

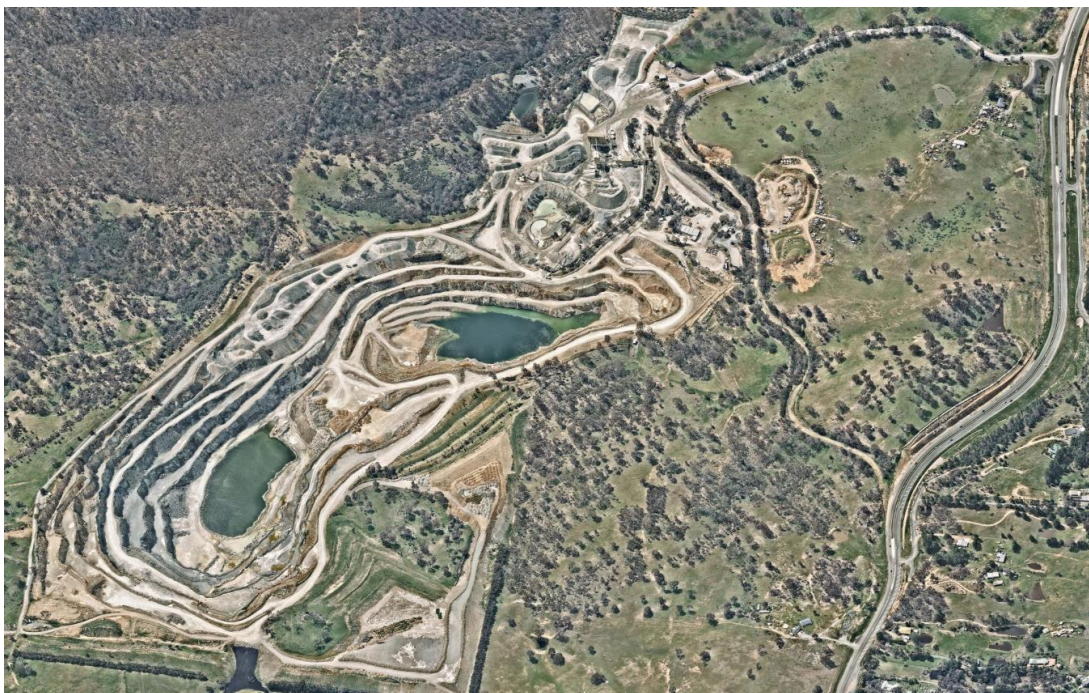


COOMA ROAD QUARRY

Ref: SSD 5109

COMMUNITY CONSULTATIVE COMMITTEE

ANNUAL REPORT 2016



Committee Establishment

The Holcim Old Cooma Road Community Consultative Committee was established in May 2014. At Queanbeyan City Council meeting of 11 June 2014, Councillor Sue Whelan OAM was elected to the position of Independent Chair. This was endorsed by the Department.

This year, the NSW Government announced a merger between Queanbeyan City and Palerang Councils to form Queanbeyan-Palerang Regional Council.

Eight former councillors from the former Queanbeyan City and Palerang Councils have since been appointed to the Queanbeyan-Palerang Local Representation Committee (QPLRC). The role of the Committee is to provide advice and guidance to the Administrator on a range of matters and assist with engaging the community. This Committee will help guide the new organisation through the transition period leading up to the September 2017 election.

Our former Council representative and Committee Chair, Sue Whelan has been successful in gaining a place on the QPLRC and has been appointed a continued delegation on the Holcim Old Cooma Road Community Consultative Committee as Council's nominated representative and independent Chair.

Members of Committee

Members of the committee have changed to the following:

- Sue Whelan OAM (Independent Chair) – Queanbeyan-Palerang Regional Council (QPRC)
- Mr Tom Baker (Queanbeyan Landcare)
- Mr George Billaford (CEO Ngambri Land Council)
- Mr Michael Ziebell (Jerrabomberra Residents Association)
- Mr Adam Bertram (Holcim)
- Mr Ian Shenton (Holcim)
- Mr Peter Hewson (Holcim)
- Mrs Natasha Abbott (QPRC - Secretary)

Committee Meetings

During 2016 there have been two meetings of this committee:

- Meeting No 5. was held on Monday 25th July 2016
- Meeting No 6. was held on Monday 14th November 2016.

Minutes of these meetings are attached as Appendix 1 and Appendix 2.

Location of Meetings

Meetings have been held in the Holcim training room at Old Cooma Road Quarry.

Conduct of Members

Members have followed the code of conduct for Consultative Committees as provided in the Guidelines. No breach to requirements has been identified or reported.

Committee Training

Members of the Committee have undertaken a site induction and been provided with a tour of the site.

Committee Funding and Remuneration

The committee has not requested nor received any funding or payment.

Responsibilities of the Company

The company has provided the committee with comprehensive reports on the mine's operation and performance.

During 2016, copies of the following have been provided:

- Community Consultative Committee Annual Report 2015
- Website linkages for monitoring data and approvals.
- Photos of Open Day and Threatened Species Day activities
- Holcim Compliance Audit Report dated 6 July 2016
- Copies of Official Cautions and Penalty Notice

Communication with Community

The committee has discussed information to be released on the company Website. Such as minutes to meetings. Extracted copies of the webpage attached as Appendix 3. The annual reports of this committee are provided here for community information.

This year the Quarry has been involved with a Community Planting site neighbouring the Quarry with Landcare and Council. The Quarry provided a water truck for the event.

Attachment 4 has a media release and photos of the event.

Threatened Species Day was held on the neighbouring property, four of the committee members attended on the day. Appendix 5.

Other opportunities were suggested including the Jerrabomberra Community Newsletter and Jerrabomberra Residents Association Facebook.

Holcim continue to operate a Community contact line. There have been no complaints reported to the committee.



Appendix 1 – Minutes of Meeting No 5.



Minutes of Meeting - Community Consultative Committee

SUMMARY OF MEETING / ACTION PLAN			
DIVISION: ACT		DATE:25/7/16	
TEAM / PROJECT NAME: CCC meeting		NEXT MEETING DATE:7 November 2016 @ 4.00pm	
LEADER: Sue Whelan OAM		LOCATION: Cooma Road Quarry	
TEAM MEMBERS: S.Whelan (SW), Peter Hewson (PH), T. Baker (TB); N. Abbott (NA), A. Bertram (AM)			
VISITORS: Nil			
Non-Present Members: G Billaford (GB), M Ziebell (MZ)			
Meeting Minutes – 25 July 2016 @ 4.00pm			
NO :	AGREED ACTIONS	BY WHOM	BY WHEN
1	Apologies: Nil. NA to check Michael's email address.	NA	-
2	Discussion on the return of Sue Whelan to the Committee. Sue is one of eight councillors from the former Queanbeyan City and Palerang Councils have been appointed to the Queanbeyan-Palerang Local Representation Committee. Her role includes representation on this committee. Council election will be held 9 September 2017. ACTION: NA to write to the Department explaining the QPRC representative role.	NA	Next meeting
3	Declaration of Interests: Nil	SW	
4	Confirmation of Minutes:	Moved: PH/TB	

5	<p><u>Business Arising:</u></p> <p><u>Annual Report</u> Email response on 11/11/15 - from Mike Young, Planning NSW advising that Howard Reed is the Director of Resource Assessments. Our report has been forwarded to him.</p> <p><u>ACTSmart</u> The Quarry has signed up to be Actsmart business recyclers program. The ACTSmart team have come out to audit the waste streams from the Quarry and new bins have been purchased to separate office recycling. Remondis are collecting bins.</p> <p>ACTION: Accreditation to occur.</p> <p><u>VENM</u> Development Approval for intake of VENM from Googong builders is in</p>	NA	
	<p><u>COMPOST TRIAL</u> Council is waiting on the results from the compost trial.</p> <p><u>Stepping Stone Project</u> NSW Environmental Trust, QPRC, Landcare, Holcim and Private Landowners had a planting day in May and are now planning a walk over the offset land on Sunday 31st July.</p> <p>Tom mentioned the "Friends of Group" starting up and asked whether the Quarry would be interested in becoming a small sponsor. Peter advised to write to the Community Trust at Marulan.</p> <p>Landcare members have made a suggestion of a walking track from Mt Jerrabomberra, through Stringybark Ridge and ending within the offset block's highest point. This idea travels through some private land and has some issues to consider.</p> <p><u>Vegetation Screen Planting</u> The historic plantings have been successful. Tom has old and new photos to put together showing the results.</p>	NA	
6	Correspondence: Nil	NA	
7	<p>Company Reports</p> <p>EPA annual return completed 21 June 2016. Compliance Audit undertaken on 6 July 2016. There were no non-compliances only minor admin recommendations.</p> <p>Undertaking a depth limit review.</p> <p>Quarterly environmental noise monitoring undertaken by Parsons Brinkerhoff. Site N67 (511 Old Cooma Rd). It was 1-3dB over the acceptable limits during startup at 6-7am morning alarms. Audible alarms have been adjusted for the shoulder period.</p>	PH	

8	<p>General Business</p> <p>Discussion on the relocation of the front gate. This was in consultation with QPRC and neighbour. It is locked at night.</p> <p>Action: NA to check on the name of the quarry access road. Has it changed?.</p> <p>Action: Relocate the sign to the new gate which advises 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</p> <p>Discussion on access to the offset land from the southern end of the Quarry. Every 6 months the Power company come through to check the lines. If the Quarry had a gate key access can be provided.</p>	<p>NA</p> <p>PH</p>	
---	--	---------------------	--

Meeting closed 4.45pm

Next meeting: Monday 7 November 2016 @ 4pm

Appendix 2 – Minutes of Meeting No 6.



Minutes of Meeting - Community Consultative Committee

SUMMARY OF MEETING / ACTION PLAN			
DIVISION: ACT		DATE:14/11/16	
TEAM / PROJECT NAME: CCC meeting		NEXT MEETING DATE:8 May 2017 @ 4.00pm	
LEADER: Sue Whelan OAM		LOCATION: Cooma Road Quarry	
TEAM MEMBERS: S.Whelan (SW), Peter Hewson (PH), N. Abbott (NA), A. Bertram (AB), M. Ziebel (MZ)			
VISITORS: Nil			
Non-Present Members: G Billaford (GB), T Baker (TB)			
Meeting Minutes – 14 November 2016 @ 4.00pm (started at 4.15pm) Note meeting of 7th November rescheduled due to lack of numbers			
NO :	AGREED ACTIONS	BY WHOM	BY WHEN
1	Apologies: Nil.	NA	-
	Discussion on Visitor numbers to the quarry, PH advised 7 members of the public spent 12 hours of visitation at the quarry over the year.	NA	
2	Declaration of Interests: Nil	SW	
3	Confirmation of Minutes:	Moved: PH/AB	

4	<p><u>Business Arising:</u></p> <p>NA to write to the Department explaining the QPRC representative role.</p> <p>Compost/sludge Trial: The samples that were taken had slightly elevated copper and dieldrin. The compost can still be used a relatively good product, albeit non-compliant with AS4454:2012 Not to be used for home and gardens but public parks and garden beds is alright. They did not test the biosolids material prior to the trial, the best way forward to implement this composting process is to test and manage the inputs.</p> <p>VENM: DA approved for Quarry to take VENM. It is working OK with CIC sending out information in a circular. Charging small fee of \$6 per tonne. Staff check for quality. No contamination accepted. Keep topsoil and loamy material for rehabilitation works.</p> <p>Access Road - The purpose of the gate at that location is to prevent night time access, as there has been incidents of vandalism, car burning etc in the area. In addition, it was part of the contract of sale for the acquisition of the land from Mr Heffernan. The new street signs "Quarry Road" have been erected but the re-numbering is not complete yet. Quarry Road is not on Googlemaps.</p>	NA	
	<p>Remaining Action: Relocate the sign to the new gate which advises 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</p>	PH	
	<p>Key for Offset – application form provided.</p>	NA	
5	<p>Small Bird Stepping Stone Project- Qbn Landcare walk on National Tree Day on offset land Sunday 31 July 2016. AB attended with Quarry water truck. Community "Friends of Group" for the area has started up.</p>	NA	
6	<p>Threatened Species Day: Wandiyali Threatened Species Day Event (7 September) was attended and hosted by Carolyn Larcombe of the Wandiyali Trust, Molonglo Catchment Group, Office of Environment and Heritage, along with 50 invited guests, including QPRC staff, George representing Ngambri Aboriginal Land Council, and landcare groups. Holcim had Ian Shelton in attendance.</p> <p>CVA teams did some planting on the day. Currently applying for Wildlife monitoring funding on the property.</p>	NA	
7	<p>Mirrabee Projects: GB absent from meeting. PH has been talking to GB about assisting with moving the ceremonial rocks. One is destined for the new park on the river. They also have requested assistance with grading a new access road into the Wickerslack site.</p>	PH	

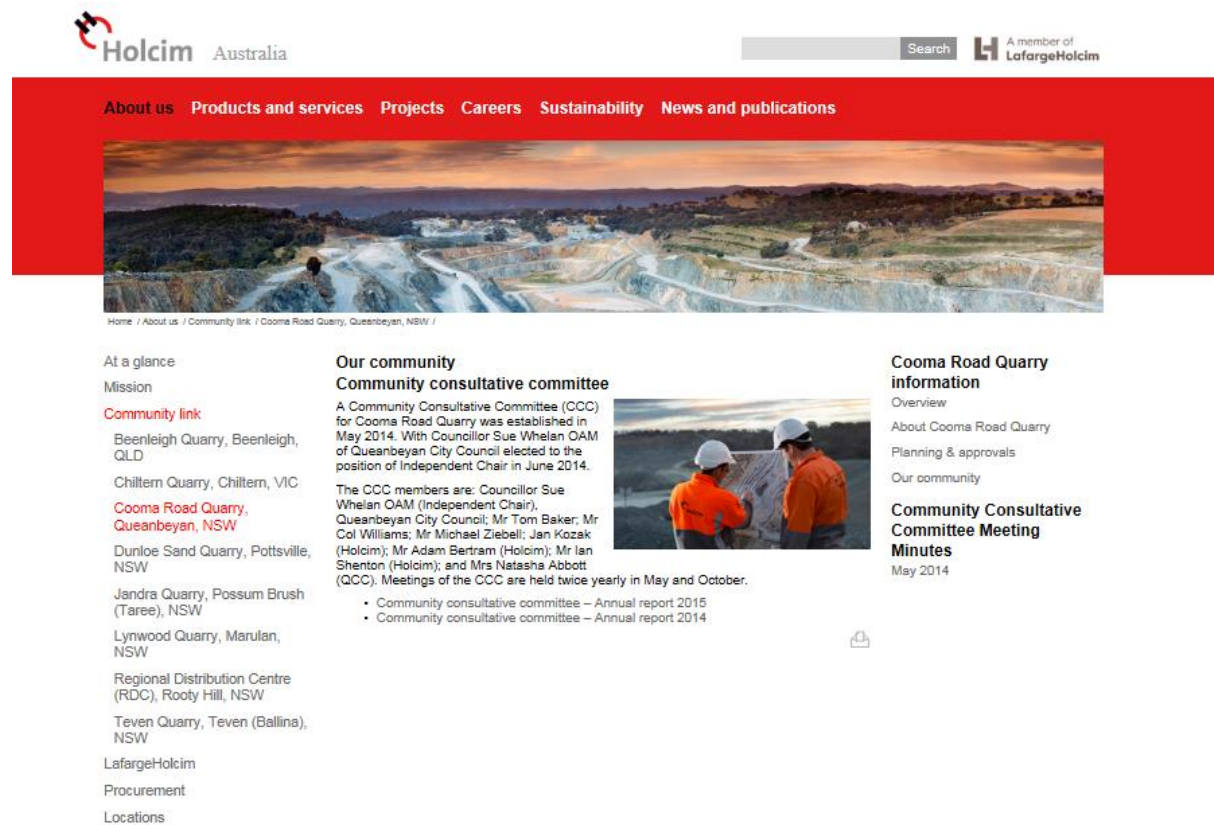
8	<p>Annual Report: No complaints registered for the site.</p> <p>Quarry had a compliance audit in October. The report listed several non-compliances with the development consent.</p> <ol style="list-style-type: none"> 1. Annual Review was submitted over one year late. 2. Attended quarterly noise monitoring had not been conducted. 3. Air quality monitoring of PM10 particles and TSP not conducted. <p>Compliance Audit, Official cautions and Penalty Notice of \$15,000</p>	PH	
9	<p>General Business</p> <p>Is there another Open Day planned? Nothing official at this time. Site visits can be arranged on request.</p> <p>Any tree planting activities planned? Nothing at this time. Constantly reviewing environmental plan and community planting activities.</p> <p>What is the lifespan of the Quarry? Current Development consent until 2033/2034. More than enough material in reserves. The quarry is in a good position with market supply of 30-40% of the ACT & Queanbeyan region. 60% asphalt raw materials, civil contracts, road bases.</p> <p>What are staff numbers? 8 Fulltime truck drivers 12 Fulltime at Quarry 15-20 sub-contractors This includes several females.</p>	<p>MZ</p> <p>MZ</p> <p>MZ</p> <p>NA</p>	

Meeting closed 4.45pm

Next meeting: Monday 8 May 2017 @ 4pm

Appendix 3

Website Community Link - <http://www.holcim.com.au/en/about-us/community-link/cooma-road/our-community.html>



The screenshot shows the top navigation bar of the Holcim Australia website. The main navigation menu includes: [About us](#), [Products and services](#), [Projects](#), [Careers](#), [Sustainability](#), and [News and publications](#). Below the navigation is a large banner image of a quarry landscape. The breadcrumb trail reads: [Home](#) / [About us](#) / [Community link](#) / [Cooma Road Quarry, Queanbeyan, NSW](#).

At a glance

Mission

Community link

- [Beenleigh Quarry, Beenleigh, QLD](#)
- [Chiltern Quarry, Chiltern, VIC](#)
- [Cooma Road Quarry, Queanbeyan, NSW](#)
- [Dunloe Sand Quarry, Pottsville, NSW](#)
- [Jandra Quarry, Possum Brush \(Taree\), NSW](#)
- [Lynwood Quarry, Marulan, NSW](#)
- [Regional Distribution Centre \(RDC\), Rooty Hill, NSW](#)
- [Teven Quarry, Teven \(Ballina\), NSW](#)

[LafargeHolcim](#)

[Procurement](#)

[Locations](#)


Our community

Community consultative committee

A Community Consultative Committee (CCC) for Cooma Road Quarry was established in May 2014. With Councillor Sue Whelan OAM of Queanbeyan City Council elected to the position of Independent Chair in June 2014.

The CCC members are: Councillor Sue Whelan OAM (Independent Chair), Queanbeyan City Council; Mr Tom Baker; Mr Col Williams; Mr Michael Ziebell; Jan Kozak (Holcim); Mr Adam Bertram (Holcim); Mr Ian Shenton (Holcim); and Mrs Natasha Abbott (QCC). Meetings of the CCC are held twice yearly in May and October.

- [Community consultative committee – Annual report 2015](#)
- [Community consultative committee – Annual report 2014](#)



Cooma Road Quarry information

- [Overview](#)
- [About Cooma Road Quarry](#)
- [Planning & approvals](#)
- [Our community](#)

Community Consultative Committee Meeting Minutes

May 2014

Appendix 4

Article showing the community planting on the offset land adjacent to Quarry.

The Chronicle

Easily o
with M
Go to R

ENVIRONMENT

Guardians sought for new plantings

By Kimberley Le Lievre

Join Queanbeyan Landcare for a guided walk in the Jerrabomberra woodlands and grasslands on National Tree Day, Sunday, July 31.

From 10am to midday, the volunteer group will lead a walk to encourage new participants to volunteer in the area, as part of a bigger project to connect Mount Jerrabomberra with Tuggeranong.

Queanbeyan Landcare publicity officer Tom Baker said a "Friends of" group was needed to be guardians for the new plantings, as it was part of a bigger project to reconnect native vegetation.

"We're desperately looking for people in Jerrabomberra, especially people living near the edge of the natural areas to become involved in this," Mr Baker said.

He suggested a name like Friends of Jerrabomberra, "or whatever they want to call themselves".

"They'd be people who live near it, and they'd really care for that part and watch over it."

He said Landcare would be door knocking and leaving pamphlets for people who live near the area of interest, to ask them to keep an eye out for vandals.

"We think a lot of people probably wouldn't have thought to join



As National Tree Day approaches, Tom Baker and Bill Willis are encouraging Jerrabomberra residents to help keep an eye on new plantings of native vegetation. Photo Jay Cronan





Quarry truck in photo.

Appendix 5

WANDIYALI - THREATENED SPECIES DAY 2016

Oct 2016.



Above: Threatened Species Day at Wandiyali highlighted conservation projects underway and was an opportunity to get some new trees in the ground. Thanks to the efforts of Conservation Volunteers Australia and thanks to everyone who attended and made the day such a success.

Wandiyali showcases flora and fauna biodiversity on Threatened Species Day

Threatened Species Day, hosted by NSW Office of Environment and Heritage and Wandiyali Restoration Trust, on 7 September 2016, was a chance to showcase Wandiyali and the progress made when communities come together to improve habitats for locally threatened species. Over 50 people from different agencies and groups attended, including representatives from Conservation Volunteers, Queanbeyan Landcare, Queanbeyan Palerang Council, Molonglo Catchment Group and Ngambri Local Aboriginal Land Council. Well-known ecologist Rainer Rehwinkel talked about the significant conservation values of the critically endangered Box-Gum Grassy Woodland habitat found at Wandiyali, while Senior Environment Officer from OEH, Rob Armstrong, gave an account of wildlife recorded at Wandiyali. The Chief Executive Officer of the Molonglo Catchment Group Megan Dixon, welcomed owner of Wandiyali, Carolyn Larcombe to the Land for Wildlife program presenting Carolyn with a sign.



Wandiyali Restoration Trust

The Wandiyali Restoration Trust is a not-for-profit charitable organisation. Its principal purpose is the long-term protection of the natural environment - using innovative, collaborative, land management arrangements towards ecosystem restoration and threat mitigation. Targeting a suite of south east Australian ecosystems, and ensuring protection and enhancement of threatened species, populations and communities in perpetuity.

Find out more about the Wandiyali Restoration Trust by liking us on Facebook at Wandiyali Restoration Trust. If you would like to receive electronic updates, including information about public events, please email your details to Antonia at wandiyali.restoration@gmail.com



Above: Wandiyali owner Carolyn Larcombe with ecologist Rainer Rehwinkel.

Below: Beautiful Early Nancy (*Wurmbea dioica*) were in bloom on Threatened Species Day



Left: Conservation Volunteers Australia planted 200 trees and shrubs grown by Greening Australia, part of ongoing restoration and conservation work at Wandiyali. Species included *Hardenbergia violacea*; Blakely's Red Gum (*Eucalyptus blakelyi*); Snow Gum (*E.pauciflora*); two wattles (*Acacia parramattensis* & *A.rubida*) and *Dodonaea viscosa*, all local natives. These plants added to the 1500 trees and shrubs, put in the ground over autumn, boosting vital elements of the structure of the woodland.



Appendix 6.

Copy of the cover of the Audit Report



**Holcim Cooma Road (Queanbeyan) Quarry
Compliance Audit as part of Southern Hard
Rock Quarries Campaign – Queanbeyan
Palerang and Goulburn Mulwaree LGAs (July
2016)**



Cooma Road Quarry

Audit site inspection: 6 July 2016

Appendix 7.

Official Caution and Penalty Notice for Annual Audit non-compliance



Contact: Dr Paul Rutherford
Phone: 02 6229 7907
Email: paul.rutherford@planning.nsw.gov.au

Daniel Lidbetter
NSW/ACT Planning & Environment Coordinator
Holcim (Australia) Pty Ltd
Tower B Level 8
799 Pacific Highway
CHATSWOOD NSW 2067

daniel.lidbetter@holcim.com

OFFICIAL CAUTION

**Failure to submit Annual Reviews by required date
Holcim Cooma Road Quarry Queanbeyan
State Significant Development Consent SSD-5109**

Dear Mr Lidbetter,

The Department of Planning and Environment (*the Department*) recently provided you with the Final Compliance Audit Report dated October 2016 for the Holcim (Australia) Pty Ltd Cooma Road Quarry at Queanbeyan (*the audit report*).

Table 1 of the audit report listed several non-compliances with the conditions of development consent SSD-5109 (*the consent*) determined on 27 September 2013.

The non-compliances identified in Table 1 of the audit report include breaches of the following condition:

- **Schedule 5, Condition 4** which requires the Applicant to review by the end of March each year the environmental performance of the development to the satisfaction of the Secretary (Director-General).

The audit identified that the required Annual Review for 2014, which was due on 31 March 2015, was not submitted until 22 April 2016 – that is over one year late. The Annual Review for 2015 was submitted at the same time and was therefore also late.

I have formed the view that there are reasonable grounds to believe that Holcim (Australia) Pty Ltd (*Holcim*) has failed to comply with the condition of consent.

Section 76A(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* states that:

If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:

- (a) such a consent has been obtained and is in force, and

(b) the development is carried out in accordance with the consent and the instrument."

I therefore have reasonable grounds to believe that Holcim has breached Section 76A(1)(b) of the Act by failing to comply with Schedule 5, Condition 4 of the consent and this gives rise to an offence under Section 125 of the Act (*the alleged offence*).

Further, I believe there is sufficient evidence to prove the alleged offence.

The Department has assessed the alleged offence against its published Compliance Policy, and it has been determined under Section 19A(3) of the *Fines Act 1996* to issue an Official Caution.

In deciding to issue an Official Caution the Department notes that the alleged offence has not resulted in risks to public safety, known harm to the environment or damage to property.

Please note that the Department will retain a copy of the Official Caution on file. If Holcim commits an offence in the future, the Department will take into account this Official Caution when determining the most appropriate enforcement action.

The issuing of an Official Caution does not preclude the Department from taking alternative enforcement action for the alleged offence, if it becomes apparent that an alternative response is more appropriate.

For information about penalties, please visit <http://www.planning.nsw.gov.au/Policy-and-Legislation/~media/0E2FF1073E344851964EE4D3B9E72B58.ashx>

Yours sincerely



Kirsty Ruddock 25/10/16

Director Compliance and Post Approvals

Daniel Lidbetter
NSW/ACT Planning & Environment Coordinator
Holcim (Australia) Pty Ltd
Tower B Level 8
799 Pacific Highway
CHATSWOOD NSW 2067

daniel.lidbetter@holcim.com

PENALTY NOTICE

Holcim Cooma Road Quarry Queanbeyan State Significant Development Consent SSD-5109

Dear Mr Lidbetter,

The Department of Planning and Environment (*the Department*) recently provided you with the Final Compliance Audit Report dated October 2016 for the Holcim (Australia) Pty Ltd Cooma Road Quarry at Queanbeyan (*the audit report*).

Table 1 of the audit report listed several non-compliances with the conditions of development consent SSD-5109 (*the consent*) determined on 27 September 2013.

The non-compliances identified in Table 1 of the audit report include breaches of the following condition:

- **Schedule 3, Condition 7(c)** which requires the Applicant prepare and implement a Noise Management Plan to the satisfaction of the Director-General. This plan must include a monitoring program that incorporates quarterly (or as otherwise agreed by the Director-General) attended noise monitoring to evaluate the performance of the development against the noise criteria in Table 1.

The Noise Management Plan, at section 6.0, sets out the requirements for noise monitoring, which includes the requirement to conduct quarterly attended noise monitoring. The audit identified that the required quarterly monitoring had not been conducted from January 2014 until June 2016.

I have formed the view that there are reasonable grounds to believe that Holcim (Australia) Pty Ltd (*Holcim*) has failed to comply with the condition of consent.

Section 76A (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* provides that:

If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:

- (a) such a consent has been obtained and is in force, and

(b) the development is carried out in accordance with the consent and the instrument."

I therefore have reasonable grounds to believe that Holcim has breached Section 76A(1)(b) of the Act by failing to comply with Schedule 3, Condition 7(c) of the consent, and this gives rise to an offence under Section 125 of the Act (*the alleged offence*).

Further, I believe there is sufficient evidence to prove the alleged offence.

The Department has assessed the alleged offence against its published Compliance Policy, and it has been found appropriate in the circumstances to issue a Penalty Notice. A Penalty Notice in the amount of \$15,000 is enclosed for your attention.

For information about penalties, please visit <http://www.planning.nsw.gov.au/Policy-and-Legislation/~media/0E2FF1073E344851964EE4D3B9E72B53.ashx>

Yours sincerely



Kirsty Ruddock 25/10/16
Director Compliance and Post Approvals

PART C
CCP 007

GENERAL PENALTY NOTICE

Rego. No. 1. PARKING 2. GENERAL 3. TRAFFIC

POENALTY NUMBER **3120698552**

DATE POSTED 26/10/16

ISSUING AUTHORITY **HOLCIM(AUSTRALIA) PTY LTD** SEX

who furnished place of residence/business as **TOWER B, LEVEL 8, 799 PACIFIC HWY CHATSWOOD NSW** Postcode **2067**

D.O.B. License No. Class State of Issue

It is alleged that at hrs to hrs on **WEDNES** (day) **06/07/16** date at **OLD COOMA RD** suburb **QUEANBEYAN** and the following offence was committed

REGULATED ETC DEVELOPMENT NOT ACCORD CONSENT - PENALTY NOTICE SERVED BY OTHER CORPORATION

State of Registration Registration Plate Type: Motorcycle Other

(2) In relation to **FAIL TO COMPLY WITH CONDITIONS OF CONSENT** **SSD SIG BY NOT CONDUCTING APPROVED WORK** **PLANTERING**

OFFENCE CODE **REGULATED ETC DEVELOPMENT NOT ACCORD CONSENT - PENALTY NOTICE SERVED BY OTHER CORPORATION**

PENALTY AMOUNT **\$15,000**

Issuing authority **DEPT. PLANNING & ENVIRONMENT** Demerit offence? **YES/NO**

HOW TO FINALISE THIS PENALTY NOTICE:

(Further action will be taken if this notice is not finalised within 21 days of the date of service).

- A. Choose from the payment options below **OR**
- B. See additional information on the reverse side of this notice.

What will happen if you do not act on this penalty notice by the due date?

You will receive a penalty reminder notice. If not acted by the due date on the reminder notice, further action will be taken by the State Debt Recovery Office (SDRO). This will involve additional costs and may include driver licence or vehicle registration restrictions in Australia as well as restrictions on doing business with Australian traffic authorities.

How should you respond to this penalty notice?

You must choose one of the following options and respond within 21 days of the date of offence.

- Option 1** Pay the fine using one of the payment methods detailed over the page under payment options. If mailing your payment, the penalty notice number must be recorded.
- Option 2** If you wish to seek leniency based on certain circumstances, or if you believe an error has been made, information on requesting a review of your penalty notice is available at www.sdronsw.gov.au.
- Option 3** Have the matter determined by a court. To do this, complete and submit the court election form at www.sdronsw.gov.au. Please provide an Australian residential address. The law does not permit SDRO to send a court attendance notice to a PO Box. No other review will be conducted after the court election form has been received. **Note:** The court may impose additional costs.
- Option 4** If this offence carries demerit points and you were not the driver of the vehicle at the time of the offence, provide full details of the driver by completing the statutory declaration which can be downloaded from www.sdronsw.gov.au. Do not send any payment as a new penalty notice will be issued to the person named in the statutory declaration. False nomination is a serious offence which carries additional penalties.

PAYMENT SLIP

PLEASE TEAR ALONG DOTTED LINE

3120698552

BOX 1 Date of Offence **06/07/16**

BOX 2 Offence Code **36166**

BOX 3 Amount due **\$15,000**

BOX 4 Amount paid **\$**

If making part-payment, retain payment slip

1. Website www.sdronsw.gov.au (Mastercard and Visa card accepted. A card payment fee applies.)

2. Phone 1300 130 112

3. Post the payment slip with cheque or money order made payable to the State Debt Recovery Office, PO Box 6444, Parramatta NSW 2124 (write penalty notice number clearly on back of cheque or money order)

4. In person Go to any Post Office

Barcode: 3120698552

State Debt Recovery Office contact details

www.sdronsw.gov.au

1300 138 118
8:00 am - 5:30 pm
Monday to Friday
Overseas callers:
+612 4937 9207
Hearing or speech impaired users:
TTY 133 677
Speak and Listen 1300 555 727

Postal correspondence only:
State Debt Recovery Office
PO Box 786
Strawberry Hills NSW 2012

Privacy statement
Information collected from you for the purpose stated on this form may be provided to third parties with your consent or as required or permitted by law. OSR will correct or update your personal information at your request. Read more about privacy at www.osr.nsw.gov.au

Daniel Lidbetter
NSW/ACT Planning & Environment Coordinator
Holcim (Australia) Pty Ltd
Tower B Level 8
799 Pacific Highway
CHATSWOOD NSW 2067

daniel.lidbetter@holcim.com

OFFICIAL CAUTION

**Failure to conduct air monitoring in accordance with requirements
Holcim Cooma Road Quarry Queanbeyan
State Significant Development Consent SSD-5109**

Dear Mr Lidbetter,

The Department of Planning and Environment (*the Department*) recently provided you with the Final Compliance Audit Report dated October 2016 for the Holcim (Australia) Pty Ltd Cooma Road Quarry at Queanbeyan (*the audit report*).

Table 1 of the audit report listed several non-compliances with the conditions of development consent SSD-5109 (*the consent*) determined on 27 September 2013.

The non-compliances identified in Table 1 of the audit report included breaches relating to the failure to conduct monitoring in accordance with

- **Schedule 3, Condition 16** which requires the Applicant to implement the Air Quality Management Plan (*the AQMP*) including an air quality monitoring program. The AQMP at section 6.0 sets out the requirements for air quality monitoring.

Section 6.2 of the AQMP states that "In addition to the existing network of dust deposition gauges, Holcim Australia proposes, to monitor PM10 and TSP in order to demonstrate compliance against the air quality assessment criteria in Condition 14 of Schedule 3. Cooma Road will install a High Volume Air Sampling (HVAS) unit as part of their continued operations ...". Table 6.1 entitled 'Cooma Road Quarry Air Quality Monitoring Program' specifies monitoring sites and parameters to be monitored, including Site No "HVAS1".

The audit identified that the HVAS was not installed at the time of the audit in July 2016, and as a consequence monitoring against all the air quality criteria set out in Condition 14 has not occurred.

I have formed the view that there are reasonable grounds to believe that Holcim (Australia) Pty Ltd (*Holcim*) has failed to comply with the condition of consent.

Section 76A(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* states that:

If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:

- (a) Such a consent has been obtained and is in force, and
- (b) the development is carried out in accordance with the consent and the instrument."

I therefore have reasonable grounds to believe that Holcim has breached Section 76A(1)(b) of the Act by failing to comply with Schedule 5, Condition 4 of the consent and this gives rise to an offence under Section 125 of the Act (*the alleged offence*).

Further, I believe there is sufficient evidence to prove the alleged offence.

The Department has assessed the alleged offence against its published Compliance Policy, and it has been determined under Section 19A(3) of the *Fines Act 1996* to issue an Official Caution.

In deciding to issue an Official Caution the Department notes that the alleged offence has not resulted in risks to public safety, known harm to the environment or damage to property.

Please note that the Department will retain a copy of the Official Caution on file. If Holcim commits an offence in the future, the Department will take into account this Official Caution when determining the most appropriate enforcement action.

The issuing of an Official Caution does not preclude the Department from taking alternative enforcement action for the alleged offence, if it becomes apparent that an alternative response is more appropriate.

For information about penalties, please visit <http://www.planning.nsw.gov.au/Policy-and-Legislation/-/media/0E2FF1073E344851964EE4D3B9E72B58.ashx>

Yours sincerely



Kirsty Ruddock 27/10/16

Director Compliance and Post Approvals