

# ***UPPER HUNTER HOLDINGS PTY LIMITED***

May 26, 2025

Heidi Watters

Team Leader

Compliance | Development Assessment & Sustainability

Department of Planning, Housing and Infrastructure

e [heidi.watters@planning.nsw.gov.au](mailto:heidi.watters@planning.nsw.gov.au)

Dear Heidi,

**Re: Independent Environmental Assessment (IEA) Dolwende Quarry Year 1  
Oct 2024**

We submit the above assessment as undertaken by Dorian Walsh of Xenith Pty Ltd as well as Upper Hunter Holdings Pty Ltd responses to Non-compliances listed in Table 4 of the report and Recommendations in Table 5.

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**Table 1 UHH Responses to IEA Non-Compliance**

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/ Response (as applicable)	Proposed Action Due Date
<b>SSD 6519</b>					
Schedule 2, Condition 4 (a)  <b>NC1</b>		There was no Project website at the time of the IEA	It is recommended that a website is developed for the Project and the project management documents approved by DPHI are published	The proponent will develop a website which includes project management documents approved by DPHI to be in place by 30 <sup>th</sup> June 2025 as per Schedule 5 Condition 12	30 <sup>th</sup> June 2025
Schedule 2, Condition 12 (a)  <b>NC1</b>	<i>"The Applicant must ensure that all the plant and equipment used at the site is:  (a) maintained in a proper and efficient condition;"</i>	There was no evidence available at the time of the IEA to confirm that all plant and equipment used at the site has been maintained in a proper and efficient condition during the audit period	It is recommended that records are retained to confirm that all plant and equipment used at the site has been maintained in a proper and efficient condition during the audit period	UHH will put in place Maintenance records to confirm that all plant and equipment used at the site has been maintained in a proper and efficient condition will be retained for future periods as per Schedule 2, Condition 12 (a)	June 30 <sup>th</sup> 2025
Schedule 2, Condition 12 (b)  <b>NC3</b>	<i>"(b) operated in a proper and efficient manner."</i>	There was no evidence available at the time of the IEA to confirm that all plant and equipment used at the site has been operated in a proper and efficient manner during the audit period	It is recommended that records are retained to confirm that all plant and equipment used at the site is being operated in an efficient and proper manner	UHH will put in place records to confirm that all plant and equipment used at the site is being operated in an efficient and proper manner for future periods as per Schedule 2, Condition 12 (b)	June 30 <sup>th</sup> 2025

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Schedule 2, Condition 14 (b)  NC4	<i>"submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary."</i>	A copy of the survey plan identifying SSD 6519 extraction limits has not been provided to DPHI	It is recommended that UHH provide a survey plan to the Department that shows the boundaries of approved Project extraction limits	The proponent will provide a Detailed Survey Plan showing boundaries of approved Project extraction limits as per Schedule 2, Condition 14 (b) and will be made available by 30 <sup>th</sup> June 2025	30 <sup>th</sup> June 2025
Schedule 3, Condition 5 (a)  NC5	<i>"be prepared in consultation with the EPA;"</i>	Evidence is not available that the NMP was prepared in consultation with the EPA	It is recommended that the next revision of the NMP is prepared in consultation with the EPA	The next revision of the NMP will coincide with the Mod 1 which will be prepared in consultation with the EPA as per their own recommendation and as per Schedule 3, Condition 5 (a).	31 <sup>st</sup> August 2025
Schedule 3, Condition 12 (a)  NC6	<i>"The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA;"</i>	Evidence was not available that confirms the AQMP was prepared in consultation with the EPA	It is recommended that the next revision of the AQMP is prepared in consultation with the EPA	The next revision of the AQMP will coincide with the Mod 1 which will be prepared in consultation with the EPA as per Schedule 3, Condition 12 (a) and as per their own recommendation.	31 <sup>st</sup> August 2025
Schedule 3, Condition 12 (c)  NC7	<i>„describe the measures that would be implemented to ensure:</i>	The AQMP does not clearly describe measures that would be implemented to ensure the air quality	It is recommended that the AQMP is reviewed and updated to describe measures that would be implemented to ensure the air	The Proponent will review, revise and update the AQMP as part of the Modification approval as per the 5-year EPL	31 <sup>st</sup> August 2025

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	<i>compliance with the relevant conditions of this consent; best practice management is being employed; and the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;"</i>	impacts of the development are minimised during adverse meteorological conditions and extraordinary events	quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events	license recommendations. This updated version will include requirements under Schedule 3, Condition 12 (c) and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: Baseline data identified in the 2015 EIS A section that clearly describes the protocol for managing air quality impact minimisation during adverse meteorological conditions and extraordinary events.	
Schedule 3, Condition 13 (a)  NC8	<i>"For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for</i>	There was no evidence at the time of the IEA to confirm that a suitable meteorological station operating in the vicinity of the site that complies with the Approved Methods for Sampling of Air Pollutants	It is recommended that UHH confirms with the DPHI that weather monitoring is not required prior to commencement of operations	The Proponent will confirm the compliance status of Mangoola Mine Met station for UHH usage and confirm as per Schedule 3, Condition 13 (a) by June 30 <sup>th</sup> 2025	June 30 <sup>th</sup> 2025

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	<i>Sampling of Air Pollutants in New South Wales guideline."</i>	in New South Wales Guideline			
Schedule 3, Condition 14  NC9	<i>"The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site."</i>	The AQMP does not outline reasonable and feasible mitigation measures for GHG that will be applied for the Project	It is recommended that GHG mitigation measures are incorporated into one of the Project management documents	The Proponent will review, revise and update the AQMP as part of the Modification approval as per the 5-year EPL license recommendations. This updated version will include requirements under Schedule 3, Condition 14 and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: Project management documents that clearly describes reasonable and feasible GHG mitigation measure by June 30 <sup>th</sup> 2025	31 <sup>st</sup> August 2025

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Schedule 3, Condition 17 (d) (ii) <b>NC10</b>	<p><i>"...Erosion and Sediment Control Plan that:</i></p> <ul style="list-style-type: none"> <li><i>• is consistent with the requirements of the Landcom's Managing Urban Stormwater: Soils and Construction manual (Volume 2E Mines and Quarries);"</i></li> </ul>	There was no evidence available at the time of the audit to confirm the two sediment dams constructed to date are in compliance with the Blue Book	It is recommended that erosion and sediment control structures for the Project are designed and maintained generally in accordance with the Blue Book	The project engineer asserts that erosion and sediment control structures for the Project are designed and maintained generally in accordance with the Blue Book and will notify this on future engineering plans.	
Schedule 3, Condition 17 (e) <b>NC11-13</b>	<p><i>"...Groundwater Management Plan that includes:</i></p> <p><i>...a monitoring program of groundwater levels and quality that includes:</i></p> <p><i>threshold water level criteria (and warning trigger levels);</i></p> <p><i>contingency measures in the event of a breach of warning trigger levels and/or threshold criteria; and</i></p> <p><i>a program to regularly report on the monitoring</i></p>	A Groundwater Management Plan is not included as a component of the SWMP	It is recommended that a Groundwater Management Plan is developed for the Project and documented in a revised version of the SWMP	The Proponent will review, revise the SWMP as part of the Modification approval as per the 5-year EPL license recommendations. This updated version will include requirements under Schedule 3, Condition 17 (e) and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: a	31 <sup>st</sup> August 2025

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	<i>results, including any exceedances; and.."</i>			Groundwater Management Plan by August 31 <sup>st</sup> 2025	
Schedule 3, Condition 18 (a)  NC14-17	<i>"..be prepared in consultation with Council and the RMS;"</i>	No evidence was available at the time of the IEA to confirm that a Construction Traffic Management Plan has been prepared in consultation with council and RMS	It is recommended that a Construction Traffic Management Plan is prepared in consultation with council and Transport for NSW prior to the commencement of Project construction, to meet SSD 6519 requirements	The Proponent will prepare a Construction Traffic Management Plan in consultation with council and Transport for NSW prior to the commencement of Project construction, to meet SSD 6519 requirements This will include requirements under Schedule 3, Condition 18 (a) and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025..	30 <sup>th</sup> September 2025
Schedule 3, Condition 26 (c)  NC18	<i>"include: consultation with the Aboriginal community; and a ... ,,protocol for the ongoing consultation and involvement of the Aboriginal community in</i>	There was no evidence available at the time of the IEA to confirm that RAPs have been contacted every six months to discuss ongoing implementation and compliance of the ACHMP	It is recommended that UHH implements a procedure to regularly update the RAPs on ongoing implementation and compliance of the ACHMP	UHH will implement a procedure to regularly update the RAPs on ongoing implementation and compliance of the ACHMP as per Schedule 3, Condition 26 (c) by 30 <sup>th</sup> June 2025	30 <sup>th</sup> June 2025

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	<i>the conservation and management of Aboriginal cultural heritage on the site, particularly any Aboriginal objects discovered as part of extraction activities."</i>				
Schedule 3, Condition 27  NC19	<i>"The Applicant must implement the Biodiversity Offset Strategy, described in the EIS and shown conceptually in Appendix 5, to the satisfaction of the Secretary."</i>	There has been no consultation with DPHI or BCD over the Biodiversity Offset Strategy during the audit period	It is recommended that UHH implements the BOS described in the EIS and shown conceptually in Appendix 5, to the satisfaction of the Secretary	The proponent will commence implementing the BOS described in the EIS and shown conceptually in Appendix 5, as per Schedule 3, Condition 27 by the 31 <sup>st</sup> August 2025	31 <sup>st</sup> August 2025
Schedule 3, Condition 28  NC20	<i>"Within 12 months of the date of commencement of development under this consent, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the Biodiversity Offset Strategy, to the</i>	There was no evidence available at the time of the IEA to confirm that offsets have been secured (paid and signed off) within 12 months of commencement	It is recommended that UHH makes suitable arrangements to provide appropriate long-term security for the BOS	UHH will make suitable arrangements to provide appropriate long-term security for the BOS as per Schedule 3, Condition 28 by 30 <sup>th</sup> June 2025	30 <sup>th</sup> June 2025

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	<i>satisfaction of the Secretary."</i>				
Schedule 3, Condition 31 (a) NC21	<i>"be prepared in consultation with Council and OEH;"</i>	There was no evidence that the BRMP was prepared in consultation with OEH at the time of the IEA	It is recommended that the BRMP is prepared in consultation with OEH (now NSW Environment and Heritage)	There are multiple references in BRMP appendices to consultation – see Appendix C – Council; Appendix D – BCD; Appendix E -DPIE	
Schedule 3, Condition 31 (g) NC22	<i>"include a detailed description of the measures ... for: ...maximising the salvage of environmental resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation; including for the quarry site, haul road and supplementary water supply pipeline;</i>	There was no evidence at the time of the IEA that UHH has salvaged environmental resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation	It is recommended that UHH retains evidence that environmental resources within the approved disturbance area are salvaged, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation	Minimal disturbance has occurred to date. However, the proponent will retain evidence that environmental resources within the approved disturbance area are salvaged, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation for future operations as per Schedule 3, Condition 31 (g)	30 <sup>th</sup> June 2025

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Schedule 3, Condition 31 (g) NC22	See above.	There was no evidence sighted during the IEA that confirmed weed control has been undertaken during the audit period	It is recommended that evidence of weed control is retained	The proponent will retain and records evidence of weed control measures as per Schedule 3, Condition 31 (g) for future operations	30 <sup>th</sup> June 2025
Schedule 3, Condition 31 (h) NC23					
Schedule 3, Condition 32 (a) NC24-26	<i>"calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years;"</i>	There was no evidence at the time of the IEA to confirm that the Biodiversity and Rehabilitation Bond was lodged to the Department within six months of the BRMP approval	It is recommended that UHH retains evidence that confirms the Biodiversity and Rehabilitation Bond was lodged to the DPHI within six months of the BRMP approval	UHH to retain evidence of Bond payment as per Schedule 3, Condition 32 (a)	30 <sup>th</sup> June 2025
Schedule 3, Condition 39 (a) NC27	<i>"ensure that the development is suitably equipped to respond to any fires on site;"</i>	There was no evidence available at the time of the IEA that confirms bushfire risk within the offset area has been assessed during weed management programs	It is recommended that bushfire risk within the offset area is assessed during weed management programs	Bushfire risk within the offset area will be assessed as part of future weed management programs and noted in program records as per Schedule 3, Condition 39 (a)	

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Schedule 5, Condition 2 (a)  NC28	<i>"e) 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;"</i>	The AQMP does not include a contingency plan to manage any unpredicted impacts and their consequences	It is recommended that the AQMP is reviewed and updated to clearly include a contingency plan to manage any unpredicted impacts and their consequences	The Proponent will review, revise and update the AQMP as part of the Modification approval as per the 5-year EPL license recommendations. This updated version will include requirements under Schedule 5, Condition 2 (a) and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: A section that clearly includes a contingency plan to manage any unpredicted impacts and their consequences.	31 <sup>st</sup> August 2025
Schedule 5, Condition 2 (a)  NC29	See above	The ACHMP does not clearly describe baseline data	It is recommended that the ACHMP is reviewed and updated to clearly describe baseline data recorded during the 2015 EIS	The Proponent will review, revise and update the ACHMP as part of the Modification approval as per the 5-year EPL license recommendations. This updated version will include requirements under Schedule 5, Condition 2 (a) and any	31 <sup>st</sup> August 2025

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				outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: Baseline data identified in the 2015 EIS	
Schedule 5, Condition 2 (a)  NC30	See above	The NMP does not clearly describe detailed baseline data	It is recommended that the NMP is reviewed and updated to include a detailed baseline data	The Proponent will review, revise and update the NMP as part of the Modification approval as per the 5-year EPL license recommendations. This updated version will include requirements under Schedule 5, Condition 2 (a) and any outstanding information identified by the Auditor as per comments in Section 3.5 <i>Non-Compliances During the Audit Period</i> Table 3 of the 2024 IEA dated April 2025. This information will include but is not limited to the following: Baseline data identified in the 2015 EIS	31 <sup>st</sup> August 2025

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Schedule 5, Condition 2 (b)  NC31		There was no Discharge Procedure available at the time of the IEA	It is recommended that a Discharge Procedure as noted in Table 8 of the SWMP is developed prior to construction and a revision to the SWMP is made, in accordance with the requirements of Schedule 5, Condition 3 of SSD 6519	The proponent will develop a Discharge Procedure as noted in Table 8 of the SWMP is developed prior to construction and a revision to the SWMP is made, in accordance with the requirements of Schedule 5, Condition 2 of SSD 6519	31 <sup>st</sup> August 2025
Schedule 5, Condition 3 (a)  NC30 NC32	<i>"Annual Review under condition 9 below;"</i>	There was no evidence available at the time of the IEA to confirm that revision of any strategies, plans or programs had occurred within 3 months of the submission of the 2023/4 Annual Review	It is recommended that revision of strategies, plans and programs occurs within 3 months of the submission of an Annual Review	The proponent notes that DPHI recently accepted the initial Annual Review and no strategic revision of strategies, plans and programs was flagged as necessary due to no significant activities occurring onsite except rudimentary 'commencement of works' steps. However, with more activity expected to occur in the second year of operation a revision of strategies, plans and programs will occur within 3 months of the submission of an Annual Review as per Schedule 5, Condition 3 (a)	31 <sup>st</sup> January 2026
Schedule 5, Condition 9			R1	The proponent will format the Annual Reviews for Dolwende	October 2025

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			It is recommended that future Annual Reviews for the Dolwende Quarry generally follow the format of NSW Planning's 'Compliance Reporting Post Approval Requirements' (May 2020)	Quarry in accordance to that of NSW Planning's 'Compliance Reporting Post Approval Requirements' (May 2020)	
Schedule 5, Condition 12 (a) <b>NC33</b>	<i>"make the following information publicly available on its website: the documents listed in condition 2(a) of Schedule 2;"</i>	A website for the Project has not been developed during the audit period	It is recommended that UHH develop a website as soon as possible, in order to make the necessary Project information publicly available	The proponent will develop a website as per Schedule 5, Condition 12 (a) in order to make the necessary Project information publicly available by 30 <sup>th</sup> June 2025	30 <sup>th</sup> June 2025
<b>EPL 21293</b>					
<b>Condition G1.1</b>			<b>R3</b> It is recommended that a physical copy of the EPL is kept at the premises once site operations commence	The proponent will keep a physical copy of the EPL at the premises once site operations commence	31 <sup>st</sup> August 2025
Condition L1.1			<b>R2</b> It is recommended that a maintenance work on Project sediment dams will be completed prior to commencement of	The proponent will ensure that maintenance work on Project sediment dams will be completed prior to commencement of Project	31 <sup>st</sup> August 2025

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			Project operations, to ensure they will operate effectively	operations, to ensure they will operate effectively	
Condition L5.1  NC34-36		Evidence was not available at the time of the IEA to confirm that construction at the premises was conducted during approved times	It is recommended that evidence is retained to confirm that all construction at the premises is conducted within approved times	Whilst minimal activity has occurred to date and that within scheduled hours, the proponent will retain evidence to confirm that all construction at the premises is conducted within approved times as per Condition L5.1	30 <sup>th</sup> June 2025
Condition O2.1 (a)  NC37		There was no evidence available at the time of the IEA to confirm that equipment used at the site has been maintained in a proper and efficient condition during the audit period	It is recommended that records are retained to confirm that all plant and equipment used at the site has been maintained in a proper and efficient condition during the audit period	No extraction plant on site as of date of inspection. Contractor Equipment used for initial EPL works were registered and insurance currency viewed. However, copies of compliance will be retained in future operations to confirm that all plant and equipment used at the site has been maintained in a proper and efficient condition as per Condition O2.1 (a)	30 <sup>th</sup> June 2025
Condition O2.1 (b)  NC38		There was no evidence available at the time of the IEA to confirm that all equipment used at the site has been operated in a	It is recommended that records are retained to confirm that all plant and equipment used at the site is being operated in an efficient and proper manner	No extraction plant on site as of date of inspection. Contractor Equipment used for initial EPL works were registered and insurance currency viewed.	30 <sup>th</sup> June 2025

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		proper and efficient manner during the audit period		However, records will be retained in future operations to confirm that all plant and equipment used at the site is being operated in an efficient and proper manner as per Condition O2.1 (b)	
Condition M4.1 NC39		It was identified during the IEA that the licensee does not operate a telephone complaints line	It is recommended that UHH operate a telephone complaints line for the Project and provide this number on the Project website	The proponent will operate a telephone complaints line for the Project and provide this number on the Project website as per Condition M4.1	30 <sup>th</sup> June 2025
Condition M4.2 NC40		It was identified during the IEA that UHH has not notified the public of the complaints line telephone number and the fact that it is a complaints line	See recommendation made against Condition M4.2 above	See response made in Condition M4.1 above	
Condition M4.3 NC41		A telephone complaints line was not set up for the project and the public notified within three months from the issue of EPL 21293	See non-compliances and recommendations made against Condition M4.1 and Condition M4.2 above	See response made in Condition M4.1 above	

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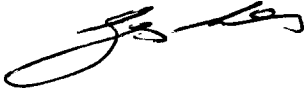


Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/ Response (as applicable)	Proposed Action Due Date
Condition R1.7 (a), (b)  NC42-43		A signed copy of the latest Annual Return was not available at the time of the IEA	(a) It is recommended that a signed copy of the Annual Return is retained and signed by the licence holder  (b) It is recommended that a signed copy of the Annual Return is retained and signed by a person approved in writing by the EPA to sign on behalf of the licence holder	This information is retained on the publicly available EPL licensing website.	

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Please contact us if there are any further questions.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Williams', with a stylized flourish at the end.

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Position : Sole Director  
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