

## INDEPENDENT AUDIT REPORT



Luddenham quarry site at 275 Adams Road, Luddenham, NSW (Lot 3 DP 623799, photo taken 18 Dec 2024, Artea Green Ventures)

Development	<b>Luddenham Quarry Operations</b>
Application Number	<b>DA 315-7-2003</b>
Applicant	<b>CFT No. 13 Pty Ltd a member of Coombes Property Group (CPG)</b>
Audit Scope	<b>Quarry Operations</b>
Audit Period	<b>December 2021 to 18 December 2024</b>
Audit Reference	<b>DA 315-7-2003-IA1-2024</b>
Audit Organisation	<b>Mulgoa Quarries Pty Ltd – Quarry Operator</b>
Report Prepared and Certified by Lead Auditor	<b>Annabelle Tungol (Artea Green Ventures Pty Ltd)</b>
Assisting Auditor	<b>Maryet David (Artea Green Ventures Pty Ltd)</b>
Date of Audit	<b>18 December 2024</b>
Date of Report	<b>13 February 2025</b>

Revision	Date	Revision History
0.0	3 February 2025	Issued to CPG
1.0	13 February 2025	Addressed CPG comments

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# CONTENTS

<b>INDEPENDENT AUDIT REPORT .....</b>	<b>i</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Project Background .....	1
1.1.1 The Quarry Operations .....	1
1.1.2 Limits on Approvals .....	2
1.1.3 Zoning .....	2
1.1.4 Approvals .....	4
1.2 Audit Team .....	4
1.3 Audit Objective .....	5
1.4 Audit Scope .....	5
1.5 Audit Period .....	5
1.6 Project Activities .....	6
<b>2.0 AUDIT METHODOLOGY .....</b>	<b>1</b>
2.1 Selection and endorsement of the audit team .....	1
2.2 Audit Scope Development .....	1
2.3 Audit Process .....	1
2.3.1 Opening Meeting .....	1
2.3.2 Conduct of Audit .....	1
2.3.3 Closing Meeting .....	2
2.3.4 Audit Attendance and Site Personnel Interviewed .....	2
2.4 Site Inspections .....	2
2.5 Compliance Status Descriptors .....	3
2.6 Audit Report Submission .....	3
<b>3.0 AUDIT FINDINGS .....</b>	<b>4</b>
3.1 List of the Approvals and Documents Reviewed .....	4
3.2 Summary of the assessment of compliance .....	7
3.3 Summary Of Any Notices, Orders, Penalty Notices or Prosecutions .....	8

3.4 Summary of Complaints .....	8
3.5 Details of the Incident .....	8
3.6 Adequacy Of Environmental Management Plans, Sub-Plans and Compliance Documents .....	8
3.7 Consultation with the NSW Planning and Stakeholders .....	8
3.8 Other Matters Considered Relevant by the Auditor or the Department .....	10
3.8.1 Department – Modification 5 – Luddenham Quarry.....	10
3.8.2 Discharge Characterisation and Water Pollution Impact Assessment, April 2023, conducted by 4Pillars Environmental Consulting.....	10
3.8.3 Other matter considered relevant by the Auditor.....	10
3.9 Assessment of Actual and Predicted Impacts .....	11
3.10 Site Inspection Results .....	12
3.11 Key strengths and environmental performance.....	12
<b>4.0 PREVIOUS AUDIT FINDINGS .....</b>	<b>1</b>
<b>5.0 Conclusion AND RECOMMENDATION .....</b>	<b>1</b>
5.1 Conclusion.....	1
<b>6.0 LIMITATIONS.....</b>	<b>2</b>
<b>APPENDIX A – INDEPENDENT AUDIT TABLE .....</b>	<b>3</b>
<b>APPENDIX B – APPOINTMENT OF INDEPENDENT ENVIRONMENTAL AUDITORS .....</b>	<b>59</b>
<b>APPENDIX C – RECORDS OF STAKEHOLDERS CONSULTATIONS.....</b>	<b>60</b>
<b>APPENDIX D – RECORD OF REQUEST AND APPROVAL OF EXTENSION OF REPORT SUBMISSION .....</b>	<b>65</b>
<b>APPENDIX E – INDEPENDENT AUDIT DECLARATION FORM .....</b>	<b>68</b>
<b>APPENDIX F – SITE INSPECTION PHOTOS .....</b>	<b>71</b>

## LIST OF FIGURES

Figure 1. Site Location and Zoning (image from Final Land Use Plan EMM 2021, p.10)	2
Figure 2. Final Landform (image from Final Land Use Plan, EMM 2021, p.22)	3

## LIST OF TABLES

Table 1: Audit Team Qualifications and Experience .....	4
Table 2. Interviewed Site Personnel.....	2
Table 3: Compliance Status Descriptors .....	3
Table 4: Consultation Results .....	8
Table 5: Summary of predicted versus actual impacts as per PIRMP 2021.....	11

## EXECUTIVE SUMMARY

This report provides details of the audit findings from the recently conducted on-site and desktop independent audit (IA) for the Luddenham quarry covering the review of requirements based on conditions of approval DA 315-7-2003 MOD 5 for shale/clay quarry operations located at 275 Adams Road, Luddenham NSW owned by CFT No. 13 Pty Ltd, a member of Coombes Property Group (CPG) (the Applicant).

Following the approval of DA 315-7-2003 MOD 5 on 26 May 2021, the Applicant reactivated the quarry operations on Lot 3 DP 623799, a parcel of leased land within the 11.9-hectare quarry site. This operation is conducted under Mining Lease Agreement No. 1816 (Act 1992), granted on 14 October 2021, and in accordance with the Environmental Management Strategy approved on 27 September 2021. The operation will cease on 31 December 2024, after which the site will be rehabilitated.

In compliance with the conditions of consent specified under DA 315-7-2003 Schedule 6, particularly condition 7, an Independent Environmental Audit for the development operations is required before 31 December 2024 and every three years thereafter. The Applicant has commissioned a suitably qualified and experienced lead auditor, duly appointed and approved by the Department of Planning, Housing, and Infrastructure (DPHI) Secretary on 27 November 2024, Annabelle Tungol of Artea Green Ventures Pty Ltd, to conduct this first independent audit (IA) of quarry operation's environmental management under Mulgoa Quarry Pty Ltd (the Operator). This audit covers the quarry operations between December 2021 and 18 December 2024.

Consistent with the guidelines outlined in the Independent Audit Post Approval Requirements, May 2020 (IA PAR), a site inspection was performed on 18 December 2024 with audit findings as summarised:

### Audit Findings Summary

This IA was conducted on 18 December 2024 against the conditions of approval DA 315-7-2003 MOD5, where:

- a) A total of seventy-eight (78) Conditions of Consent (CoCs) were reviewed and evaluated, focusing on:
  - Schedule 3 – Administrative Conditions
  - Schedule 4 – Environmental Performance
  - Schedule 5 – Additional Procedures
  - Schedule 6 – Environmental Management, Monitoring, Auditing, and Reporting
- b) Fifty-five (55) of CoCs were found compliant.
- c) Twenty-three (23) of CoCs were found not triggered.
- d) No non-compliant conditions were found during this audit.
- e) Various key strengths were noted, including:
  - Operations-related documentation and record management were well-maintained, with real-time tracking and updating platforms such as Sitemate (for cross-tracking reports) and Viewpoint Vista (for inventory management). These systems were aligned with financial year material tracking and verification processes.

- Work scheduling compliance was observed, ensuring that no work was undertaken on weekends or public holidays, with operations limited to 7:00 AM – 4:30 PM, Monday to Friday.
- No significant environmental incidents or complaints were recorded during the audit period.
- Environmental mitigation measures were effectively implemented, particularly in stockpile management, which was well-maintained to minimise potential environmental impacts. Erosion and sediment controls were appropriately in place, ensuring stability and preventing runoff issues. Additionally, regular dust deposition testing was conducted, demonstrating compliance with air quality management standards and helping to mitigate airborne particulate matter. Furthermore, traffic management measures, including designated hauling routes and traffic controls, were effectively implemented to ensure safe and efficient vehicle movement while minimising disruptions to the surrounding community. Notably, no noise complaints were recorded during the audit period, indicating successful noise management practices and adherence to operational limits..

Details of these findings are presented in Section 3 Audit Findings and Appendix A – Audit Table.

Artea Green Venture's Audit Team commends and expresses gratitude for the exceptional level of organisation, cooperation, and assistance provided by the auditees throughout the Independent Audit process.

## 1.0 INTRODUCTION

Mulgoa Quarries Pty Ltd has operated a quarry on Lot 3 DP 623799, a parcel of land within the 11.9-hectare reactivated site, since December 2021. This operation is conducted under Mining Lease Agreement No. 1816 (Act 1992), granted on 14 October 2021, and in accordance with Development Application DA 315-7-2003 Modification 5 (MOD5), approved on 26 May 2021 and Environmental Management Strategy approved on 27 September 2021. The operation will cease on 31 December 2024, after which the site will be rehabilitated.

To verify compliance with the conditions of consent DA 315-7-2003 Modification 5 (MOD5), with emphasis on Schedule 6—Environmental Management, Monitoring, Auditing, and Reporting, the Department of Planning Secretary requires the conduct of an Independent Environmental Audit as stipulated in Schedule 6 Condition 7 of this approval.

Under the appointment and approval of the Department of Planning, Housing, and Infrastructure (DPHI), Annabelle Tungol led the Independent Audit as suitably qualified and experienced Master Auditor of Artea Green Ventures Pty Ltd (AGV). The audit performed was consistent with the approved audit criteria and methodology outlined in the Independent Audit Post Approval Requirements, May 2020 (IA PAR) of the Department of Planning, Industry, and Environment.

Following the conduct of an online desktop review of documents and records on 15-17 December 2024, an actual on-site inspection and audit interviews were performed on 18 December 2024.

### 1.1 Project Background

The Luddenham quarry situated at 275 Adams Road, Luddenham NSW 2745, approximately 15km north of Penrith, has been operated by the Mulgoa Quarries Pty Ltd (the Operator) since December 2021. The quarry site, Lot 3 DP 623799 (hereinafter, the quarry site), is a leased parcel of land within the 11.9-hectare reactivated quarry property owned by Coombes Property Group (hereinafter, the Applicant) under Mining Lease 1816 granted on 14 October 2021 to the Operator to extract and haul shale/clay up to an approved 300,000 tonnes per annum per the modified Development Consent DA 315-7-2003 MOD 5.

The Modification 5 (MOD5) of DA 315-7-2003 approved changes to the quarry access, site layout and operations, allowing the Operator to reactivate quarrying operations.

#### 1.1.1 The Quarry Operations

In summary, Mulgoa Quarries Pty Ltd (the Operator) commenced the quarry operations in December 2021, consist of the following main activities/processes (Luddenham Quarry Environmental Management Strategy 2021, v3 Final):

1. Extraction and stockpiling using bulldozers, excavators, and dump trucks.
2. Loading clay/shale materials onto road trucks with a front-end loader.
3. Processing of clay/shale via a crusher and screen.
4. Hauling (accessing/exiting via the northern section of Adams Road between the site access road and Elizabeth Drive).



The property boundary includes extraction sequencing areas, commonwealth-owned temporary stockpiling and composting sites, a small chemical storage area, truck staging areas, a mini-office, and a car park.

### 1.1.2 Limits on Approvals

The approved conditions of consent DA 315-7-2003 MOD5 limit the operations until 31 December 2024, which requires the Applicant to rehabilitate the site and perform additional undertakings to the satisfaction of the Planning Secretary through a Site Rehabilitation Management Plan. The Site Rehabilitation Plan requires the Applicant to submit a Final Land Use Plan to the Department identifying the final land use of the site and method of treatment for the final void, as stipulated in Schedule 4 Environmental Performance Condition 36 of this consent.

### 1.1.3 Zoning

Zones surrounding the site are Agribusiness (AGB) and Environment and Recreation (ENZ) along Oaky Creek, under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (the 'Aerotropolis SEPP') (Updated Final Land Use Plan prepared by EMM Sydney, report number J190749 RP26 v9 Final, October 2021).

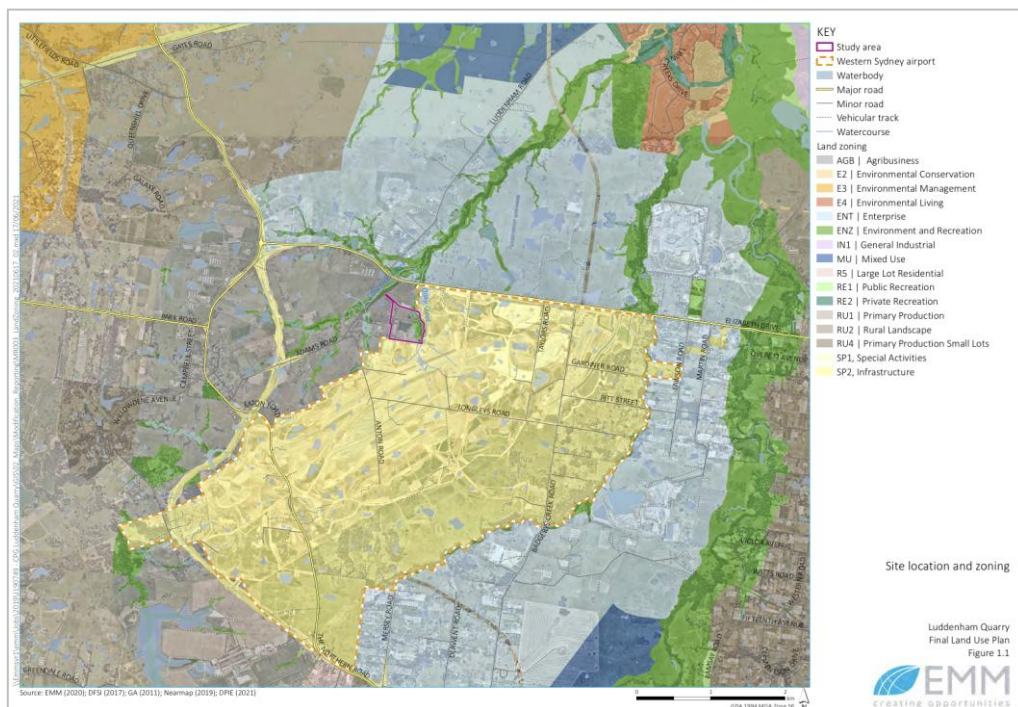


Figure 1. Site Location and Zoning (image from Final Land Use Plan EMM 2021, p.10)

The updated Final Land Use Plan presented the summary of changes to the final land use strategy to address Schedule 4 Conditions 36 DA 315-7-2003, as follows:

- a change to the final land use from rural/pasture to commercial/industrial/agribusiness land use
- likewise, the void treatment changed from backfill with inert Waste Class 2 to leaving the void unfilled as a safe and non-polluting landform.
- no change to the land use in the biodiversity land use in the Oaky Creek riparian zone as required in Condition 34 of the consent.

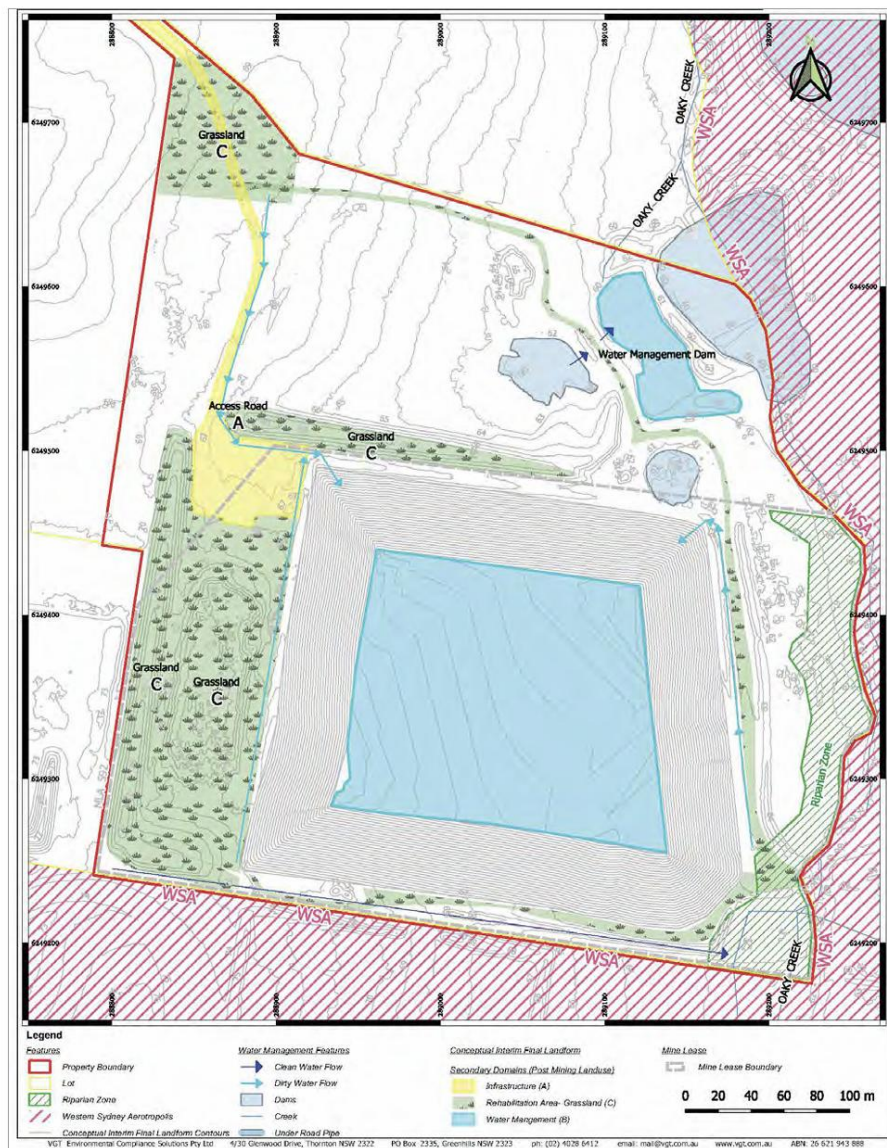


Figure 2. Final Landform (image from Final Land Use Plan, EMM 2021, p.22)

### 1.1.4 Approvals

The quarry operations were originally approved under State Significant Development (SSD) consent DA No. 315-7-2003 issued by the Minister for Infrastructure, Planning and Natural Resources on 23 May 2004. The existing consent has been modified several times up to the fifth modification (MOD5) approved on 26 May 2021, with limits to produce and transport up to 300,000 tonnes per annum (TPA) of clay/shale product until 31 December 2024. Rehabilitation shall commence henceforward per Luddenham Quarry Mine Forward Program FWP0001507, commencing 14 October 2024 and ending 13 October 2027, submitted on 4 December 2024.

Other approvals were:

- a) Variation of Environmental Protection License EPL 21562 Notice Number 1629680, issued on 18 August 2023 by A/Unit Head of NSW EPA.
- b) MLA 592 (Act 1992) - Mining Lease 1816 (Act 1992), granted on 14 October 2021 by the Executive Director Assessments and Systems of Regional NSW – Mining, Exploration and Geoscience

## 1.2 Audit Team

The audit team (including qualifications and experience) is presented in Table 1.

*Table 1: Audit Team Qualifications and Experience*

Name	Company	Role	Qualifications
<b>Annabelle Tungol</b>	Artea Green Ventures Pty Ltd	Lead Environmental Auditor	<p>Bachelor of Science in Chemical Engineering</p> <p>Exemplar Global Certified Master Environmental Auditor and Quality Auditor (Certificate No.: 119536)</p> <p>25 years' experience in Environmental Consulting, including contaminated lands, environmental representative, independent certifier</p>
<b>Maryet David</b>	Artea Green Ventures Pty Ltd	Assisting the Lead Auditor	<p>Bachelor of Science in Chemical Engineering</p> <p>Environmental Auditor (trainee)</p> <p>20 year's experience in environmental consulting, waste management, water treatment design and construction, EIS preparer</p>



## 1.3 Audit Objective

This independent audit aims to fulfill the requirements outlined in DA 315-7-2003 Schedule 6 Condition 7 Independent Environmental Audit for the development operations every three years, commissioning a suitably qualified and experienced independent auditor duly appointed and approved by the Department of Planning, Housing, and Infrastructure (DPHI) Secretary; and consistent with the audit guidelines Independent Audit Post Approval Requirements, May 2020 (IAPAR).

## 1.4 Audit Scope

This independent audit was conducted on the site on 18 December 2024, as per the DA 315-7-2003 Schedule 6 Condition 7 with the following scope;

*Condition 7. Before 31 December 2010, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:*

- (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Planning Secretary. (Refer to Appendix B)*
- (b) include consultation with the relevant agencies (Refer to Section 3.7 of this report);*
- (c) assess the environmental performance of the development, and whether it is complying with the relevant requirements in this consent and any relevant EPL (including any assessment, plan or program required under these approvals) (Refer to Section 3 and Appendix A Audit Table);*
- (d) review the adequacy of any approved strategy, plan or program required under these approvals (Refer to Section 6 of this report); and*
- (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under this approval (Refer to Section 5 of this report);*

*Note: A suitably qualified auditor must lead this audit team and include experts in rehabilitation and any other field specified by the Planning Secretary (Refer to Section 1.2 -Audit Team Qualification).*

*Condition 8. Within six weeks of the completion of this audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report. Refer To Appendix D – Request and Approval of Extension of Report Submission to be on 21 February 2025.*

## 1.5 Audit Period

This audit covers reviewing project activities and records between December 2021 (commencement of operations) and 18 December 2024 (audit site inspection).

Note that the quarry operations ceased on 31 December 2024.

## 1.6 Project activities

The quarry operations already ceased, and the Operator is set to demobilise its equipment and site office in preparation for the rehabilitation phase. There are no remaining quarry works in progress at the time of the audit other than the drainage works. Refer to the following Photo.



*The remaining non-operational works in progress were seen during the audit 18 December 2024.*

Refer to Appendix E for the photographs taken during the site inspection on 18 December 2024.

## 2.0 AUDIT METHODOLOGY

### 2.1 Selection and endorsement of the audit team

The Department provided approval of the Audit Team on 27 November 2024. The confirmation letter is presented in **Appendix B** and the auditor's independence declaration is attached in **Appendix E**.

### 2.2 Audit Scope Development

The audit checklist, based on the DA-315-7-2003 MOD5 Condition of Consent was prepared. Please refer to **Appendix A** in this report for further details.

### 2.3 Audit Process

#### 2.3.1 Opening Meeting

The opening meeting was conducted on 18 December 2024 at 9:00 am with the attendance of representatives from project personnel and the auditor as listed in Section 2.3.4 of this audit report. During the meeting, several key topics were discussed, including:

- a) Confirmation of the audit's purpose and scope.
- b) An overview of the Project scope and an update on the status of the works.
- c) Reports or occurrences of any environmental incidents, non-compliances, and complaints.
- d) A comprehensive explanation of the audit process, aligning with the proposed Audit Program.

#### 2.3.2 Conduct of Audit

The audit activities encompassed the following:

- The Independent Audit was conducted consistent with AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems and the methodology set out in the Department's IAPAR 2020.
- Consultations with the NSW Planning prior to the audit and other relevant agencies. Refer to Section 2.5 and Section 3.8 of this audit report.
- Reviewing the project documentation between 15 and 17 December 2024, including the Environmental Management Plans, Final Land Use Plan, and Annual Review Reports, to ensure compliance with the Conditions of Consent DA-315-7-2003 and EPL 21562.
- Conduct a thorough site walk on 18 December 2024 to assess the implementation of mitigation measures and confirm any site activities.
- Performing audit using a checklist based on the Conditions of Consent, which involved interviewing personnel and examining records provided as evidence of compliance.
- Identifying and classifying audit findings were discussed during the closing meeting, and any necessary actions resulting from site inspections were promptly communicated to site personnel and addressed without delay.

### 2.3.3 Closing Meeting

A closing meeting was held on 18 December 2024 at 1:00 p.m. and attended by representatives from CPG, quarry operator Mulgoa Quarries, and AGV. The meeting involved discussions regarding general feedback and the audit findings. The AGV auditor expressed appreciation for the cooperation, transparency, and hospitality demonstrated by quarry operator Mulgoa Quarries staff throughout the audit process.

### 2.3.4 Audit Attendance and Site Personnel Interviewed

The following table will present the name and position of project personnel interviewed.

*Table 2. Interviewed Site Personnel*

Name	Company	Position
Elena Ivanova	Coombes Property Group	Environmental & Planning Manager
Mark Houllis	Mulgoa Quarries Pty Ltd	Undergraduate Site Engineer

## 2.4 Site Inspections

A comprehensive site walk was carried out within the Luddenham Shale Quarry area, with particular attention given to validating the environmental performance, management, and control measures in alignment with each condition specified in Schedule 4 of the development consent, DA 315-7-2003, as follows;

- a) Air Quality
- b) Land management (including stockpiling, erosion, and sedimentation controls)
- c) Noise management
- d) Water management - surface water (including discharge to Oaky Creek)
- e) Waste management
- f) Aboriginal heritage
- g) Biodiversity
- h) Visual amenities
- i) Traffic and transport
- j) Dangerous goods
- k) Bushfire management

Photographs captured during the site inspection were included as **Appendix F**.



## 2.5 Compliance Status Descriptors

The compliance status of each consent condition requirement in the Audit Table was assessed using the appropriate descriptors provided in Table 3 following the Guidelines 2019. The meanings and interpretations of these descriptors will be considered when determining the compliance status for each requirement.

*Table 3: Compliance Status Descriptors*

Status	Description
<b>Compliant</b>	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.
<b>Non-compliant</b>	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.
<b>Not Triggered</b>	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

As per the IAPAR 2020, as part of the audit evaluation, the auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project. Any observations or notes are in addition to the compliance status descriptor assigned to each compliance requirement, limited to the descriptors listed in Table 3.

## 2.6 Audit Report Submission

The final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department within six weeks of the completion of this audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report. Refer to Appendix B2 for the Department's approval of the report's agreed submission date on 21 February 2025.



## 3.0 AUDIT FINDINGS

### 3.1 List of the Approvals and Documents Reviewed

The primary documents were reviewed or presented as evidence during the conduct of this audit.

- Development Consent (DA 315-7-2003 MOD5), approved by the Minister for Infrastructure, Planning and Natural Resources on 26 May 2021, issued by the Department of Planning, Industry and Environment
- Variation of Environmental Protection License EPL 21562 Notice Number 1629680, issued on 18 August 2023 by A/Unit Head of NSW EPA.
- MLA 592 (Act 1992) - Mining Lease 1816 (Act 1992), granted on 14 October 2021 by the Executive Director Assessments and Systems of Regional NSW – Mining, Exploration and Geoscience
- Luddenham Quarry Modification Report, DA 315-7-2003 MOD5, prepared for Coombes Property Group & KLF Holdings by EMM Sydney, report number J190749 RP12 v3 Final, August 2020
- Luddenham Quarry Modification 5 Submission Report prepared for Coombes Property Group & KLF Holdings by EMM Sydney, report number J190749 RP39 vFinal, December 2020.
- Luddenham Quarry Modification 5: Response to request for additional information, sent to Matthew Sprott, Director Resource Assessment, NSW DPIE, 12 March 2021
- Luddenham Quarry, DA 315-7-2003 MOD5 Modification Description, prepared for Coombes Property Group and KLF Holdings Pty Ltd by EMM Sydney, report number J190749 RP12 v4, 15 April 2021
- Luddenham Clay Mine Annual Rehabilitation Report, Saturday 14 October 2023 to 13 October 2024, reference number ARR0001371, issued by NSW Resources Regulator (Sinead Kelly), 4 December 2024
- Luddenham Clay Mine Forward Program Monday 14 October 2024 to Wednesday 13 October 2027, reference number FWP0001507, issued by NSW Resources Regulator (Sinead Kelly), 4 December 2024
- Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022
- DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023
- DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024
- Luddenham Quarry Environmental Management Strategy, prepared for Luddenham Operations Pty Ltd by EMM Newcastle, report number J190749 RP51, September 2021

- Pollution Incident Response Management Plan Luddenham Operations Pty Ltd, approved by Harry Scarlis- Director, 2 November 2021.
- Discharge Characterisation and Water Pollution Impact Assessment, prepared by 4Pillars Environmental Consulting, report reference number 20220601KLF\_DCWPIA, April 2023
- Luddenham Quarry Dust Deposition Monitoring, Augut 2022 Monitoring Period, prepared for Luddenham Operations by EMM Newcastle, report number J190749 RP01, September 2022
- Luddenham Quarry Air quality management plan, prepared for Luddenham Operations Pty Ltd by EMM Sydney, report number E231131 (formerly J190749) RP47, v2 Final, June 2024
- Luddenham Quarry Noise management plan, prepared for Luddenham Operations Pty Ltd by EMM Sydney, report number J190749 R48 v4 Final, September 2021
- Luddenham Quarry Final Land Use Plan, prepared for Luddenham Operations Pty Ltd by EMM Sydney, report number J190749 RP26 v9 Final, October 2021
- Luddenham Quarry Road Transport Protocol, prepared for Luddenham Operations Pty Ltd, by EMM Sydney, report number J190749 RP45 v2, August 2021
- Luddenham Quarry Soil and Water Management Plan, prepared for Luddenham Operations Pty Ltd by EMM Newcastle, report number J190749 RP49 v3 Final, October 2021
- Environmental Impact Statement for Proposed Clay/Shale Extraction Operation, prepared for Badger Mining Company Pty Limited, July 2003
- Environmental Assessment Report for Epic Mining Pty Limited, prepared by Benbow Environmental, report number 137018\_EAR\_Rep\_Rev3, November 2014
- DA 315-7-2003 MOD5 Report, Appendix A- Development Consent DA No. 315-7-2003 as Modified (MOD 1-3)
- DA 315-7-2003 MOD5 Report, Appendix B – Department of Planning, Industry and Environment (DPIE) Letter- Matters for Consideration, prepared by EMM, May 2020
- DA 315-7-2003 MOD5 Report, Appendix C – Updated Project Description, prepared by EMM, report number, J190749 RP12 v2
- DA 315-7-2003 MOD5 Report, Appendix D – Updated Mitigation Measures, prepared by EMM, report number J123456 RP# v1
- DA 315-7-2003 MOD5 Report, Appendix E – Air Quality Impact Assessment, prepared by EMM, report number J190749 RP16
- DA 315-7-2003 MOD5 Report, Appendix F – Noise and Vibration Impact Assessment, prepared by EMM, report number J190749 RP22 vFinal, August 2020
- DA 315-7-2003 MOD5 Report, Appendix G – Surface Water Assessment, prepared by EMM, report number J190749 RP10. August 2020

- DA 315-7-2003 MOD5 Report, Appendix H – Qualitative Groundwater Assessment, prepared by EMM, report number J190749 RP28 v1 Final, August 2020
- DA 315-7-2003 MOD5 Report, Appendix I – Biophysical Strategic Agricultural Land (BSAL) Site Verification Report, prepared by Minesoils Pty Ltd, report number MS-032\_Fina, 19 May 2020
- DA 315-7-2003 MOD5 Report, Appendix J – Traffic Impact Assessment, prepared by EMM, report number J190749 RP14, August 2020
- DA 315-7-2003 MOD5 Report, Appendix K – Request to Waiver the Requirements for a Biodiversity Development Assessment Report (BDAR), prepared by EMM, report number J190749 RP5 v2, August 2020
- DA 315-7-2003 MOD5 Report, Appendix L – Final Land Use Report, prepared by EMM, report number J190749 RP26, August 2020
- DA 315-7-2003 MOD5 Report, Appendix M – Aboriginal Heritage Due Diligence Assessment, prepared by EMM, report number J190749 RP6, August 2020
- <https://app.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=21562&id=21562&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued>
- <https://luddenhamquarry.com.au>

## 3.2 Summary of the assessment of compliance

Luddenham Quarry Operations demonstrated overall compliance with the following conditions and regulations:

- a) Development Consent (DA 315-7-2003 MOD5), approved by the Minister for Infrastructure, Planning and Natural Resources on 26 May 2021, issued by the Department of Planning, Industry and Environment, refer to the Audit Table Appendix A.
- b) Variation of Environmental Protection License EPL 21562 Notice Number 1629680, issued on 18 August 2023 by A/Unit Head of NSW EPA through the review of Annual Reports submitted to EPA (EPA portal), records review and interview with key personnel.
- c) MLA 592 (Act 1992) - Mining Lease 1816 (Act 1992), granted on 14 October 2021 by the Executive Director Assessments and Systems of Regional NSW – Mining, Exploration and Geoscience through the review of Annual Reports.

The auditors did not find any noncompliance during the audit. The quarry operations and proposed rehabilitation planning activities were validated on the site and were adherent to all conditions of consent DA 315-7-2003:

- a) Schedule 3 – Administrative Conditions
- b) Schedule 4 – Environmental Performance
- c) Schedule 5 – Additional Procedures
- d) Schedule 6 – Environmental Management, Monitoring, Auditing, and Reporting

The assessment of compliance is summarised as follows;

- a) A total of seventy-eight (78) Conditions of Consent (CoCs) under DA 315-7-2003 were assessed.
- b) Fifty-five (55) CoCs were found compliant.
- c) Twenty-three (23) CoCs were found not triggered.
- d) No non-compliant conditions were found

DA 315-7-2003	Total Number of Conditions	Number Compliant	Number of Non-compliant	Number of Not triggered
Schedule 3 Administrative Conditions	19	15	0	4
Schedule 4 Environmental Performance	37	28	0	9
Schedule 5 Additional Procedures	7	0	0	7
Schedule 6 Environmental Management, Monitoring, Auditing, and Reporting	15	12	0	3
Total Number of Conditions (as covered in the audit)	<b>78</b>	<b>55</b>	<b>0</b>	<b>23</b>

### 3.3 Summary Of Any Notices, Orders, Penalty Notices or Prosecutions

No notices, orders, penalty notices, or prosecutions were issued or imposed during this audit period.

### 3.4 Summary of Complaints

No complaints were raised during the audit period.

### 3.5 Details of the Incident

No reportable incidents were raised during the audit period.

### 3.6 Adequacy Of Environmental Management Plans, Sub-Plans and Compliance Documents

The implementation of the Environmental Management Strategies (2021-2024) and the Final Land Use Plan (2021) were verified through site inspections, interviews, and record reviews, as detailed in **Appendix A – Audit Checklist**.

Documented evidence, including monitoring data, maintenance logs, surveys and annual reports, was reviewed to assess compliance with the requirements stipulated in DA 315-7-2003 MOD5, the Environmental Management Strategy, and the Final Land Use Plan.

These records showed consistent adherence to the plans' monitoring schedules, with no significant data collection or reporting lapses. Survey and monitoring data for air, noise, water quality, and dust deposition confirmed that the site was managed through the outlined mitigation measures in environmental management plans and pollution incident response management plans.

### 3.7 Consultation with the NSW Planning and Stakeholders

The table below presents the results of the consultation process and the feedback from NSW Planning. The consultation email was sent to the NSW Planning on 17 December 2024 the detailed consultation records can be found in **Appendix C** of this report.

*Table 4: Consultation Results*

Stakeholder	Comments/Requirements	Response
Department of Planning Housing and Infrastructure	On 19 December 2024, an email response to the consultation done a day before the commencement of the IEA was received with the following comments and required audit focus;	
	a) To send future consultation requests to NSW Planning more than one day before the audit date.	This was duly noted.

Stakeholder	Comments/Requirements	Response
	<p>b) To focus on the following aspects during the audit:</p> <ul style="list-style-type: none"> <li>• air quality and associated monitoring conditions,</li> <li>• noise monitoring conditions, and</li> <li>• compliance with the SWMP</li> </ul>	<p>Survey and monitoring data for air, noise, water quality, and dust deposition were reviewed, and it was confirmed that the site was managed using the mitigation measures outlined in environmental management plans and pollution incident response management plans. No non-compliances were noted in the Annual Reports, and the monitoring records were kept up to date and posted on the project website.</p> <p>There were no issues noted during the site inspection, erosion and sedimentation controls were installed, stockpiles were compacted, no dust generation, no discharge of water outside the site perimeter, and no quarry operations activities during the site audit.</p>
	c) Also consult the NSW EPA and Penrith City Council	An email was sent on 25 January 2025 to EPA and Penrith Council. No response was received.
	d) Include the email correspondence in the IEA report submission as evidence of consultation.	Refer to Appendix C.

### **3.8 Other Matters Considered Relevant by the Auditor or the Department**

#### **3.8.1 Department – Modification 5 – Luddenham Quarry**

The scoping report was submitted to the Department on 16 March 2020, highlighting the modification request to relocate the site access and extend the project life for a further five years. A letter sent to Mr. Coombes, in which the Department required that the Modification Report provide robust and contemporary assessments of the predicted impacts of the modified project in the current setting and with the operation of the adjacent airport, including but not limited to air quality, noise, surface water, groundwater, lighting, biodiversity, agricultural impacts, final landforms, and land use compatibility. The DA No. 315-7-2003 Modification 5 was granted in May 2021.

The audit found that Luddenham Quarry operations were compliant with the requirements of this consultation at the time of on-site inspection. An updated Final Land Use Plan prepared by EMM Sydney dated October 2021 (report number J190749 RP26) presented the summary of changes to final land use strategy from rural/pasture to commercial/industrial land use. Likewise, the void treatment from backfill with inert Waste Class 2 to backfill with inert non-putrescible General Solid Waste to leaving the void unfilled safe and non-polluting final landform.

Quarry operations ceased on 31 December 2024. This audit did not cover the implementation of the Rehabilitation Plan. However, during the site inspection, it was obvious that no quarry operations were conducted. Landform reshaping and drainage works were conducted at the time of inspection to ensure that stormwater was collected within the site.

#### **3.8.2 Discharge Characterisation and Water Pollution Impact Assessment, April 2023, conducted by 4Pillars Environmental Consulting**

The characterisation of surface water discharge and assessment of water pollution was conducted 'in compliance with Condition 25 of the Project Approval (SSD No. 315-7-2003) and to support variation of existing EPL No. 21562'. The report revealed that elevated values on conductivity, some minerals, and some dissolved metals were observed in the default trigger values. Nonetheless, the pit water was of good quality as no evidence of anthropogenic contaminants was detected other than those deemed naturally occurring. The pit water quality was relatively similar to Oaky Creek water quality (4Pillars 2023, p.4), implying an interface between two water sources. No further actions are needed for compliance except those outlined in the Pollution Incident Response Management Plan should the elevated water quality persist as caused by man-made activities during quarry or rehabilitation operations.

#### **3.8.3 Other matter considered relevant by the Auditor**

Based on the Consent Schedule 6, Condition 7 regarding the Independent Environmental Audit, the requirement states:

*"Before 31 December 2010, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development."*



Mulgoa Quarries Pty Ltd operated the quarry in December 2021 and ceased operations on 31 December 2024. This was the first and only independent audit conducted under the above conditions within 3 years. Mulgoa Quarry does not have information about previous operations or whether audits were conducted as per the consent condition.

The implementation of the Rehabilitation Management Plan was not reviewed during this audit since it was conducted before the quarry operations ceased on 31 December 2024.

### 3.9 Assessment of Actual and Predicted Impacts

The audit considered the actual impacts arising from quarry operations, the implementation/monitoring of mitigation measures during this audit period and whether they are consistent with the relevant impacts and mitigation measures specified in the Pollution Incident Response Management Plan (PIRMP), environmental management plans, and annual reviews of conditions requirements.

*Table 5: Summary of predicted versus actual impacts as per PIRMP 2021.*

No.	Aspect	Summary of Predicted Impacts as specified in PIRMP	Summary of Actual Impacts During Audit Period	Consistent (Yes / No)
1	<i>Liquid spill</i>	There are potential diesel spills from stationary and mobile sources and liquid/oil spill from machines/hydraulic oils onsite.	As reported in:  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023; and  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024,  The impact was consistent with the EIS.	Yes
2	<i>Stormwater pollution in Oaky Creek</i>	There is potential for stormwater runoff to be sediment laden and pollute surrounding waterway.	A Discharge Characterisation and Water Pollution Impact Assessment was conducted and published by 4Pillars Environmental Consulting on 21 April 2024 (report reference number 20220601KLF_DCWPIA)  The impact was consistent with the EIS.	Yes



No.	Aspect	Summary of Predicted Impacts as specified in PIRMP	Summary of Actual Impacts During Audit Period	Consistent (Yes / No)
3	<i>Fire</i>	There is potential for mobile plant and equipment to catch fire in some circumstances.	As reported in:  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023, and	Yes
4	<i>Dust pollution</i>	There is the potential for dust to be generated from onsite activities and the potential for this dust to migrate offsite. These activities include excavating, processing and loading extracted materials from site.	DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023, and	Yes
5	<i>Noise pollution</i>	Noise will be generated from onsite activities and there is the potential for elevated noise levels to be experienced at residences.	DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024,  The impact was consistent with EIS.	Yes

The environmental impacts that were initially predicted were consistent with what was verified during the operations and confirmed during this audit. The mitigation strategies and management plans effectively addressed potential risks and maintained environmental controls.

### 3.10 Site Inspection Results

Refer to **Appendix F** of this report for the photographs taken during the inspection conducted as part of this audit. These photographs document the site and its various aspects, providing visual support to the observations and findings described in the report.

Note that the modified conditions of consent DA 315-7-2002 MOD5 cover site access, stockpiling, new site infrastructure for equipment laydown and site entry, surface water management system, northern noise bund, product transport movements, and minor administrative modifications. During the site inspection, no in-progress quarry activities were observed, and no environmental issues were raised. The following were noted:

- an ongoing clearing and top-soil stripping was observed for stormwater ways clearing.
- no quarry trucks were seen inside the void area.
- stockpiles were compacted correctly and maintained.
- A few buckets of silica (deemed non-hazardous) were stored adjacent to the office.
- Erosion and sedimentation controls were in place, no dust generation, and the site was tidy.

### 3.11 Key strengths and environmental performance

Based on the pre-audit records provided for review and the site inspection on 18 December 2024, the project demonstrated its readiness for this audit. The following key strengths were noted:

- a) Operations-related documentation and records are supported and maintained with real-time tracking and updating platforms, such as Sitemate for (cross-tracking report) and Viewpoint Vista for inventory. All consistent with the financial year period of material checking and tracking.
- b) No work is undertaken on weekends and public holidays while the actual works are done from 7:00 am to 4:30 pm on Mondays through Fridays.
- c) Throughout the audit period, no significant environmental incidents were reported or complaints receive.
- d) Environmental mitigation measures were effectively implemented, particularly in stockpile management, which was well-maintained to minimise potential environmental impacts. Erosion and sediment controls were appropriately in place, ensuring stability and preventing runoff issues. Additionally, regular dust deposition testing was conducted, demonstrating compliance with air quality management standards and helping to mitigate airborne particulate matter. Furthermore, traffic management measures, including designated hauling routes and traffic controls, were effectively implemented to ensure safe and efficient vehicle movement while minimising disruptions to the surrounding community. Notably, no noise complaints were recorded during the audit period, indicating successful noise management practices and adherence to operational limits.

## 4.0 PREVIOUS AUDIT FINDINGS

This audit was the first independent environmental audit conducted for the Luddenham quarry since its operations in December 2021 by Mulgoa Quarry Pty Ltd. There were no previous audit findings to be reviewed.

## 5.0 CONCLUSION AND RECOMMENDATION

### 5.1 Conclusion

The Independent Environmental Audit (IEA) was conducted on **18 December 2024** against the conditions of approval **DA 315-7-2003 MOD5, Schedule 6 Condition 7**. The audit evaluated a total of **seventy-eight (78) Conditions of Consent (CoCs)** across the following areas:

- Schedule 3 – Administrative Conditions
- Schedule 4 – Environmental Performance
- Schedule 5 – Additional Procedures
- Schedule 6 – Environmental Management, Monitoring, Auditing, and Reporting

#### Key Findings:

- Fifty-five (55) CoCs were found to be compliant.
- Twenty-three (23) CoCs were identified as not triggered during the audit period.
- No non-compliant conditions were identified.
- Additionally, several strengths were observed, including:
  - Operations-related documentation and record management were well-maintained, with real-time tracking and updating platforms such as Sitemate (for cross-tracking reports) and Viewpoint Vista (for inventory management). These systems were aligned with financial year material tracking and verification processes.
  - Work scheduling compliance was observed, ensuring that no work was undertaken on weekends or public holidays, with operations limited to 7:00 AM – 4:30 PM, Monday to Friday.
  - No significant environmental incidents or complaints were recorded during the audit period.
  - Environmental mitigation measures were effectively implemented, particularly in stockpile management, which was well-maintained to minimise potential environmental impacts. Erosion and sediment controls were appropriately in place, ensuring stability and preventing runoff issues. Additionally, regular dust deposition testing was conducted, demonstrating compliance with air quality management standards and helping to mitigate airborne particulate matter. Furthermore, traffic management measures, including designated hauling routes and traffic controls, were effectively implemented to ensure safe and efficient vehicle movement while minimising disruptions to the surrounding community. Notably, no noise complaints were recorded during the audit period, indicating successful noise management practices and adherence to operational limits.

The detailed findings and compliance status of each condition are presented in **Section 3 – Audit Findings** and **Appendix A – Audit Table**.

## 6.0 LIMITATIONS

Artea Green Ventures Pty Ltd (AGV) has provided this Document to Coombes Property Group (the Client), and it is subject to the following restrictions:

This Document is specifically prepared for the purpose outlined in the AGV proposal/contract/relevant terms of engagement or as agreed upon between AGV and the Client. AGV has relied on data, surveys, analyses, designs, plans, and other information (referred to as "the information") provided by the Client, as well as other individuals and organisations. Unless stated otherwise in the Document, AGV has not independently verified the accuracy or completeness of the information. The conclusions presented in this document, including statements, opinions, facts, findings, and recommendations, depend on the accuracy and completeness of the information. AGV cannot be held responsible for incorrect conclusions if the information is incomplete, incorrect, concealed, withheld, misrepresented, or not fully disclosed to AGV.

For compliance with the design and the Building Codes of Australia (BCA) and the satisfaction of the Independent Verifier/Certifier/Certifying Authority, the Independent Audit relied on confirmation from the Independent Verifier/Certifier/Certifying Authority that these conditions were met. The Independent Audit did not assess the works against the design or BCA requirements itself, nor did it examine the steps taken by the Independent Verifier/Certifier/Certifying Authority to verify compliance with the design.

The assessment of actual impacts and predicted impacts in the Environmental Impact Assessment(s) was a high-level qualitative assessment. The Environmental Impact Assessment(s) included numerous studies and predictions based on observations, measurements, and modelling of the existing environments and potential project outcomes (including mitigation measures). A comprehensive assessment of the accuracy of these predictions would require additional studies using actual data points as inputs. Unless specified in the Document, there is no requirement, to the Auditor's knowledge, to undertake such studies, and they are not part of this Independent Audit.

Audits of all post-approval documents, including an evaluation of the implementation of Environmental Management Plans and Sub-plans, utilise a Judgement Based Sampling (JBS) technique, which is a sampling technique used in auditing to select items or transactions for examination based on the auditor's professional judgment and expertise. The auditor considers various factors and uses their professional judgment to select items that are deemed to be more significant, risky, or representative of the population being audited. These factors may include the auditor's knowledge of the client's operations, industry-specific risks, materiality thresholds, and areas of higher inherent risk.

This Document is prepared exclusively for the Client's benefit and should not be used, in whole or in part, in other contexts, or for any other purpose. AGV holds no responsibility for the use of this Document by any other party. AGV will not be liable to any other person or organisation for any matter addressed in this Document or for any loss or damage suffered by any other person or organisation resulting from the matters discussed or conclusions expressed in this Document (including negligence by AGV). Parties other than the Client should not rely on this Document or the accuracy or completeness of any conclusions and should conduct their investigations and seek independent advice regarding such matters.

To the best of AGV's knowledge, the facts and matters described in this Document reasonably reflect the Client's intentions at the time the Document was issued. However, changes over time, the emergence of latent conditions, or the impact of future events (including changes in applicable law) may have led to variations in the Document and its potential consequences. AGV will not be held liable for updating or revising the Document to account for any events, emergent circumstances, or facts that occur or become apparent after the Document's issue date.

## APPENDIX A – INDEPENDENT AUDIT TABLE

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>SCHEDULE 3 - ADMINISTRATIVE CONDITIONS</b>				
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>				
1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant 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 development, and any rehabilitation required under this consent.	Site Inspection and interview 18 December 2024  Pollution Incident Response Management Plan for EPL No. 21562, signed on 02/11/21 by director Harry Scarlis.	The Pollution Incident Response Management Plan (PIRMP) addressed the requirements for reasonable and feasible implementation 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 development and any rehabilitation required under this consent.  Environmental mitigation measures were effectively implemented, including well-maintained stockpile management, erosion and sediment controls, and regular dust deposition testing to ensure compliance with air quality standards. Traffic controls and designated hauling routes minimized disruptions, and no noise complaints were recorded, reflecting successful noise management and operational compliance.	Compliant
<b>TERMS OF CONSENT</b>				

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

2	<p>The Applicant must carry out the development:</p> <ul style="list-style-type: none"> <li>(a) in compliance with these conditions of consent</li> <li>(b) in accordance with all written directions of the Planning Secretary</li> <li>(c) in accordance with EIS titled <i>Proposed Clay/Shale Extraction Operation – Lot 3 – 275 Adams Road Luddenham</i>, dated May 2003, and prepared by Douglas Nicolaisen &amp; Associates Pty Ltd;</li> <li>(d) in accordance with correspondence from Douglas Nicolaisen &amp; Associates Pty Ltd to the Department dated 16 March 2004 relating to operating hours, location of environmental bunds and reduction in the proposed extraction area;</li> <li>(e) in accordance with information accompanying modification application DA 315-7-2003- MOD 1 for the relocation of the access bridge across Oaky Creek, lodged 16 November 2005, and prepared by Stuart J Castle Pty Ltd;</li> <li>(f) in accordance with Modification Application DA 315-7-2003 MOD 2 and the accompanying SEE titled “<i>Section 96(1A) Modification Application, 275 Adams Road Luddenham</i>” produced by Planning Direction Pty Ltd and dated 3 November 2009 and “<i>Acoustic Report – Clay/Shale Quarry at 275 Adams Road Luddenham</i>” produced by Golders Associates Ltd and dated 15 December 2009;</li> <li>(g) in accordance with Modification Application DA 315-7-2003 MOD 3 and the accompanying Environmental Assessment titled <i>Environmental Assessment Report for Epic Mining Pty Ltd: 275 Adams Road, Luddenham, NSW</i>, prepared by Benbow Environmental Pty Ltd and dated November 2014 relating to temporary stockpiling, extraction sequencing and other activities; and</li> <li>(h) in accordance with Modification Application DA 315-7-2003 MOD 5 and the accompanying Modification Report titled <i>Luddenham Quarry Modification Report DA 315-7-2003 MOD 5 Prepared for Coombs Property Group &amp; KLF Holdings</i>, prepared by EMM Consulting and dated August 2020; Submissions Report dated December 2020 and RFI Responses dated March 2021; as amended by the revised project description prepared by EMM Consulting and dated 16 April 2021.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) May 2021</p> <p>EIS titled <i>Proposed Clay/Shale Extraction Operation – Lot 3 – 275 Adams Road Luddenham</i>, dated May 2003, and prepared by Douglas Nicolaisen &amp; Associates Pty Ltd</p> <p>Licence – 21562 Luddenham Operations Pty Ltd Level 5, 2 Grosvenor Street Bondi Junction NSW 2022 Notice Of Variation Of Licence No. 21562 dated 18 August 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>Overall, the Applicant/Operator carried out the operations in compliance with the conditions of consent and succeeding conditions b-h as reported as reflected in its annual reviews of quarry operations against DA 315-7-2003 (MOD 5) and the result of this audit.</p>	Compliant
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Red Type represents the 4 January 2006 Modification (MOD 1)

Blue Type represents the 28 January 2010 Modification (MOD 2)

Green Type represents the April 2015 Modification (MOD 3)

Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
	<i>Note: The general layout of the development, including quarrying extraction area and development sequence, is shown in Appendix 1</i>			
3	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition 2. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Site Inspection and interview 18 December 2024	There were no inconsistencies, ambiguities, or conflicts between any of the document/s listed in condition 2. The Applicant complied with the conditions of consent.	Compliant
4	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (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 consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in condition 4(a).	Site Inspection and interview 18 December 2024	There were no written directions during the audit period.	Not Triggered
4A	<i>Deleted</i>			
<b>Limits on Approval</b>				
5	The Applicant may undertake quarrying operations on the site until 31 December 2024. <i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Planning Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been properly rehabilitated.</i>	Site Inspection and interview 18 December 2024	As verified through on-site inspections, the Applicant undertook the quarrying operations from December 2021 only until 31 December 2024, when no ongoing quarry activities were carried out.  Based on site inspection on 18 December 2024, the current activities on site included clearing and demobilisation of equipment.	Compliant

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>Limits on Production</b>				
6	The hours of operation for the development are limited to between 7 am and 6 pm Monday to Friday. The Applicant <b>must</b> ensure that no haulage vehicles enter or leave the site between 6 pm and 7 am Monday to Friday, and on public holidays. Maintenance activities may be conducted between 7 am and 1 pm on Saturday. No other work is to be undertaken on Saturday, Sunday and public holidays.	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p> <p>Complaints Register</p>	<p>As verified through records review sit inspection and interview:</p> <ul style="list-style-type: none"> <li>The Applicant ensured that no haulage vehicles enter or leave the site between 6 pm and 7 am Monday to Friday and on public holidays. Actual working hours 7 am-4:30 pm M-F only</li> <li>Maintenance activities are conducted between 7 am and 1 pm on Saturdays.</li> <li>No other work is undertaken on Saturday, Sunday, and public holidays</li> </ul>	<b>Compliant</b>

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
7	The production of quarry products from the quarry <b>must</b> not exceed 300,000 tonnes <b>in any calendar year</b> .	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition (E231131 RP5 V2), September 2024, Table 3.2 Royalty (1 Jul 2023-30 Jun 2024)</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (J190749 RP77), September 2023, Table 3.2 Royalty (1 Jul 2022-30 Jun 2023)</p> <p>Material Tracking Report from 1 Jan 2024 to 18 December 2024 were recorded through excel spreadsheet.</p>	<p>As verified onsite interview and records review, with the following platforms were used, and the quarry production did not exceed 300,000 tonnes in any calendar year from 2021 to 2024:</p> <ul style="list-style-type: none"> <li>• SiteMate for daily cross-tracking report</li> <li>• Viewpoint Vista for inventory and staff time in -out</li> </ul> <p>Also noted that the systems follow the fiscal financial year for the material checking/tracking.</p> <p>As per DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024, Table 3.2 Royalty (1 Jul 2023-30 Jun 2024). The production of quarry products from the quarry is 225,224 tonnes/yr net disposal and 138,029 tonnes/yr net disposal from 1 July 2022 – 30 June 2023.</p>	Compliant

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
8	The Applicant <b>must</b> provide annual production data to the MEG, in the manner required, on the standard form supplied for that purpose. These data are also to be included in the <b>Annual Review</b> .	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p> <p>Evidence of submissions to MEG presented in Sitemate dated 4 December 2024 for 2024 data.</p>	<p>The Applicant provided annual production data to the MEG in the manner required on the standard form supplied for that purpose.</p> <p>These data were also included in the Annual Reviews:</p> <ul style="list-style-type: none"> <li>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition (E231131 RP5 V2), September 2024, Section 3.1 MEG Reporting (1 Jul 2023-30 Jun 2024)</li> <li>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (J190749 RP77), September 2023, Section 3.1 MEG Reporting (1 Jul 2022-30 Jun 2023)</li> </ul>	Compliant
Quarry Product Transport				

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
8A	A maximum of 300,000 tonnes of quarry products may be transported from the site in any calendar year.	<p>Site Inspection and interview 18 December 2024</p> <p>SiteMate material tracking presented during site inspection total 217,059 tonnes/year for 2024.</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	Total product haulage from 2022 to 2024 was below 300,000 tonnes during the reporting period.	Compliant

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
8B	<p>A maximum of 50 laden trucks may be dispatched from the site on any calendar day.</p> <p><i>Note: Dispatch of laden trucks is also controlled by the operating hours specified in condition 6.</i></p>	<p>Site Inspection and interview 18 December 2024</p> <p>SiteMate material tracking presented during site inspection total 217,059 tonnes/year for 2024</p> <p>excel spreadsheet and EnviSystem transport laden tracking system records</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>As per DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition (E231131 RP5 V2), September 2024, Sec. 3.4.3 Summary of heavy vehicle movements:</p> <ul style="list-style-type: none"> <li>No exceedance was reported, refer to Figure 3.1 Summary of heavy vehicle movements at Luddenham Quarry based on the EnviSystem Transport laden tracking</li> <li>No complaints/incident reported, refer to section 3.4.4, p.6 of the Annual Report.</li> <li>Actual daily records were checked onsite as tracked in excel spreadsheet and EnviSystem transport laden tracking system records showed that less 50 laden trucks were recorded daily.</li> </ul>	Compliant
Protection of Public Infrastructure				

Red Type represents the 4 January 2006 Modification (MOD 1)  
Blue Type represents the 28 January 2010 Modification (MOD 2)  
Green Type represents the April 2015 Modification (MOD 3)  
Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
9	<p>The Applicant <b>must</b>:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p>	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	No complaints/incidents were reported; refer to section 3.4.4, p.6 of the Annual Reports, and as also confirmed during interviews.	Compliant
<b>Structural Adequacy</b>				
10	<p>The Applicant <b>must</b> 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.</p> <p><i>Notes:</i></p> <p>(a) Under <b>Part 6</b> of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</p> <p>(b) <b>Part 8</b> of the EP&amp;A Regulation sets out the requirements for the certification of development.</p>	Site Inspection and interview 18 December 2024	No buildings need to be removed on site other than the demobilisation of the container van that serves as an office.	Not Triggered
<b>Demolition</b>				
11	The Applicant must ensure that any demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	Site Inspection and interview 18 December 2024	No buildings need to be removed on site other than the demobilisation of the container van that serves as an office.	Not Triggered
<b>Operation of Plant and Equipment</b>				

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Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

Page | 11

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
12	The Applicant must ensure that all plant and equipment at the site, or used in connection with the development, are: (a) maintained in a proper and efficient condition, and (b) operated in a proper and efficient manner.	Site Inspection and interview 18 December 2024  Sharepoint plant maintenance records from 2022 to 2024	As verified through interview, all plant and equipment at the site, or used in connection with the development, were maintained in a proper and efficient condition, and operated in a proper and efficient manner.	Compliant
<b>Compliance</b>				
13	Prior to commencement of development on Lot 3 DP 629799, the Applicant must commission an independent person(s) or organisation(s), approved by the Planning Secretary, to certify in writing to the satisfaction of the Planning Secretary, that the Applicant has complied with all relevant conditions of this consent applicable prior to that event.	Site Inspection and interview 18 December 2024  Letter of Appointment of Annabelle Serrano Tungol as Lead Auditor Luddenham Shale Quarry – DA315-7-2003 granted by DPHI on 27 November 2024.	This audit was the first IEA conducted since December 2021 when the operations were started.	Compliant
<b>Applicability of Guidelines</b>				
14	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this consent.  However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.	Site Inspection and interview 18 December 2024	The management plan, monitoring, and assessment were conducted in accordance with relevant references, guidelines, protocols, and Australian standards, incorporating necessary updates and variations as required.	Compliant
<b>Evidence of Consultation</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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15	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document; and</p> <p>(b) provide details of the consultation undertaken including:</p> <ol style="list-style-type: none"> <li>the outcome of that consultation, matters resolved and unresolved; and</li> <li>details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ol>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Environmental Management Strategy Prepared for Luddenham Operations Pty Ltd September 2021</p> <p>Luddenham Quarry Road Transport Protocol Prepared for Luddenham Operations Pty Ltd August 2021 Section 3 Consultation</p> <p>Luddenham Quarry Air quality management plan Prepared for Luddenham Operations Pty Ltd September 2021 Section 1.4 Consultation</p> <p>Luddenham Quarry Noise management plan Prepared for Luddenham Operations Pty Ltd September 2021 Section 1.2 Consultation</p> <p>Luddenham Quarry soil and water management plan Prepared for Luddenham Operations Pty Ltd October 2021 Section 1.3 Consultation</p> <p>Luddenham Quarry Final Land Use plan Prepared for Luddenham Operations Pty Ltd October 2021 Section 1.4 Consultation</p> <p>Site Rehabilitation Management Plan for Luddenham Clay / Shale Mine, MLA 592 (Act 1992) October 2021 Section 2.3 Stakeholder Consultation</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August</p>	<p>Where conditions of this consent require consultation with an identified party, the Applicant consulted with the said party and consultation records were included in the strategy and management plans.</p> <p>CPG also regularly consulted with adjoining property owners to ensure property management issues including maintenance of common fences, weed control measures, and bushfire management are coordinated. Details of this consultation were reported in the Annual Review.</p>	Compliant
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
		Monitoring Period, J190749 RP01, September 2022  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023  DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024		
<b>Staging, Combining and Updating Strategies, Plans or Programs</b>				
16	With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development 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 consent (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 consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development)	Site Inspection and interview 18 December 2024	There was no staging of strategy, plan, or program.	Not Triggered
<b>Application of Existing Strategies, Plans or Programs</b>				
17	The Applicant must continue to apply all existing management strategies, plans or monitoring programs required and approved under this consent prior to the approval of any modification of this consent, until the approval of a similar plan, strategy or program required as a result of the modification	Site Inspection and interview 18 December 2024	There was only one modification (Mod-5) applicable for the Luddenham Quarry operations. All management strategies and plan swere approved prior to the commencement of operation between Dec 2021 and Dece 2024.	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>SCHEDULE 4 – ENVIRONMENTAL PERFORMANCE</b>				
<b>AIR QUALITY</b>				
<b>Air Quality Criteria</b>				

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Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

1	<p>The Applicant must ensure that the particulate matter emissions generated by the development do not exceed the criteria listed in Tables 1, 2, and 3 at any privately-owned land.</p> <p><i>Table 1: Long-term air quality criteria for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m<sup>3</sup></td></tr><tr><td>Particulate matter &lt;10 µm (PM10)</td><td>Annual</td><td>a, c 25 µg/m<sup>3</sup></td></tr><tr><td>Particulate matter &lt;2.5 µm (PM2.5)</td><td>Annual</td><td>a, c 8 µg/m<sup>3</sup></td></tr></table> <p><i>Table 2: Short-term air quality criteria for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Particulate matter &lt;10 µm (PM10)</td><td>24 hour</td><td>b 50 µg/m<sup>3</sup></td></tr><tr><td>Particulate matter &lt;2.5 µm (PM2.5)</td><td>24 hour</td><td>b 25 µg/m<sup>3</sup></td></tr></table> <p><i>Table 3: Long-term air quality criteria for deposited dust</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td><sup>d</sup> Deposited dust</td><td>Annual</td><td><sup>b</sup> 2 g/m<sup>2</sup>/month</td><td><sup>a</sup> 4 g/m<sup>2</sup>/mon</td></tr></table> <p><b>Notes:</b></p> <p><sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).</p> <p><sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).</p> <p><sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter <10 µm (PM10)	Annual	a, c 25 µg/m <sup>3</sup>	Particulate matter <2.5 µm (PM2.5)	Annual	a, c 8 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter <10 µm (PM10)	24 hour	b 50 µg/m <sup>3</sup>	Particulate matter <2.5 µm (PM2.5)	24 hour	b 25 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /mon	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Air quality management plan (E231131 (formerly J190749) RP47), June 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>The particulate matter emissions taken from 2022 to 2024 were compliant with the rolling annual average dust deposition criteria of 4.0 g/m<sup>2</sup>/month.</p>	Compliant
Pollutant	Averaging period	Criterion																															
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																															
Particulate matter <10 µm (PM10)	Annual	a, c 25 µg/m <sup>3</sup>																															
Particulate matter <2.5 µm (PM2.5)	Annual	a, c 8 µg/m <sup>3</sup>																															
Pollutant	Averaging period	Criterion																															
Particulate matter <10 µm (PM10)	24 hour	b 50 µg/m <sup>3</sup>																															
Particulate matter <2.5 µm (PM2.5)	24 hour	b 25 µg/m <sup>3</sup>																															
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																														
<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /mon																														

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
	<i><sup>d</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</i>			
2	The air quality criteria in Tables 1, 2, and 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Site Inspection and interview 18 December 2024	This condition was not triggered. No agreement was made and no exceedance was recorded during the monitoring period as per above.	Not Triggered
<b>Air Quality Operating Conditions</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
3	<p>The Applicant must:</p> <p>(a) take all reasonable steps to:</p> <ul style="list-style-type: none"> <li>(i) minimise odour, fume and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;</li> <li>(ii) improve energy efficiency and reduce greenhouse gas emissions of the development;</li> </ul> <p>c. minimise any visible off-site air pollution generated by the development; and</p> <p>d. minimise the extent of potential dust-generating surfaces exposed on the site at any given point in time;</p> <p>(b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;</p> <p>(c) operate an air quality management system to guide the day-to-day planning of quarrying operations;</p> <p>(d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Tables 1 to 3);</p> <p>(e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions in this consent; and</p> <p>(f) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Air quality management plan (E231131 (formerly J190749) RP47), June 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>Onsite interviews confirmed that no incidents were reported or recorded relevant to air quality issues, such as dust and odour.</p>	Compliant
<b>Air Quality Management Plan</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
4	<p>Prior to recommending quarrying operations under Modification 5, the Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s;</li> <li>(b) be prepared in consultation with the EPA;</li> <li>(c) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> <li>(i) compliance with the air quality criteria and operating conditions in this consent;</li> <li>(ii) best practice management is being employed; and</li> <li>(iii) air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</li> </ul> </li> <li>(d) describe the air quality management system; and</li> <li>(e) include an air quality monitoring program, prepared in accordance with the <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales</i> (DEC, 2007), that: <ul style="list-style-type: none"> <li>(i) is capable of evaluating the performance of the development against the air quality criteria;</li> <li>(ii) adequately supports the air quality management system; and</li> <li>(iii) is capable of evaluating the performance of the development against the air quality criteria;</li> </ul> </li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Air quality management plan Prepared for Luddenham Operations Pty Ltd September 2021</p> <p>Letter of approval from the Department dated on 09 November 2021, DA315-7-2003-PA-6</p> <p>Luddenham Quarry Air quality management plan (E231131 (formerly J190749) RP47), June 2024 approved by DPHI on 12 July 2024</p>	<p>The air quality management plan was developed in September 2021 and approved by the Department on 09 November 2021, prior to the quarry recommencing operations in December 2021.</p> <p>The air quality management plan adheres to all the requirements of this condition.</p>	Compliant
5	<i>Deleted</i>			
6	<i>Deleted</i>			
7	<i>Deleted</i>			
8	<i>Deleted</i>			
<b>Soil and Land Management</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
9	The Applicant <b>must</b> immediately utilise or stockpile, for use in the rehabilitation of the site, any topsoil removed during the development. Topsoil <b>must</b> not be mixed with other overburden products. The topsoil stockpile(s) <b>must</b> be protected from erosion. The topsoil stockpile(s) <b>must</b> be sown with appropriate vegetation to stabilise the soil if they are to be stored for longer than 6 weeks. The topsoil stockpile(s) <b>must</b> have a maximum height of 1.5 metres.	Site Inspection and interview 18 December 2024 See photos in Appendix F of this audit report	Topsoil management complied with requirements, with all removed topsoil either utilised or properly stockpiled for rehabilitation. No mixing with overburden occurred, erosion controls were in place, vegetation was sown for stabilisation when stored beyond six weeks, and stockpile height remained within the 1.5-metre limit.	Compliant
10	The Applicant <b>must</b> minimise the removal of trees and other vegetation from the <b>development</b> site, and restrict any clearance to the areas occupied by quarrying activities, noise attenuation bund, access roads and ancillary facilities.	Site Inspection and interview 18 December 2024 See photos in Appendix F of this audit report	Not triggered, no trees were removed during the audit period between December 2021 and 18 December 2024	Not Triggered
11	The Applicant <b>must</b> regularly consult with adjoining property owners to ensure property management issues including maintenance of common fences, weed control measures, and bushfire management are coordinated. Details of this consultation are to be reported in the <b>Annual Review</b> .	Site Inspection and interview 18 December 2024  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022  DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023  DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024	As verified onsite and from interviews:  No formal consultation undertaken during the operation years 2022 to 2024 since there were no issues raised by neighbours. Fences are all in good condition and no issues with weeds, noise and dust have been raised.  However, section of consultation were still reported in the Annual Review.	Compliant
<b>NOISE</b>				
<b>Operational Noise Criteria</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status														
12	<p>Except for the carrying out of construction works, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 5 at any residence<sup>a</sup> on privately-owned land.</p> <p><i>Table 5: Operational noise criteria dB(A) L<sub>Aeq</sub>(15 min)</i></p> <table><tr><th>Residences</th><th>Day Criteria</th></tr><tr><td>R3</td><td>53</td></tr><tr><td>R6</td><td>52</td></tr><tr><td>R4</td><td>46</td></tr><tr><td>R5</td><td>45</td></tr><tr><td>R2</td><td>43</td></tr><tr><td>R1, R7, R8</td><td>41</td></tr></table> <p><sup>a</sup> The Residences referred to in Table 5 are shown in Appendix 2.</p> <p>Noise generated by the development must be monitored and measured in accordance with the relevant procedures and modifications (including certain meteorological conditions) of the NPfI.</p> <p>The noise criterion in Table 5 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement</p>	Residences	Day Criteria	R3	53	R6	52	R4	46	R5	45	R2	43	R1, R7, R8	41	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>EMM was engaged by CPG to conduct a bi-annual noise survey of operations at the site. The survey purpose was to quantify the acoustic environment and compare site noise levels against specified EPL limits.</p> <p>Noise levels from site complied with relevant limits at all monitoring locations from 2022 to 2024 survey.</p>	Compliant
Residences	Day Criteria																	
R3	53																	
R6	52																	
R4	46																	
R5	45																	
R2	43																	
R1, R7, R8	41																	

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status						
12A	<p>Upon receiving a written request from the owner of any land listed in Table 5A, the Applicant must implement additional noise mitigation measures at the residence in consultation with the landowner.</p> <p>These measures must be reasonable and feasible, consistent with the measures outlined in the <i>Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments</i> (2018), proportionate to the level of predicted impacts and directed towards reducing the noise impacts from the development.</p> <p><i>Table 5A: Land subject to additional mitigation upon request</i></p> <table><tr><th>Mitigation basis</th><th>Land</th></tr><tr><td>Noise</td><td>R3 – 285 Adams Road, Luddenh</td></tr><tr><td>Noise</td><td>R6 – 225 Adams Road, Luddenh</td></tr></table>	Mitigation basis	Land	Noise	R3 – 285 Adams Road, Luddenh	Noise	R6 – 225 Adams Road, Luddenh	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	No written request from the owner of any land listed in the Table 5A.	Not Triggered
Mitigation basis	Land									
Noise	R3 – 285 Adams Road, Luddenh									
Noise	R6 – 225 Adams Road, Luddenh									
12B	<p>If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution</p>	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	No written request from the owner of any land listed in the Table 5A.	Not Triggered						
Noise Operating Conditions										

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
13	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable steps to minimise noise from construction, traffic and operational activities, including low frequency noise and other audible characteristics, associated with the development;</li> <li>(b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;</li> <li>(c) operate a noise management system to guide the day to day planning of quarrying operations;</li> <li>(d) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);</li> <li>(e) carry out regular noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and</li> <li>(f) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	No noise issues were raised within the audit period. The Applicant complied with the requirements of this condition.	Compliant
Noise Management Plan				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
14	<p>Prior to recommending quarrying operations under Modification 5, the Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s;</li> <li>(b) be prepared in consultation with the EPA;</li> <li>(c) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> <li>(i) compliance with the noise criteria and operating conditions in this consent;</li> <li>(ii) best practice management is being employed;</li> <li>(iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);</li> </ul> </li> <li>(d) describe the noise management system in detail; and</li> <li>(e) include a monitoring program that; <ul style="list-style-type: none"> <li>(i) is capable of evaluating the performance of the development; (ii) monitors noise at the nearest and/or most affected residences;</li> <li>(ii) adequately supports the noise management system;</li> <li>(iii) includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and</li> <li>(iv) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.</li> </ul> </li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Noise Management Plan (J190749 R48 v4 Final), September 2021</p> <p>Letter of Approval by the Department dated 30/09/2021, DA315-7-2003-PA-7</p>	<p>Prior to recommending quarrying operations under Modification 5, the Applicant prepared a Noise Management Plan for the development to the satisfaction of the Planning Secretary, which was approved on 20 September 2021.</p> <p>The noise management plan adhered to the requirements of this condition.</p>	Compliant
15	<i>Deleted</i>			
<b>Construction of the Noise Attenuation Bund</b> <i>Note: The noise attenuation bund also functions as visual screen of the operations associated with the extraction of the clay/shale resource.</i>				

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
16	The Applicant <b>must</b> minimise noise levels during the construction of the noise attenuation bund by the implementation of best available techniques economically achievable.	Site Inspection and interview 18 December 2024	A noise attenuation bund was built before Mulgoa Quarries operations by the previous operator. This was not triggered during this audit period.	Not Triggered
17	The Applicant <b>must</b> complete the construction of the noise attenuation bund in the minimum time, not to exceed 6 weeks from the commencement of its construction, unless otherwise approved by the <b>Planning Secretary</b> .	Site Inspection and interview 18 December 2024	A noise attenuation bund was built before Mulgoa Quarries operations by the previous operator. This was not triggered during this audit period.	Not Triggered
18	The Applicant <b>must</b> prepare a noise assessment of the construction of the noise attenuation bund within 3 weeks of the commencement of construction of the bund. The assessment <b>must</b> be carried out by a suitably qualified and experienced acoustical consultant, approved by the <b>Planning Secretary</b> , and submitted to the <b>EPA</b> and the Department.	Site Inspection and interview 18 December 2024	A noise attenuation bund was built before Mulgoa Quarries operations by the previous operator. This was not triggered during this audit period.	Not Triggered
19	<b>The Applicant must not remove the northern noise bund unless the Applicant has demonstrated that a suitable alternative has been approved and that the alternative will achieve compliance with the consent noise criteria in this consent, to the satisfaction of the Planning Secretary.</b>	Site Inspection and interview 18 December 2024	The noise bund was not removed during the quarry operations from 2021 to 2024.	Compliant
<b>METEOROLOGICAL MONITORING</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
20	<p>Prior to recommencing quarrying operations under Modification 5, the Applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:</p> <p>(a) complies with the requirements in the <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales</i> (DEC, 2007); and</p> <p>(b) is capable of measuring meteorological conditions in accordance with the NPfI,</p> <p>unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Noise Management Plan (J190749 R48 v4 Final), September 2021</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>There are two existing automatic weather stations (AWS) in close proximity to the site, both of which can be used to characterise and describe the prevailing meteorology of the local area, as follows:</p> <ul style="list-style-type: none"> <li>• Bureau of Meteorology (BoM) AWS at Badgerys Creek is located approximately 2.4 km south of the site; and</li> <li>• Department of Planning, Industry and Environment (DPIE) Air Quality Monitoring Station (AQMS) at Bringelly is located approximately 6 km south-east of the site.</li> </ul> <p>Assessment of the meteorological conditions during the noise surveys were made using the following parameters from a site operated or nearby Bureau of Meteorology (Badgerys Creek) weather station as required.</p>	Compliant
<b>BLASTING</b>				
21	Blasting is not permitted on the site.	Site Inspection and interview 18 December 2024	Not triggered as there is no blasting activity in the quarry process.	Not Triggered
<b>SURFACE &amp; GROUND WATER</b>				
<p><i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development.</i></p>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>Water Supply</b>				
21A	The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.	Site Inspection and interview 18 December 2024	The Applicant ensured that it has sufficient water during the quarry operations and surface water was collected in the pond and used for dust suppression.	Compliant
21B	The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under any water licence	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>Water Review Report J190749_RP71 dated 28/09/2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023 - Appendix D Surface Water and Groundwater Annual Review Luddenham Quarry Water review (September 2022 - August 2023)</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024 Appendix D Surface Water and Groundwater Annual Review</p>	The water management system for Luddenham Quarry was modelled 2021 to 2024. The estimated values for each of the inputs and outputs of the water management system for the annual review period are provided in the report under Water Balance Results.	Compliant
<b>Pollution of Waters</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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22	Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> during the carrying out of the development.	Site Inspection and interview 18 December 2024	The Applicant complied with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the quarry operations. There were no water discharge or pollution to waters reported.	Compliant
23	The Applicant must not discharge any water from the development to Oaky Creek, except as otherwise approved under an EPL, and following approval of a Discharge Characterisation and Water Pollution Impact Assessment in accordance with condition 25 below.	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>Water Review Report J190749_RP71 dated 28/09/2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023 - Appendix D Surface Water and Groundwater Annual Review Luddenham Quarry Water review (September 2022 - August 2023)</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024 Appendix D Surface Water and Groundwater Annual Review</p>	There were no reported discharges of any water offsite or to Oaky Creek.	Compliant
Soil and Water Management Plan				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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24	<p>Prior to recommencing quarrying operations under Modification 5, the Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with EPA and DPIE Water; and</p> <p>(c) include a:</p> <p>(i) <b>Site Water Balance</b> that includes details of:</p> <ol style="list-style-type: none"> <li>predicted annual inflows to and outflows from the site;</li> <li>sources and security of water supply for the life of the development (including authorised entitlements and licences);</li> <li>water storage capacity;</li> <li>water use and management on the site, including any water transfers or sharing with neighbouring land users;</li> <li>licensed discharges points and limits; and</li> <li>reporting procedures, including the annual preparation of an updated site water balance;</li> </ol> <p>(ii) <b>Erosion and Sediment Control Plan</b> that:</p> <ol style="list-style-type: none"> <li>Is consistent with the requirements of Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008);</li> <li>identifies activities that could cause soil erosion, generate sediment or affect flooding;</li> <li>describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;</li> <li>describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and</li> </ol>	<p>Site Inspection and interview 18 December 2024</p> <p>Letter of approval of the Soil and Water Management Plan by the Planning Secretary dated 25 October 2021</p> <p>Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) October 2021</p> <ul style="list-style-type: none"> <li>Section 3.6 – site water balance,</li> <li>Figure 3.2 Water management system schematic,</li> <li>Table 3.6 Summary of annual water balance results</li> </ul> <p>NOTICE OF VARIATION OF LICENCE NO. 21562 dated Aug 2023.</p> <ul style="list-style-type: none"> <li>Trial discharge from quarry void to Oak Creek</li> <li>Under conditional approval DPE for 8 months</li> </ul> <p>Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) October 2021</p> <ul style="list-style-type: none"> <li>Tables 3.3, 3.4, &amp; 3.5</li> </ul>	<p>Prior to recommencement of quarry operation the Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) was developed in October 2021 and approved by the Planning Secretary on 25 October 2021. The SWMP adhered to the condition requirements:</p> <ul style="list-style-type: none"> <li>Section 3.6 – site water balance,</li> <li>Figure 3.2 Water management system schematic,</li> <li>Table 3.6 Summary of annual water balance results</li> <li>Tables 3.3-3.5 for erosion and sediment control plan</li> <li>Section 5 – Baseline data</li> <li>Section 6 – Action Plan</li> <li>Section 3 – Water management</li> </ul>	Compliant
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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	<p>e. describes what measures would be implemented to maintain (and if necessary decommission) the structures over time.</p> <p>(iii) <b>Surface Water Management Plan</b>, that includes</p> <ol style="list-style-type: none"> <li>detailed baseline data on surface water flows and quality in water bodies within the site and in Oaky Creek;</li> <li>surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;</li> <li>a detailed description of the surface water management system on the site, including the: <ul style="list-style-type: none"> <li>clean water diversion system;</li> <li>erosion and sediment controls;</li> <li>dirty water management system;</li> <li>water storages; and</li> <li>measures to minimise the need for surface water discharges to Oaky Creek;</li> </ul> </li> <li>a program to monitor and evaluate: <ul style="list-style-type: none"> <li>any approved surface water discharges;</li> <li>the effectiveness of the water management system;</li> <li>impacts on water supply for other water users; and</li> <li>surface water flows and quality in watercourses and/or waterbodies that could potentially be impacted by the development; an</li> </ul> </li> <li>a protocol for identifying and investigating any exceedances of the surface water impact assessment criteria and for notifying the Department a relevant stakeholders of these events; and</li> </ol> <p>(iv) <b>Groundwater Management Plan</b> that includes:</p> <ol style="list-style-type: none"> <li>detailed baseline data on groundwater levels and quality across the site;</li> <li>a program to monitor and report on:</li> </ol>	<p>Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) October 2021</p> <ul style="list-style-type: none"> <li>Section 5 – Baseline data</li> <li>Section 6 – Action Plan</li> <li>Section 3 – Water management</li> </ul> <p>Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) October 2021</p> <ul style="list-style-type: none"> <li>Section 5 – Baseline data</li> <li>Section 6 – Action Plan</li> <li>Section 3 – Water management</li> </ul>		
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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	<ul style="list-style-type: none"> <li>groundwater levels and quality across the site and identify any unauthorised groundwater interference; and</li> <li>impacts of the development on alluvium and associated surface water sources and groundwater dependent ecosystems;</li> <li>a protocol for identifying and investigating any exceedances of the groundwater performance criteria and for notifying the Department and relevant stakeholders of these events; and</li> <li>a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the extraction areas</li> </ul>			
<b>Discharge Characterisation and Water Pollution Impact Assessment</b>				
25	<p>Prior to any discharges from the quarry water management system to Oak Creek, the Applicant must prepare a Discharge Characterisation and Water Pollution Impact Assessment for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with EPA and DPIE Water; and</p> <p>(c) include:</p> <ul style="list-style-type: none"> <li>(i) measures to avoid the need for discharges as far as reasonable and feasible;</li> <li>(ii) analysis of the frequency and volume of discharges during a range of weather conditions;</li> <li>(iii) characterisation of the expected quality of proposed discharges;</li> <li>(iv) assessment of the impacts of discharges to receiving waters; and</li> <li>(v) measures to minimise pollution and potential impacts on receiving waters</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Discharge Characterisation and Water Pollution Impact Assessment (20220601KLF_DCWPIA V5 Final), April 2023 4Pillars</p> <p>Letter of approval by the Planning Secretary dated 25 May 2023</p>	<p>Although the EPA and the Planning Secretary approved the I approve the Discharge Characterisation and Water Pollution Impact Assessment.</p> <p>No water discharge was conducted onsite; the sediment basin size is enough to collect and use for dust suppression.</p>	Compliant
<b>Irrigation Management Plan</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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26	<p>Prior to the use of water from the quarry water management system for irrigation purposes, the Applicant must prepare an Irrigation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) identify the specific areas of land to be irrigated;</li> <li>(b) include baseline data on soil and water quality in the irrigation areas;</li> <li>(c) determine sustainable water application rates and management requirements;</li> <li>(d) describe measures to prevent any tailwater drainage from entering Oaky Creek;</li> <li>(e) describe measures to ensure that soils subject to irrigation are not adversely affected by the concentration of salts; and</li> <li>(f) include a monitoring program for the irrigation management system.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Soil and Water Management Plan, (J190749 RP49 v3 Final) October 2021</p> <ul style="list-style-type: none"> <li>• Section 3.8 - Irrigation</li> </ul>	Not triggered no water was used from the Quarry	Not Triggered
27	<i>Deleted</i>			
28	<i>Deleted</i>			
29	<i>Deleted</i>			
<b>WASTE MANAGEMENT</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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30	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) not cause, permit, or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by an EPL and/or a separate development consent;</li> <li>(b) manage onsite sewage to the satisfaction of Council;</li> <li>(c) minimise the waste generated by the development;</li> <li>(d) ensure that the waste generated by the development is appropriately stored, handled, and disposed of, and</li> <li>(e) report on waste minimisation and management in the Annual Review.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p> <p>Section 3-Waste Management.</p>	<p>According to the annual reports, there is no significant waste generation. Only staff domestic waste, i.e., kitchen and paper scraps, goes to the council's waste bins.</p>	Compliant
31	<i>Deleted</i>			
<b>REHABILITATION &amp; BIODIVERSITY</b>				
33	<p>Prior to the carrying out of any development on the site, the Applicant <b>must</b> prepare a Site Rehabilitation Plan in accordance with the rehabilitation guidelines in the document titled "Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2) – Planning Report", to the satisfaction of the <b>Planning Secretary</b>. The Site Rehabilitation Plan <b>must</b> include a <b>Biodiversity Management Plan</b></p>	<p>Site Inspection and interview 18 December 2024</p> <p>Site Rehabilitation Management Plan for Luddenham Clay / Shale Mine, MLA 592 (Act 1992) October 2021</p> <p>Letter of Approval from the Planning Secretary dated 18 October 2021 (DA315-7-2003-PA-8)</p>	<p>Prior to the carrying out of quarry operations, the Applicant prepared a Site Rehabilitation Plan in accordance with the rehabilitation guidelines in the document titled "Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2) – Planning Report", to the satisfaction of the Planning Secretary that was approved on 8 October 2021.</p> <p>The Site Rehabilitation Plan included a Biodiversity Management Plan attached as Appendix E.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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34	<p>The <b>Biodiversity</b> Management Plan <b>must</b> include:</p> <ul style="list-style-type: none"> <li>(a) revegetation of the riparian zone of Oak Creek;</li> <li>(b) protection, establishment and maintenance of the riparian zone;</li> <li>(c) protection of remnant native vegetation;</li> <li>(d) restoration of any areas within the riparian zone disturbed by the development;</li> <li>(e) a program to vegetate the noise attenuation bund;</li> <li>(f) <b>a protocol for monitoring and relocating native fauna encountered during the recommissioning and dewatering of the quarry and storages;</b></li> <li>(g) <b>a protocol for pre-clearance surveys for vegetation clearing activities;</b></li> <li>(h) <b>salvage of resources during vegetation clearing activities for use in rehabilitation activities; and</b></li> <li>(i) <b>measures for minimising the attraction of wildlife, in consultation with DITRDC and WSA</b></li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Site Rehabilitation Management Plan for Luddenham Clay / Shale Mine, MLA 592 (Act 1992) October 2021 Appendix E Biodiversity Management Plan</p>	<p>The Biodiversity Management Plan adhered to this condition.</p> <ul style="list-style-type: none"> <li>a) Section 4.1</li> <li>b) Section 4.1</li> <li>c) Sections 4.1 and 0</li> <li>d) Section 4.1</li> <li>e) Section 4.3</li> <li>f) Section 4.4</li> <li>g) Section 4.5</li> <li>h) Section 4.5</li> <li>i) Section 4.6</li> </ul>	Compliant
35	Deleted			
36	<p>Prior to 5 years of the estimated completion of extractive activities at the site, the Applicant <b>must</b> submit a <b>Final Land Use Plan</b> to the Department identifying the final land use of the site and method of treatment for the final void.</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Final Land Use Plan, October 2021</p> <p>Letter of Approval from Planning Secretary dated 09 November 2021 DA315-7-2003-PA-5</p>	<p>Prior to 5 years of the estimated completion of extractive activities at the site, the Applicant submitted a Final Land Use Plan to the Department identifying the final land use of the site and method of treatment for the final void.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
36A	<p>Prior to recommending quarrying operations approved under Modification 5, or other timeframe agreed by the Planning Secretary, the Applicant must review and update the Site Rehabilitation Plan, Biodiversity Management Plan, and Final Land Use Plan in consultation with EPA, DITRDC and WSA, and to the satisfaction of the Planning Secretary. The updated plans must:</p> <p>(a) be consistent with any related approvals that provide for filling the final void, while also providing contingency rehabilitation activities in the event that such approvals are not obtained; and</p> <p>(b) include measures to minimise the short, medium and long term risks to the construction and operation of the Western Sydney Airport and other surrounding land users.</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Final Land Use Plan, October 2021 V9</p> <p>Letter of Approval from Planning Secretary dated 09 November 2021 DA315-7-2003-PA-5</p>	<p>The Final Land Use Plan was prepared in consultation with:</p> <ul style="list-style-type: none"> <li>• Environment Protection Authority (EPA);</li> <li>• Commonwealth Department of Infrastructure, Transport, Regional Development and Communities (DITRDC); and</li> <li>• Western Sydney Airport Authority (WSA).</li> </ul> <p>a) The filling of the void is not currently approved. Accordingly, the Final Land Use Report has been prepared on the basis that the void will remain unfilled—see Section 2.1. As noted in Section 2.4, detailed contingency rehabilitation activities were provided in the Site Rehabilitation Plan (VGT 2021).</p> <p>b) See Section 2.3 and Section 4.1 of the Site Rehabilitation Plan (VGT 2021).</p>	Compliant
<b>Rehabilitation Bond</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
37	<p>Prior to commencement of operations on Lot 3, DP 623799, the Applicant <b>must</b> provide a Rehabilitation Bond in the sum of \$166,750 in the form of an insurance bond or bank guarantee acceptable to the <b>Planning Secretary</b> from any bank licensed pursuant to the <i>Banking Act 1959 (Cth)</i>. The Rehabilitation Bond <b>must</b> be made in favour of the Minister administering the <i>Environmental Planning &amp; Assessment Act 1979</i> to ensure completion of the rehabilitation and landscaping works at the site. The sum of the Rehabilitation Bond is calculated based on \$2.50 per square metre for a maximum exposed area of 6.67 hectares (ha).</p> <p>The Department <b>may</b> review the adequacy of Rehabilitation Bond to provide for the completion of rehabilitation and landscaping works on the site at intervals of not less than three years. The Applicant <b>must</b> ensure that the Rehabilitation Bond is in accordance with the sum determined by the review.</p> <p>Notes:</p> <p>(a) <i>The <b>Planning Secretary</b> may at any time, and without notice to the Applicant, demand all or part of the monies available under the Rehabilitation Bond if, in the <b>Planning Secretary's</b> opinion, the Applicant has failed to make satisfactory progress on the rehabilitation and landscaping of the site.</i></p> <p>(b) <i>The Secretary <b>may</b> apply the monies to ensure that the actions specified in the documents listed in condition 2 of Schedule 3 and/or any approved Site Rehabilitation Plan are achieved.</i></p> <p>(c) <i>The Rehabilitation Bond will be released when the Applicant submits documentation prepared by a qualified rehabilitation consultant certifying that the final rehabilitation has been completed in accordance with the conditions of this consent and/or any approved Site Rehabilitation Plan, to the satisfaction of the <b>Planning Secretary</b></i></p>	<p>Site Inspection and interview 18 December 2024</p> <p>FWP0001507 Luddenham Clay Mine Forward Program (Monday 14 October 2024 to Wednesday 13 October 2027), p.21, Site Registration – Current Security.</p>	<p>As per the review of the Luddenham Quarry Mine Forward Program (14 October 2024 to 13 October 2027), p.21, Site Registration:</p> <ul style="list-style-type: none"> <li>a Rehabilitation Bond was provided amounting to \$468,000 for the registered site for rehabilitation under ML1816.</li> <li>the Department reviewed the adequacy of Rehabilitation Bond on 30/11/2023.</li> </ul>	Compliant
VISUAL AMENITY				

38	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable and feasible steps to minimise the visual and offsite lighting impacts of the development, including impacts on the Western Sydney Airport;</li> <li>(b) take all reasonable steps to shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences;</li> <li>(c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;</li> <li>(d) ensure that all external lighting associated with the development complies with relevant Australian Standards including <i>Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting</i>;</li> <li>(e) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.</li> </ul>	Site Inspection and interview 18 December 2024	<p>The Applicant has complied with the visual impact and lighting requirements as follows:</p> <ul style="list-style-type: none"> <li>(a) All reasonable and feasible measures were implemented to minimise visual impacts, ensuring no offsite lighting effects from quarry operations, including impacts on Western Sydney Airport.</li> <li>(b) Quarrying operations and associated equipment were effectively shielded from public roads and private residences, reducing visual disturbances.</li> <li>(c) No fixed outdoor lights were directed above the horizontal, the building line, or any illuminated structure, preventing unnecessary light spill.</li> <li>(d) All external lighting associated with the development complied with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, ensuring appropriate illumination control.</li> <li>(e) The visual appearance of facilities was designed to blend harmoniously with the surrounding landscape,</li> </ul>	Compliant
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
			including appropriate paint colors and specifications.	
39	<i>Deleted</i>			
<b>TRAFFIC &amp; TRANSPORT</b>				
<b>Access and Heavy Vehicle Limits</b>				
40	<p>Unless otherwise agreed by the Planning Secretary, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) restrict all heavy vehicle access to the site to a maximum truck length of 19 metres;</li> <li>(b) restrict all quarry-related traffic to left-in, right-out movements at the intersection of Elizabeth Drive and Adams Road; and</li> <li>(c) not use the portion of Adams Road south of the site access road for any quarry-related heavy vehicle traffic.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Road transport protocol (J190749 RP45 v2), August 2021, pp9-10. Traffic Management Plan:</p> <ul style="list-style-type: none"> <li>• section 4.1</li> <li>• section 4.2</li> </ul>	<p>The Applicant has complied with the heavy vehicle access and traffic management requirements as follows:</p> <p>(a) All heavy vehicle access to the site was restricted to a maximum truck length of 19 metres, ensuring adherence to size limitations.</p> <p>(b) Quarry-related traffic movements were strictly limited to left-in, right-out at the intersection of Elizabeth Drive and Adams Road, in accordance with traffic management requirements.</p> <p>(c) The portion of Adams Road south of the site access road was not used for any quarry-related heavy vehicle traffic, ensuring compliance with route restrictions.</p>	Compliant

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
41	<p>Prior to recommending quarrying operations approved under Modification 5, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) upgrade (seal) the portion of Adams Road between Elizabeth Drive to approximately 40 metres south of the site access road, and obtain approval to lift the load limit on that section of the road, to the satisfaction of Council;</li> <li>(b) prepare and implement a signage and linemarking plan for the Elizabeth Drive/Adams Road intersection to restrict and manage truck access, to the satisfaction of TfNSW; and</li> <li>(c) upgrade (seal) the internal site access road between Adams Road and the proposed weighbridge.</li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Road transport protocol (J190749 RP45 v2), August 2021, pp9-10. Traffic Management Plan:</p> <ul style="list-style-type: none"> <li>• section 4.1.3</li> <li>• section 4.1</li> <li>• section 4.2</li> </ul>	<p>The Applicant has complied with the pre-operational requirements under Modification 5 as follows:</p> <p>(a) The portion of Adams Road between Elizabeth Drive and approximately 40 metres south of the site access road was upgraded and sealed, and approval was obtained to lift the load limit on that section, in accordance with Council requirements.</p> <p>(b) A signage and line marking plan for the Elizabeth Drive/Adams Road intersection was prepared and implemented to effectively restrict and manage truck access, meeting the satisfaction of Transport for NSW (TfNSW).</p> <p>(c) The internal site access road between Adams Road and the proposed weighbridge was upgraded and sealed, ensuring safe and efficient vehicle movement within the site.</p>	Compliant
Road Transport Protocol				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

42	<p>Prior to recommencing quarrying operations approved under Modification 5, the Applicant <b>must</b> develop a Road Transport Protocol, in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This protocol <b>must</b>:</p> <p>(a) specify the haulage route(s) to be used, the maximum number of road movements and the haulage hours;</p> <p>(b) include a Traffic Management Plan which addresses:</p> <ul style="list-style-type: none"> <li>procedures to ensure that drivers adhere to the designated haulage route(s) as required under this Protocol;</li> <li>measures to achieve a low-frequency, regular trucking schedule rather than a high-frequency, campaign trucking schedule;</li> <li>contingency plans where, for example, any designated transport route is disrupted. This <b>must</b> also address procedures for notifying relevant agencies and affected communities by the implementation of any such contingency plan;</li> <li>procedures to ensure that all haulage vehicles associated with the quarry are clearly distinguishable as <b>being related to the development</b>;</li> <li>procedures for monitoring of product transport, including keeping of accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publishing a summary of these records in the Annual Review;</li> <li>procedures for covering of all loads and ensuring that trucks do not track material onto public roads;</li> <li>details for procedures for receiving and addressing complaints from the community concerning traffic issues associated with haulage from the quarry or return of unladen trucks to the quarry; and</li> <li>measures to ensure the provisions of the traffic management plan are implemented, for example, education of drivers and any contractual agreements with operators of heavy vehicles which serve the quarry.</li> </ul> <p>(c) include a Code of Conduct for drivers which addresses:</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Road transport protocol (J190749 RP45 v2), August 2021, pp9-10. Traffic Management Plan:</p> <ul style="list-style-type: none"> <li><b>Section 4.2.4 Monitoring and reporting</b></li> </ul> <p>Letter of Approval from Planning Secretary dated 24 September 2021 (DA315-7-2003-PA-4)</p> <p>SiteMate records for drivers code of conduct training.</p>	<p>Prior to recommencing quarrying operations approved under Modification 5, the Applicant developed a Road Transport Protocol, in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary. This protocol adhered to this condition requirements.</p>	Compliant
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
	<ul style="list-style-type: none"> <li>travelling speeds;</li> <li>staggering of truck departures to ensure a regular trucking schedule throughout the day;</li> <li>instructions to drivers not to overtake each other on the haulage route(s), as far as practicable, and to maintain appropriate distances between vehicles;</li> <li>instructions to drivers to adhere to the designated haulage route(s);</li> <li>instructions to drivers to be especially safety conscious and to ensure that traffic regulations are obeyed strictly;</li> <li>driver training in the Code to ensure that all drivers are made aware and adhere to the Code; and</li> <li>procedures for ensuring compliance with and enforcement of the Code.</li> </ul>			
<b>DA</b>				
<b>DANGEROUS GOODS</b>				
43	<p>The Applicant must ensure that:</p> <p>(a) 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; and</p> <p>(b) the storage, handling, and transport of all dangerous goods are undertaken in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code</p>	Site Inspection and interview 18 December 2024	<p>Onsite verification revealed that the generator was bunded, while non-hazardous chemicals (silica in buckets) were staged near the office on a secured pallet.</p> <p>There are no dangerous goods stored onsite.</p>	Compliant
<b>BUSHFIRE MANAGEMENT</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
44	<p>The Applicant must:</p> <p>(a) ensure that the development provides:</p> <p>(i) asset protection in accordance with the relevant requirements in the <i>Planning for Bushfire Protection</i> (RFS, 2019) guideline; and</p> <p>(ii) is suitably equipped to respond to any fires on the site; and</p> <p>(b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Pollution Incident Response Management Plan Luddenham Operations Pty Ltd Luddenham Quarry 275 Adams Road, Luddenham NSW 2745 date 02 November 2021</p>	<p>The Applicant has complied with bushfire protection and emergency response requirements as follows:</p> <p>(a) The quarry operations:</p> <p>(i) Provide asset protection in accordance with the Planning for Bushfire Protection (RFS, 2019) guidelines, ensuring compliance with relevant bushfire safety measures.</p> <p>(ii) Suitably equipped to respond to any fires on-site, with appropriate firefighting equipment and emergency response procedures in place.</p> <p>(b) The Applicant has demonstrated a commitment to assisting the RFS and emergency services, to the extent practicable, in the event of a fire in the vicinity of the site.</p>	Compliant
<b>SCHEDULE 5 – ADDITIONAL PROCEDURES</b>				
<b>NOTIFICATION OF LANDOWNERS/TENANTS</b>				
1	<p>Within one month of the approval of Modification 5, the Applicant must notify in writing the owners of the residences on the land listed in Table 5A of Schedule 4 that they are entitled to ask the Applicant to install additional mitigation measures at their residence</p>	<p>Site Inspection and interview 18 December 2024</p>	<p>No additional mitigation measures have been installed on the land of neighbouring residences.</p>	Not Triggered

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
2	<p>Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended air quality criteria, the Applicant must:</p> <p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and</p> <p>(b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.</p>	Site Inspection and interview 18 December 2024	Not triggered. There was no tenancy agreement within the quarry operation period from 2021 to 2024.	Not Triggered
<b>NOTIFICATION OF EXCEEDANCES</b>				
3	As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in Schedule 4 of this consent, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants	Site Inspection and interview 18 December 2024	It was not triggered. During the quarry operation period from 2021 to 2024, there were no exceedances in noise or air quality that affected the nearby residences.	Not Triggered
4	For any exceedance of the air quality criteria in Schedule 4 of this consent, the Applicant must also provide to any affected landowners and/or tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).	Site Inspection and interview 18 December 2024	It was not triggered. During the quarry operation period from 2021 to 2024, there were no air quality exceedances that affected the nearby residences.	Not Triggered
<b>INDEPENDENT REVIEW</b>				
5	If a landowner considers the development to be exceeding any relevant noise or air quality criterion in Schedule 4 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.	Site Inspection and interview 18 December 2024	It was not triggered. During the quarry operation period from 2021 to 2024, there were no air quality exceedances that affected the nearby residences.	Not Triggered
6	If the Planning Secretary is not satisfied that an independent review is warranted, the Planning 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.	Site Inspection and interview 18 December 2024	It was not triggered. During the quarry operation period from 2021 to 2024, there were no air quality exceedances that affected the nearby residences.	Not Triggered

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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7	<p>If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:</p> <p>(i) consult with the landowner to determine their concerns;</p> <p>(ii) conduct monitoring to determine whether the development is complying with the relevant criterion in Schedule 4 of this consent; and</p> <p>(iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion;</p> <p>(b) provide the Planning Secretary and landowner a copy of the independent review; and</p> <p>(c) comply with any written requests made by the Planning Secretary to implement any findings of the review.</p>	Site Inspection and interview 18 December 2024	It was not triggered. During the quarry operation period from 2021 to 2024, there were no air quality exceedances that affected the nearby residences.	Not Triggered
<b>SCHEDULE 6</b>				
<b>ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING &amp; REPORTING</b>				
<b>ENVIRONMENTAL MANAGEMENT</b>				
<b>Environmental Management Strategy</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



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1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul style="list-style-type: none"> <li>(a) provide the strategic framework for environmental management of the development;</li> <li>(b) identify the statutory approvals that apply to the development;</li> <li>(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>(d) set out the procedures to be implemented to: <ul style="list-style-type: none"> <li>(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>(ii) receive record, handle and respond to complaints;</li> <li>(iii) resolve any disputes that may arise during the course of the development;</li> <li>(iv) respond to any non-compliance and any incident;</li> <li>(v) respond to emergencies; and</li> </ul> </li> <li>(e) include: <ul style="list-style-type: none"> <li>(i) references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>(ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul> </li> </ul>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Environmental Management Strategy (J190749 RP51 v3 Final), September 2021</p> <p>Letter of Approval by Planning Secretary dated 27 September 2021 DA315-7-2003-PA-3</p>	<p>The Applicant prepared an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary.</p> <p>The strategy adheres to these conditions and requirements:</p> <ul style="list-style-type: none"> <li>a) Sections 1.2 and 1.3</li> <li>b) Section 3.2</li> <li>c) Sections 4.1 and 4.2</li> <li>d) <ul style="list-style-type: none"> <li>i) Section 6.1</li> <li>ii) Section 6.4</li> <li>iii) Section 6.6</li> <li>iv) Sections 4.4 and 4.5</li> <li>v) Section 5.2</li> </ul> </li> <li>e) <ul style="list-style-type: none"> <li>i) Sections 1.3 and 5.1</li> <li>ii) Appendix B</li> </ul> </li> </ul>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

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2	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	<p>Site Inspection and interview 18 December 2024</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>The Applicant implemented the Environmental Management Strategy as approved by the Planning Secretary.</p> <p>No non-compliance was noted in the annual reports, and all the monitoring requirements were conducted and reported accordingly.</p>	Compliant
<b>Adaptive Management</b>				
3	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement reasonable remediation measures as directed by the Planning Secretary.</p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Environmental Management Strategy (J190749 RP51 v3 Final), September 2021</p> <ul style="list-style-type: none"> <li>Section 4.2.1 Environmental Risk Assessment</li> </ul> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5 August Monitoring Period, J190749 RP01, September 2022</p> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, J190749 RP77, September 2023</p> <p>DA 315-7-2003 (MOD 5) Annual Review, Schedule 6 Condition 5 (E231131 RP5 V2), September 2024</p>	<p>The Applicant has assessed and managed quarry operations-related risks to ensure no exceedances of the criteria and performance measures outlined in the consent. No breaches of consent have been identified, and the development remains compliant with the Environmental Planning and Assessment (EP&amp;A) Act and Regulation.</p> <p>The Applicant proactively managed risks and maintained regulatory compliance, demonstrating adherence to performance standards and environmental obligations.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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	Management Plan Requirements			

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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4	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>(a) a summary of relevant background or baseline data;</p> <p>(b) details of:</p> <ul style="list-style-type: none"> <li>(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>(ii) any relevant limits or performance measures and criteria; and</li> <li>(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</li> </ul> <p>(c) any relevant commitments or recommendations identified in the document/s listed in condition 2 of Schedule 3;</p> <p>(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>(e) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>(i) impacts and environmental performance of the development; and</li> <li>(ii) effectiveness of the management measures set out pursuant to sub-condition (d) above;</li> </ul> <p>(f) 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>(g) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(h) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>(i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;</li> <li>(ii) complaint; or</li> <li>(iii) failure to comply with statutory requirements;</li> </ul> <p>(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and</p> <p>(j) a protocol for periodic review of the plan.</p> <p><i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans</i></p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Quarry Environmental Management Strategy Prepared for Luddenham Operations Pty Ltd September 2021</p> <p>Luddenham Quarry Road Transport Protocol Prepared for Luddenham Operations Pty Ltd August 2021</p> <p>Luddenham Quarry Air quality management plan Prepared for Luddenham Operations Pty Ltd September 2021</p> <p>Luddenham Quarry Noise management plan Prepared for Luddenham Operations Pty Ltd September 2021</p> <p>Luddenham Quarry soil and water management plan Prepared for Luddenham Operations Pty Ltd October 2021</p> <p>Luddenham Quarry Final Land Use plan Prepared for Luddenham Operations Pty Ltd October 2021</p> <p>Site Rehabilitation Management Plan for Luddenham Clay / Shale Mine, MLA 592 (Act 1992) October 2021</p>	<p>The Applicant has prepared and implemented management plans in accordance with relevant guidelines, ensuring compliance with statutory requirements. These plans include baseline data, performance criteria, monitoring programs, impact mitigation measures, and contingency strategies to manage unforeseen impacts.</p> <p>Key elements covered:</p> <ul style="list-style-type: none"> <li>• Compliance with statutory approvals, licences, and performance indicators</li> <li>• Monitoring and reporting on environmental performance and management effectiveness</li> <li>• Incident management and reporting protocols for non-compliance or complaints</li> <li>• Public information access for transparency on environmental impacts</li> <li>• Periodic review mechanisms for continuous improvement</li> </ul> <p>The management plans were comprehensive, structured, and aligned with regulatory expectations, supporting effective environmental performance and compliance. The Planning Secretary approved the management plans.</p>	Compliant
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Red Type represents the 4 January 2006 Modification (MOD 1)

Blue Type represents the 28 January 2010 Modification (MOD 2)

Green Type represents the April 2015 Modification (MOD 3)

Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
	ANNUAL REVIEW			

Red Type represents the 4 January 2006 Modification (MOD 1)

Blue Type represents the 28 January 2010 Modification (MOD 2)

Green Type represents the April 2015 Modification (MOD 3)

Purple type represents the May 2021 Modification (MOD 5)

DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

5	<p>By the end of September 2016 and each year following, or other timing as may be agreed by the Planning Secretary, the Applicant must review 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 calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> <li>the relevant statutory requirements, limits or performance measures/criteria;</li> <li>the monitoring results of previous years; and</li> <li>the relevant predictions in the document/s listed in condition 2 of Schedule 3;</li> </ul> <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the 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 calendar year to improve the environmental performance of the development</p>	<p>Site Inspection and interview 18 December 2024</p> <ul style="list-style-type: none"> <li>Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024</li> </ul>	<p>The Applicant has conducted annual environmental performance reviews in accordance with consent conditions, ensuring compliance with statutory requirements and the satisfaction of the Planning Secretary.</p> <p>The Annual Review Reports included:</p> <ul style="list-style-type: none"> <li>Description of completed and planned development activities, including rehabilitation efforts.</li> <li>Comprehensive analysis of monitoring results and complaints records, comparing them against statutory limits, past performance, and predicted impacts.</li> <li>Identification of non-compliance and corrective actions taken or planned.</li> <li>Trend analysis of monitoring data to assess long-term environmental performance.</li> <li>Evaluation of discrepancies between predicted and actual impacts, with an analysis of causes.</li> <li>Implementation of improvement measures for enhanced environmental performance in the current year.</li> </ul>	Compliant
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
			The review process ensured regulatory compliance, proactive environmental management, and continuous development performance improvement.	
6	Copies of the Annual Review must be made available to Council and any interested person upon request.	Site Inspection and interview 18 December 2024  <a href="https://luddenhamquarry.com.au/">https://luddenhamquarry.com.au/</a>	All annual reviews were made available on the website and are readily accessible to the Council or any interested person.	Compliant
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>				
7	<p>Before 31 December 2010, and every 3 years thereafter, unless the 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"> <li>(a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Planning Secretary;</li> <li>(b) include consultation with the relevant agencies;</li> <li>(c) assess the environmental performance of the development, and whether it is complying with the relevant requirements in this consent and any relevant EPL (including any assessment, plan or program required under these approvals);</li> <li>(d) review the adequacy of any approved strategy, plan or program required under these approvals; and</li> <li>(e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals;</li> </ul> <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in rehabilitation and any other field specified by the Planning Secretary.</i></p>	<p>This Audit Report</p> <p>Site Inspection and interview 18 December 2024</p> <p>NSW Department of Planning, Housing &amp; Infrastructure dated 27/11/2024 Appointment of Annabelle Serrano Tungol as Lead Auditor Luddenham Shale Quarry – DA315-7-2003 (DA315-7-2003-PA-17)</p>	<p>This is the first audit and the only conducted audit within the 2021-2024. The audit was conducted on 18 December 2024 by Artea Green Ventures Pty Ltd.</p> <p>Mulgoa Quarry Pty Ltd (Operator) only recommenced the quarry operation in December 2021 and ceased operation son 31 December 2024.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL



CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
8	Within six weeks of the completion of this audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report.	<p>Site Inspection and interview 18 December 2024</p> <p>Letter or Request fro extension for submission of Audit Report dated 2 December 2024 by Coombes Property Group</p> <p>Letter of Approval by the Planning Secretary dated 9 December 2024</p>	The Applicant requested for the extension of submission of the Audit Report on 2 December 2024, and it was granted by the Planning Secretary on 9 December 2024, granting the submission to be on 21 February 2025.	Compliant
<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>				
9	<p>Within three months of:</p> <p>(a) the submission of an incident report under condition 12 below;</p> <p>(b) the submission of an Annual Review under condition 5 above;</p> <p>(c) the submission of an Independent Environmental Audit under condition 7 above; or</p> <p>(d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise);</p> <p>the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>	<p>Site Inspection and interview 18 December 2024</p>	<p>No incident.</p> <p>No non-compliances.</p> <p>This is the first audt.</p> <p>The quarry operations was conducted only within Modification 5.</p>	Not Triggered

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
10	<p>If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and submitted to the Planning Secretary for approval within six weeks of the review.</p> <p><i>Note: This is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the development</i></p>	<p>Site Inspection and interview 18 December 2024</p> <p>Luddenham Shale Quarry (DA315-7-2003) Air Quality Management Plan (revision 5, dated 4 June 2024).</p> <p>Letter of Approval by the Planning Secretary dated 12 July 2024 DA315-7-2003-PA-15</p>	<p>The Air Quality Management Plan was updated and submitted in accordance with condition 4, Schedule 4 of the consent for the Luddenham Shale Quarry (DA315-7-2003) in response to the Department's review comments and request for additional information.</p> <p>The Department has carefully reviewed the document and was satisfied that it met the requirements of the relevant conditions of consent. The Planning Secretary approved the Air Quality Management Plan (revision 5, dated 4 June 2024) on 12 July 2024.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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11	The Applicant must implement all strategies, plans and programs required under this content as approved by the Planning Secretary.	<p>Site Inspection and interview 18 December 2024</p> <ul style="list-style-type: none"> <li>Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024</li> </ul>	<p>The Applicant has fully implemented all required strategies, plans, and programs as approved by the Planning Secretary, ensuring compliance with statutory obligations and regulatory frameworks.</p> <p>This included:</p> <ul style="list-style-type: none"> <li>Environmental management plans that outline measures for impact mitigation, monitoring, and compliance with performance criteria.</li> <li>Operational strategies to minimise environmental risks, such as dust suppression, water management, and noise control.</li> <li>Monitoring and reporting programs to track the development's performance, identify any exceedances, and take corrective actions as necessary.</li> <li>Incident and non-compliance response protocols to address and report deviations from approval conditions in a timely manner.</li> <li>Rehabilitation and site management programs to ensure long-term sustainability and compliance with restoration commitments.</li> </ul>	Compliant
REPORTING AND AUDITING				

Red Type represents the 4 January 2006 Modification (MOD 1)  
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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>Incident Reporting</b>				
12	The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident	<p>Site Inspection and interview 18 December 2024</p> <ul style="list-style-type: none"> <li>Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024</li> </ul>	No incident reported during the quarry operations from 2021 to 2024.	Not Triggered
<b>Non-Compliance Notification</b>				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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13	<p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p><i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance</i></p>	<p>Site Inspection and interview on 18 December 2024</p> <p>EPA EPL 21562 Annual Returns</p> <p>30-Aug-2023 to 29-Aug-2024 submitted to EPA 15-Oct-2024</p> <p>30-Aug-2022 to 29-Aug-2023 submitted to EPA on 24-Oct-2023</p> <p>30-Aug-2021 to 29-Aug-2022 submitted to EPA on 13-Oct-2022</p> <p>Site Inspection and interview 18 December 2024</p> <ul style="list-style-type: none"> <li>Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024</li> </ul>	No Non-compliance during the quarry operation from 2021 to 2024.	Not Triggered
Regular Reporting				

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
14	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>Site Inspection and interview on 18 December 2024</p> <p>EPA EPL 21562 Annual Returns</p> <p>30-Aug-2023 to 29-Aug-2024 submitted to EPA 15-Oct-2024</p> <p>30-Aug-2022 to 29-Aug-2023 submitted to EPA on 24-Oct-2023</p> <p>30-Aug-2021 to 29-Aug-2022 submitted to EPA on 13-Oct-2022</p> <p>Site Inspection and interview 18 December 2024</p> <ul style="list-style-type: none"> <li>Annual Review Schedule 6 Condition 5 August Monitoring Period, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP01, September 2022</li> <li>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number J190749 RP77, September 2023</li> </ul> <p>DA 315-7-2003 (MOD 5) Annual Review Schedule 6 Condition 5, prepared for Luddenham Operations Pty Ltd by EMM, reference number E231131 RPS, September 2024</p>	The Applicant regularly posted on its website information on the development's environmental performance, in accordance with the reporting arrangements approved under the conditions of this consent, in the form of Annual Reports and monitoring data.	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

OFFICIAL

CoA	Requirement	Evidence	Findings and Recommendation	Compliance Status
<b>ACCESS TO INFORMATION</b>				
15	<p>From 30 September 2016 and for the duration of the development, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>the document/s listed in condition 2 of Schedule 3;</li> <li>current statutory approvals for the development;</li> <li>approved strategies, plans and programs required under the conditions of this consent;</li> <li>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;</li> <li>a complaints register, which is to be updated monthly;</li> <li>the Annual Reviews of the development (for the last 5 years);</li> <li>any Independent Environmental Audit of the development, and the Applicant's response to the recommendations in any audit;</li> <li>any other matter required by the Planning Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Planning Secretary.</p>	<p>Site Inspection and interview on 18 December 2024</p> <p><a href="https://luddenhamquarry.com.au">https://luddenhamquarry.com.au</a></p>	<p>The Applicant website:</p> <p>(a) posted copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>- Environmental Impact Statement</li> <li>- Modification Application DA 315-7-2003 MOD 3 and the accompanying Environmental Assessment</li> <li>- Luddenham Quarry Modification Report DA 315-7-2003 MOD 5</li> <li>- Luddenham Quarry DA 315-7-2003 MOD5 Modification Description</li> <li>- Submission Report</li> <li>- RFI Response</li> <li>- Plans, Approvals &amp; Reports</li> <li>- Community – Complaints</li> <li>- Contact</li> </ul> <p>• b) kept this information up-to-date, to the satisfaction of the Planning Secretary.</p>	Compliant

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DA 315-7-2003 MOD5 LUDDENHAM QUARRY INDEPENDENT AUDIT REPORT

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## APPENDIX B – APPOINTMENT OF INDEPENDENT ENVIRONMENTAL AUDITORS

Department of Planning, Housing & Infrastructure



Our ref: DA315-7-2003-PA-17

The Proper Officer  
The Trustee for Coombes Family Trust No. 13  
ABN: 32528255331  
Level 5, 2 Grosvenor Street  
BONDI JUNCTION, 2022  
27/11/2024

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**Appointment of Annabelle Serrano Tungol as Lead Auditor**

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**Luddenham Shale Quarry – DA315-7-2003**

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Dear Elena,

I refer to your request for the Planning Secretary's approval of Annabelle Serrano Tungol of Artea Green Ventures Pty Ltd as Lead Auditor under Schedule 6, Condition 7 of DA315-7-2003.

The Department has reviewed the nomination and information you have provided and is satisfied that Annabelle Serrano Tungol, director of Artea Green Ventures Pty Ltd, is suitably qualified and experienced to lead the Independent Environmental Audit at Luddenham Shale Quarry.

Accordingly, as nominee of the Planning Secretary, I approve the appointment of Annabelle Serrano Tungol as Lead Auditor for the Luddenham Shale Quarry, Independent Environmental Audit.

If you wish to discuss the matter further, please contact Gabriel Peters Shaw on 02 8837 6395 or at [Compliance@Planning.nsw.gov.au](mailto:Compliance@Planning.nsw.gov.au).

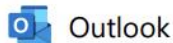
Yours sincerely s

A handwritten signature in blue ink, appearing to read "Julia Pope".

Julia Pope  
Team Leader Compliance - Metro  
Compliance

As nominee of the Planning Secretary

## APPENDIX C – RECORDS OF STAKEHOLDERS CONSULTATIONS



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RE: A315-7-2003 Luddenham Shale Quarry IA- Consultation

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From Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>

Date Thu 12/19/2024 10:17 AM

To 'Annabelle Tungol' <annabelle@arteagreenventures.com>

Cc maryetmdavid@gmail.com <maryetmdavid@gmail.com>

Dear Annabelle,

Thank you for your email, please note that for future consultation requests NSW Planning Compliance would prefer more than 1 day to provide a response before the scheduled site inspection/commencement of the IEA.

In regard to your request, please focus on the following:

1. air quality and associated monitoring conditions,
2. noise monitoring conditions, and
3. compliance with the SWMP.

Please also consult the NSW EPA and Penrith City Council.

Please include this correspondence in the submission of the IEA Report as evidence of consultation.

If you have any questions or comments please don't hesitate to contact me.

Regards,

**Gabriel Peters Shaw**  
**Senior Compliance Officer**

Planning & Assessment | Department of Planning, Housing and Infrastructure

T 02 8837 6395 | M 0499421171 | E [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)

Locked Bag 5022 | PARRAMATTA NSW 2124

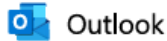
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)

**Working days** Monday, Tuesday and Thursday, Friday 9:00am - 5:00pm



*The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

*If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).*



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**Re: Independent Audit Consultation - Luddenham Shale Quarry EPL 21562**

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**From** Annabelle Tungol <annabelle@arteagreenventures.com>

**Date** Fri 2025-01-31 12:47 PM

**To** Kohben Grech <kohben.grech@epa.nsw.gov.au>

**Cc** Elena Ivanova <elena@coombesgroup.com.au>; David Maryet <maryet@arteagreenventures.com>

Hi Kohben,

Yes we did the site inspection on 18 Dec 2024. The quarry operations ceased on 31 Dec.

We need to submit the report to the DPHI on 21 Feb 2025. If you can come back with us with your feedback before then would be great. But we will appreciate if you could come back to us by end of next week. Thanks.

Regards,  
Annabelle Tungol  
Master Auditor  
Artea Green Ventures Pty Ltd  
Mobile: 0430592174

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**Independent Audit Consultation - Luddenham Shale Quarry EPL 21562**

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**From** Kohben Grech <kohben.grech@epa.nsw.gov.au>

**Date** Fri 2025-01-31 9:24 AM

**To** annabelle@arteagreenventures.com <annabelle@arteagreenventures.com>

Hi Annabelle,

I'm contacting you regarding your email concerning the independent audit of the DA315-7-2003 Luddenham Shale Quarry. Am I correct in saying the audit was completed on the 18<sup>th</sup> December 2024? Additionally, is there a date feedback will be required by? Thanks in advance.

Kind regards,

**Kohben Grech**  
Operations Assistant - Operations  
NSW Environment Protection Authority



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) @NSW\_EPA

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

I work on Dharawal Country

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**Automatic reply: Independent Audit - Luddenham Shale Quarry**

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**From** Penrith City Council - RECORDS <council@penrith.city>

**Date** Sun 02/02/2025 22:59

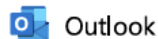
**To** Annabelle Serrano Tungol <Annabelle@arteagreenventures.com>

Thank you for contacting Penrith City Council. Your email will be assigned to the appropriate Council officer for action.

Please note this Inbox is not monitored on weekends. If your email is regarding an urgent safety issue, please contact 4732 7777 for the matter to be managed by the appropriate on-call officer.

**This is an automatically generated email. Please do not reply to this email.**

Kind regards  
Penrith City Council



Outlook

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**A315-7-2003 Luddenham Shale Quarry IA- Consultation**

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From Annabelle Tungol <annabelle@arteagreenventures.com>  
Date Tue 12/17/2024 11:51 AM  
To compliance@planning.nsw.gov.au <compliance@planning.nsw.gov.au>  
Cc maryetmdavid@gmail.com <maryetmdavid@gmail.com>

To Whom It May Concern:

I am writing to your office regarding the upcoming independent audit of the DA315-7-2003 Luddenham Shale Quarry, scheduled for 18 December 2024. This audit will cover the Quarry's operations and closure /rehabilitation requirements.

As part of the audit process, we kindly request your feedback and guidance on any key aspects or focus areas that you would like us to evaluate further during this compliance review against DA315-7-2003 Luddenham Shale Quarry.

Also, please confirm whether any other parties or agencies will be consulted in this process.

We appreciate your feedback and look forward to hearing back from you. Thank you

Regards,

**Annabelle Tungol**  
**Director - Master Auditor EMS**



**ARTEA GREEN VENTURES PTY LTD**

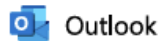
T: +61 430 592 174  
E: annabelle@arteagreenventures.com  
A: level 1 60 Martin Place Sydney  
New South Wales 2000 AUSTRALIA  
[www.arteagreenventures.com](http://www.arteagreenventures.com)  
ACN: 666 654 413 ABN: 706 666 544 13



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Outlook

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## Independent Audit Consultation - Luddenham Shale Quarry EPL 21562

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**From** Annabelle Tungol <annabelle@arteagreenventures.com>  
**Date** Sat 1/25/2025 12:43 PM  
**To** info@epa.nsw.gov.au <info@epa.nsw.gov.au>  
**Cc** David Maryet <maryet@arteagreenventures.com>

To Whom It May Concern:

I am writing to your office regarding the independent audit of the DA315-7-2003 Luddenham Shale Quarry, conducted on 18 December 2024. This audit will cover the Quarry's operations and closure /rehabilitation requirements.

As part of the audit process, we kindly request your feedback and any key concern areas to evaluate the compliance review against DA315-7-2003 Luddenham Shale Quarry and EPL 21562 requirements further.

Thank you.

Regards,

**Annabelle Tungol**  
**Director - Master Auditor EMS**



### ARTEA GREEN VENTURES PTY LTD

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## APPENDIX D – RECORD OF REQUEST AND APPROVAL OF EXTENSION OF REPORT SUBMISSION



Jessie Evans  
Director, Resource Assessments  
Department of Planning, Housing & Infrastructure (DPHI)  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150  
02/12/2024

Dear Jessie,

Re: DA315-7-2003 Luddenham Shale Quarry – Audit Report Submission Timeframe

In accordance with condition 7, Schedule 6 of DA 315-7-2003, the audit report must be submitted to the Planning Secretary within six (6) weeks of the completion of the independent environmental audit.

The independent environmental audit is booked on 18 December 2024 (site inspection and interview). Since the audit is scheduled towards the end of the year and the Christmas holiday period, we will not be able to fulfill requirements of condition 7, Schedule 6 of DA 315-7-2003 within the designated time frame.

Our Sydney office will close from Friday 20 December 2024 and re-open on Monday 13 January 2025.

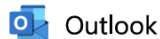
We would like to request an extension of the deadline for the submission of the audit report. The audit report is proposed to be submitted to the Planning Secretary by 21 February 2025.

If you require any further information, please contact me on 0415 556 620 or email [elena@coombesgroup.com.au](mailto:elena@coombesgroup.com.au).

Yours sincerely,

Elena Ivanova  
Environmental & Planning Manager  
Coombes Property Group





Outlook

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**FW: Luddenham Shale Quarry - Request for an extension of deadline - audit report**

---

**From** Elena Ivanova <elena@coombesgroup.com.au>

**Date** Tue 2024-12-10 11:14 AM

**To** Annabelle Tungol <annabelle@arteagreenventures.com>

 1 attachment (579 KB)

DA315\_7\_2003\_Letter\_Audit Report Submission\_20241202.pdf;

Hi Annabelle,

Please find below DPHI's email approving a new date for submission of the audit report to the Planning Secretary.

Could you please provide your report to us by 31/01/2025 for review?

Should you require any further information or wish to discuss any aspect of the attached, please do not hesitate to contact me.

Best Regards,  
Elena

---

**From:** Julia Pope <Julia.Pope@planning.nsw.gov.au>

**Sent:** Monday, 9 December 2024 4:25 PM

**To:** Elena Ivanova <elena@coombesgroup.com.au>

**Cc:** Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>

**Subject:** Luddenham Shale Quarry - Request for an extension of deadline - audit report

Dear Elena

In accordance with Schedule 6, Condition 8 of DA315\_7\_2003 and as nominee of the NSW Planning Secretary, I agree to your request for an extension for Coombes Property Group to submit the Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR) by **5pm 21 February 2025**.

Please include this correspondence in the appendices to the IEA as evidence of the timeframe variation.

If you would like to discuss this matter, please contact Gabriel Peters Shaw on 02 8837 6395 or at [Gabriel.Petersshaw@dpie.nsw.gov.au](mailto:Gabriel.Petersshaw@dpie.nsw.gov.au)

**Julia Pope**  
**Team Leader Compliance - Metro**

NSW Planning | Department of Planning, Housing and Infrastructure  
T 02 8217 2068 M 0448 229 658 | E [julia.pope@planning.nsw.gov.au](mailto:julia.pope@planning.nsw.gov.au)

Locked Bag 5022, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2124  
[www.dphi.nsw.gov.au](http://www.dphi.nsw.gov.au)



All post approval and compliance documents are to be submitted online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

---

**From:** Elena Ivanova <[elena@coombesgroup.com.au](mailto:elena@coombesgroup.com.au)>

**Sent:** Monday, December 2, 2024 9:21 AM

**To:** Gabriel Peters Shaw <[gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)>

**Subject:** Luddenham Shale Quarry - Request for an extension of deadline - audit report

Hi Gabriel,

As discussed earlier, please find the attached letter requesting an extension of time for submission of the audit report.

Should you require any further information or wish to discuss any aspect of the attached, please do not hesitate to contact me.

Best Regards,

**Elena Ivanova**

Environmental & Planning Manager



Level 5, 2 Grosvenor Street

Bondi Junction NSW 2022

T: +61 2 9389 6111 M: +61 415 556 620

E: [elena@coombesgroup.com.au](mailto:elena@coombesgroup.com.au)

W: [coombespropertygroup.com.au](http://coombespropertygroup.com.au)

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## **APPENDIX E – INDEPENDENT AUDIT DECLARATION FORM**


<b>Project Name</b>	Luddenham Shale Quarry Operations
<b>Consent Number</b>	DA No. 315-7-2003 Modification 5
<b>Description of Project</b>	The development and operation of a clay/shale quarry on Lot 3, DP 623799.
<b>Project Address</b>	Lot 3, DP 623799
<b>Applicant</b>	CFT No 13 Pty Ltd. (Luddenham Quarry Pty Ltd – Coombes Property Group)
<b>Date</b>	3 February 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report to the best of my knowledge:

- i. The audit has been undertaken in accordance with the relevant condition(s) of consent and the Independent Audit Post Approval Requirements (IAPAR 2020).
- ii. the findings of the audit are reported truthfully, accurately, and completely.
- iii. I have exercised due diligence and professional judgment in conducting the audit.
- iv. I have acted professionally, objectively, and in an unbiased manner.
- v. I am not related to any Applicant, owner, or operator of the project either as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child.
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or my spouse, partner, sibling, parent, or child.
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the NSW Planning prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift, or any other benefit (apart from payment for auditing services) from any Applicant, owner or operator of the project, their employees, or any interested party. I have not knowingly allowed, nor intend to allow my 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 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 Applicant 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 offenses relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

<b>Name of Auditor</b>	Annabelle Tungol
<b>Signature</b>	
<b>Qualifications</b>	Master Environmental Auditor and Quality Auditor #119536 Bachelor of Science in Chemical Engineering 1998
<b>Company</b>	Artea Green Ventures Pty Ltd

<b>Project Name</b>	Luddenham Shale Quarry Operations
<b>Consent Number</b>	DA No. 315-7-2003 Modification 5
<b>Description of Project</b>	The development and operation of a clay/shale quarry on Lot 3, DP 623799.
<b>Project Address</b>	Lot 3, DP 623799
<b>Applicant</b>	CFT No 13 Pty Ltd. (Luddenham Quarry Pty Ltd – Coombes Property Group)
<b>Date</b>	3 February 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report to the best of my knowledge:

- ix. The audit has been undertaken in accordance with the relevant condition(s) of consent and the Independent Audit Post Approval Requirements (IAPAR 2020).
- x. the findings of the audit are reported truthfully, accurately, and completely.
- xi. I have exercised due diligence and professional judgment in conducting the audit.
- xii. I have acted professionally, objectively, and in an unbiased manner.
- xiii. I am not related to any Applicant, owner, or operator of the project either as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child.
- xiv. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or my spouse, partner, sibling, parent, or child.
- xv. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the NSW Planning prior to the audit; and
- xvi. I have not accepted, nor intend to accept any inducement, commission, gift, or any other benefit (apart from payment for auditing services) from any Applicant, owner or operator of the project, their employees, or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

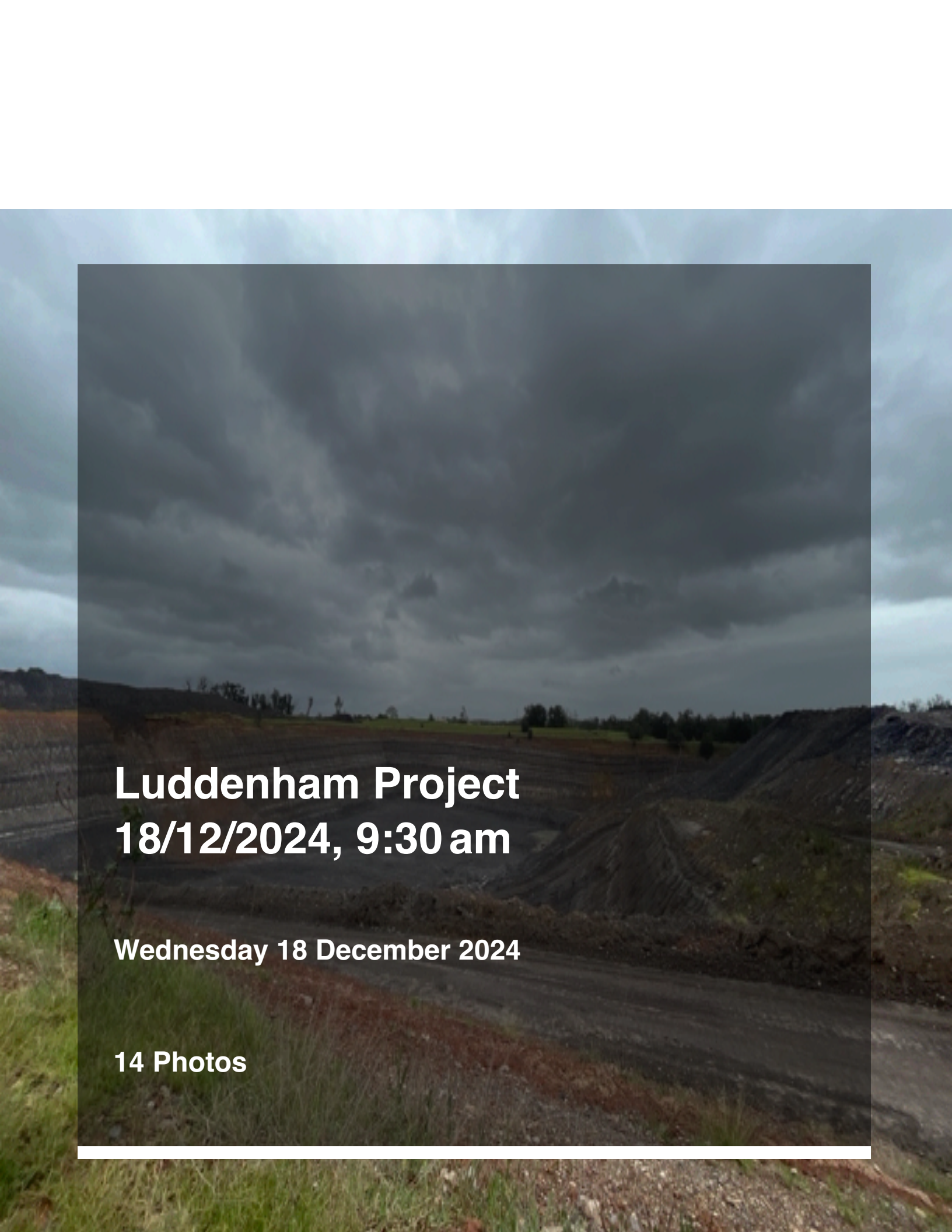
**Notes:**

- c) 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 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 Applicant 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
- d) The Crimes Act 1900 contains other offenses relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

<b>Name of Auditor</b>	Maryet David
<b>Signature</b>	<i>Maryet David</i>
<b>Qualifications</b>	Bachelor of Science in Chemical Engineering
<b>Company</b>	Artea Green Ventures Pty Ltd

## APPENDIX F – SITE INSPECTION PHOTOS





# **Luddenham Project**

## **18/12/2024, 9:30 am**

**Wednesday 18 December 2024**

**14 Photos**





Photo 1 Sediment Basin  
Water was used for dust suppression



Photo 2 Stabilisation Works  
Most of the green area was rehabilitated



Photo 3 Berm Around The Site



Photo 4 Overburden Materials Stockpile  
Yet to find home for use



Photo 5 The Quarry Pit



Photo 6 Pit Was Bunded Around No  
Stormwater Going Into The Site





Photo 7 Green Shale Overburden Material



Photo 8 Site Perimeter



Photo 9 Noise bund



Photo 10 Plant Loader Have Scales System Installed



Photo 11 Silica Sand

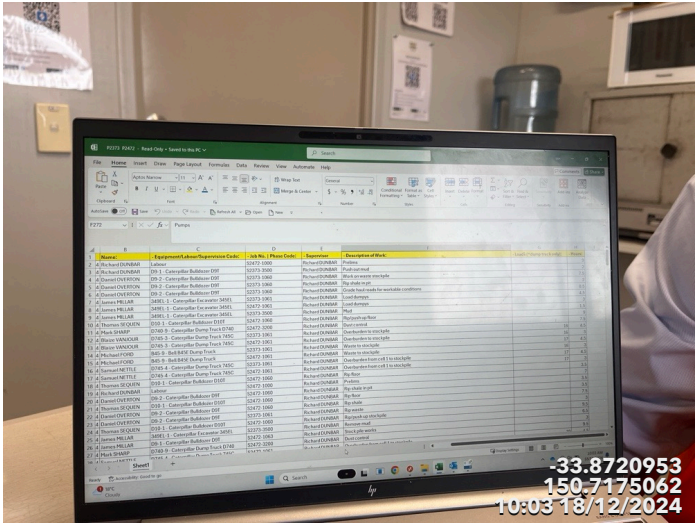
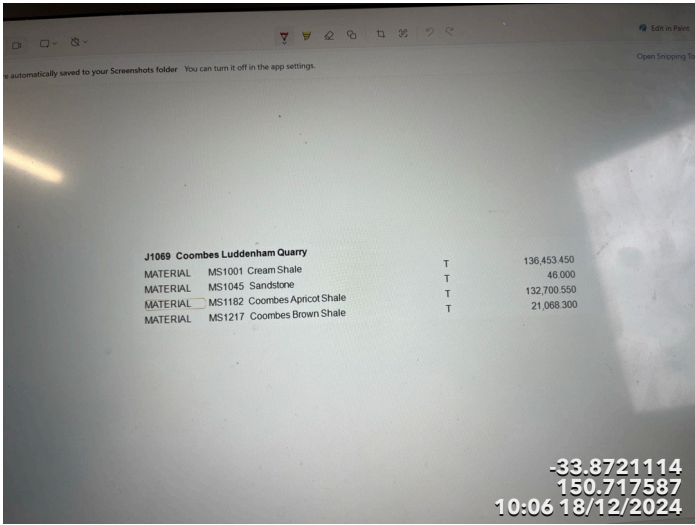


Photo 12 Equipment Monitoring Register



J1069 Coombes Luddenham Quarry			
MATERIAL	MS1001 Cream Shale	T	136,453,450
MATERIAL	MS1045 Sandstone	T	46,000
MATERIAL	MS1182 Coombes Apricot Shale	T	132,700,550
MATERIAL	MS1217 Coombes Brown Shale	T	21,068,300
			-33,872,111.4
			150,717,587
			10:06 18/12/2024

Photo 13 Material tracking Register  
January 2024 To Date Of Audit

Photo 14

Annabelle Tungol  
Artea Green Ventures Pty Ltd