



OBERON QUARRIES

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30 March 2020

Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

RE: Oberon Quarries Pty Ltd 2019 Independent Environmental Audit (SSD_6333)

In accordance with Schedule 5, Condition 11, of the Oberon Quarries Pty Ltd (OQ) Continuation Project Development Consent (SSD_6333) (the consent), please find enclosed the Oberon Quarries Pty Ltd (OQ) Independent Environmental Audit, The audit was undertaken by Ken Holmes of Barnett & May , in accordance with Schedule 5, Condition 10, of the consent and was provided to Oberon Quarry on 10th of January 2020

The audit identified Eighteen non-compliance, Fifteen administrative non-compliances. These findings are reproduced in **Table 1** below, together with Oberon Quarries Pty Ltd response for your reference.

Oberon Quarries Pty Ltd acknowledges to resolve any issues in the findings in reasonable timeframe. We note progress of a reply to audit findings has been delayed due to uncontrollable events which has impacted Oberon Quarries operation, management and employees in 2020 including Drought, Bushfires, Floods and COVID19.

Nevertheless, we look forward to improving on agreed items and moving forward into future during these unsettling times.

Please do not hesitate to contact me if you have any questions on 0425 371 787.

Yours sincerely

Jake Hargraves
CFO

TABLE 1 – Independent Environmental Audit Non-Compliances Finding and Plan of Action

Issue No.	Project Approval Condition	Requirement	Audit Finding	Oberon Quarry Audit Response
Identified Administrative Non-Compliance				
A-01	Section 2 Condition 2	The Proponent shall carry out the project generally in accordance with the: (a) EIS; (b) Statement of Commitments; and (c) conditions of this approval.	All conditions in this Approval have not been satisfied. Refer to specific non compliances described below.	OQ has responded to all audit findings.
A-02	Section 2 Condition 6	The Applicant shall not extract extractive materials below a level of 1125 m AHD.	A recent quarry surveyors report was not available at the time of the Audit to verify that the excavation limits were complied with.	Last surveyor report conveyed depth of 1154m. No extraction has occurred beyond this point which would warrant additional surveyor report to be produced. OQ confirms it has not extracted below level of 1125m.
A-03	Section 2 Condition 17	By 30 November 2015, unless otherwise agreed with the Secretary, the Applicant shall: (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.	No correspondence confirming that the survey plan was submitted to DPE was available during the audit.	OQ disagrees surveyor plan was produced by central west surveying and submitted by OQ depicting boundaries and depth.
A-05	Section 3 Condition 11	The Proponent shall: (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see noted under Table 4);	No procedure has been developed (and documented in the AQMP) to minimise dust impacts during adverse meteorological (and other) conditions.	Historically OQ has never been impacted by adverse meteorological conditions (e.g. drought). OQ agrees and will action review of AQMP to include adverse meteorological conditions.



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A-06	Section 3 Condition 11	The Proponent shall: (e) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;	No procedures or controls for the minimisation of greenhouse gas emissions have been developed, implemented and documented in the AQMP.	OQ will conduct a review into feasibility of actioning measures to reduce greenhouse emissions.
A-07	Section 3 Condition 25	Within 6 months of the approval of the Landscape and Rehabilitation Management Plan, the Applicant shall lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the plan and relevant conditions of this consent	The required rehabilitation bond is in place. The Bond (bank guarantee) was issued in September 2018, while the LRMP has initially approved in May 2016. The bond was therefore not provided to DPIE within the required six months. A further direction from DPIE for finalisation of the Bond by 30 April 2018 was not met.	OQ meet bond requirements on 27 July 2018. No further action required.
A-08	Section 4 Condition 1	As soon as practicable after obtaining monitoring results showing: (a) an exceedance of any relevant criteria in Schedule 3, the Applicant shall notify the affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and	Blast overpressure exceedances were recorded during the Audit Period. No documentation was available to the Audit verifying that relevant landowners had been notified in accordance with this Condition.	OQ – Letters were provided to affected landowners, these have been uploaded to file sharing platform.



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A-09	Section 5 Condition 5	The Proponent shall assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	Refer to Non-Compliances listed above.	OQ – Non-Compliance above addressed via tabled replies.
A-10	Section 5 Condition 9	By the end of March each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General.	While annual reviews have been published each year, the 2017 Annual review was issued three months late.	OQ – Has addressed all annual returns and dedicated staff have been employed to improve efficiency of administration reporting requirements going forward.
A-11	Section 5 Condition 12	Prior to the commencement of construction on the site, the Proponent shall: (iii) all approved strategies, plans and programs required under the conditions of this approval;	The following plans have been uploaded to the Oberon Quarries Website: a) 2018 Pollution Incident Response Management Plan b) Noise Management Plan c) Blast Management Plan d) Air Quality Plan e) Water Management Plan f) Transport Management Plan g) Landscape and Rehabilitation Management Plan h) Environmental Management Strategy The superseded versions of the plans are currently loaded onto the website.	OQ – Website administration issues have been addressed and utilisation of cloud computing has been adopted to further improve this process.



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A-12	Statement of commitments NO.11	There are a number of mitigation and management measures proposed to be implemented for the ongoing operations. These are outlined in Table 7.2	No procedures or controls for the minimisation of greenhouse gas emissions have been developed, implemented and documented in the AQMP.	OQ will conduct review into feasibility of actioning measures to reduce greenhouse emissions from site given small business structuring of OQ.
A-13	EPL 4442 M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this license: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	While the monitoring and testing results are maintained (in summary form), full details of the sampling and testing in accordance with this condition is not maintained by Oberon Quarries.	OQ – Records on review include details outlined in points a,b,c,d as required per condition.
A-14	EPL 4442 M4.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	While copies of correspondence related to some of the complaints received, and summaries of the complaints received were available during the audit, a "Complaints Register" containing the information required by this condition was not being maintained.	OQ received one complaint via letter which was retained, reviewed, actioned and resolved. No further complaints were received in relation to this.



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A-15	EPL 4442 M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	While copies of correspondence related to some of the complaints received, and summaries of the complaints received were available during the audit, a "Complaints Register" containing the information required by this condition was not being maintained.	OQ has developed complaint register.
A-16	EPL 4442 R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring license not later than 60 days after the date the transfer was granted (the 'due date').	All annual returns prepared during the audit period where not submitted on time.	OQ has addressed all annual returns and dedicated staff have been employed to improve efficiency of administration reporting requirements.
Identified Non-Compliance				
N-01	Section 3 Condition 4	The Proponent shall: (c) carry out noise monitoring (at least every 3 months, unless otherwise approved by the Secretary) to determine whether the development is complying with the relevant conditions of this consent;	No noise monitoring has been undertaken over the last four quarters of this Audit Period. Oberon Quarries considers that their agreements with landowners (agreeing that noise monitoring is only required following a noise complaint) is appropriate. Written approval from the Secretary (nor the EPA) has been given to cease quarterly noise monitoring.	OQ – No change in operations or events have occurred which would warrant noise monitoring to be reinstated.



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N-02	Section 3 Condition 4	The Proponent shall: (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the Secretary.	Noise monitoring is no longer undertaken; therefore, an assessment of monitoring data has not been undertaken.	OQ – No change in operations or event have occurred which would warrant noise monitoring to be reinstated.
N-03	Section 3 Condition 6	The Proponent shall ensure that blasting on the site does not cause exceedances of the criteria in Table 3. a) Air blast Over Pressure - 120 dB(Lin Peak) / 115 120 dB(Lin Peak) 5% of the total number of blasts per year b) Ground Vibration 10 mm/s / 5 mms/s 5% of the total number of blasts per year	Seven production blasts were undertaken in the 2017 calendar year. One exceedance in blast over pressure was recorded. Five production blasts were undertaken during the 2018 Calendar Year. One blast (22 January 2018) exceeded the over pressure limit and represented 5% of the blasts undertaken. Seven production blasts were undertaken in the 2019 calendar year (to date).	OQ – In our view the Isolated over blast events occurrences dose not warrant change in approach as subsequently to isolated events all blast has been within requirements. Consequently, OQ accepts current blasting methods/procedures are effective.
N-04	Section 3 Condition 10	The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Table 4 at any residence on privately-owned land.	Monthly dust deposition monitoring (Photo #3) is undertaken, however no TSP or Particulate matter testing is undertaken. Therefore, compliance against the TSP and Particulate Matter criteria could not be verified. Dust deposition testing over the Audit Period: no exceedances were detected in 2019 (year to date), 2018 or 2017.	OQ has meet all dust monitoring requirements. Dust has been controlled as displayed by testing results. OQ given its a silica/asbestos free basalt deposit will investigate inclusion of TPS/Particle Matter testing in dust monitoring management plan.



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<p>N-05</p>	<p>Section 3 Condition 11</p>	<p>The Proponent shall: (a) implement best practice management to minimise the dust emissions of the development;</p>	<p>The AQMP details the controls to be implemented. All controls except the use of the wheel wash are able to be implemented. There appears to be no provision dust control in pit stockpiles.</p>	<p>OQ established hard stand surfaces and with availability of recommissioned wheel wash to address adverse conditions. Historically no incidents of dust or loose product leaving site have been reported. Stockpiles dust suppression is via watercart, stockpiles are located within pit thus not subject to disturbances requiring further controls.</p>
<p>N-06</p>	<p>Section 3 Condition 12</p>	<p>The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must: (d) include an air quality monitoring program that: <ul style="list-style-type: none"> • is capable of evaluating the performance of the development; • includes a protocol for determining any exceedances of the relevant conditions of consent; • effectively supports the air quality management system; and • evaluates and reports on the adequacy of the air quality management system. </p>	<p>Air Quality monitoring program is detailed in Section 6.1 of the Noise Management Plan. The air quality monitoring program does not cover monitoring for TSP and Particulate Matter.</p>	<p>OQ has meet dust monitoring requirements. Dust has been controlled as displayed by testing results. Silica/asbestos free basalt deposit OQ will investigate inclusion of TPS/Particle Matter testing in dust monitoring management plan.</p>
<p>N-07</p>	<p>Section 3 Condition 15</p>	<p>Unless an EPL authorises otherwise, the Applicant shall comply with Section 120 of the POEO Act.</p>	<p>Non compliances with blast over pressure were identified during the audit. A Non-compliance in relation to the dust and water monitoring procedures was identified during the audit.</p>	<p>OQ – Has addressed this item in above responses.</p>



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N-08	Section 3 Condition 18	The Applicant shall ensure that: (c) all laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site;	Dust and loose material are not actively removed from product trucks prior to leaving the site. The requirement for loose material to be removed from all trucks is contained in both the Transport Management Plan and the Driver Code of Conduct.	OQ disagrees no loose material or dust has been recorded as leaving site. Combination of dedicated weighbridge, hardstand surfaces and sealed haul road has resulted in no event of loose material or dust leaving site from trucks.
N-09	Section 3 Condition 24	The Applicant shall prepare and implement a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:	Section 5 of the Landscape and Rehabilitation Management Plan describes the measures to be implemented to ensure compliance with the rehabilitation objectives. The following commitments made in the Plan were not being implemented at the time of the Audit: a) regular weed inspections and weed control b) establishment of Rehabilitation Monitoring.	OQ disagrees weeds are actively monitored and sprayed by contractor Eurogreen. OQ – Rehabilitation monitoring is not required as site is been actively mined and no areas have been identified as starting rehabilitation process. Consequently, establishment of rehabilitation monitoring or action is void at this stage.
N-10	Section 3 Condition 24	The Applicant shall prepare and implement a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:	Section 7 of the Landscape and Rehabilitation Management Plan describes the landscape monitoring that will be undertaken to measure progress and performance. While significant rehabilitation works have not been commenced, the Plan requires the establishment of Residual Vegetation Monitoring and Annual Rehabilitation Monitoring. The programs have not been implemented.	OQ – Rehabilitation monitoring is not required as site is still been actively mined and no areas have been identified as starting rehabilitation process. Consequently, establishment of rehabilitation monitoring or action is void at this stage.



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N-11	Section 3 Condition 28	The Applicant shall: (b) minimise the waste generated by the development;	There is no program in place to minimise wastes.	OQ agrees no formal waste management plan exists. Minimal waste is generated as most material is recycled. OQ will investigate creation of Waste Management Plan.
N-12	Section 3 condition 28	The Applicant shall: (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and	In general, the management and storage of waste materials were being undertaken in a competent manner with the exception of waste batteries and oils associated with come derelict equipment.	OQ has actioned the cleaned-up batteries, oil and identified unusable derelict equipment. OQ notes most equipment is retained as usable stocked parts for operational equipment.
N-13	Statement of commitments NO.5	Oberon Quarries has committed to implementing the following dust management and mitigation practices: o mist sprays on conveyors discharging to product stockpiles; • undertaking preventative maintenance on all dust suppression plant and equipment; • truck wheel wash facility will be maintained to be fully functional;	The AQMP details the controls to be implemented. All controls except the use of the wheel wash are able to be implemented. There appears to be no provision dust control in pit stockpiles.	OQ has implemented hard stand surfaces and with availability of recommissioned wheel wash to address adverse conditions. Historically no incidents of dust or loose product leaving quarry have been reported. Stockpiles dust suppression is via watercart and stockpiles are located within pit thus not subject to high winds or disturbances requiring further controls.



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<p>N-14</p>	<p>Statement of commitments NO.10</p>	<p>To ensure the archaeological impacts of the quarry are minimised, Oberon Quarries has committed to implementing the following management and mitigation measures:</p> <ul style="list-style-type: none"> o Oberon Quarries should ensure that all parties involved in the Project are aware that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that ham1 or desecration is the subject of an AHIP; o in the event that an Aboriginal object (or objects) is uncovered during the proposed works, ground disturbance works will cease within 20 meters of the object(s) and OEH and the relevant Aboriginal parties will be contacted so that appropriate management strategies can be identified; 	<p>There has been no training (toolbox session or information in the site induction) to inform staff that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that ham1 or desecration is the subject of an AHIP.</p> <p>There is no "unexpected finds procedure" or training that informs employees or contractors of what to do if a suspected heritage artefact is found.</p>	<p>OQ policy for section 86 requirement of the NPW act is within formal induction program completed by all personnel. OQ agree this can be revised via Toolbox meetings and training.</p>
<p>N-15</p>	<p>EPL 4442 L5.1</p>	<p>The air blast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.</p>	<p>Seven production blasts were undertaken in the 2017 calendar year. One exceedance in blast over pressure was recorded. Five production blasts were undertaken during the 2018 Calendar Year. One blast (22 January 2018) exceeded the over pressure limit and represented 5% of the blasts undertaken. Seven production blasts were undertaken in the 2019 calendar year (to date).</p>	<p>OQ – In our view Isolated over blast events occurrences dose not warrant change in approach as subsequently to the isolated events all blast has been within requirements. Thus, OQ view is the current blasting methods/procedures are effective.</p>



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N-16	EPL 4442 L5.2	The air blast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Seven production blasts were undertaken in the 2017 calendar year. One exceedance (19 July 2017, 128.7 dB (Lin Peak)) in blast over pressure was recorded. Five production blasts were undertaken during the 2018 Calendar Year. One blast (22 January 2018) exceeded the over pressure limit and represented 5% of the blasts undertaken. Seven production blasts were undertaken in the 2019 calendar year (to date).	OQ – In our view Isolated over blast events occurrences dose not warrant change in approach as subsequently to isolated event all blast has been within requirement. Thus, our view current blasting methods/procedures are effective
N-17	EPL 4442 O1.0	Licensed activities must be carried out in a competent manner. This includes b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	In general, the management and storage of waste materials were being undertaken in a competent manner with the exception of waste batteries and oils associated with come derelict equipment.	OQ has actioned the cleanup of batteries, oil and identified unusable derelict equipment. OQ notes most equipment is retained as reusable stocked parts for operational equipment or fixed plant.
N-18	EPL 4442 O3.0	Licensed activities must be carried out in a competent manner. This includes: The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	The AQMP details the controls to be implemented. All controls except the use of the wheel wash are able to be implemented. There appears to be no provision dust control in pit stockpiles.	As pervious comment.