**Materials Pty Ltd**

ABN: 30 083 169 091



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**Calga Sand Quarry**

Response to Recommendations

arising from the

Independent Environmental Compliance Audit

**June 2015**

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# Introduction

This response to the 2014 Independent Environmental Audit has been prepared to outline to the Department of Planning and Environment (DPE) the actions proposed by Rocla arising from the recommendations in the Audit Report.

It is noted that a number of the non-compliances recorded in the Audit Report related to modifications of management plans, etc. As DPE is fully aware, Rocla has applied for Project Approval to extend the Calga Sand Quarry to the south and that the application has been the subject of a hearing before the NSW Land and Environment Court. The Court’s hearing of the appeal against the subject Project Approval was completed on 18 March 2015 and Rocla awaits the Court’s decision.

It is indeed Rocla’s preference that given the imminent decision from the Court to wait until the judgement is handed down after which two options are possible for the subject management plans.

1. In the event the Court dismisses the appeal and grants Project Approval, Rocla would prepare the subject plans within the timetable set in the conditions of the Project Approval.
2. In the event the Court upholds the appeal and does not grant Project Approval, Rocla would prepare and/or upgrade/modify the subject plans within 3 months of the date of the Court’s judgement – for submission to the DPE (and other relevant nominated authorities).

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| i) Schedule 2, Condition 4(b) — Non-compliance  The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:  b) the implementation of any actions or measures contained in these reports, plans or correspondence. |

Recommendation

It is recommended that Rocla undertake the census of all groundwater bores within 500 metres of the extraction area as committed.

Rocla’s Response

The requested bore census will be completed by 1 September 2015. A copy of the census will be provided to the Department of Planning and Environment.

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| ii) Schedule 3, Condition 2 — Non-compliance  The Applicant shall ensure that the noise generated by the development does not exceed the criteria specified in Table 1. |

Recommendation

It is recommended that Rocla develop a noise compliance management procedure to assist site personnel to appropriately report and respond to exceedances of noise limits on both the development consent and EPL.

Rocla’s Response

It is proposed to incorporate a noise compliance management procedure as one of the procedures of the new Noise Management Plan prepared in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing Noise Management Plan would be modified with the inclusion of the noise compliance management procedure within 3 months of the Court’s determination.

Prior to the determination of the NSW Land and Environment Court, and the preparation of the required plan, Rocla will ensure the requirements necessary to be followed in such a procedure, are adopted.

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| Schedule 3, Condition 15 (c) — Non-compliance  Site Water Management Plan....  c) a program to monitor impacts on the groundwater supply of potentially affected landowners, groundwater dependent ecosystems, and on vegetation; and |

Recommendation

It is recommended that the SWMP be updated to identify any GDEs that require monitoring and include impact assessment criteria for GDEs, as well as consider impacts to groundwater dependent surface water bodies.

Rocla’s Response

It is proposed to update the Site Water Management Plan (SWMP) in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing SWMP would be modified within 3 months of the Court’s determination.

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| Schedule 3, Condition 15 (note) — Non-compliance  Note: The Groundwater Monitoring Program shall be prepared in accordance with the recommendations of the independent groundwater assessment reports (prepared by Mackie Environmental Research Pty Ltd, dated July 2005 and December 2004, available from the Department), unless otherwise authorised by the Director-General. |

Recommendation

The requirements in this note do not appear to have carried over to the southern extension project approval (PA 06 0278), which will supersede this development consent upon surrender of the consent by Rocla. However, good groundwater resource management practice would dictate that the previous recommendations in this regard should be complied with.

Ensure Groundwater Monitoring Program or SWMP is amended to include commitments for evaluating long term impacts of the final void on regional groundwater resources and to develop a closure and post closure groundwater management plan at least 5 years prior to closure of the quarry, to the satisfaction of DoP.

Rocla’s Response

It is proposed to update the Site Water Management Plan (SWMP) incorporating a groundwater component with the Groundwater Monitoring Program in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing SWMP would be modified and updated with all matters relevant to the Groundwater Monitoring Program within 3 months of the Court’s determination.

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| Schedule 3, Condition 16 — Non-compliance  Within 6 months of the date of this consent, the Applicant shall prepare a Groundwater Contingency Strategy for the development, in consultation with the NOW, and landowners within the predicted drawdown impact zone identified in the Amendment Report, and to the satisfaction of the Director-General. The strategy shall include: |

Recommendation

Address the previous audit's recommendation to amend the SWMP to specifically address the noted commitments and undertake the required consultation, or provide evidence that this condition has been satisfied.

Rocla’s Response

It is proposed to update the Site Water Management Plan (SWMP) incorporating a groundwater component with the Groundwater Monitoring Program in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing SWMP would be modified and updated with all matters relevant to the Groundwater Monitoring Program within 3 months of the Court’s determination.

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| Schedule 3, Condition 19 — Non-compliance  Prior to the commencement of quarrying in Stage 3/6 or 5 years prior to the cessation of quarrying (whichever is the sooner), the Applicant shall commission a suitably qualified hydrogeologist, whose appointment has been approved by the Director-General, to assess the potential long term impacts of the final void on groundwater resources, and to develop a quarry closure and post-closure groundwater management plan. The plan shall:  a) be prepared in consultation with the NOW, the CCC, and landowners within the predicted drawdown impact zone identified in the Amendment Report; and  b) include strategies, in accordance with the Groundwater Contingency Strategy, to ensure the long-term security of water supply to any landowner whose groundwater bores exceed, or are likely to exceed in the future, the groundwater impact assessment criteria,  to the satisfaction of the Director-General. |

Recommendation

No quarrying is to be undertaken in Stage 3/6 until this condition is satisfied. It is noted that this requirement does not appear to have carried over to the recent project approval (PA06 0278). However, good practice in groundwater resource management dictates that a post-closure groundwater management plan should be prepared in accordance with the recommendations of the 2009 audit.

Rocla’s Response

Rocla has committed not to undertake any further extraction activities within Stage 3/6 until such time as a qualified hydrogeologist prepares an assessment of the potential long term impacts of the final extraction void.

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| Schedule 3, Condition 22 — Administrative Non-compliance  Within 6 months of the date of this consent, the Applicant shall prepare and subsequently implement a Rehabilitation and Landscape Management Plan for the development in consultation with Council and OEH, and to the satisfaction of the Director-General: This plan must: |

Recommendation

It is recommended that Rocla obtain written confirmation from DP&E that it is satisfied with the Rehabilitation and Landscape Management Plan.

Rocla’s Response

It is proposed to update the Rehabilitation and Landscape Management Plan (RLMP) in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing RLMP would be modified within 3 months of the Court’s determination and submitted to the DPE for approval.

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| Schedule 3, Condition 23 — Administrative Non-compliance  Within 4 years of providing the Rehabilitation and Landscape Management Plan to the Director-General, and every 5 years thereafter, the Applicant shall review and update the plan to the satisfaction of the Director-General. |

Recommendation

It is recommended that Rocla complete the review of the Rehabilitation and Landscape Management Plan and ensure future reviews are undertaken in accordance with the required timing.

Rocla’s Response

It is proposed to update the Rehabilitation and Landscape Management Plan (RLMP) in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing RLMP would be modified within 3 months of the Court’s determination.

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| Schedule 3, Condition 25 — Administrative Non-compliance  Within 4 years of lodging the rehabilitation bond with the Director-General, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall review, and if necessary revise, the sum of the bond to the satisfaction of the Director-General. This review must consider: |

Recommendation

It is recommended that Rocla ensure that future reviews, and if necessary revision, of the rehabilitation bond are completed by the due date.

Rocla’s Response

Rocla’s rehabilitation bond for the existing quarry was last reviewed on 22 March 2012. The bond currently stands at $533,128. In the event the NSW Land and Environment Court approves the Southern Extension of the Quarry, Rocla anticipates a new rehabilitation bond will be required. In the event the Court refuses the application to extend Calga Quarry, the existing rehabilitation bond will be reviewed by 22 March 2017.

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| Schedule 3, Condition 27 — Administrative Non-compliance  Prior to carrying out any development, the Applicant shall provide a painted seagull arrangement to Peats Ridge Road, to improve egress for vehicles turning right from the access road, to the satisfaction of the RTA. |

Recommendation

It is recommended that Rocla confirm the RMS is satisfied with the works undertaken on the provision of a painted seagull arrangement to Peats Ridge Road.

Rocla’s Response

In the event the NSW Land and Environment Court approves the Southern Extension of Calga Quarry, Rocla anticipates that there will be no further requirement for an approval for the painted seagull intersection on Peats Ridge Road. In the event the Court refuses the application to extend Calga Quarry, Rocla will again request the satisfaction of RMS for the painted seagull arrangement.

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| Schedule 3, Condition 28 — Non-compliance  The Applicant shall ensure that the long term access road is designed to:  a) accommodate heavy vehicle turning paths for the left hand turn from Peats Ridge Road into the access road, to the satisfaction of the RTA and the Director-General; and  b) provide for vehicular access to the pit floor, to the satisfaction of the DPI and the Director-General. |

Recommendation

It is recommended that Rocla confirm DP&E and RMS are satisfied with the works undertaken to ensure compliance with this condition.

Rocla’s Response

In the event the NSW Land and Environment Court approves the Southern Extension of the Quarry, Rocla anticipates that there will be no further requirement for an approval for the long term access road. In the event the Court refuses the application to extend Calga Quarry, Rocla will again request the satisfaction of DPE and RMS for the long term access road.

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| Schedule 3, Condition 29 — Administrative Non-compliance  The Applicant shall provide sufficient parking on-site for all quarry-related traffic, in accordance with Council's parking codes, and to the satisfaction of the Director-General. |

Recommendation

It is recommended that Rocla confirm that DP&E is satisfied with the parking arrangements at Calga Sand Quarry to ensure compliance with this condition.

Rocla’s Response

In the event the NSW Land and Environment Court approves the Southern Extension of the Quarry, Rocla anticipates that there will be no further requirement for an approval for on-site parking. In the event the Court refuses the application to extend Calga Quarry, Rocla will again request the satisfaction of DPE for on-site parking.

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| Schedule 4, Condition 1 — Non-compliance  If the results of monitoring required in schedule 3 identify that impacts generated by the development are greater than the relevant impact assessment criteria in schedule 3, then the Applicant shall notify the Director-General and the affected landowners and/or existing or future tenants accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the criteria in schedule 3. |

Recommendation

It is recommended that Rocla develop a procedure to investigate potential exceedances of conditions and where an exceedance is confirmed, satisfy the notification and reporting procedures in the development consent.

Rocla’s Response

Rocla proposes to develop the notification procedure with respect to non-compliant monitoring results. A copy of the procedure would be finalised within three months of the Land and Environment Court’s determination of the application regarding the Southern Extension of the Quarry. This timing is proposed to allow any additional requirements relating to the Southern Extension should Project Approval be issued by the Court. It is noted that the procedure would be incorporated into each plan with a monitoring component.

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| Schedule 5, Condition 1(f) — Administrative Non-compliance  Within 3 months of the date of this consent, the Applicant shall prepare, and subsequently implement, an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:  e) be updated within 3 months of the completion of each Independent Environmental Audit. |

Recommendation

It is recommended that as Rocla is required to prepare plans, programs and strategies for the December 2013 Project Approval (PA06 0278), that updates to all plans, programs and strategies (including the EMS) be undertaken at this time within the timeframe specified by PA06 0278, or as agreed with DP&E.

Rocla’s Response

In the event the NSW Land and Environment Court approves the Southern Extension of the Quarry and PA06 0278 is relied upon, it is proposed to update the Environment Management Strategy (EMS) to reflect all matters relevant to the Southern Extension. All updates to the EMS,and other relevant documents. will be prepared in accordance with the requirements specified in the approval.

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| Schedule 5, Condition 6A — Administrative Non-compliance  Within three months of:  a) the submission of an AEMR under condition 4 above;  b) the submission of an incident report under condition 12 above;  c) the submission of an audit under condition 5 above; or  d) any modification to the conditions of this consent (unless the conditions require otherwise),  e) The Applicant shall review, and if necessary revise, the strategies, plans and programs required under this consent to the satisfaction of the Director-General.  Note: this is to ensure the strategies, plans and programs are updated on a regular basis and incorporate any recommended measures to improve the environmental performance of the development |

Recommendation

It is known that with the new Project Approval (PA06 0278) updates to strategies, plans and programs will be required to conform to the conditions in the new approval and the approved project. It is recommended that revisions to strategies, plans and programs be undertaken in light of the new approval.

Rocla’s Response

Rocla proposes to prepare the required revisions to strategies, plans and programs within the timeframe nominated in the Project Approval by the NSW Land and Environment Court, should the Southern Extension be approved.

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| Schedule 5, Condition 10 — Administrative Non-compliance  Following the commencement of development on site under this consent the Applicant shall:  a) Make the following information publicly available on its website:   * Approved strategies, plans or programs; * A complaints register, updated on a quarterly basis;   b) Keep this information up to date. |

Recommendation

It is recommended that Rocla make the updated AQMP and EMP publicly available on the Rocla website.

It is recommended that Rocla make the 2009, 2010 and 2013 complaints register publicly available on the Rocla website.

It is recommended that Rocla ensure all approved strategies, plans, programs, or other applicable documents required to be made publicly available on the Rocla website, be uploaded to the website. In addition, it is recommended that any of these documents, or similar, required by the new Project Approval (PA06 0278) be made publicly available, as applicable.

Rocla’s Response

Rocla has already uploaded the updated Air Quality Monitoring Plan and Environmental Monitoring Program onto its website.

www.roclaquarries.com.au

All complaint registers since 2009 are now loaded on the Calga Sand Quarry website.

Rocla will ensure that all approved strategies, plans, programs or other applicable documents are uploaded to its website within one month of their submission to DPE and/or other relevant agencies.

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| Condition L1 — Observation  Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997. |

Recommendation

It is recommended that the SWMP be revised to more clearly address the active management of water in the site water management system that has the potential to flow offsite in wet periods.

It is also recommended that Rocla, as part of modifying the EPL for the recently approved project, should confirm with the EPA that a discharge licence is not required based on the proposed approach to actively managing the quality of water that may flow offsite.

Rocla’s Response

Rocla will revise the Site Water Management Plan to address the matters raised in the audit documentation.

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| Condition L6.1 - Non-compliance  Noise from the premises must not exceed the following limits at the locations and times specified:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Location** (As shown on Figure 4.5 of the EIS for the Calga Sand Quarry Extension dated May 2004) | **Noise Limit (LAeq. 15 minute)** | | | **Noise Limit  (LA1, 1 minute)** | | **Day (1am-6prn)** | **Evening  (6pm-10pm)** | **Night (10pm-7am)** | **Night (10pm-1am)** | | Residence 3 | 41 | 35 | 35 | 45 | | Residence 4 | 40 | 35 | 35 | 45 | | Residence 5 | 39 | 35 | 35 | 45 | | All Other Residences | 35 | 35 | 35 | 45 | |

Recommendation

It is recommended that Rocla develop a noise compliance management procedure to assist site personnel to appropriately report and respond to exceedances of noise limits on both the development consent and EPL.

Rocla’s Response

It is proposed to incorporate a noise compliance management procedure as one of the procedures of the new Noise Management Plan prepared in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing Noise Management Plan would be modified with the inclusion of the noise compliance management procedure within 3 months of the Court’s determination.

Prior to the determination of the NSW Land and Environment Court, and the preparation of the required plan, Rocla will ensure the requirements necessary to be followed in such a procedure, are adopted.

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| Condition M5.2 — Non-compliance  The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. |

Recommendation

It is recommended that Rocla ensure the telephone complaints line is listed and advertised, to ensure the community knows how to make a complaint.

Rocla’s Response

Rocla considers that the requirements of this condition have in fact been satisfied as it displays the “Environmental Complaints” phone contact details on signs on both sides of the Calga Quarry entry (from Peats Ridge Road) and phone numbers are available on the Rocla website (though the purpose of using these numbers for environmental complaints is not specified). The independent audit noted that the complaints line is not available in public advertisements. Rocla is satisfied that the display of the complaints line at the Quarry entrance and the Company’s phone number on the Company website would satisfy the requirement to notify the public of the complaints line details and purpose. Rocla will update its website to include specific reference to the purpose of using the displayed number as a complaints line.

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| Condition R1.1(b) — Non-compliance  The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:  a) a Monitoring and Complaints Summary.  Condition R1.8 — Non-compliance  Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed |

Recommendation

It is recommended that Rocla include a summary of monitoring results in their 2013/2014 Annual Return and that this summary is signed by both the Company Director and Company Secretary as required by Condition R1.8.

Rocla’s Response

The requirement for a monitoring summary is a generic requirement as Annual Returns often include tables to be completed recording the extent of monitoring undertaken. The Annual Return for EPL 11295 does not contain any tables to be completed for:

B2 – Concentration Monitoring Summary; or

B3 – Volume and Mass Monitoring.

The absence of these tables from the Annual Return is consistent with Licence Conditions L3 (Concentration Monitoring) and L4 (Volume and Mass Monitoring) which specify they are “Not Applicable”.

In light of this information, Rocla considers it has been compliant with EPL Condition R1.1(b).

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| **Noise Monitoring Program** |

Recommendation

It is recommended Rocla undertake routine monitoring of the sound power levels of the major items of equipment used on the site to ensure the sound power levels are at or below the nominated levels in Table 3.2 of the NMP.

It is recommended Rocla revise the NMP and include a schedule for the routine monitoring of the sound power levels of the major items of equipment used on the site.

Rocla’s Response

It is proposed to update the Noise Management Plan (NMP) (including noise monitoring) in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing NMP would be modified within 3 months of the Court’s determination.

Recommendation

It is recommended Rocla review the response protocol and ensure the protocol is used every time a noise exceedance is identified.

Rocla’s Response

Rocla will incorporate a response protocol in the updated Noise Management Plan.

Recommendation

It is recommended that the NMP is updated to reflect the change in the noise monitoring protocol or the NMP be modified to allow flexibility in the noise monitoring protocol.

It is recommended that the NMP be revised to include specific details on the minimum information to be collected and reported during the attended noise monitoring program in order to satisfy the EPL requirements.

Specifically, the NMP should reflect the requirement of the EPL to assess for tonal, impulsive, intermittent or low frequency noise.

Rocla’s Response

The Noise Management Plan will be updated incorporating the recommended contents arising from the independent audit.

Recommendation

It is recommended that the NMP be revised to include an outline of the preferred format for the noise monitoring reports and how the monitoring data is to be presented.

Rocla’s Response

The Noise Management Plan will be updated in the preferred format based upon the recommendation from the independent audit.

Recommendation

It is recommended Rocla review the NMP and include a regular review process for the NMP.

Rocla’s Response

Rocla intends to implement a process to review all management plans required for the Calga Sand Quarry (and Southern Extension, if approved) throughout the ongoing life of the Quarry.

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| **Groundwater Monitoring Program** |

Recommendation

It is recommended that the Groundwater Monitoring Program in the SWMP be updated to identify GDEs that require monitoring and include impact assessment criteria for GDEs, as well as consider impacts to groundwater dependent surface water bodies.

Rocla’s Response

It is proposed to update the Site Water Management Plan (SWMP) (including the groundwater monitoring program for GDEs) in the manner recommended in the event the NSW Land and Environment Court approves the Southern Extension of the Quarry. In the event the Court refuses the application to extend Calga Quarry, the existing SWMP would be modified within 3 months of the Court’s determination.

Recommendation

Prepare and obtain approval for an appropriate Groundwater Contingency Strategy as part of the development of management plans required by the Project Approval.

Rocla’s Response

The requested Groundwater Contingency Strategy would be included within the updated Site Water Management Plan.