

## Mackas Sand 2024 IEA Report – Response to IEA Recommendations Report

**Table 1.1 Response to Auditor Non-Compliances and Recommendations**

Referenced ID	Condition ID & Text	Audit Finding / Recommendation	Mackas Sand Response and Action Plan
<b>PA 08_0142</b>			
Schedule 3, Condition 3	<p><i>Within 3 months of the completion of the Independent Environmental Audit (see condition 5 of schedule 5), the Proponent shall review and update as required the Maximum Extraction Depth Map for the project to the satisfaction of the Secretary.</i></p>	<p>The Maximum Extraction Depth Map (MEDM) for the Project was not reviewed within three months of completion of the previous IEA. Mackas Sand submitted an extension to DPHI on 22/12/22 to complete an update of the MEDM by 3/02/23.</p> <p><b>It is recommended that a review of the Project MEDM is completed within three months of this IEA and submitted to DPHI for approval.</b></p>	<p>As defined within 2023 Annual Review, Mackas Sand notes revised Groundwater Model and MEDM update was submitted to EPA on 21<sup>st</sup> December 2023, and to DPHI on 28 March 2024 via 2023 Annual Review. Mackas Sand has not received feedback in regard to Model submitted. The Groundwater Model update and MEDM compliance surveys have not identified any non-compliances during the audit period. The floor of the workings is compliant with the MEDM mapping.</p> <p>As there are no non-compliances identified by the model review or the quarterly compliance mapping, Mackas Sand propose not to review MEDM until December 2024. Quarterly operational floor compliance surveying will continue throughout 2024.</p>

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Schedule 3, Condition 4B	<p><i>The Proponent shall ensure, for the use of the Alternate access road, that:</i></p> <p><i>(a) a speed limit of 40 km/hour is applied and enforced for all vehicles;</i></p> <p><i>(b) trucks slowing to use the intersection of the access road and Nelson Bay Road do not use engine or compression braking systems;</i></p> <p><i>(c) laden truck movements exiting the site do not exceed 14 per hour during the period from 5 am to 6 am, Monday to Friday (except for Public Holidays);</i></p> <p><i>(d) laden truck movements exiting the site do not exceed 8 per hour during the period from 6 am to 9 am, Monday to Friday (except for Public Holidays);</i></p> <p><i>(e) laden truck movements exiting the site do not exceed 24 per hour during the period from 9 am to 10 pm, Monday to Friday (except for Public Holidays);</i></p> <p><i>(f) laden truck movements exiting the site do not exceed 5 per hour between 5 am and 6 am on Saturdays (except for Public Holidays);</i></p> <p><i>(g) laden truck movements exiting the site do not exceed 9 per hour between 6 am and 7 am on Saturdays (except for Public Holidays);</i></p> <p><i>(h) laden truck movements exiting the site do not exceed 24 per hour between 7 am and 4 pm on Saturdays (except for Public Holidays); and</i></p> <p><i>(i) combined laden truck movements exiting from Lots 218 and 220 do not exceed 10 per hour in total on Sundays and Public Holidays.</i></p> <p><i>Note: In this condition, “per hour” means within any period of 60 minutes following the change of hour.</i></p>	<p>Viewed an example of Macka’s Sand and Soil Supplies Transport Log dated 14/12/23 for the period 11/11/12 – 29/11/23, created from site weighbridge data. The log records vehicle details, weights and times in / out of each for each truck movement. BJ (pers comms) confirmed that the log is reviewed on a monthly basis as a check that vehicle movements are in compliant with PA 08_0142 requirements. Sections 6.10.2.1 and 11.1 of the 2022 AR note that 11 laden trucks (greater than the number approved for the time period under PA 08_0142) were recorded leaving Mackas Sand on 09/11/22. This was identified in an internal review completed on 13/12/22 and the incident was reported via letter lodged on the DPE portal 14/12/22. It is noted that the see Schedule 5, Condition 1 was updated following this incident.</p> <p><b>It is recommended that Mackas Sand continue to implement the actions put in place in response to the November 2022 truck frequency incident, including the validation of truck movement records and regular review of the site induction and Drivers Code of Conduct (COC).</b></p>	<p>Noted.</p> <p><b>Action:</b> Mackas Sand have implemented a register to record monthly truck movement validation. Mackas Sand will review and update, if necessary, the Drivers COC within three months of the submission of the Audit Report to DPHI as per Condition 7 Schedule 5.</p>

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Schedule 3, Condition 13	<p><i>The Proponent shall prepare an Air Quality Monitoring Program for the project to the satisfaction of the Secretary. This program must:</i></p> <p><i>(a) be prepared in consultation with EPA, and be submitted to the Secretary for approval within 3 months of the date of this approval; and</i></p> <p><i>(b) include details of how the air quality performance of the project will be monitored, and include a protocol for evaluating compliance with the relevant air quality criteria in this approval. Note: Initially, this program should concentrate on monitoring the dust deposition impacts of the project. However, in time, it may be expanded to include other pollutants. The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.</i></p>	<p>Non-compliances with the AQMP were identified by Mackas Sand during the audit period:</p> <ul style="list-style-type: none"> <li>• Table 1.2, Section 1 of the 2022 AR notes that a late air quality monitoring sample for January 2022 depositional dust was taken on 2 February 2022;</li> <li>• It is recommended that air quality monitoring samples are taken within the required sample period outlined in the AQMP;</li> <li>• Table 1.2 Section 1 of the 2023 AR. Air quality monitoring samples for July 2023 were damaged whilst being transported and subsequently, no dust monitoring results were recorded for July 2023. This non-compliance was reported via the DPE portal dated 11/04/24. A courier has subsequently been engaged to transport dust samples from site to the lab for analysis; and</li> <li>• Table 1.2 Section 1 of the 2023 AR. During September 2023, the air quality monitor at EPA point 8 was recorded as damaged and replaced.</li> </ul> <p><b>It is recommended that air quality monitoring samples are taken within the required sample period outlined in the AQMP.</b></p>	<p>Noted.</p> <p><b>Action:</b> As recorded in the 2024 IEA Report, a courier has been engaged to transport future air quality monitoring samples from the Mackas Sand site to an approved laboratory for analysis. There are no updates to the AQMP in response to the recommendations of the Audit report.</p>

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Schedule 3, Condition 24	<p><i>The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform in the EA (as reproduced in Appendix 4), to the satisfaction of the Secretary. Note: The Department acknowledges that rehabilitation activities on Lot 218 may be limited given the planned ongoing extraction on this lot. However, the long-term/final landform for Lot 218 must be addressed as part of the Landscape Management Plan (see below).</i></p>	<p>Viewed examples of Mackas Sand annual Rehabilitation Walkover Inspection Reports completed by Umwelt for 2022 and 2023. The reports document a rapid condition assessment of Lot 220 rehabilitation and provide comments on general performance and recommendations on corrective actions.</p> <p><b>It is recommended that Mackas Sand document the completion of rehabilitation management actions raised in the annual rehabilitation inspection reports.</b></p>	<p>Noted.</p> <p>Mackas Sand has developed an internal register to track completion of actions identified within the Annual Rehabilitation Walkover Inspection Reports. For Annual Reviews completed in future reporting periods, Rehabilitation sections of the Annual Review will include a status update of management actions identified in Annual Rehabilitation Walkover Inspection Reports.</p>
Schedule 3, Condition 28A	<p><i>The Proponent shall prepare a Biodiversity Offset Strategy for the Biodiversity Offset Area, in consultation with OEH and to the satisfaction of the Secretary. The strategy must include:</i></p> <p><i>(a) performance criteria for the offset area;</i></p> <p><i>(b) a description of the proposed short-term and long-term management measures for the offset area, including to:</i></p> <ul style="list-style-type: none"> <li><i>• protect, conserve and enhance the vegetation within the offset area;</i></li> <li><i>• control access to the offset area;</i></li> <li><i>• control weeds and feral pests; and</i></li> </ul> <p><i>(c) a program to measure and monitor the effectiveness of the Strategy against the performance criteria. The Proponent shall implement the approved strategy as approved from time to time by the Secretary.</i></p>	<p>Viewed correspondence between Mackas Sand and DPHI during the audit period over the Project Biodiversity Offset Strategy (BOS), including:</p> <ul style="list-style-type: none"> <li>• Letter from Umwelt to DPE seeking guidance of the form of the BOS on 19/08/21 and DPE-BCD response dated 26/08/32;</li> <li>• DPE-BCD letter to Umwelt providing comment on the draft BOS, dated 04/10/22;</li> <li>• Draft BOS dates June 2023;</li> <li>• Revised Draft BOS dated September 2023.</li> </ul> <p><b>It is recommended that Mackas Sand continue to liaise closely with DPHI and NSW DCCCEEW to gain approval for the Project BOS.</b></p>	<p>Noted.</p> <p>Following feedback from the submission of this Response to Audit Recommendations to DPHI, Mackas Sand will submit a correspondence letter to DPHI and NSW DCCEEW requesting responses to the BOS submitted in September 2023 and not yet received.</p>

<p>Schedule 3, Condition 29</p>	<p><i>The Proponent shall prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</i></p> <p><i>(a) be prepared in consultation with OEH and the Aboriginal community, and be submitted to the Secretary for approval prior to the disturbance of any Aboriginal object or site; and</i></p> <p><i>(b) include a:</i></p> <ul style="list-style-type: none"> <li>• <i>detailed salvage program and management plan for all identified Aboriginal sites within the project disturbance area;</i></li> <li>• <i>detailed description of the measures that would be implemented to protect Aboriginal sites and PAD outside the project disturbance area;</i></li> <li>• <i>protocol for monitoring operations and vegetation removal on the site;</i></li> <li>• <i>protocol for undertaking additional archaeological investigation, and where warranted excavation and/or salvage, on: o any identified stabilised soil surfaces on Lot 218 that are proposed to be disturbed; or o any area of the identified PAD on Lot 220 that is proposed to be disturbed;</i></li> <li>• <i>protocol for monitoring of reject material;</i></li> <li>• <i>description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project; and</i></li> <li>• <i>protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal cultural heritage on the site, including the establishment of a management group comprising Aboriginal stakeholders and a suitably qualified archaeologist.</i></li> </ul> <p><i>The Proponent shall implement the approved management plan as approved from time to time by the Secretary.</i></p>	<p>Viewed July 2016 Aboriginal Cultural Heritage Management Plan (ACHMP) for the Project prepared by Umwelt. The ACHMP includes:</p> <p>(a) Summary of consultation undertaken with the local Aboriginal community (Section 2.1) and Appendix A of the plan;</p> <p>(b) Measures for the protection and salvage of Aboriginal artefacts and for heritage sites outside of the Project disturbance boundary (Section 5.1 – 5.3)</p> <ul style="list-style-type: none"> <li>• Monitoring protocols, including for reject material screened during site operations (Sections 5.7);</li> <li>• Procedures for the discovery of any new heritage sites (Sections 5.8 – 5.13);</li> <li>• Ongoing consultation processes (Sections 5.13 – 5.17).</li> </ul> <p>BJ (pers comms) noted that reject material has continued to be screening during the audit period, with no new artefacts identified during the audit period. Viewed R. Mackenzie email to BJ dated 06/06/24, noting that meetings and site inspections by the Aboriginal Heritage Working Group were cancelled during Covid (2020 and 2021). Following this, Worimi LALC have been unavailable to attend site to review collected samples due to heavy workload on other projects.</p> <p><b>It is recommended that Mackas Sand consult with the Worimi LALC over recommending inspections of screened material recovered during site operations, in accordance with the ACHMP.</b></p>	<p>Noted.</p> <p><b>Action:</b> Mackas Sand have consulted with WLALC in June 2024 on availability to undertake annual inspections of screened material. Mackas Sand will report the outcome of any consultation during the 2024 Annual Review.</p>
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Schedule 3, Condition 30	<p><i>The Proponent shall prepare a non-indigenous Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</i></p> <p><i>(a) be prepared in consultation with the Heritage Branch and Council, and be submitted to the Secretary for approval prior to the disturbance of any heritage item, including the identified tank traps;</i></p> <p><i>(b) include:</i></p> <ul style="list-style-type: none"> <li>• <i>archival recording of the tank traps, in accordance with the requirements and guidelines of the Heritage Branch;</i></li> <li>• <i>a protocol for the investigation, removal and storage of the tank traps, and for their reinstallation following quarrying operations; and</i></li> <li>• <i>a description of the measures that would be implemented if any new heritage objects or items are discovered during the project.</i> <p><i>The Proponent shall implement the approved management plan as approved from time to time by the Secretary.</i></p> </li></ul>	<p>Viewed the Non-Indigenous Heritage Management Plan (NIHMP) prepared for the Project by Umwelt, dated July 2016. (a) Consultation records for the 2016 NIHMP are not included in the approved plan.</p> <p><b>It is recommended that records of consultation and approval of the NIHMP are included in the next revision of the document.</b></p>	<p>Noted.</p> <p>The NIHMP was approved by Department of Planning in December 2017.</p> <p><b>Action:</b> Mackas Sand will review and add correspondence to the NIHMP.</p>
Schedule 3, Condition 39	<p><i>The Proponent shall ensure that the storage, handling, and transport of fuels and dangerous goods are conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.</i></p>	<p>No significant volumes of fuels or other potentially hazardous materials were observed to be stored in pit during the site inspection. A bunded refuelling tank for Project equipment has been set up outside of the Lot 218 operational area, however evidence was not available to confirm that the tank complies with the relevant AS.</p> <p><b>It is recommended that the existing refuelling tank is decommissioned and removed from site as soon as possible once the replacement tank is in operation.</b></p>	<p>Noted.</p> <p><b>Action:</b> As recorded in 2024 IEA report Mackas Sand have acquired a replacement 33,000 L fuel tank manufactured in accordance with AS 1940-2017. Replacement tank will be installed Q3 2024.</p>

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Schedule 3, Condition 42	<p><i>The Proponent shall:</i></p> <p><i>(a) provide annual production data to the DRE using the standard form for that purpose; and</i></p> <p><i>(b) include a copy of this data in the Annual Review.</i></p>	<p>(a) Viewed examples of Extractive Materials Returns for Lot 218 (22/09/21) and Lot 220 (27/08/21) lodged with the Resources Regulator. BJ (pers comms) confirmed that subsequent data was lodged on the RR portal.</p> <p>(b) Annual production data is reported in Project ARs (see Schedule 2, Condition 6 above).</p> <p><b>It is recommended that Mackas Sand retain evidence of annual production data being lodged on the Resources Regulatory portal.</b></p>	<p>Noted.</p> <p><b>Action:</b> Mackas Sand will keep a register of annual production data being lodged on the Resources Regulatory portal.</p>
Schedule 5, Condition 10	<p><i>During the project, the Proponent shall:</i></p> <p><i>(a) make a summary of monitoring results required under this approval publicly available on its website and at the site; and</i></p> <p><i>(b) update these results on a regular basis (at least every 3 months).</i></p>	<p>Air quality and groundwater monitoring reports from Q4 2023 were not available on the Project website at the time of audit.</p> <p><b>It is recommended that Mackas Sand regularly review the Project website to ensure it includes the document required to be published under Schedule 5, Conditions 9 and 10.</b></p>	<p>Noted.</p> <p><b>Action:</b> Mackas Sand will upload documents to the project website as required.</p>
<b>PA 08_0142 Statements of Commitments</b>			
SoC 1.3.3 and SoC 1.3.5	<p><i>The Aboriginal Cultural Heritage Management Group will conduct a monitoring visit to the Lot 218 proposal area on a monthly basis for the first 12 months of operation, with subsequent inspection intervals to be determined as part of the ACHMP.</i></p> <p><i>A sample of reject material from the screening operations on Lot 220 will be taken each day, where sufficient material is present. The samples will be provided to the Aboriginal Cultural Heritage Management Group on a monthly basis.</i></p>	<p>Non-compliances against the conditions of PA 08_0142 were noted during the audit period. See audit finding of Schedule 3, Condition 29.</p> <p><b>It is recommended that Mackas Sand consult with the Worimi LALC over recommending inspections of screened material recovered during site operations, in accordance with the ACHMP.</b></p>	<p>Noted. Mackas have consulted with Worimi during June 2024 regarding recommending inspections of recovered material.</p> <p><b>Action:</b> Mackas Sand will implement the actions identified for Condition 29 Schedule 3 of this Action Plan.</p>

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SoC 1.10.1	<i>High visibility fencing with appropriate set back from the extraction face and signage will be erected on the seaward side of the Lot 218 operational area.</i>	<p>High visibility fencing around extraction areas within Lot 218 was not in place at the time of audit.</p> <p><b>It is recommended that Mackas Sand seek to formalise the arrangement for not installing high visibility fencing and signage on the seaward side of the Lot 218 extraction face, in consultation with the landholder.</b></p>	<p>Noted.</p> <p><b>Action:</b> Mackas Sand will consult with landholder (Worimi LALC) to formalise and retain evidence of landholder request to not install high-visibility fencing by December 2024.</p>