



Rocla representatives believe that they are operating in compliance with the consent and rely on results obtained from consultants and if the consultants identify non-compliances of any significance, that various Government Departments would order Rocla to stop operating.

This generated extensive discussion around the magnitude of the workload of the various government departments and the near impossibility that they can be across all of the details of every operation over which they have jurisdiction.

It was agreed that all present understood the AEMR is the only single vehicle for these departments to get themselves across all issues and that it is, therefore, imperative that the AEMR properly reflect all relevant information, especially on matters of compliance.

### **2010 non-compliances incorrectly reflected as “nil” in the AEMR**

2010 non-compliances are incorrectly reflected as “nil” on pg 28 of the 2010 AEMR.

During the course of the meeting, it was agreed that there are significant omissions from the 2010 AEMR Compliance Section.

It was agreed that the Director General and other interested parties should be advised immediately that the Compliance section of the AEMR will be replaced with a complete and correct report on the compliance status for the reporting period ending 31<sup>st</sup> December and that there will be a delay in submitting the replacement Compliance section because of the work involved.

- It was agreed that the section “Compliance” in every AEMR must properly reflect the compliance status of operations for the 12 months of the reporting period (1 January to 31 December) and the compliance status at the end of the reporting period (31 December).
- It was discussed that, at 31 December 2010, there were a number of significant outstanding non-Compliances which have not been reflected in the 2010 AEMR. (Some of these are continuing).

### **Schedule 5 Condition 4 – ACTION replace the Compliance section in the Annual Environmental Management Report**

*This section was discussed at various times throughout the meeting. As it is context for the rest of the discussion, it is minuted first.*

Rocla representatives agreed that they would review the 2010 AEMR to replace the Compliance Section (page 28) to comply with the 2009 Independent Auditor (Umwelt), recommendation and with standard practice when reporting on Compliance.

- It was agreed that the AEMR Compliance Section must not only be correct, it must also be complete.
- It was agreed that the purpose of an AEMR is to summarise all matters of importance for the readers, including the regulators, who cannot be ‘on top of’ the contents of the many business reports that are produced throughout the reporting period, so that they can be properly aware – on a timely basis – of the status of operations.

- Omissions from the AEMR Compliance Section may leave the readers, including the regulators, unaware of any outstanding matters of Compliance, and/or unable to debate actions taken or not taken with the organisation.

It was discussed that:

- Where an organisation is in the middle of a legal or other challenge on interpretation of what constitutes compliance and this has not been finally resolved to all parties' satisfaction, this should be specifically noted in the AEMR Compliance Section.
- Where an organisation deems an Independent Auditor (IA) recommendation to be not significant, or no longer significant, and therefore to ignore an IA recommendation, this should be specifically noted in the AEMR Compliance Section.
- Where an organisation decides to respond to a non-compliance item raised by their IA using a solution different to the one recommended by the IA, this should be specifically noted in the AEMR Compliance Section.

### **Less significant non-compliances**

For expediency, where the CCCC held a consensus view that a non-compliance was not currently a threat to human safety, environmental protection or the Law, these non-compliances were not discussed in detail.

### **Schedule 3 Various Conditions – ACTION amend 2010 AEMR to reflect decision to not seek sign-offs and approvals 'after the fact'**

Rocla representatives advised that, where the IA recommended that Director General and other parties' sign-off be obtained after the event (e.g. on specialist appointments and various plans) that they would not do this as it would be a waste of Rocla's and the regulators' time to do so.

The decision to waive sign-off rests with each regulator and not with Rocla. If Rocla has made this decision unilaterally, this should be flagged in the AEMR.

Rocla representatives agreed that they will amend the 2010 AEMR Compliance Section (page 28) to reflect the fact of their decision.

### **Schedule 3 Condition 2 and Schedule 4 Condition 1**

Rocla representatives advised that the area of non compliance in relation to noise criteria related to work outside of the quarry boundaries to fill a wet area adjacent to Gazzana property. The work in relation to this matter was carried out with verbal consent from the neighbour.

There was some discussion about how, although the non-compliance highlighted by the IA described specific incidents, the IA concluded that any and all excessive noise impacts require written landholder agreements, quarterly monitoring until noise criteria compliance is reached, and the timely forwarding of agreements to the Director General and the relevant Government Department.

### **Schedule 3 Surface and Groundwater (Note) – ACTION amend 2010 AEMR**

It was discussed that applications for water licences had been applied for by Rocla from the NSW Office of Water under Part 5 of the Water Management Act, but these were not actually in place at 31 December 2010.

This should be noted in the 2010 AEMR

### **Schedule 3 Condition 10**

Asked to confirm whether the tests being done were tests of “level” or “yield” (yield fluctuations being the crux of Condition 10), Rocla representatives said that they were certain they were doing “yield” monitoring.

There was discussion that yield tests of bores from neighbouring properties were completed as background data prior to commencing operations, and now ongoing level monitoring only is being conducted.

Rocla representatives said that all bores have been tested where access is available. Some owners have advised that they are unwilling to allow Rocla to conduct tests on their properties because the owners believe that that Rocla may have misuse data.

### **Schedule 3 Condition 15 – ACTION amend Ground Water Monitoring Program**

Rocla representatives advised that they would check the Ground Water Monitoring Program to ensure that it contains a “commitment to evaluate the long term impacts of the final void on regional ground water resources”.

It was agreed that the Ground Water Monitoring Program must be amended to include this commitment.

It was agreed that, subject to the addition of this commitment, a “closure and post closure groundwater management plan” will not be required until (or before) 5 years before the closure of the current operations of the mine.

### **Schedule 3 Condition 16 – ACTION check Ground Water Contingency Strategy (GWCS) and, if appropriate, amend 2010 AEMR**

This is a complex area of compliance which generated a lot of discussion. The requirement is that, within 6 months of original consent, a GWCS satisfying the Department of Water, and potentially affected landholders, and the Director General, was supposed to have been produced.

Rocla representatives advised that they would provide evidence of compliance to the CCCC and, if appropriate, change the AEMR to reflect the situation as at 31<sup>st</sup> December 2010.

The groundwater contingency strategy has been prepared in consultation with DWE. However, evidence of approval from the Director General has not been provided. The approved plan and post closure plan are not due until 5 years prior to closure of the quarry. The quarry is not due to close for a period in excess of 5 years, therefore the post closure plan has not been produced. The plan will be prepared as required by the conditions of consent.

### **Schedule 5 Condition 9 – ACTION minutes of each CCCC meeting to be sent to the Director General within 1 month of each meeting**

It was discussed that the CCCC has been sending the minutes to the Director General after the meeting following the meeting being minuted. As only 3 or 4 meetings are held each year, this means the minutes have been submitted up to 5 months late.

It was discussed and agreed that this defeats the purpose of the minutes to keep the Director General up-to-date on compliance matters with the current operations.

A new procedure was formulated which will ensure the minutes are final and agreed (albeit not ratified until the next meeting) in time to meet the required 1 month window for submission to the Director General.

**Schedule 5 Condition 10 – ACTION copies of all documents to Gosford City Council (GCC) and other relevant agencies**

Rocla representatives said they were uncertain whether all required management plans/ strategies and monitoring programs and their updates were being sent to GCC.

Rocla representatives agreed that they will send copies of all required documents to GCC, including existing and future documents.

**Schedule 5 Condition 11 – ACTION seek Director General’s statement of satisfaction with Rocla’s rehabilitation efforts, and amend 2010 AEMR**

It was discussed that damage by native animals is making re-vegetation difficult.

Because of the ongoing difficulties, the Director General should be advised of the results of monitoring and works to be done, acknowledgement sought of the Director General’s satisfaction that these efforts are sufficient and that no additional action is required (or other DG directives obtained).

**Environmental Protection License (EPL) – ACTION investigate activity licensing requirements and, if appropriate, amend 2010 AEMR**

In relation to the EPL for the site to conduct an activity that requires a license under the POEO Act, Rocla representatives advised that they believe that all necessary licenses are in place. It was suggested that the requirements of the Act may have changed. Rocla representatives will check what licenses are required particularly in relation to separate license being required for crushing and grinding.

If insufficient licenses are in place, the AEMR will be amended to reflect this.

**Environmental Management Strategy Section 3 – ACTION notify GCC of Noxious Weeds, and amend 2010 AEMR**

Rocla representatives said they believe Gosford City Council (GCC) has not been notified of the presence of noxious weeds on the site as identified by Trees Pty Limited during rehabilitation inspections.

Rocla representatives agreed to check what noxious weeds have been identified and, if Trees Pty Limited is correct, notify GCC.

**Environmental Management Strategy Section 3 – ACTION amend 2010 AEMR regarding Water Licensing and Usage**

It was discussed that, at 31<sup>st</sup> December 2010, Rocla did not have water licenses in place to cover their water usage as required by the Water Act 1912 and other legislation governing the Mangrove Mountain aquifer.

It was agreed that the 2010 AEMR should be amended to reflect this, as well as specific reference to how much water was used and the allocation held in the reporting period ended 31<sup>st</sup> December 2010.

There was extensive discussion about whether licenses in place in 2011 are sufficient to cover water usage. Aspects discussed, included whether or not there is a need to have a license for all types of water used on the site, whether certain categories of water that does not leave the site has to be accounted for, the volume of water currently being used by Rocla calculated using Rocla's methodologies.

There was discussion that Rocla and their legal advisers' disagree with the Department of Water on the interpretation and application of the legislation governing Rocla's water usage.

The Community representatives expressed the view that disagreements on such significant compliance matters as water usage must be flagged in the AEMR each year until they are resolved.

**Environmental Management Strategy Section 4 – ACTION Rocla to formally advise CCCC that internal procedures including procedures of consultants engaged by Rocla are such that it is certain that the 2011 AEMR will be finalised and submitted to all parties by the end of February 2012.**

It was discussed that Rocla's AEMRs have been months late every year, and that this defeats the purpose of the AEMR which is to ensure that regulators and all interested parties have timely information about the previous year's operations to inform them should they wish to intervene or otherwise review or make submissions on operations.

It was discussed that the timeframe is difficult, but not impossible, to comply with, and that meeting this date is important for the reasons given in the preceding paragraph.

Rocla representatives agreed that they would commit to changing the existing procedures relating to the preparation of the AEMR so that the report is finalised by February each year and distributed to the required parties.

**Environmental Management Strategy Section 6.2 – ACTION distribute AEMR to potentially affected landowners**

Rocla representatives agreed that the AEMR was not delivered, as required, to all potentially affected landowners. This needs to be rectified. As this omission applies to the distribution of the finalised AEMR, it is not relevant to the 2011 reporting period, so the 2010 AEMR does not require amendment.

**Environmental Management Strategy Section 6.1 and 6.4 – ACTION amend 2010 AEMR re February AEMR meeting(s) not held**

Rocla representatives stated that they did not believe it is necessary for them to have a AEMR meeting with the listed government agencies in February each year to gather their input before finalising the AEMR. No meeting was held in 2011 for the 2010 AEMR, and no meeting was held in 2010 for the 2009 AEMR. It was not established whether such meetings occurred in prior years.

It was discussed that this is a requirement of the Environmental Management Strategy which Rocla proposed and the Director General accepted, and Community representatives believe that to omit this step denies government agencies to have input into the final AEMR, and to enquire into and understand the messages it conveys.

### **Environmental Management Strategy Appendices – ACTION apply to the Director General to amend the Environmental Management Strategy (EMS)**

The IA recommended that, where commitments in the EMS provide no clear benefit to environmental performance, Rocla should apply to have these removed or changed.

There was discussion around the fact that the EMS provisions legally binding to Rocla and, unless the EMS is legally changed, all its provisions must be complied with. The community representatives believe that Rocla cannot just ignore parts of the EMS that are inconvenient or difficult to comply with. The need for legal amendment is important to ensure that the Director General agrees which provisions must be retained because their removal would put the environment at unacceptable risk.

### **Rehabilitation and Landscape Management Plan (LMP) – ACTION engage appropriately qualified consultant and address all aspects of LMP, and amend 2010 AEMR to reflect what has not been done**

It was discussed that Rocla's Rehabilitation Plan seems to be focused on planting of trees and other plants, and that there was no apparent attention to habitat re-establishment and impacts on water, and how the change to topography was going to affect suitability for future use for either wildlife reestablishment or agriculture.

Rocla representatives agreed that populations of threatened flora species have not been monitored as required by the LMP and that noxious weeds have not been monitored with the outcome reported in the AEMP and appropriate actions taken.

It was discussed that this may be because the specialist engaged by Rocla appears to be an erosion sediment control specialist, and not an ecological or rehabilitation consultant. Rocla will investigate whether Trees Pty Limited have personnel that are ecologists and, if not, will engage a suitably qualified consultant to advise on, and monitor, their LMP (not just the bund walls).

Rocla representatives agreed to establish whether adjacent land is being included in their monitoring and management plan in accordance with requirements. If not, the 2010 AEMR will be amended to reflect this.

Rocla representatives agreed to establish whether surrounding residents have been liaised with to ensure their reasonable expectations regarding landscape management are being met. If not, the 2010 AEMR will be amended to reflect this.

### **General Business**

The Committee raised concern about having some way of flagging their concerns with the Government Agencies. It was agreed that this could be achieved by ensuring that the minutes are distributed to the DOP within one (1) month of each meeting.

Concern was raised by the lack of representation from Gosford City Council. The Chairperson explained GCC was requested to provide a representative however they

advised that they are not prepared to provide a representative to the meeting as they do not have the resources available and they are not responsible for the compliance or otherwise with the conditions of development consent. It was agreed that Community representatives would again approach GCC to request representation.

Faxed input was received from Margaret Pontifex who was not able to attend the meeting. These comments were tabled and formed part of the discussion.

Meeting closed 6.00pm  
Next Meeting at Quarry Site Monday 12 March 2012