

20 July 2021

Compliance Unit
Department of Planning, Industry & Environment
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Singleton NSW 2330
E | wayne.jones@planning.nsw.gov.au

To the relevant officer,

Re: Independent Environmental Audit Review and Response Plan

In accordance with Condition 13 (of Schedule 5)¹ of Development Consent DA 344-11-2001, an Independent Environmental Audit (IEA) was completed for the Wallerawang Quarry operated by Walker Quarries Pty Ltd (Walker Quarries) by James Bailey & Associates Pty Ltd (JBA).

1.0 IEA Completion – Conditional Requirements of DA 344-11-2001

The IEA, which commenced with a site meeting on 27 April 2021, is attached with this correspondence. The IEA considered the conditional requirements of:

- DA 344-11-2001: the development consent for the Wallerawang Quarry issued on 14 October 2004 and subsequently modified three times on 25 August 2017, 7 December 2018 and 26 February 2020,
- The management plans or other documents prepared in compliance with the conditions of DA 344-11-2001,
- DA 019/18: the development consent issued by Lithgow City Council for the construction and use of office and amenity buildings on the Wallerawang Quarry Site,
- Mining lease (ML) 1633,
- Exploration Licences (EL) 4473, and
- various Water Access Licences and Water Approvals held by Walker Quarries.

A summary of the key outcomes of the IEA is provided in **Section 2**.

The IEA includes a number of recommendations and **Section 3** provides the Response Plan of Walker Quarries to these recommendations.

¹ Conditions of DA 344-11-2001 are hereafter referenced as follows Schedule (Condition), i.e. Condition 13 of Schedule 5 will read Condition 5(13).

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2.0 Summary of IEA Outcomes

For each condition or commitment, JBA determined Walker Quarries to be either compliant or non-compliant. Where a requirement has an activation or timing trigger that had not been met at the time of the audit inspection, compliance status was noted as 'not triggered'. Where conditional requirements were addressed or completed prior to this IEA, compliance status was noted as 'not verified'.

The IEA confirmed operations at the Wallerawang Quarry to be generally in compliance with the various conditions of approvals and commitments made in associated documents. Specifically, the IEA makes the following assessments of compliance and performance.

DA 019/18

Compliance with all conditions which could be verified was confirmed.

DA 344-11-2001

Compliance was either confirmed, or the requirement to comply not triggered, for all but the following 11 conditions.

- Condition 2(2)(a). Relating to the fact that non-conformances against some conditions requirements were noted.
- Condition 3(3B). Relating to notification of DPIE of a noise agreement with a neighbouring landowner.
- Condition 3(4)(c). Relating to the implementation of noise management and monitoring on the Quarry Site, a period of in excess of 6 months between monitoring campaigns was recorded in contravention of the commitments of the Noise Management Plan at the time.
- Conditions 3(11) & 3(13). Relating to air monitoring criteria, it was identified that the period of deposited dust sampling fell outside the 30+/-2 days required under the relevant standard (being a commitment made in the Air Quality Management Plan).
- Condition 3(23C)(a). With reference to the preparation of an Aboriginal Cultural Heritage Management Plan, endorsement of the author (OzArk Environmental & Heritage Management) by the Department of Planning, Industry & Environment was not able to be confirmed.
- Condition 3(25). Relating to a requirement to provide appropriate long-term security for the Biodiversity Offset Strategy of the Quarry, payment into the Biodiversity Conservation Fund to account for the offsetting of biodiversity credits was made after the required date (31 December 2018).
- Condition 3(31)(c). Relating to the preparation and implementation of a Rehabilitation Management Plan, this document was submitted 3 days after the 3 month period from approval of Modification 3².
- Condition 3(37). Relating to the storage of liquids on the Quarry Site, waste oil drums and other containers were identified as being stored outside of bunded pallets.
- Condition 5(5)(b)/(c). Relating to the requirement to review and update if necessary management plans and strategies of the Wallerawang Quarry, evidence could not be supplied to confirm these plans and strategies were reviewed following the 2018 IEA.

² It is noted in the IEA that a request for a small extension to the time to submit was requested but rejected by the DPIE.

- Condition 5(8). With reference to the operation of the Community Consultative Committee (CCC) for the Quarry, minutes for one of the CCC meetings during the audit period was absent from the Wallerawang Quarry website.
- Condition 5(12). Relating to the provision of Annual Reviews to the DPE and Lithgow City Council, evidence of supply to Lithgow City Council could not be provided.
- Condition 5(17). Relating to the provision of Environmental Assessment documentation listed in Condition 2(2)(c), the environmental assessments for modifications 1 and 2 are not available on the Wallerawang Quarry website.

With respect to these non-compliances, excluding Condition 3(37), these reflect administrative non-compliances without potential for direct impact on the environment. This notwithstanding the IEA Response Plan provided as Section 3 reviews the recommendations made in the IEA with respect to correcting or preventing these along with timing for implementation.

ML 1633

The IEA confirms Walker Quarries as compliant against the 9 conditions of ML 1633.

EL 4473

The IEA confirms Walker Quarries as compliant against the 14 conditions of EL4473.

Water Access Licences and Approvals

The IEA confirms Walker Quarries as complying with all triggered conditions of:

- WAL 41884
- WAL42081
- WAL42390
- Approval 10CA123996, and
- Approval 10CA123169.

3.0 IEA Response Plan

Table 1 identifies those conditions against which the IEA identified non-compliances (refer to Section 2), the recommendations made, actions to be taken by Walker Quarries in relation to these recommendations, and the proposed timing to implement or complete any commitments made.

Table 2 identifies the additional recommendations made by the IEA to improve performance, actions to be taken by Walker Quarries in relation to these recommendations, and the proposed timing to implement or complete any commitments made.

We trust this information meets with your current requirements. Please do not hesitate to contact the undersigned on 1300 793 267 should you require clarification or further information.

Yours sincerely



Alex Irwin
Principal Environmental Consultant

Table 1 Response to Non-compliance Recommendations

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
3(1)	Hours of Operations (Blasting)	Include the times of all blast events in future Blast Monitoring Reports and Annual Review documents published on the Walker Quarries website.	Walker Quarries does not intend on enforcing this recommendation, i.e. inclusion of blast time on the Blast Monitoring Report which is published on the website. The time of blast is supplied in separate reports supplied to Walker Quarries by the blasting contractor which contains additional and complex detail on the specifications of the blast (which Walker Quarries does not wish to publish on the website). Blast times will be included in the Annual Reviews prepared by 30 September each year	30 September 2021
3(3B)	Noise Agreement	It is recommended that WQ formally notify DPIE that a noise agreement is in place with the owner of property ID 'N2'.	Accepted. It is noted N2 is not a residence and, subject to endorsement of a revised Noise Management Plan, the location of noise monitoring location N2 will be relocated to 42 Rocky Waterhole Drive as a more appropriate noise monitoring location	30 September 2021
3(4)(c)	Noise Monitoring	Undertake noise monitoring bi-annually in accordance with the approved Noise Management Plan.	The Noise Management Plan was updated in September 2020 to remove reference to 6 monthly interval. Monitoring is now undertaken bi-annually (nominally September/October and March/April).	Complete and ongoing
3(11)	Air Quality Management	Ensure that dust sampling is undertaken within 30+/-2 day period required under the relevant standard.	Walker Quarries retains an Environmental Permit Planner which identifies required dates for monitoring and sampling.	Complete and ongoing
3(13)				
3(23C)(a)	Aboriginal Cultural Heritage Management Plan (ACHMP)	It is recommended that WQ seek formal DPIE endorsement of OzArk (or other suitably qualified person(s)) at the next revision of the ACHMP.	Endorsement will be sought prior to the next review of the ACHMP.	October 2021

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
3(25)	Security of Biodiversity Offsets	It is recommended that WQ seek DPIE approval of the long-term offset security payments made to the Biodiversity Conservation Fund in 2018.	Secretary endorsement of the Biodiversity Management Plan (which provides the mechanism for offsetting disturbance) is considered to supersede this requirement. The condition references a superseded offset policy.	N/A
3(37)	Liquid Storage	Put additional containment / storage measures in place to ensure that containers holding hydrocarbons and oils are appropriately stored when not in active use, in accordance with AS1940.	WQ will review storage of hydrocarbons and provide for self-bunded pallets or other compliant containment areas.	October 2021
5(5)(b)/(c)	Management Plan Review	Consider adding a column providing the purpose of review/update to management plan document control tables to address this condition.	Walker Quarries does not intend on implementing this recommendation.	N/A
		Provide notification to DPIE on submission of each Annual Review that confirms any management plans scheduled to be revised.	Walker Quarries agrees to implement this recommendation	30 September 2021
5(8)	CCC	Upload CCC meeting minutes to the Company website following their distribution to CCC representatives.	Walker Quarries agrees to implement this recommendation	Within 10 days of CCC meeting
5(12)	Annual Review Distribution	Ensure that copies of WQ AR documents continue to be provided to LCC.	Lithgow Council was provided with a copy of the 2019/2020 Annual Review, along with a link to the location of previously Annual Reviews, in an email from Alex Irwin on 4 May 2021. Future Annual Reviews will be emailed to Lithgow City Council within 1 month of submission to the DPIE.	Complete and ongoing
5(17)	Website Content	Update the link to the current DPIE major projects database from the WQ website for access to DA 344-11-2001 approvals documentation.	Agreed	30 September 2021

Table 2 Response to Continual Improvement Recommendations

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
DA 344-11-2001				
3(1)	Hours of Operations (Blasting)	Include the timing of all blast events in future Blast Monitoring Reports and AR documents published on the WQ website, to confirm compliance with approved blasting hours.	Walker Quarries does not intend on enforcing this recommendation, i.e. inclusion of blast time on the Blast Monitoring Report which is published on the website. The time of blast is supplied in separate reports supplied to Walker Quarries by the blasting contractor which contains additional and complex detail on the specifications of the blast (which Walker Quarries does not wish to publish on the website). Blast times will be included in the Annual Reviews prepared by 30 September each year	30 September 2021
3(4)(a)	Noise Management Commitments	Include comment on the annual operational noise Best Practice Measure review undertaken by WQ in future ARs.	Coinciding with (approximate) quarterly collection of groundwater data, an inspection will be completed of the Quarry Site to review implementation and performance of the commitments made in Noise Management Plan. These inspections will record whether each commitment is being implemented and any follow-up requirements. These inspections will be retained and used to assess performance in each Annual Review.	First inspection to be completed before 30 September 2021 Inspections approximately quarterly thereafter
3(4)(b)	Meteorological Conditions	Consider adding a section to the 'Daily Inspection Logs' to allow for comments on metrological conditions and/or any corrective actions taken to minimise noise emissions from site to be noted by the Quarry Manager.	Not required as Quarry Manager now has access to real-time met data.	N/A
		Recommend that WQ consider making real-time meteorological data available to the Quarry Manager, to assist in reviewing noise-enhancing weather conditions.	The Quarry Manager has access to real-time meteorological data.	Complete and ongoing

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
3(5)	Noise Management Plan (NMP)	Include approval letter from DPIE as an Appendix to the NMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
3(5)(c)		It is recommended that WQ include comment on the annual BPM review of noise impacts in future ARs.	Coinciding with (approximate) quarterly collection of groundwater data, an inspection will be completed of the Quarry Site to review implementation and performance of the commitments made in Noise Management Plan. These inspections will record whether each commitment is being implemented and any follow-up requirements. These inspections will be retained and used to assess performance in each Annual Review.	First inspection to be completed before 30 September 2021 Inspections approximately quarterly thereafter
3(5)(e)		Recommend that the NMP is updated to modify the siting of attended monitoring location N2, or to add a fourth monitoring location representative of the closest privately-owned residence.	Subject to the agreement of the landowner, N2 will be relocated to the residence of 42 Rocky Waterhole Drive.	October 2021
3(9)(a)	Blast Monitoring	Include comments on fume management in future blast monitoring reports.	The Quarry manager will observe each blast and if fume (orange or red coloured dust) observed will record and report separately (as nominated in the Blast Management Plan).	October 2021
3(10)	Blast Management Plan (BMP)	Include approval letter from DPIE as an Appendix to the BMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
3(13)(a)	Air Quality Management	Consider adding a section to the 'Daily Inspection Logs' to allow for comments on metrological conditions and/or any corrective actions taken to minimise noise emissions from site to be noted by the Quarry Manager.	Not required as Quarry Manager now has access to real-time met data.	N/A
3(13)(b)		Recommend that WQ consider making real-time meteorological data available to the Quarry Manager, to assist in reviewing noise-enhancing weather conditions.	The Quarry Manager has access to real-time meteorological data.	Complete and ongoing

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
3(14)	Air Quality Management Plan (AQMP)	Include approval letter from DPIE as an Appendix to the AQMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
3(18)	Soil and Water Management Plan (SWMP)	Include approval letter from DPIE as an Appendix to the SWMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
3(23C)	Aboriginal Cultural Heritage Management Plan (ACHMP)	Include approval letter from DPIE as an Appendix to the ACHMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
3(25)	Security of Biodiversity Offsets	It is recommended that WQ seek DPIE approval of the long-term offset security payments made to the Biodiversity Conservation Fund in 2018.	Secretary endorsement of the Biodiversity Management Plan (which provides the mechanism for offsetting disturbance) is considered to supersede this requirement. The condition references a superseded offset policy.	N/A
3(26)	Biodiversity Management Plan (BDMP)	Include approval letter from DPIE as an Appendix to the BDMP.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A
		WQ should record and maintain mapping of areas treated for weeds in each year, to allow for the regular review of weed treatment methods and performance.	Accepted. Mapping of weed management to be included in future Annual Reviews.	30 September 2021 and ongoing.
3(30)	Rehabilitation	Review the performance of cover on relatively small bare areas of topsoil stockpiles and rehabilitation areas identified. Re-establishment of grass cover and/or infill plantings should be considered in these areas.	Some bare areas of rehabilitation is acknowledged however, natural revegetation is expected during Spring 2021. The areas will be monitored and supplementary seeding undertaken if natural revegetation does not occur.	By September 2022
3(33)	Visual Amenity	Investigate options to complete infill plantings or establish a cover crop on exposed sections of the visual bund.		
5(1)	EMS	Include approval letter from DPIE as an Appendix to future versions of the EMS.	Walker Quarries retains correspondence on file and does not intend on implementing this recommendation.	N/A

Condition	Environmental Parameter	IEA Recommendation(s)	Response	Timing for Implementation
EL 4473				
2(3)	Consultation	WQ consider the Exploration Code of Practice: Community Consultation in during consultation required for future activities under EL 4473.	When consultation is required, the code of practice will be adopted.	As required