



Karuah East Quarry - Community Consultative Committee

Meeting Minutes – 4 March 2019

Venue: Karuah East Quarry Office (Blue Rock Close, Karuah)

Time: CCC Meeting: Start 4.05pm
End 5.03pm

Minutes

Attendees: Michael Ulph (Chairperson), Matthew Bell (Mid Coast Council), Wade Cameron (Community Representative), Goetz Schraer (Community Representative), Greg Dressler (Karuah East Quarry), Tim Grugeon (Karuah East Quarry) and Mat Radnidge (ADW Johnson).

1) Welcome

- Michael Ulph paid respect to the traditional Aboriginal land owners of Karuah, past, present and future.

2) Apologies

- Tony Ebben (Community Representative)

3) Declaration of Pecuniary Interests

- Michael Ulph confirmed that KEQ Pty Ltd is paying GHD (his employer) a fee for Michael to act as the independent chairperson for the CCC.
- Mat Radnidge confirmed that KEQ Pty Ltd is paying ADW Johnson (his employer) a fee for Mat to be a member of the CCC.
- Tim Grugeon & Greg Dressler are employees of Hunter Quarries / Karuah East Quarry Pty Ltd.

4) Acceptance of Previous Minutes

- Draft CCC meeting minutes dated 3 September 2018; and
- Draft site inspection record dated 3 September 2018.

Moved: Wade Cameron

Seconded: Goetz Schraer

5) Business Arising from Previous Minutes

- Mat Radnidge to advise Michael Ulph when the MOD 2 application is placed on public exhibition. Michael Ulph to then advise the CCC members.

Completed. Mat Radnidge provided Michael Ulph with an email detailing public exhibition on 21 September 2018. On that same date Michael Ulph supplied the details to all CCC members.

- Mat Radnidge to advise Michael Ulph when the MOD 3 & 4 applications are placed on public exhibition.

On 24 September 2018 Mat Radnidge provided Michael Ulph with an update on the MOD 3 and 4 applications. Michael Ulph supplied this email to all CCC members on the same date.

- Next CCC site inspection and meeting scheduled to occur on 4 March 2019.

Each of the above was noted by all CCC members present.

6) Correspondence

- a) 21 September 2018 – Michael Ulph supplied to all CCC members an email from Mat Radnidge confirming exhibition details of the MOD 2 application.
- b) 24 September 2018 – Michael Ulph supplied to all CCC members an email from Mat Radnidge confirming a status update of the MOD 3 and MOD 4 applications.
- c) 24 September 2018 – Michael Ulph supplied draft minutes of the September 2018 CCC meeting to all CCC members inviting comment.
- d) 24 September 2018 – Email from Goetz Schraer to Michael Ulph requesting amendment to draft September 2018 CCC minutes. Goetz Schraer requested updates to Item 8 of the draft minutes, particularly in relation to discussion regarding MOD 3. The requested changes to the draft minutes were made to Michael Ulph's satisfaction and the CCC minutes were made available on the company website.
- e) 6 October 2018 – Email from Goetz Schraer to Michael Ulph supplying an email from the NSW DPE regarding a penalty notice that had been issued to KEQ Pty Ltd regarding noise exceedances. Goetz Schraer requested this email form part of the CCC documentation for discussion.

- f) 18 January 2019 – Email from Michael Ulph to all CCC members confirming that MOD 2 had been approved. A copy of the approval was supplied.
- g) 25 February 2019 – Email from Mat Bell to Michael Ulph, Tim Grugeon & Mat Radnidge regarding an opportunity for KEQ Pty Ltd to allow Hunter Local Land Services (LLS) to undertake feral pig trapping adjacent to a dam on Lot 14 DP 1024564 (part of the KEQ biodiversity offset site). Hunter LLS have secured funding to engage a feral pig trapper as part of a regional control program.

Each of the above items were noted by the CCC members present.

Relevant to correspondence item 6(e) above, the following discussions occurred:

- Wade Cameron – Can KEQ Pty Ltd please provide an explanation of the penalty infringement notice?

Greg Dressler – Indicated that in October 2018 a penalty infringement notice was issued to KEQ Pty Ltd. The infringement notice was issued because 4m high noise barriers had not been constructed around the stockpile and stacker locations as indicated in the Statement of Commitments that form part of the Project Approval. The reason the 4m high noise barriers have not been constructed is because they will offer no noise mitigation benefit.

Noise monitoring is undertaken on a quarterly basis. Initial monitoring recorded compliant levels however monitoring early and mid last year during operation recorded noise exceedances. Accordingly, KEQ Pty Ltd (prior to issue of the infringement notice) commenced liaison with both the NSW DPE and NSW EPA in an effort to address acoustic matters relevant to ongoing quarry operation. The EPA directed KEQ Pty Ltd to undertake a Pollution Reduction Study (Noise) and as part of this process KEQ Pty Ltd commissioned the services of Thearle Engineering, an acoustic expert with significant experience in extractive industry.

The Pollution Reduction Study (Noise) has been completed and was submitted to the NSW EPA on 1 March 2019. To date no feedback has been received. The study made a number of recommendations (some of which were witnessed by the CCC members during the site inspection):

- Enclosing the primary jaw crusher with concrete pre cast panel walls and ‘hush clad’ roofing;
- Enclosing the secondary and tertiary cone crushers with ‘hush clad’ walls on the enclosure’s northern and eastern walls; and
- Use of Volvo earthmoving equipment (which produces lower noise emissions).

Greg Dressler advised that relevant to the 4 metre noise barrier commitment around the stockpile and stacker locations, the Thearle assessment identified that it would have

zero effectiveness. Thearle Engineering also modelled the wall to 8 metres and it was demonstrated to still have zero effectiveness.

- Relevant to correspondence item 6(f), Goetz Schraer asked for an explanation of the MOD 2 approval.

Mat Radnidge – Confirmed that MOD 2 was approved in December 2018. MOD 2 approved an additional 1.133ha adjacent to the western side of the north south haul road. The purpose of MOD 2 is to allow for improved stormwater management and also for haul road widening, which will improve operational safety particularly for passing vehicles. The area subject to MOD 2 does not require any clearing of natural vegetation.

- Goetz Schraer – Why were MOD 3 and MOD 4 as discussed as the September 2018 CCC meeting withdrawn?

Mat Radnidge – Confirmed that due to legislation changes it was necessary to withdraw MOD 3 and MOD 4. MOD 2 was able to remain with the DPE's system as a Section 75W MOD application and approved because the Environmental Assessment (EA) report for MOD 2 had been lodged by 1 September 2018. The EA's for MOD 3 and 4 are not yet available.

The legislation change is that Part 3A has been wound up as it applies to Major Projects such as the Karuah East Quarry Project and therefore Section 75W MOD applications can no longer be lodged. In order to make any new Modification applications, the Karuah East Quarry Project needed to be transitioned from Part 3A to a State Significant Development (SSD). MOD 3 and MOD 4 needed to be withdrawn to allow this process to occur. Accordingly MOD 3 and MOD 4 were withdrawn in late 2018 and in January 2019 the project was transitioned to SSD. Now that transition has occurred, KEQ Pty Ltd can now lodge further MOD applications, known as a Section 4.55 MOD.

Wade Cameron – Is making a s4.55 MOD application under SSD a more or less stringent process than s75W MOD under Part 3A?

Mat Radnidge – It is still early days relevant to former Part 3A projects that have been transitioned, however the key change is that development must pass what is known as the 'substantially the same test'. This means that any new s4.55 MOD must demonstrate that what is being proposed must be overall substantially the same development. Any MOD application that is lodged with the NSW DPE is subject to rigorous assessment by both DPE and other government agencies.

Tim Grugeon – A Section 4.55 Modification is the same process that a Council uses to modify a local development consent.

- Relevant to correspondence item 6(g) Tim Grugeon noted that he has spoken with Art Brown who is the coordinator of the Great Lakes Wild Dog Control Group (funded by Hunter Local Land Services). Tim advised that KEQ Pty Ltd are willing to allow feral pig trapping to occur on Lot 14 DP 1024564, which is part of the KEQ biodiversity offset site.

Mat Radnidge – Suggested that this would be a good thing for the biodiversity offset site.

Wade Cameron – Are feral pigs an issue in the locality?

Mat Bell – The Wild Dog Control Group are aware of populations of wild pigs, wild dogs and feral cats around the Hunterview Road area.

7) Company Report and Overview of Activities

The Company Report and Overview of Activities (see attached) was presented by Tim Grugeon and included the following:

- Progress of the Karuah East Quarry
- Construction & Operation Schedule
- Monitoring and Environmental Performance
- Community Complaints
- Information Provided to the Community

Questions / discussions resulting from the above were as follows:

- Wade Cameron – What happens with the overburden soil material?

Tim Grugeon – It is stockpiled to be used in rehabilitation. Space for stockpiling is a problem at the quarry. When the time comes for use in rehabilitation, seed mix from the biodiversity offset site will be needed.

- Discussion occurred regarding the blast that was undertaken on 13 June 2018. This matter had been raised at the previous CCC meeting (September 2018). Goetz Schraer indicated that the blast was abnormally loud, shook houses and spooked livestock. Tim Grugeon and Greg Dressler confirmed:
 - Technically there was nothing wrong with the blast. There was no problem with design and timing. However it is acknowledged that it was noisier than other blasts conducted to date and is an anomaly. The reason(s) why the blast was louder are unknown; however it is speculated that it may have been due to atmospheric conditions.
 - The blast design was not larger than normal.
 - Monitoring results for the blast on 13 June 2018 were well within approved limits.
- Goetz Schraer – When is the next blast scheduled?

Greg Dressler – Anticipated late March / early April 2019.

8) CCC briefing on the status of Modification Applications lodged with the NSW Department of Planning & Environment by KEQ Pty Ltd.

- Greg Dressler – MOD 1 and MOD 2 have been approved.

- Greg Dressler and Mat Radnidge – Further to the earlier discussion regarding correspondence item 6(e), a new MOD application will be lodged with the NSW DPE. The purpose of the MOD will be:
 - To formalise the acoustic mitigation measures that have been implemented into the design of the plant as recommended by Thearle Engineering.
 - To update the approved Noise Impact Assessment from the 2012 SLR Noise Impact Assessment (currently approved) to the Thearle Noise Impact Assessment (to be completed in the coming weeks). The Thearle Assessment is based on current background data, actual equipment and plant layout (rather than modelled). The Thearle Assessment, including recommended mitigation measures and operational criteria will also be undertaken in accordance with the current Noise Policy for Industry (2017) which replaced the Industrial Noise Policy (2000).
 - The theory behind the MOD is that by using current background data and assessing actual plant, equipment and operations, this process will result in better targeted mitigation measures. This, in line with the latest Noise Policy for Industry, will result in an outcome that is of benefit to all stakeholders.
 - It is considered that industry best practice measures as they relate to acoustics will be implemented.
 - The strategy for the new MOD has been discussed with the NSW DPE and the NSW EPA, who are generally supportive of the approach.

- Goetz Schraer – What if the Acoustic Assessment doesn't comply with the relevant criteria?

Mat Radnidge – The MOD application, once lodged, will be rigorously assessed by both the NSW DPE and NSW EPA. If the Acoustic Assessment does not demonstrate compliance the Noise Policy for Industry, it is unlikely to be supported by the DPE and EPA.

Goetz Schraer – He is very impressed with the acoustic mitigation measures he witnessed during the site inspection.

- Mat Radnidge – Once the MOD application is lodged with the NSW DPE and public exhibition details are known, details of the exhibition material will be supplied to all CCC members (as was the case with MOD 1 and MOD 2).

- Goetz Schraer – Will the MOD propose an extension of hours as was discussed at the last CCC meeting in September 2018? The Huntview and Halloran Road communities will not support extension of crushing plant hours.

Greg Dressler – Extension of hours is not a priority for KEQ Pty Ltd at this time. Accordingly an extension of hours will not form part of the MOD application. Extension of hours may be revisited at a future time in a separate MOD application.

Michael Ulph – If extended hours are proposed at some point in the future, will this require additional acoustic assessment?

Mat Radnidge – Yes and it will require a modification application to the NSW DPE.

Goetz Schraer – Noise at night is a key concern of local residents.

- Tim Grugeon – Another MOD is likely to be lodged later this year for an extension to the footprint of the quarry to the east of the north south haul road (approximately 5.3ha). This was one of the MOD applications that was withdrawn (previously referred to as MOD 4) late last year due to legislation changes. The purpose of the MOD is to provide additional area for stockpiling as well as improved operational efficiencies. *Tetratheca juncea* (TJ) is known to occur in the area subject to this MOD and further ecology assessment is needed.

Greg Dressler – In addition to Flora and Fauna Assessment, other specialist studies will form part of the application such as water management, noise, dust, etc.

Mat Bell – How will offsets be managed? Establishment of a local offset site or by paying into the OEH biodiversity fund? Great Lakes Council prefers establishment of local sites over payment into the fund.

Tim Grugeon – This is yet to be confirmed. Full flora and fauna assessment needs to be completed in the first instance.

9) General Business

Mat Bell – Prior to the CCC meetings, Mat sends an email internally to Mid Coast Council staff members inviting any feedback / matters to raise at the CCC meeting. No comments were received.

10) 2019 CCC meetings and site inspections to be scheduled.

Next meeting scheduled for Monday 2 September 2019. Details as follows:

- 3pm – Site Inspection (meet at Karuah East Quarry Office, Blue Rock Close, Karuah); and
- 4pm – CCC Meeting at Karuah East Quarry office.

Michael Ulph confirmed he would issue calendar invites to CCC members.

Meeting closed – 5.03pm.

Summary of Actions Arising from Meeting

- Mat Radnidge to advise Michael Ulph when the Section 4.55 MOD application (to address acoustics) is placed on public exhibition. Michael will then advise the CCC members.
- Next CCC meeting is scheduled as follows:
 - Monday 2 September 2019:
 - 3pm – Site Inspection (meet at Karuah East Quarry Office, Blue Rock Close, Karuah); and
 - 4pm – CCC Meeting at Karuah East Quarry office.

Michael Ulph to issue calendar invites.

Enclosed:

- Site Inspection Minutes 4 March 2019; and
- Company Report & Overview 4 March 2019 (refer to Item 7 above).