address this finding.</p> <p>AUS-10 did not consider there had been a breach of the relevant development consent conditions and did not admit liability for the alleged offences, but paid the Penalty Notices to avoid litigation</p>	No further action required

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		<p>identified by DP&E, with reseeding of the disturbed ground on 26 June 2017;</p> <ul style="list-style-type: none"> • implemented supplementary erosion and sedimentation control measures (e.g. geofabric lining, rock armouring, gabion mattress, hay bales/ silt fencing and re-seeding) along the length of the clean water diversion drain between Domain 6 and the silt pond; and • reviewed the inspection methodology. <p>Aus-10 received from the DP&E:</p> <ul style="list-style-type: none"> - a Penalty Notice for alleged "Failure of implement the Environmental Management Strategy for the development. More specifically, failing to ensure that all diversion drains are constructed and established with a stable vegetation cover in advance of being required to divert clean runoff"; and - a Penalty Notice for alleged "Failure to carry out development generally in accordance with the statement of commitments (5.10.3). More specifically, failing to implement a closed water management system, with visible signs of water from the domain 7 surface water catchment having entered the DA 134/94 extraction area". <p>Aus-10 did not consider there had been a breach of the relevant development consent conditions and did not admit liability for the alleged offences, but paid the Penalty Notices to avoid litigation.</p>		
<p>10. To minimise impacts to water quantity and quality within the Greater Blue Mountains Area, the approval holder must comply with Operating Conditions provided by NSW approval condition 12.</p>	<p>Non-Compliant due to 2 x Penalty Notices issued by DP&E</p>	<p>On 6 June 2017, the NSW Department of Planning and Environment ("DP&E") raised concerns about maintenance of clean water diversion drains, a minor breach to a bund wall and the closed water management system.</p> <p>In order to address the DP&E's concerns, Aus-10:</p> <ul style="list-style-type: none"> • repaired the breach in the bund wall on the on the same day it was identified by DP&E, with reseeding of the disturbed ground on 26 June 2017; • implemented supplementary erosion and sedimentation control measures (e.g. geofabric lining, rock armouring, gabion mattress, hay bales/ silt fencing and re-seeding) along the length of the clean water diversion drain between Domain 6 and the silt pond; and • reviewed the inspection methodology. <p>Aus-10 received from the DP&E:</p> <ul style="list-style-type: none"> - a Penalty Notice for alleged "Failure of implement the Environmental Management Strategy for the development. More specifically, failing to ensure that all diversion drains are constructed and established with a stable vegetation cover in advance of being required to divert clean runoff"; and - a Penalty Notice for alleged "Failure to carry out development generally in accordance with the statement of commitments (5.10.3). More specifically, failing to implement a closed water management system, with visible signs of water from the domain 7 surface water catchment having entered the DA 134/94 extraction area". 	<p>Aus-10 has revised the Quarry's checklists to incorporate a greater focus on these areas to address this finding.</p> <p>Aus-10 did not consider there had been a breach of the relevant development consent conditions and did not admit liability for the alleged offences, but paid the Penalty Notices to avoid litigation</p>	<p>No further action required</p>

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		Aus-10 did not consider there had been a breach of the relevant development consent conditions and did not admit liability for the alleged offences, but paid the Penalty Notices to avoid litigation.		
11. In addition to complying with the rehabilitation objectives for the final void in NSW approval condition 17, the approval holder must ensure that water discharging from the project site into the Greater Blue Mountains Area is of equal or better quality to the quality of water upstream of the project site.	Compliant	The Quarry is located at the head of the Tinda Creek catchment (i.e. with approximately 500 metres). During the 12 month review period to 3 October 2017, insufficient run off was experienced when the Quarry personnel were present to allow sampling to take place.		No action required
12. In order to compensate for impacts on the Koala and Small-flower Grevillea, the approval holder must: a) Prior to commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2, provide written confirmation from the NSW Office of Environment and Heritage or the NSW National Parks and Wildlife Service (OEH/NPWS) to the Department that confirms their agreement to include the offset area, as identified at Annexure 3. within Yengo National Park. If this cannot be provided, then, prior to commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2, the approval holder must provide an alternative protection mechanism that provides an equal level of protection, including written confirmation from NSW OEH/NPWS that this protection mechanism will be accepted. The approval holder must not commence the action until the Minister has approved the use of the proposed mechanism in writing;	Not Triggered	No activities have been undertaken within Domains 3, 7, 1 or 2.		No action required
b) Provide protection of the offset area, through registration on the title of the offset area of a mechanism in accordance with condition 12a, before commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2.	Not Triggered	No activities have been undertaken within Domains 3, 7, 1 or 2.		No action required
13. The approval holder must provide the Department with details of the offset area as identified at Annexure 3, including offset attributes, shapefiles, textual descriptions and maps to clearly define the location and boundaries of the offset area, prior to the commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2.	Not Triggered	No activities have been undertaken within Domains 3, 7, 1 or 2 to date.		No action required
14. Within 14 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.	Compliant	Correspondence dated 6 October 2016 issued to DoEE notifying of the commencement of the action (i.e. "will commence effective immediately...").		No action required

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<p>15. The approval holder must maintain accurate records substantiating all activities and outcomes associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be published through the general media.</p>	Compliant	<p>AUS-10 has submitted an annual review and are operating under approved management plans.</p> <p>An Independent Environmental Audit of the Quarry was undertaken by James Hart (Exemplar Global Lead Environmental Auditor No 12107 in early 2017 – <i>Aus-10 Rhyolite Pty Ltd Tinda Creek Sand Quarry Independent Environmental Audit: Tinda Creek Sand Project SSD-4978, NSW (AQUAS 2017)</i>).</p>		No action required
<p>16. Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The approval holder must continue to publish this report until such time as agreed to in writing by the Minister.</p>	Compliant	<p>This compliance report has been published on the company's website (www.hy-tec.com.au/quarry-documentation), with supporting documentary evidence provided to DoEE prior to the 6 January 2018 deadline.</p> <p>An Independent Environmental Audit of the Quarry was undertaken by James Hart (Exemplar Global Lead Environmental Auditor No 12107 in early 2017 – <i>Aus-10 Rhyolite Pty Ltd Tinda Creek Sand Quarry Independent Environmental Audit: Tinda Creek Sand Project SSD-4978, NSW (AQUAS 2017)</i>).</p>		No action required
<p>17. The approval holder must notify any non-compliance with this approval to the Department in writing within five business days of becoming aware of the non-compliance.</p>	Compliant			No action required
<p>18. Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	Not Triggered	The Commonwealth Minister for the EPBC Act has not directed that an independent audit of compliance be undertaken.	Provide audit report and correspondence between site and the department (approval of auditor etc).	No action required
<p>19. The approval holder may choose to revise a management plan approved by the Minister under conditions 8 and 9 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised management plan would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p> <ol style="list-style-type: none"> notify the Department in writing that the approved management plan has been revised and provide the Department with an electronic copy of the revised management plan; implement the revised management plan from the date that the management plan is submitted to the Department; and for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised management plan would not be likely to have a new or increased impact. 	<p>Not Triggered</p> <p>Not Triggered</p> <p>Not Triggered</p> <p>Not Triggered</p>	<p>AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.</p> <p>AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.</p> <p>AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.</p> <p>AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.</p>		No action required

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19A The approval holder may revoke their choice under condition 19 at any time by notice to the Department. If the approval holder revokes the choice to implement a revised management plan without approval under section 143A of the Act, the management plan approved by the Minister must be Implemented.	Not Triggered	AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.		No action required
19B Condition 19 does not apply if the revisions to the approved management plan include changes to environmental offsets provided under the management plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management plan would, or would not, be likely to have new or increased impacts.	Not Triggered	AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.		No action required
19C If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised management plan would be likely to have a new or increased impact, then: i. Condition 19 does not apply, or ceases to apply, in relation to the revised management plan; and ii. The person taking the action must implement the management plan approved by the Minister. To avoid any doubt, this condition does not affect any operation of conditions 19, 19A and 19B in the period before the day the notice is given. At the time of giving the notice the Minister may also notify that for a specified period of time that condition 19 does not apply for one or more specified management plans required under the approval.	Not Triggered Not Triggered Not Triggered	AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister. AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister. AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.		No action required
19D Conditions 19, 19A, 19B and 19C are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised management plan to the Minister for approval.	Not Triggered	AUS-10 has not updated or sought to revise the management plans which have been submitted and approved by the Minister.		No action required

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<p>20. If the Minister believes that it is necessary or convenient for the better protection of the World Heritage property, National Heritage place or listed threatened species and communities to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in the conditions and submit the revised management plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plan must be implemented. Unless the Minister has approved the revised management plan, then the approval holder must continue to implement the management plan originally approved, as specified in the conditions.</p>	<p>Not Triggered</p>	<p>The Minister has not requested AUS-10 to modify any management plans.</p>		<p>No action required</p>
<p>21. If, at any time after 5 years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.</p>	<p>Not Triggered</p>	<p>Correspondence dated 6 October 2016 issued to DoEE notifying of the commencement of the action.</p>		<p>No action required</p>
<p>22. Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans 'referred to in these conditions of approval on their website. Evidence of publication must be provided to the Department within 10 days of the publication to the approval holder's website. Each management plan must be published on the approval holder's website within 1 month of being approved and remain on the website for the life of the approval.</p>	<p>Compliant</p>	<p>Management Plans are located on the Hy-Tec website.</p>	<p>http://www.hy-tec.com.au/quarry-documentation</p>	<p>No action required</p>

Note: With reference to Conditions 4 to 8 Aus-10 notes a bushfire and bushfire control activities in 2013 resulted in significant disturbance outside of the footprint of the action (i.e. within the buffer and conservation zones). This event occurred post the biodiversity surveys for the project and accounts for some differences between the values of the site as reported in the referral and EIS and the current values of the site. Further details can be found in the correspondence to the Department of Environment dated 14 March 2016.