

RICHMOND QUARRY COMMUNITY CONSULTATIVE COMMITTEE

Minutes of Meeting held on Monday 24th September 2018

Meeting Location – East Lismore Bowling Club, 76 Nielson St, East Lismore, NSW 2480.

Designated Meeting Time – 3:00pm Monday 24th September 2018.

Meeting Opened – 3:00pm

Meeting Closed – 3:52pm

Attendees

1. Gary Burrridge (Chairperson)
2. Andrew Gordon (General Community Representative)
3. Matt Kelly (Lismore Council)
4. Shelley McPhee (Team Leader Compliance DP & E)
5. Matt Duff (Richmond Quarry)
6. Michael Barnes (Richmond Quarry)
7. John Barnes (Richmond Quarry)
8. Russell Currie (Richmond Quarry Compliance)
9. Steve Scifleet (Richmond Quarry Compliance – Minute Taker)

Apologies

Louis Cook has a long term illness and this may be the reason for his absence.

Declaration of Pecuniary Interests or Other Interests

No pecuniary interests declared.

Confirming Draft Minutes of Previous Meeting on Thursday 14 September 2017

Andrew Gordon moved the minutes of the previous meeting be accepted as circulated, seconded by Matt Kelly.

Business Arising From Previous Minutes

Discussion around meeting being moved to the Quarry for further meetings, it was suggested that the Community Consultative Committee (CCC) attend site for an informal visit prior to the next meeting. Gary Burrridge to contact Matt Duff to coordinate informal visit.

Richmond Quarry Transition from Champions Quarry:

- GSQ Holdings Pty Ltd purchased a majority share in the operation of Richmond Quarry.
- Russell Currie advised of the transition to Richmond Quarry and informative letter that was sent to surrounding community members (see Attachment A: RE: Richmond Quarry Transition from Champions Quarry Letter).
- Matt Duff is the new Quarry Manager.
- GSQ Holdings are now the new management / operators of the Quarry. Michael Barnes advised that GSQ Holdings now hold 100% of the quarry operation as tenants of the land owner.
- Richmond Quarry will continue to operate the CCC that meets annually, generally during business hours, to discuss Richmond Quarry operations.
- Russell Currie advised that there is a new website for Quarry www.richmondquarry.com.au where the following information can be accessed:
 - Site Management Plans;
 - Annual Reviews;
 - Environmental Monitoring Results for air, noise and water quality;
 - Project Approval 09_0080;
 - Environmental Protection Licence 20562;
 - Independent Environmental Audit 2015;
 - Minutes from the Community Consultative Committee meetings, along with a nomination form for new members; and
 - Complaints Register.
- Russell Currie advised that Champions Quarry will be listed on some documents during a transitional period.

Recruitment of Community Consultative Committee Members:

Michael Barnes advised that the recruitment for Community Consultative Committee Members will continue until adequate member numbers are obtained. Matt Duff advised of letter box drop that was completed to local area that invited committee members to join.

Gary Burrridge requested that we advocate for another member of the local aboriginal community as Louis Cook has been unable to attend. Gary advised that he would contact Louis Cook to discuss obtaining an aboriginal community member.

Update on current Modification 4 – Truck Movements 2018:

Russell Currie advised that a Modification application was submitted to the Department of Planning and Environment (DP&E) (titled Modification 4) to amend the number of truck movements from 5 to 10 trucks per hour. The response submissions have been received from the DP&E, a Letter titled 'Response to Submissions' is attached in Attachment 2.

Independent Environmental Audit to be completed in 2018:

Russell Currie advised that GHD have been engaged to complete the Environmental Audit in September and October 2018. Gary Burrridge requested that information for significant activities such as audits be communicated amongst the Community Consultative Committee. Matt Kelly asked if the DP&E have been engaged by GHD – Shelley McPhee confirmed.

Company reports and overview of activities since last CCC Meeting:

- Progress of operational works:
 - Matt Duff advised as to recent site operations onsite including stockpile management and the production of product for some highway upgrade projects.

- Matt Duff advised the Sand washing plant set up is now complete including sediment basins. Plant commissioning has been undertaken including the trial of flocculation.

Monitoring and environmental performance (details on website):

- Russell Currie advised that there has been a request to amend some of the Environmental Monitoring Locations with the DP&E. Richmond Quarry awaiting to here back from the DP&E in relation to process to amend monitoring locations.
- Russell Currie advised Routine noise monitoring was undertaken by a third party in the week starting 17 September 2018. Explained that a letter was sent to residents where noise monitoring was necessary to obtain access. Letter titled 'RE: Richmond Quarry Noise Monitoring' 09/2018 is attached in Attachment C.
- Russell Currie advised that the routine water monitoring was being conducted onsite on the 24th and 25th of September. Explained that a letter was sent to residents where water monitoring was necessary to obtain access. Letter titled 'RE: Richmond Surface Water Monitoring' 09/2018 is attached in Attachment D.
- Russell Currie advised that the Conservation and Rehabilitation Bond has been accepted by the DP&E. Letter titled 'Conservation and Rehabilitation Bond Calculation' 09/2018 is attached in Attachment E.
- Russell Currie advised that the Construction of Bund E a requirement for the operation of the sand washing plant has been approved by the Secretary of the DP&E. This was a requirement in relation to the operation of the sand washing plant. The letter titled 'Construction of bund E' is shown in Attachment F.
- Russell Currie advised that a letter was received from the DP&E titled 'Annual Review 2017' 08/12018 (Attachment G) requesting that a number of changes are made and the Annual Review be resubmitted by the end of September. The Annual Review will be resubmitted by Friday 28th September.
- Russell Currie tabled two letters from the Department of Planning and Environment, the first titled 'Penalty Notice – Champions Quarry Project' 06/2017 and the second titled 'Penalty Notice – Champions Quarry Project' 01/2018. See Attachment H for copy of letters.
- Russell Currie tabled the 'Community Complaints Register' (Attachment I) including any response to complaints since the previous CCC Meeting in 2017. A discussion occurred in relation to the complaints received and how the complaints were addressed. The Complaints Register is shown in Attachment I.

General business:

- Matt Kelly advised he would like to provide positive feedback to Richmond Quarry on behalf of Lismore Council in relation to current operations at the Quarry.

Next meeting date

September 2019

Meeting closed at 3:52pm

Attachment A:

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Residents
Hazlemount Lane and Wyrallah Road
Tucki Tucki, NSW 2480

Dear Resident/s,

RE: RICHMOND QUARRY TRANSITION FROM CHAMPIONS QUARRY

GSQ Holdings Pty Ltd has purchased the majority share in Richmond Quarry (previously Champions Quarry). As part of this, the name of the quarry has changed from Champions Quarry to Richmond Quarry and the site is now under new management. Moving forward, it is endeavoured to improve relations between the quarry and the local residents and broader community.

This letter is to inform local residents of the operational changes to the quarry and improve community communication. Matt Duff is the new Quarry Manager for the site. For any operation concerns or complaints please contact Matt on 02 6622 0886.

As part of the structural change, the quarry now has the new website www.richmondquarry.com.au where the following information can be accessed:

- Site Management Plans
- Annual Reviews
- Environmental Monitoring Results for air, noise and water quality
- Project Approval 09_0080
- Environmental Protection Licence 20562
- Independent Environmental Audit 2015
- Minutes from the Community Consultative Committee meetings, along with a nomination form for new members
- Complaints Register

Some of the above documentation currently refers to Champions Quarry. This is a transitional process and moving forward, all new documentation will refer to Richmond Quarry.

Richmond Quarry will continue to operate the Community Consultative Committee (CCC) that meets annually, generally during business hours, to discuss Richmond Quarry operations. Each representative is required to contribute constructively and provide community feedback as per the *NSW Community Consultative Committee Guidelines State Significant Projects – November 2016*.

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Nomination Forms can be downloaded from the Richmond Quarry website (www.richmondquarry.com.au). Completed Nominations Forms and correspondence addressing the above selection criteria must be lodged with the Independent Chairperson, Mr Gary Burridge at PO Box 94, Evans Head 2473. Successful applicants will need to be endorsed by the NSW Department of Planning and Environment.

The Richmond Quarry team look forward to working in a cohesive and positive manner within the community moving forward.

Kind Regards,

Matt Duff
Quarry Manager
02 6622 0886

Attachment B:



**Planning &
Environment**

Planning Services
Resource Assessments
Contact: Rob Beckett
Phone: 9274 6388
Email: Rob.Beckett@planning.nsw.gov.au

Doug Seymour
Constructive Solutions Pty Ltd
PO Box 1498
TAMWORTH NSW 2340

Dear Mr Seymour

**Response to Submissions
Champions Quarry Modification 4 (MP 09_0080 MOD 4)**

The public exhibition of the Statement of Environmental Effects (SEE) for Modification 4 concluded on Tuesday 17 July 2018.

The Department received 11 submissions from the general public, and 3 submissions from Government agencies, including council.

The Secretary requests that you prepare and submit a report detailing your responses to all issues raised in submissions, at your earliest convenience. The submissions can be viewed on the Department's website www.majorprojects.planning.nsw.gov.au.

In addition, the Department has identified several areas where further assessment or additional information is required (see **Attachment A**). Please also address these comments in your response.

If you have any questions, please contact Rob Beckett at the details listed above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Dawson', followed by the date '20/7/18' written in a similar style.

Megan Dawson
**Acting Director
Resource Assessments**

Attachment C:

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Residents

Dear Resident/s,

RE: RICHMOND QUARRY NOISE MONITORING

Richmond Quarry located at 1668 Wyrallah Road, Tuckurimba operates in accordance with the Project Approval 09_0080 and the Environmental Protection Licence 20562. As you may be aware, noise monitoring is conducted at nearest residential receivers on a quarterly basis, with your address listed as Receiver #.

Our Environmental Protection Licence 20562 requires noise monitoring to be conducted within 30 m of residential dwellings. In order to continue noise monitoring within 30 m of your residence, we are requesting access to your property on a quarterly basis to monitor on your driveway at the location proposed in the attached figure. This location has been selected to ensure there is no impact to your daily activities while noise monitoring is occurring. Noise monitoring results, along with all other environmental monitoring results are published on the Richmond Quarry website www.richmondquarry.com.au.

The quarry previously operated as Champions Quarry, so this letter is also to inform you of the operational changes to the quarry and to improve community communication. Key personnel for the quarry are Matt Duff as the new Quarry Manager and Russell Currie as the new Environment and Quality Coordinator. If you have any queries regarding this letter and the noise monitoring we are proposing to conduct from your site, please contact Russell Currie on 02 6674 7656.

Richmond Quarry is also seeking new members to be a part of the Community Consultative Committee (CCC) that meets annually to discuss quarry operations. If you are interested in becoming part of the CCC, nomination forms can be downloaded from the Richmond Quarry website.

The Richmond Quarry team look forward to working in a cohesive and positive manner with local residents moving forward.

Kind Regards,

Matt Duff
Quarry Manager
02 6622 0886

Attachment: Property Access Memorandum of Understanding

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



PROPERTY ACCESS MEMORANDUM OF UNDERSTANDING

I, _____, (Property Owner) agree to allow representatives of Richmond Quarry, to access my property in order to perform noise monitoring in accordance with the requirements on the conditions outlined within this agreement at the location referred to as # as shown on the attached figure, Richmond Quarry Noise Monitoring Location for ##. Site monitoring will be performed as required and on a minimum quarterly basis.

Required Notice

On the grounds that a representative of Richmond Quarry has given phone notification and received verbal confirmation from the land owner having given _____ hours notice prior to accessing the property, a representative or representatives as required has permission to access my property between the hours of _____ am/pm and _____ am/pm on the arranged dates under the conditions of "Required Notice" above.

Richmond Quarry representatives will be responsible for ensuring access protocols are adhered to such as the following:

- Leaving gates open or shut as found.
- Driving on the driveway only and not elsewhere on the property
- Minimising disturbance to the environment by maintaining a low speed at all times.

I understand that this is a voluntary and non-binding agreement, and that I am not responsible for any damages or injuries that occur as a direct result of the noise monitoring activities.

Attachment D:

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Residents

Dear Resident/s,

RE: RICHMOND QUARRY SURFACE WATER MONITORING

GSQ Holdings Pty Ltd operates Richmond Quarry located at 1668 Wyrallah Road, Tuckurimba in accordance with the Project Approval 09_0080 and the Environmental Protection Licence 20562. In order to monitor the surrounding environment and ensure that operations are not impacting the surrounding waterways, routine surface water monitoring is performed.

In order to ensure no environmental impact is occurring, we are requesting access to your residence on a quarterly basis to monitor the water at locations MP1 and MP2 as shown in the attached figure. Monitoring has occurred at these sites since 2014 with no contamination issues identified and it is not anticipated that future quarry operations will cause any concerns. The results of all environmental monitoring is published on the Richmond Quarry website www.richmondquarry.com.au.

The quarry previously operated as Champions Quarry, so this letter is also to inform you of the operational changes to the quarry and improve community communication. Key personnel for the quarry are Matt Duff as the new Quarry Manager and Russell Currie as the new Environment and Quality Coordinator. If you have any queries regarding this letter and the water quality monitoring we are proposing to conduct on your site, please contact Russell Currie on 02 6674 7656.

Along with the environmental monitoring results, the following can also be viewed on the Richmond Quarry website (www.richmondquarry.com.au):

- Site Management Plans
- Annual Reviews
- Project Approval 09_0080
- Environmental Protection Licence 20562
- Independent Environmental Audit 2015
- Minutes from the Community Consultative Committee meetings, along with a nomination form for new members
- Complaints Register

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Richmond Quarry also operates a Community Consultative Committee (CCC) that you are welcome to join. The committee meets annually, generally during business hours, to discuss Richmond Quarry operations. Each representative is required to contribute constructively and provide community feedback as per the NSW Community Consultative Committee Guidelines State Significant Projects – November 2016.

Nomination Forms can be downloaded from the Richmond Quarry website (www.richmondquarry.com.au). Completed Nominations Forms and correspondence addressing the above selection criteria must be lodged with the Independent Chairperson, Mr Gary Burrige at PO Box 94, Evans Head 2473. Successful applicants will need to be endorsed by the NSW Department of Planning and Environment.

The Richmond Quarry team look forward to working in a cohesive and positive manner within the community moving forward.

Kind Regards,

Matt Duff
Quarry Manager
02 6622 0886

Attachment: Property Access Memorandum of Understanding

Attachment D Continued:

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



PROPERTY ACCESS MEMORANDUM OF UNDERSTANDING

I, _____, (Property Owner) agree to allow representatives of Richmond Quarry, to access my property in order to perform surface water monitoring in accordance with the requirements on the conditions outlined within this agreement at the locations listed below and as marked on the attached diagram, Richmond Quarry Environmental Monitoring Off-site Surface Water Monitoring Locations.

Surface Water Monitoring Points

As required and on a minimum quarterly basis.

Required Notice

On the grounds that a representative of Richmond Quarry has given phone notification and received verbal confirmation from the land owner having given ____ hours notice prior to accessing the property, a representative or representatives as required has permission to access my property between the hours of ____ am/pm and ____ am/pm on the arranged dates under the conditions of "Required Notice" above.

Richmond Quarry representatives will be responsible for ensuring access protocols are adhered to such as the following:

- Leaving gates open or shut as found.
- Driving carefully to minimise disturbance to livestock, crops and pastures, and
- Minimising disturbance to the environment.

I understand that this is a voluntary and non-binding agreement, and that I am not responsible for any damages or injuries that occur as a direct result of the environmental monitoring activities.

1668 Wyrallah Road, Tuckurimba NSW 2480
Phone: 02 6622 0886
www.richmondquarry.com.au



Landholder Details

Name: _____
Address: _____
Phone: _____ Mobile: _____
Email: _____
Signature: _____ Date: _____

Richmond Quarry Details

Address: 1668 Wyrallah Road, Tuckurimba NSW 2480

Site Contact

Name: Matt Duff – Quarry Manager Phone: 02 6622 0886

Environment Contact

Name: Russell Currie – Environmental Compliance Coordinator Phone: 02 6674 7656

Signed for Richmond Quarry (Authorised Representative)

Name: _____ Position: _____
Signature: _____ Date: _____

In the presence of (Witness)

Name: _____
Signature: _____ Date: _____

Attachment E:



Resource Assessments
Planning Services
Contact: Genevieve Seed
Phone: (02) 9274 6489
Email: genevieve.seed@planning.nsw.gov.au

Ms Tshintia O'Dwyer
Solo Resource Recovery
86-88 Chinderah Bay Drive
Chinderah NSW 2487

Dear Ms O'Dwyer

**Richmond Quarry (MP 09_0080)
Conservation and Rehabilitation Bond Calculation**

I refer to your email dated 31 August 2018 submitting a revised calculation for the Richmond Quarry Conservation and Rehabilitation Bond.

The Department has reviewed the revised calculation and is satisfied that it reflects the conditions of approval. As such, the Secretary has approved the calculated amount of \$241,412.

Please ensure that the content of the bank guarantee is provided to the Department for review before lodgement, and that the bond is lodged no later than **11 October 2018**.

Should you have any queries about this matter, please contact Genevieve Seed at the details listed above.

Yours sincerely,

A handwritten signature in blue ink that reads 'Howard Reed'.

Howard Reed *13-9-18*
Director
Resource Assessments
as nominee of the Secretary

Attachment F:



**Planning &
Environment**

Planning Services

Resource Assessments

Contact: Genevieve Seed

Phone: 9274 6489

Email: Genevieve.Seed@planning.nsw.gov.au

Ms Tshintia O'Dwyer
Environment/Quality Co-ordinator
Solo Resource Recovery
86-88 Chinderah Bay Drive
Chinderah NSW 2487

Dear Ms O'Dwyer

**Richmond Quarry (MP 09_0080)
Construction of Bund E**

I refer to your email of 20 September 2018 seeking the Secretary's endorsement that Bund E has been constructed to a satisfactory standard, in accordance with condition 3 of Schedule 3 of MP 09_0080 (Project Approval).

I understand that the bund has been constructed in accordance with specifications set out in the site's Landscape Management Plan (LMP) and that it has been inspected by the Department's Compliance Branch in August 2018.

On this basis, the Secretary is satisfied that condition 3 of Schedule 3 has been satisfied. The Department notes that the LMP and Project Approval identify an indicative location for the sand washing plant in proximity to Bund E, and the exact location is still to be finalised. The Department requests that, within this indicative location, the sand washing plant is located in a position where Bund E would provide effective noise mitigation.

Should you have any enquiries in relation to this matter, please contact Genevieve Seed on the details above.

Yours sincerely,

Megan Dawson
A/Director
Resource Assessments
as nominee of the Secretary

Attachment G:



Contact: Craig Dunk
Phone: 0427 237 154
Email: compliance@planning.nsw.gov.au
Our ref: MP 09_0080 (11969)

Ms Tshintia O'Dwyer
Champions Quarry
PO Box 1427
Kingscliff, NSW 2487

Dear Tshintia

Champions Quarry (MP 09_0080) Annual Review 2017

Reference is made to the Annual Review 2017, submitted to the Department of Planning and Environment (the "Department") on 1 April 2018, as required under Schedule 5, Condition 4, of MP 09_0080, as modified (the Approval).

The Department has reviewed the Annual Review and considers it to generally satisfy the requirement of the Approval in relation to the Annual Review, but does not meet the requirements of the Departments Annual Review Guideline. Consequently, in accordance with Schedule 2, Condition 4, the Secretary requests the following issues be addressed and the Annual Review be resubmitted by the end of September this year:

- a) **Content Requirements** - In accordance with Schedule 2, Condition 4, provide the Annual Environmental Management Review in the format and with relevant headings from the Annual Review Guideline prepared by the Department. Using this format is likely to reduce duplication and improve the quality of reports provided to satisfy the conditions of the approval.
- b) **Noise** - Annexure D of the annual return contained 2 noise exceedances that were identified during the 2017 return period, and an additional 8 historical exceedances (6 in 2015 and 2 in 2016) which were addressed by note 3 at the bottom of the table. Note 3 in annexure D states that as the exceedance was within 2 dB(A) of the relevant criteria it is not discernible by the human ear and therefore deemed compliant. The EPA Industrial Noise Policy states that in such situations noise was either excessive (non-compliant) or due to extreme non-standard weather events. If the noise was increased by extreme non-standard weather events then further monitoring should be undertaken at a later date to determine compliance. Please provide details of further noise monitoring to determine compliance.
- c) **Air quality** - The Department has concerns relating to the air quality monitoring statements in section 5.3 relating to:
"...air quality monitoring will continue until such time as the extraction rate increases"
"...monthly air quality monitoring is required at receiver 2 for 12 months..."

The Department highlights that the approval requires air quality monitoring for the duration of the approval in accordance with the consent and any approved management

plans, unless modified.

The dust deposition gauge (DDG) filling with water for 5 months is unusual. The Department encourages a check of the gauges to ensure water is not being added by an external source and seeks an explanation of any findings or changes that may be implemented to address this issue.

- d) **Water management** - The report does not include details of water licence(s) details (if any), water discharges, site water balance or detail water management as per the guideline.

Section 5.2, page 14 discusses future treatments of the Water Reuse Dam and actions to control the levels of Total Suspended Solids, that causes the Department some concern over the management of water resources. Please provide a detailed discussion of water management practices on-site and how they align with approved management plans; and conditions of consent.

- e) **Rehabilitation** - A summary has not been provided in the AEMR, although there is brief mention of maintenance of plantings during the reporting period and of future works to be undertaken in 2018.

Please provide a list of species planted, accompanied by a plan identifying the planted areas, along with a dialogue of the success of this work and/or any issues affecting the success of these works during the reporting period.

- f) **Biodiversity** - No summary was provided. This should identify and include any requirements under relevant management plans.
- g) **Heritage** - A summary has not been provided. This should identify and include any requirements under relevant management plans.
- h) **Community** - Apart from a very brief discussion in Section 2.1 of development activities during 2017, an adequate summary of community activities has not been provided. This should identify and include any requirements under relevant management plans.
- i) **Incidents and non-compliances** - The annual report identifies a total of 77 non-compliances.

Schedule 5, condition 7 requires incidents (as defined in the definitions of the development consent and includes breaches or exceedances of the performance measures/criteria in the approval) to be reported immediately to the Secretary and any other relevant agencies. The condition also requires a written report within 7 days. The Department has no record of any of these incidents being reported.

As discussed during the meeting held with you in the Murwillumbah DPE office on the 24 July 2018 the Department will investigate these non-compliances as a separate matter to the AEMR.

- j) **Sediment pond** - Schedule 3, Condition 14A requires a sediment pond to be constructed before operation of the sand washing plant. It is unclear if the sediment pond has been constructed or if it complies with best practice such as that provided in the Blue Book ("Managing Urban Stormwater - Soils and Construction, Volume 1 and Volume 2E - Mines and Quarries"). The Department notes that during the recent meeting you advised that the sediment pond had not been commissioned yet. Please

Attachment G Continued:

provide details of the commissioning date and design capacity of the basin.

- k) **Completion of 2015 audit actions** - In accordance with Schedule 2, Condition 4, continue to action and report on the status of the Response to Audit Recommendations until such time as the Response to Audit Recommendations has been completed.

The Department requests that the above requirements are reproduced in the next Annual Review in a tabular format, with an adjacent column outlining the section of the Annual Review in which these comments have been addressed by the Quarry (in a similar way to Table 1.2 of the current report).

Please note that the Department's letter is not an endorsement of the compliance status of the project.

Should you need to discuss the above, please contact Craig Dunk as per the details provided above.

Yours sincerely



Shelley McPhee
Team Leader - Compliance

As Nominee of the Secretary

3 August, 2018

Attachment H:



Contact: Stewart McLachlan
Phone: (02) 6575 3405
Fax: (02) 6575 3415
Email: stewart.mclachlan@planning.nsw.gov.au
PA09_0080 as modified (the approval)

Ms Cath Champion
Champions Quarry
PO Box 5261
EAST LISMORE NSW 2480

Penalty Notice - Champions Quarry Project

Dear Ms Champion,

I refer to the Department of Planning and Environment's (the Department) Show Cause letter dated 1 June 2017 and Champion Quarry 2 Pty Ltd (Champions) response dated 7 June 2017 (the response).

After due consideration of the representations made by Champions in the response, I have formed the view that there are reasonable grounds to believe that Champions has failed to comply with the following condition of Project Approval (PA09_0080) as modified:

- Schedule 3, Condition 9 – Failure to implement the approved Noise Management Plan dated May 2014. In particular, failure to undertake:
 - o annual attended noise monitoring at sensitive received locations in accordance with Section 7.3.2 of the plan;
 - o annual attended noise monitoring of plant and equipment in accordance with Section 7.3.3 of the plan; and
 - o quarterly attended noise monitoring at NAL 2 and NAL 3 (i.e. 4 sample periods during the 2016 reporting period) in accordance with Section 7.3.4 of the plan.

It is an offence under the former section 75D(2) and section 125, of the *Environmental Planning and Assessment Act 1979* (the Act) for a person not to comply with the conditions of approval for a Part 3A project. This offence carries a maximum penalty of \$5 million for a tier 1 offence and \$2 million for a tier 2 offence for a corporation.

The significance of the breach has been analysed in accordance with the Department's Compliance Policy and the Department has determined to issue Champions with a penalty notice in the amount of \$15,000 for an offence under s125 (1) of the Act for failure to comply with Schedule 3, Condition 9 of the Approval as required by s75D of the Act.

A Penalty Notice for \$15,000 is attached for your attention.

Please be advised that further breaches of this nature are likely to attract stronger enforcement action which may include the commencement of proceedings in the Land and Environment Court.

In order to provide Champions with further information in relation to the above decision, the Department makes the following comments:

1. Whilst Champions have stated that had the noise monitor not required service and subsequent part replacements, the monitoring would have been undertaken, the Department does not consider this a mitigating factor. The approved Noise Management Plan commitments are clear, and without annual or quarterly noise monitoring, potential noise impacts from the Quarry are not discernible. Further, noise monitoring in early 2016

- identified significant exceedances of criteria from the Quarry, albeit with a background level approximately 2dBA above the recorded Quarry noise level; and
2. Champions have previously received an Official Caution for an offence which increases Champions culpability under the Department's Compliance Policy.

Lastly, to provide independent clarity around noise levels from the Quarry operations, the Secretary requests (Schedule 2 Condition 4) that Champions revise and resubmit for approval the Noise Management Plan dated March 2017. This revision must specifically include provisions for Annual Noise monitoring to be undertaken by an independent acoustic specialist, unless otherwise approved by the Secretary. This revision must be resubmitted by no later than close of business **31 July 2017**.

Should you need to discuss the above, please contact Stewart McLachlan as per the details provided above.

Yours sincerely

Kirsty Ruddock 19/6/17
Director Compliance - Investigations

CC: Lismore City Council;
EPA – Northern Region.

Attachment H Continued:



Contact: Stewart McLachlan
Phone: (02) 6575 3405
Email: stewart.mclachlan@planning.nsw.gov.au

Ms Cath Champion
Champions Quarry
PO Box 5261
EAST LISMORE NSW 2480

Penalty Notice - Champions Quarry Project

Dear Ms Champion,

As you are aware, the Department of Planning and Environment (the **Department**) has been investigating whether Champion Quarry 2 Pty Ltd (**Champions**) has provided information as part of the MOD3 assessment that is false and misleading and therefore in breach of s148B of the *Environmental Planning and Assessment Act 1979* (NSW) (the **Act**). The Department has now finalised this investigation and for the reasons expanded on below, has formed the view that Champions, through information provided by Ms Champion, as the Application Manager for Champions Quarry (the **Site**), has provided false and misleading information in breach of s148B of the Act.

It is an offence under section s148B of the *Environmental Planning and Assessment Act 1979* for a person to provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading in a material particular.

The Department has assessed the offence in accordance with the Department's Compliance Policy and has determined that it is appropriate to issue Champions with a **penalty notice** in the amount of \$3000.00.

Decision

The Department carefully considered Champions representations received by the Department on 27 October 2017 (the **Representations**). In particular, to provide further clarity to the Department's decision, the Department provides the following comments:

- The Representations outlined that the information provided to the Department during the MOD 3 assessment was not false and misleading. The Representations argued that Ms Champion provided a transaction record from the Commonwealth Bank of Australia that the assessment fee had been paid, which was provided by Ms Nott. The Department has received evidence from the Commonwealth Bank of Australia which shows the transaction record provided to the Department was for a different amount to that which was shown on the record supplied and to a different account number and BSB;
- The Department has evidence that money to pay the amount owed did not exist in Champions account from which the transaction record was issued from close of business 21 July 2017 and 3 October 2017 (excluding 18 August 2017), demonstrating that payment could have never been made.

- Providing a false transaction record as part of the Assessment process has the potential to impact the integrity of the planning system; and
- The provision of this information, whether intentional or not, demonstrates that Champions did not have the appropriate management systems in place to ensure accurate information was provided to the Department on this occasion. In particular, management systems which would identify that the record provided was not accurate.

A copy of the Compliance Policy is available through the following link:
www.planning.nsw.gov.au/Assess-and-Regulate/Compliancefunctions/Compliance-policy-and-guidelines

Please note that any further breaches of this nature may attract stronger compliance action in accordance with the Department's Compliance Policy.

Should you need to discuss the above, please contact Stewart McLachlan on (02) 6575 3405 or email to compliance@planning.nsw.gov.au

Yours sincerely,

Kirsty Ruddock
Director - Compliance and Investigations 25/11/18

Attachment: Penalty Notice

CC: Lismore City Council;
EPA – Northern Region.

Attachment I:

RICHMOND QUARRY PART 3A COMPLAINTS REGISTER

Date of Complaint	Time of Complaint	Addressed to	From	Subject	Date/Time of Activity Complained Of	Written or Verbal	Date Received Complaint	Action
26/09/2014	10:35am	Champions Quarry - now Richmond Quarry	Kim Woolley (NAL 2)	Noise complaint	Morning of 26/09/14	Written - Email	26/09/2014	Conducted noise monitoring at NAL 2 on 26/09/14. Results were compliant with relevant noise criteria. Advised Complainant.
29/09/2014	1:39pm	Champions Quarry - now Richmond Quarry	Lachlan Woolley (NAL 2)	Noise complaint	Day of 29/09/14	Written - Email	29/09/2014	Requested complaint be registered as non-legitimate with the NSW Department of Planning. Advised Complainant.
4/03/2015	11:34am	Champions Quarry - now Richmond Quarry	Chris Woolley (NAL 2)	Noise complaint	Day of 3/03/15 and 4/03/15	Written - Email	4/03/2015	Ceased excavation until noise testing was carried out. Conducted noise monitoring at NAL 2 on 05/03/15. Results were compliant with relevant noise criteria. Advised Complainant.
27/01/2016	12:03pm	Champions Quarry - now Richmond Quarry	Chris Woolley (NAL 2)	Noise complaint	Day of 27/1/16 between 11:15-11:45am	Written - Email	27/01/2016	Ceased excavation until noise testing could be carried out (adverse meteorological conditions). Conducted noise monitoring at NAL 2 on 29/1/16. Operational noise was below background noise. Advised Complainant.
31/08/2017	7:09am	Champions Quarry - now Richmond Quarry	Chris Woolley (NAL 2)	Operational Hours Complaint	6:40am 31/08/17	Written - Email	31/08/2017	Complained heavy machinery was operational at 6:40am. Quarry Manager investigated complaint, no trucks had entered the Quarry until after 7:00am, the Quarry was not operational at this time, nor were any trucks being loaded at this time. Notwithstanding this, the Quarry Manager and Site Foreman will continue to monitor the situation each morning. Advised Complainant.
20/02/2018	4:15pm	Champions Quarry - now Richmond Quarry	James Luke	Truck load complaint	4:12pm on 20/02/18	Verbal	20/02/2018	Complained truck had spilled rock over Wyrallah Road onto oncoming traffic at 4:12pm. Records show no trucks were entering or leaving the Quarry at the relevant time. Quarry Manager investigated complaint and complainant was phoned to get further details. Concluded this was not a Quarry truck.
21/08/2018	N/A Letter	Department of Planning & Environment	Anonymous	Annual Review, road work requirements and operational concerns	Historical issues that occurred under previous management.	Written - Letter	4/09/2018	Anonymous complaint so a response was not possible. The quarry came under new management as of June 2018. Richmond Quarry is now working closely with regulatory bodies to resolve historical issues and move forward in a professional and competent manner.