

Tinda Creek Quarry (EPBC Approval 2013/7028) – Review of Compliance 2022

Condition No.	Compliance Status	Supporting Evidence	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	The proposed action is approved to occur within domains labelled Domain 6, Domain 1, Domain 2, Domain 3 and Domain 7 in Figure 1 . The limits to the proposed action do not include historic activities approved under the 1996 Hawkesbury City Council development consent (DA 0134/95) and designated as the Historic Extraction Area. Figure 1 also displays the location of existing extraction activities. As extraction activities have been limited to Domain 6 and Domain 7 over the past 12 months and have not occurred outside approved extraction boundaries, activities remain consistent with the EPBC approval. The total disturbance for the proposed action is 13.8ha and therefore much less than the 46.8ha approved by the EPBC approval. The aerial photography used in Figure 1 is dated 20 October 2022 and it is noted that no further land disturbance has occurred since that time.	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	No potential Koala habitat has been cleared outside of the approved limits of disturbance for the operation. Therefore, the Koala habitat that has been removed for the operation has not exceeded 25.4ha.	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 where shown as solid red circles at Annexure 2.	Compliant	Extraction activities have not commenced within the Revised Domain 3 extraction area and the 3 individuals of Small-flower Grevillea have not yet been impacted. In order to further avoid potential impacts to the Small-flower Grevillea, an exclusion zone will be established around a known individual Small-flower Grevillea adjacent (but not within Domain 2 (see Figure 1)). Extraction in Domain 2 is not planned to commence in the immediate future. It is noted that the boundary of Domain 2 was approved under EPBC Approval 2013/7028 and that this is a voluntary action.	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	The location of known Small-flower Grevillea are presented on Figure 1 . The 40m buffer applies predominantly to activities in Domain 7. Extraction activities have recently commenced within Domain 7 and therefore have remained outside of the required 40m buffer over the period and to date. In order to further avoid potential impacts to the Small-flower Grevillea, an exclusion zone will be established around a known individual Small-flower Grevillea adjacent to Domain 2 (see Figure 1). Extraction in Domain 2 is not planned to commence in the immediate future. It is noted that the boundary of Domain 2 was approved under EPBC Approval 2013/7028 and that this is a voluntary action.	No action required
5. To prevent impacts to Small-flower Grevillea, the 40m 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	The boundary of each extraction domain has been marked by a surveyor and in doing so has 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.	No action required
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 in accordance with at least the buffer distances shown with the double headed arrows at Annexure 1, for the life of the approval.	Compliant	Extraction activities have remained within Domain 6 and Domain 7 over the past 12 months and therefore occurred at a distance greater than the required buffer to the Greater Blue Mountains World Heritage Area over the period and to date.	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	Extraction activities have remained within Domain 6 and Domain 7 over the past 12 months and to date and therefore no extraction activities have occurred within the buffer zones to the Greater Blue Mountains World Heritage Area.	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.	Compliant	Hy-Tec has continued the commitments of the Landscape Management Plan over the previous 12 months. Landscape and rehabilitation management outcomes are reported in the Annual Review for the Quarry. A copy of an updated Landscape Management Plan was provided to DCCEEW on 5 May 2022. This document will be updated once the final arrangements for transfer of the offset area to the Minister for Environment and Heritage have been agreed.	No further action required

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<p>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.</p>	Compliant	<p>A revised Water Management Plan was provided to DCCEEW on 8 August 2019 and notification that the plan satisfied condition 19 was received on 15 August 2019.</p> <p>Hy-Tec has continued the commitments of the 2019 Water Management Plan during 2022. Water management outcomes are reported in the Annual Review for the Quarry.</p> <p>An update to the Water Management Plan will be undertaken in early 2023 to incorporate additional measures relating to erosion and sediment controls and to update the water management system description in that plan. These matters are the subject of a pending modification application for SSD 4978 which will involve consultation with DCCEEW. Once finalised, this plan will be provided to DCCEEW for approval.</p>	No further action required
<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>	Compliant	<p>Hy-Tec has operated in accordance with Condition 12 of Schedule 3 of SSD 4978 as follows.</p> <ul style="list-style-type: none"> • Compliance with Section 120 of the POEO Act has been achieved through maintenance of existing clean water diversions and erosion and sediment controls. • The catchment of the closed water management system has not exceeded 40ha. • The dredge and silt ponds have been maintained with a capacity to capture a 1 in 100 ARI storm event <p>On four occasions during 2022 Hy-Tec initiated controlled discharge of water from the Quarry Site in response to significant rainfall events. The dates when discharge was initiated were 7 March 2022, 30 March 2022, 5 July 2022 and on 11 October 2022. During 2022, approximately 1,637mm of rainfall was recorded for the Quarry Site which is 600mm higher than the next highest year on record. Due to the substantial rainfall captured within the Closed Water Management System the storage capacity was exceeded and controlled discharge required. On 3 July 2022, a significant rainfall event occurred which caused short term uncontrolled discharge. The rainfall event was in excess of 700mm and occurred over a weekend when the site was not attended.</p> <p>Water quality monitoring was undertaken where and when safe to do so for each of the discharge events at locations upstream, downstream and at the point of discharge. Aside from elevated sediment load (consistent with the surrounding environment), water quality was consistent or better than that of the surrounding environment. Hy-Tec has also undertaken water quality analysis within the Closed Water Management System that tested an extended suite of analytes that confirmed that the water meets the criteria in published water quality guidance for aquatic ecosystems.</p> <p>On the basis of the above, Hy-Tec is confident that it has remained compliant with Section 120 of the POEO Act during 2021.</p>	No further action required
<p>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.</p>	Compliant	<p>Condition 17 relates to rehabilitation objectives for closure of the operation and specifically the passive drainage of runoff from the final void (water body). The Quarry is located at the head of the Tinda Creek catchment (i.e. within approximately 500 metres).</p> <p>Regardless, as noted above, controlled discharge of water was required in response to significant rainfall events during the reporting period. Water quality in the receiving environment features high sediment loads and therefore the quality of water discharged was considered consistent with the receiving environment.</p>	No action required
<p>12. In order to compensate for impacts on the Koala and Small- flower Grevillea, the approval holder must:</p> <p>a) either:</p> <ol style="list-style-type: none"> submit written confirmation, within three months of the commencement of works within Revised Domain 3, Revised Domain 7, Domain 1 or Domain 2, from NPWS and/or DPE to the Department which confirms NPWS agreement to include the offset area within Yengo National Park, or not commence works within any of Revised Domain 3, Revised Domain 7, Domain 1 or Domain 2 until the Minister has approved in writing the use of a security mechanism for the offset area in respect of which NPWS and/or DPE has provided written confirmation that this protection mechanism will be effective prior to commencement of the action within the Revised Domains 3 and 7 and Domains 1 and 2, and 	Not Triggered	<p>Operations within Domain 7 commenced on 25 April 2022. The agreement with NPWS to include the offset area within Yengo National Park was provided to DCCEEW on 30 June 2022.</p>	No action required

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b) Provide protection of the offset area by registration on the title of the offset area of a mechanism in accordance with condition 12a, by 30 April 2024			
13. The approval holder must provide the Department with details of the offset area, 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	An agreement has been reached with NPWS to transfer the land intended as an offset area to the Minister for Environment and Heritage, to be managed by NPWS. NPWS is in the process of finalising detailed survey and mapping of the area to inform the final transfer agreement. Once the survey data is available it will be provided to DCCEEW.	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 was issued to DCCEEW notifying of the commencement of the action (i.e. "will commence effective immediately...").	No action required
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.	Compliant	Hy-Tec prepares an Annual Review that records actions relevant to the conditions within the NSW approval SSD 4978) and includes commitments made in the approved management plans. The Annual Review is available from the Hy-Tec website (www.hy-tec.com.au/quarry-documentation).	No action required
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.	Compliant	This compliance report has been published on the company's website (www.hy-tec.com.au/quarry-documentation), with supporting documentary evidence provided to DCCEEW prior to the 6 January 2023 deadline.	No action required
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.	Compliant	There have been no instances of non-compliance in the past 12 months.	No action required
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.	Not Triggered	The Commonwealth Minister for the Environment has not directed that an independent audit of compliance be undertaken.	No action required
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: i) 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; ii) implement the revised management plan from the date that the management plan is submitted to the Department; and iii) 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.	Not Triggered	Hy-Tec did not choose to revise and implement a management plan without first submitting it to DCCEEW.	No action required
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	This condition was not triggered in 2022.	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	This condition was not triggered in 2022.	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:	Not Triggered	This condition was not triggered in 2022.	No action required

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<p>i) Condition 19 does not apply, or ceases to apply, in relation to the revised management plan; and</p> <p>ii) The person taking the action must implement the management plan approved by the Minister.</p> <p>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.</p> <p>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.</p>			
<p>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.</p>	Not Triggered	This condition was not triggered in 2022.	No action required
<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>	Not Triggered	The Minister for the Environment has not requested Hy-Tec to modify any management plans.	No action required
<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>	Not Triggered	Correspondence dated 6 October 2016 was issued to DCCEEW notifying of the commencement of the action.	No action required
<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>	Compliant	Management Plans are located on the Hy-Tec website. http://www.hy-tec.com.au/quarry-documentation	No action required