



Calga Sand Quarry

Rocla's Response to Non-Compliant Conditions with Development Consent DA 94-4-2004

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Schedule 3

Specific Environmental Conditions – Assessed to be Non-Compliant

Condition	Requirement	Evidence/Status	Non-Compliance Issues / Recommendations	Rocla's Response																									
	NOISE																												
	Impact Assessment Criteria																												
2.	<p>¹The Applicant shall ensure that the noise generated by the development does not exceed the criteria specified in Table 1.</p> <p><i>Table 1: Noise impact assessment criteria dB(A)</i> <i>L_{Aeq} (15 min)</i></p> <table border="1" data-bbox="309 504 875 774"> <thead> <tr> <th>Residential Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> <th>Night (L_{A1}(1min))</th> </tr> </thead> <tbody> <tr> <td>Gazzana (Residence 3)</td> <td>41</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>King</td> <td>40</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>Kashouli</td> <td>39</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>Other residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Residential Location	Day	Evening	Night	Night (L _{A1} (1min))	Gazzana (Residence 3)	41	35	35	45	King	40	35	35	45	Kashouli	39	35	35	45	Other residences	35	35	35	45	<p>Sighted unattended and attended noise monitoring reports from Wilkinson Murray for 2006-2008. No non-compliances identified through monitoring when typical sand extraction works / operations were being undertaken.</p> <p>Sighted letter from Wilkinson Murray (30/6/08) that predicted the noise impacts for rehabilitation works at the northern boundary would create impacts of 34 dBA over the criteria at Gazzana's residence, 23 dBA over criteria at Kings' residence and 17 dBA over criteria at Kashouli's (over a 2 week period). The report found that no amelioration could mitigate against these impacts. Advised by Paul Slough (23/2/09) that these impacts had been discussed and the works agreed to by the affected residence. Non-compliance as no evidence of these agreements being forwarded to the DoP and DECC could be found.</p> <p>Section 5.5.1 of the amendment notes "An agreement with Messrs Gazzana, the owners of the residences likely to be most affected, has been reached over noise exceedences and is provided with this report."</p> <p>Supplementary information provided 26 May 2009: P McCue (26 May 2009 pers. comm.) advised that the works described in the Wilkinson Murray report were undertaken with a small bobcat so that noise impacts to surrounding residents were minimised, and that verbal agreements with affected residents were achieved prior to the works being undertaken.</p>	<p>Ensure any landholder agreements relating to noise impacts are forwarded to DECC and DoP.</p>	<p>Rocla respectfully requests that compliance can still be achieved through verbal agreements with its neighbours.</p>
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¹ Incorporates DEC GTA

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15	<p><i>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.</i></p>	<p>Sighted letter from Mackie Environmental Research to DIPNR dated 21 July 05, re: Calga Sand Quarry. Sighted Mackie Environmental Research Report Review of Additional Groundwater Modelling of Calga Sand Quarry December 2004.</p> <p>The Groundwater monitoring program appears to have been generally prepared in accordance with this plan. The plan does not contain a commitment to evaluating potential long term impacts of the final void on regional groundwater resources or a commitment to developing a closure and post closure groundwater management plan, to the satisfaction of DoP. This is required 5 years before closure of the quarry as specified in the report titled Review of Additional Groundwater Modelling of Calga Sand Quarry, Mackie Environmental Research December 2004.</p>	<p>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.</p>	<p>Rocla respectfully requests the DoP express its satisfaction with the updated Groundwater Monitoring Program prepared by Aquaterra</p>
GROUNDWATER CONTINGENCY STRATEGY				
16	<p>Within 6 months of the date of this consent, the Applicant shall prepare a Groundwater Contingency Strategy for the development, in consultation with the DNR, 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:</p> <p><i>(Note: The conditional requirements of 16a) and 16b) and the related note remain applicable)</i></p>	<p>The Site Water Management Plan prepared for the Calga Sand Quarry contained components of a Groundwater Contingency Strategy. As these components have not been finalised or approved, the SWMP is not considered to represent a Groundwater Contingency Strategy as referred to in this condition.</p> <p>P McCue advised (26 May 2009) that verbal agreement had been reached with potentially affected landholders regarding the Groundwater Contingency Strategy.</p> <p>We note that Rocla provided signed agreements with Gazzana and Kashouli (landholders) permitting Rocla to install monitoring bores on their properties. While this indicates that they have held discussions with landholders regarding the groundwater resource and future monitoring requirements it is unclear if the groundwater contingency strategy has been prepared in consultation with them.</p>	<p>Finalise the Groundwater Contingency Strategy in consultation with DWE and landholders and to the satisfaction of the Director General.</p>	<p>Rocla respectfully requests the Director-General's satisfaction with the submitted document.</p>

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	REHABILITATION AND LANDSCAPE MANAGEMENT PLAN			
22	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 DEC, and to the satisfaction of the Director-General: This plan must:	Sighted Rehabilitation and Landscape Management Plan 2006 (Doc No. 264/30). Sighted letter from John Gardiner to DoP (undated) advising that a final draft of the plan had been submitted to DoP, DEC and Gosford Council. Sighted letter from Alex Irwin (RW Corkery) to Paul Slough (Rocla) dated 17 Aug 2006, stating that the plan had been submitted to DoP, DEC and GCC on 8 August 2006. August submission of this plan is also outside the 6 month timeframe required by the condition. No evidence of DoP's satisfaction was sighted.	Confirm DoP is satisfied with the plan.	Rocla respectfully requests the Director-General's satisfaction with the submitted document.
	TRAFFIC AND TRANSPORT			
	Site Access			
26	Under the requirements of the condition – to the satisfaction of the Director-General.	Evidence of DoP's satisfaction with the road sealing activities was not provided.	Confirm DoP is satisfied with the sealing of internal access road.	Rocla respectfully requests the Director-General's satisfaction with the road sealing activities.
28a)	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	The road works have been completed however, evidence of DoP and RTA satisfaction with the works was not provided.	Confirm DoP and RTA is satisfied with the works undertaken.	Rocla respectfully requests the Director-General's satisfaction with the heavy vehicle turning paths at the entrance to the quarry.
28b)	provide for vehicular access to the pit floor, to the satisfaction of the DPI and the Director-General.	Evidence of DoP and DPI satisfaction with the vehicle assess arrangements was not provided.	Confirm DoP and DPI is satisfied with the access arrangements.	Rocla respectfully requests the Director-General's satisfaction with the internal access arrangements.
	PARKING			
29	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.	Sighted large parking area adjacent to administration buildings. Adequate space available for 8 staff, 3 visitors and trucks present during audit with additional space available. Evidence of DoP's satisfaction with the on-site parking capacity and compliance with council's code was not provided.	Confirm DoP is satisfied with the on-site parking arrangements and confirm compliance with Council codes.	Rocla respectfully requests the Director-General's satisfaction with the on-site parking arrangements.

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	VISUAL IMPACT			
32	Under the requirements of the condition – to the satisfaction of the Director-General.	Evidence of DoP's satisfaction with the acoustic barrier works was not provided.	Confirm DoP is satisfied with the works undertaken.	Rocla respectfully requests the Director-General's satisfaction with the acoustic barrier works.
	SAFETY			
37	The Applicant shall secure the development to ensure public safety to the satisfaction of the Director-General.	Site fences and security measures observed during site inspections. Evidence of DoP's satisfaction with the site security was not provided.	Confirm DoP is satisfied with the site security measures.	Rocla respectfully requests the Director-General's satisfaction with the site security measures.
	PRODUCTION DATA			
39	The Applicant shall:			
39a)	provide annual production data to the DPI using the standard form for that purpose; and	Annual production data sighted, however standard form and submission to DPI not provided.	Provide annual production data to DPI using standard form. Keep records of any submission to DPI.	Copy of annual production data is attached (Attachment 1).

SCHEDULE 5				
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING				
Condition	Requirement	Evidence/Status 2009	Non-Compliance Issues/ Recommendations	Rocla's Response
	COMMUNITY CONSULTATIVE COMMITTEE			
9h)	forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.	Evidence of minutes being lodged with DoP not provided. Sighted email from Pat McCue to Tony Tuxworth, Paul Slough and John Gardiner (8.09.06) advising that minutes of CCC meetings should be sent to DoP within one month of a CCC meeting. Since the completion of the site audit, past CCC meeting minutes have been lodged with DoP by the CCC Chairman Tony Tuxworth (P McCue pers. comm. 26 May 2009).	Ensure CCC meeting minutes are submitted to DoP within one month of the meeting occurring and keep records of any correspondence with DoP.	The despatch of the minutes is now undertaken in accordance with this condition.
	ACCESS TO INFORMATION			
10a)	a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC;	No evidence of plans being provided to Council, relevant agencies or the CCC was provided.	Provide a copy of all management/monitoring plans to Council, relevant agencies and the CCC. Record the date that each document is provided to each of these bodies.	A copy of all documents relevant to the quarry is being compiled on a CD and circulated to all relevant agencies and the CCC. It is noted that all documents are available on Rocla's website.
10	Under the requirements of the condition – to the satisfaction of the Director-General.	Rocla has not confirmed with DoP that they are satisfied with the distribution / availability of documents.	Confirm DoP are satisfied with the arrangements of public access to information (i.e. documents stored on site and available on website).	Rocla respectfully requests the Director-General's satisfaction with the availability of documents.
11	Under the requirements of the condition – to the satisfaction of the Director-General.	Rocla has not confirmed with DoP that they are satisfied with the approach adopted.	Confirm DoP are satisfied with the arrangements.	Rocla respectfully requests the Director-General's satisfaction with the approach adopted.