

Response to Recommendations and Non-Compliances – Independent Environmental Audit 2023 – Dunmore Quarry

Table 1 – Response to Non-Compliances

Condition Reference	Description	Audit Risk Rating	Response	Boral Actions
<p>S4.C60C</p> <p>Within three years of the determination of Modification 11, and every five years thereafter (if directed to do so by the Planning Secretary), the Applicant must commission and pay the full costs of a Transport Options Review for the development. This review must:</p> <p>(a) Be conducted by a suitably qualified, experienced and independent expert/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) Be prepared in consultation with TfNSW, RMS and Council;</p> <p>(c) Review the economic, social and environmental costs and benefits of all reasonable and feasible options for the transport of quarry products from the site (including by rail and road);</p> <p>(d) Review and report on available rail terminal capacity;</p> <p>(e) Recommend any appropriate measures or actions to:</p>	<p>Transport Options Review not completed within consent condition timeframe.</p> <p>Opportunity for Improvement [DQ11/23]: Boral to coordinate Transport Option Review 6 months prior to renewal period.</p>	Non-Compliant – Low Risk	<p>The Transport Options Review has been drafted and is under review. This will be reviewed and submitted to the Department, TfNSW and Council as soon as possible for approval.</p>	<p>Boral to complete review and submit Transport Options Review to the Department, TfNSW and Council as soon as possible.</p>

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<p>i. Reduce the economic, social and environmental costs associated with transport of quarry products by road from site; and</p> <p>ii. Maximise the use of rail deliveries from the site; and</p> <p>(f) Be conducted and reported to the satisfaction of the Planning Secretary.</p> <p>Within three months of commencing this review, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the review report to the Planning Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the review report.</p>				
<p>S5.C8</p> <p>The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.</p>	<p>The website includes copies of the latest Independent Audit, the AEMR/Annual Reviews 2011 – 2023 except for AR 2020-2021. No AR for 2020-2021 on website.</p>	<p>Non-Compliant – Low Risk</p>	<p>The 2020-2021 Annual Review will be uploaded to the website as soon as possible.</p>	<p>Boral to upload 2020-2021 Annual Review to website.</p>
<p>S5.C9</p> <p>By the end of September each year, or other timing as may be agreed by</p>	<p>AR issued late in Oct 2020 without evidence of</p>	<p>Non-Compliant – Low Risk</p>	<p>Punctual submission of Annual Reviews will be prioritised.</p>	<p>Boral to ensure punctuality of Annual Review submission.</p>

Condition Reference	Description	Audit Risk Rating	Response	Boral Actions
<p>the Planning Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:</p> <p>(a) Describe the development (including rehabilitation) that was carried out in the previous financial year, and the development 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 development 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 consent; • Monitoring results of previous years; and 	agreement by Planning Secretary.			

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<ul style="list-style-type: none"> Relevant predictions in the documents listed in condition 2 of schedule 3; <p>(c) Identify any non-compliance over the last financial year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) Identify any trends in the monitoring data over the life of the development;</p> <p>(e) Identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) Describe what measures will be implemented over the current financial year to improve the environmental performance of the development.</p> <p>The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 6 of schedule 5) and any interested person upon request.</p>				
S5.C10 Prior to 1 April 2017, and every three years thereafter, unless the Planning	Current IEA in Nov 2023 – Feb 2024 submission – for compliance the IEA 2023 was	Non-Compliant – Low Risk	Future Independent Environmental Audits will be commissioned and paid for	Boral to ensure that Independent Environmental Audits are commissioned

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<p>Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) Be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; (b) Include consultation with the relevant agencies and the CCC; (c) Assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licences (including any assessment, plan or program required under these approvals); (d) Review the adequacy of any approved strategies, plans or programs required under the abovementioned approvals; (e) Recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment plan or program 	<p>required to be undertaken in April 2023.</p>		<p>by 1 April of the audit year to ensure compliance.</p>	<p>and paid prior to 1 April of the audit year.</p>

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<p>required under the abovementioned approvals; and</p> <p>(f) Be conducted and reported to the satisfaction of the Planning Secretary.</p> <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.</p>				
<p>S5.C12</p> <p>By 31 December 2016, unless otherwise agreed by the Planning Secretary, the Applicant must:</p> <p>(a) Make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • The documents listed in condition 2 of Schedule 3; • Current statutory approvals for the development; • Approved strategies, plans or programs required under the conditions of this consent; • A comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; 	2020-2021FY AR is not on website.	Non-Compliant – Low Risk	The 2020-2021 Financial Year Annual Review will be uploaded to the website as soon as possible.	Boral to upload 2020-2021 Financial Year Annual Review to website.

Condition Reference	Description	Audit Risk Rating	Response	Boral Actions
<ul style="list-style-type: none"> • A complaints register, updated quarterly; • The Annual Reviews (over the last 5 years); • Any independent environmental audit, and the Applicant's response to the recommendations in any audit; • Any other matter required by the Planning Secretary; and <p>(b) Keep this information up-to-date, to the satisfaction of the Planning Secretary.</p>				

Table 2 – Response to Recommendations / Opportunities for Improvement

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
DQ1/23	DQ1/20	Boral to confirm budget for Lower Dam and implement Water Management Plan once approved by Boral Management.	Budget for Lower Dam Transition Plan will be determined and the Water Management Plan will be revised if required and submitted to the Department for approval.	Boral to determine budget for Lower Dam Transition Plan, revise Water Management Plan accordingly and submit it to the Department.
DQ2/23	DQ6/20	The Bushfire Management Plan is to be updated to	The Bushfire Management Plan will be revised such that it covers safe storage of	Boral to update Bushfire Management Plan with revised tyre storage details.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
		include information listed in 2020 Audit.	tyres in accordance with Tyre Stewardship Australia <i>Best Practice Guidelines for Tyre Storage and Emergency Preparedness</i> (March 2019) guidelines and Fire & Rescue NSW <i>Fire Safety Guideline – Guideline for bulk storage of rubber tyres</i> (December 2014).	
DQ3/23	DQ7/20	The document control table in each management plan should include a record of the annual review of the plan and whether any amendments were made.	All Management Plans, Strategies and Programs will be updated such that the document control table reflects any amendments and revisions undertaken subsequent to the Annual Review.	Boral to update all document control tables in Management Plans, Strategies and Programs.
DQ4/23	DQ12/20	Implement updated Water Management Plan when approved to reconfigure storage on site and prevent uncontrolled discharge events.	Budget for Lower Dam Transition Plan will be determined and the Water Management Plan will be revised if required and submitted to the Department for approval.	Boral to determine budget for Lower Dam Transition Plan, revise Water Management Plan accordingly and submit it to the Department.
DQ5/23	DQ22/20	The document control table in each management plan should include a record of the annual review of the plan and whether any amendments were made.	All Management Plans, Strategies and Programs will be updated such that the document control table reflects any amendments and revisions undertaken	Boral to update all document control tables in Management Plans, Strategies and Programs.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
			subsequent to the Annual Review.	
DQ6/23	<p>Schedule 4, Condition 13 – Within 3 months of the date of this consent, and annually thereafter, unless directed otherwise by the Planning Secretary, the Applicant must:</p> <p>(a) Commission a suitably qualified person to assess whether the development is complying with the noise impact assessment criteria in Table 2, in general accordance with NSW Industrial Noise Policy and Australian Standard (AS) 1055-1997: “Description and Measurement of Environmental Noise”; and</p> <p>(b) Provide the results of this assessment to the EPA and Planning Secretary within a month of commissioning the assessment.</p>	At next Modification will have clause (b) of condition amended to provide the results with the Annual Returns / Annual Reviews, rather than one month of commissioning the assessment to avoid a time related non-compliance.	A letter will be provided to the Department requesting this clause be amended such that the Noise Assessment results will be submitted with the Annual Return and Annual Review rather than being submitted separately as well.	Boral to send letter to the Department requesting a revision of this clause.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
DQ7/23	Schedule 4, Condition 20 – The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary.	Within the Plan Table 2.1 Authorised Personnel & Service Providers should be updated as required and date approved and name of person approving needs to be included. Attachment C: Blast Notification List last updated 27/02/19. This list should be reviewed for currency and confirmed in the document.	The Blast Management Plan will be updated with new Authorised Personnel, Service Providers, and a new Blast notification list.	Boral to update contacts in Blast Management Plan.
DQ8/23	Schedule 4, Condition 28 – The Applicant must comply with the discharge limits in any EPL, or with section 120 of the POEO Act.	Implement updated Water Management Plan when approved to reconfigure storage on site and better manage uncontrolled discharge events. As part of updated WMP also consider onsite storage capacity with regards to potential future climate change weather/storm intensity increases.	Budget for Lower Dam Transition Plan will be determined and the Water Management Plan will be revised if required and submitted to the Department for approval. A discussion with the author of the Water Management Plan will be organised to determine what measures should be taken to mitigate climate change related risks.	Boral to determine budget for Lower Dam Transition Plan, discuss climate change risks with contractor (EMM), revise Water Management Plan accordingly and submit it to the Department.
DQ9/23	Schedule 4, Condition 29 – In each Annual Review, the Applicant shall: (a) Recalculate the site water balance for the development; and	Ensure all future Annual Reviews address the reporting requirements in Schedule 4, Condition 29.	Section 6.5 in the 2020 Annual Review and Section 5.5 in the 2021 Annual Review did not adequately evaluate against the licencing requirements. However, Section 5.5 in the	Boral to ensure coherence with the layout and values of section 5.5 in the 2022 and 2023 Annual Reviews in future Annual Reviews.

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	(b) Provide information on evaporative losses, dust suppression, dam storage levels and (c) Evaluate water take against licensing requirements.		2022 and 2023 Annual Reviews evaluated water take against the licencing requirements. Section 5.5 of the 2022 and 2023 Annual Reviews will be used as a template for following Annual Reviews to ensure that they address this condition of consent.	
DQ10/23	Schedule 4, Condition 47 – The Vegetation Clearing Protocol must: (a) Delineate the areas of remnant vegetation to be cleared; and (b) Describe the procedures that would be implemented for: <ul style="list-style-type: none"> i. Pre-clearance surveys; ii. Progressive clearing; iii. Fauna management; iv. Conserving and reusing topsoil; v. Collecting seed from the site; vi. Salvaging and reusing material from the site; and vii. Controlling weeds. 	Vegetation Clearing Protocol to be updated to address collecting seed from site and conserving and reusing topsoil.	Vegetation Clearing Protocol will be updated to include guidelines about collecting seeds from the site and include a Topsoil Management Plan.	Boral to update Vegetation Clearing Protocol including seed collection guidelines and a Topsoil Management Plan.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
DQ11/23	Schedule 4, Condition 60C – Applicant must provide transport options review, continuously update and share with the Planning Secretary for review.	Boral to coordinate Transport Option Review 6 months prior to renewal period.	The Transport Options Review has been drafted and is under review. This will be reviewed and submitted to the Department, TfNSW and Council as soon as possible for approval.	Boral to complete review and submit Transport Options Review to the Department, TfNSW and Council as soon as possible.
DQ12/23	Schedule 5, Condition 1 – Applicant must prepare an Environmental Management Strategy to the satisfaction of the Planning Secretary.	Legislation section needs to be updated with relevant legislation for <i>Biodiversity Conservation Act 2016</i> .	The Legislation section of the Environmental Management Strategy will be updated so that it reflects the relevant Biosecurity Conservation Act.	Boral to update the EMS to include the relevant Biodiversity Conservation Act legislation.
DQ13/23	Schedule 5, Condition 4 – Within 3 months of the submission of an: (a) Incident report under condition 7 below; (b) Annual review under condition 9 below (c) Audit report under condition 10 below; and (d) Any modifications to this consent, The applicant must review, and if necessary revise, the strategies, plans and programs required under this consent, to the	The document control tables within the all the plans, strategies and programs required under this consent do not reflect the reviews have occurred. Ensure all documents are reviewed in accordance with this condition of consent. Update the relevant management plans to contain information on timing of review. A register of reviews may assist.	All Management Plans, Strategies and Programs will be updated such that the document control table reflects any amendments and revisions undertaken subsequent to the Annual Review.	Boral to update all document control tables in Management Plans, Strategies and Programs.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
	satisfaction of the Planning Secretary. Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.			
DQ14/23	Must have updated PIRMP within public access.	Upload current PIRMP for Dunmore Quarry to website. PIRMP on Dunmore Website is dated 2019 (V13) This document requires updating to include the details of annual review and PIRMP drills.	The current PIRMP for Dunmore Quarry will be uploaded to the website to replace the outdated 2019 version.	Boral to upload latest PIRMP for Dunmore Quarry to the website.
DQ15/23	Schedule 5, Condition 1 – Applicant must prepare an Environmental Management Strategy to the satisfaction of the Planning Secretary.	Undertake an administrative update of the EMS to align with updated condition of consent that refers to 'Planning Secretary' instead of 'Secretary'.	The Environmental Management Strategy wording will be updated to reflect the wording in the current consolidated consent.	Boral to update "Planning Secretary" wording in Environmental Management Strategy.
DQ16/23	Schedule 5, Condition 1 – Provide the strategic framework for the environmental management of the development.	Update relevant legislation in section 3.2.7 – the new <i>Biodiversity Conservation Act 2016</i> . The Act supersedes the following:	Section 3.2.7 of the Environmental Management Strategy will be updated to remove references to the superseded legislation and ensure that any information pertaining to native	Boral to update section 3.2.7 of the Environmental Management Strategy to refer to current legislation and remove incorrect reference with regard to the

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		<ul style="list-style-type: none"> • <i>Threatened Species Conservation Act 1995;</i> • <i>Native Vegetation Act 2003;</i> • <i>Nature Conservation Trust Act 2001;</i> • <i>Parts of the National Parks and Wildlife Act 1974.</i> <p>Amend references to clearing of native vegetation under the NV Act as this is incorrect.</p>	vegetation clearing is correct and references current legislation.	clearing of native vegetation.
DQ17/23	Schedule 4, Condition 20 – Applicant must prepare a Blast Management Plan to the satisfaction of the Planning Secretary.	Undertake an administrative update of the Blast Management Plan to align with updated condition of consent that refers to ‘Planning Secretary’ instead of ‘Secretary’.	The Blast Management Plan wording will be updated to reflect the wording in the current consolidated consent.	Boral to update “Planning Secretary” wording in Blast Management Plan.
DQ18/23	Blast Management Plan	Within the Plan Table 2.1 – Authorised Personnel & Service Providers should be updated, and date approved and name of person approving needs to be included. Attachment C: Blast Notification List last updated 27/02/2019. This list should be reviewed for	The Blast Management Plan will be updated with new Authorised Personnel, Service Providers, and a new Blast notification list.	Boral to update contacts in Blast Management Plan.

Reference	Consent Condition/Issue	Recommendation	Response	Boral Actions
		currency and confirmed in the document.		
DQ19/23	Bushfire Management Plan	Boral should update plan in accordance with BMP Section 5.	The Bushfire Management Plan will be updated to address the relevant industry and NSW Fire and Rescue guidelines.	Boral to update Bushfire Management Plan to address relevant industry and NSW Fire and Rescue guidelines.