

PQCEG minutes meeting 4

3-5pm 9 May 2018

Community Centre, 21 Blacks Camp Road, Somerville

1. Attendance

Chair: Rob Gerrand
Chris DeFreitas
Jo Murray
Daniel Petroni
Ian McLeod ERR
David Chalke, Tyabb Ratepayers
David Bergin, Shire
Alan Robinson
Leah Collins
Kate Blake
Dianne Anderson
Kevin Hayes, WorkSafe
Kerren Clark (minutes)

2. Apologies

Martin Reeves ERR, Vince Lopardi SRW, Mindy Abel, Geoff Gilbert ERR, Phillip Money EPA

3. Minutes of the previous meeting

Approved with amendments to ss4, 8 and 11.

4. Matters arising from the minutes

Alan questioned the purpose of the group meetings and stated that he believed that participants were informed but not consulted.

David C referenced a minuted comment by Rob where he asked members to focus on what can be achieved in relation to current operations. Rob said his intent was to ask people to focus on the present, where there is scope for change, rather than the past where there is not. David C asked what Rob meant by scope and he replied that some things, such as legal and regulatory requirements, are not open to consultation but a range of other considerations are.

5. Tree planting and bund works

Items 5 and 7 were joined for discussion.

Chris reported that he planted some trees on the boundary with Mindy's property a few weeks ago. He cannot progress other planting until the bund design is settled because construction of the bund will destroy any other new plantings.

Daniel said that the bund designs had been distributed so they could be discussed at this meeting. Comments in advance of the meeting had been sought to allow the team to consider the input. The tone of some replies was disappointing but the team nonetheless reviewed the feedback.

Daniel acknowledged that the landscape plans were a little difficult to interpret. The landscaper used brown dots to indicate existing trees that are to be retained. The plan could make it look like the large green dots represented the only trees to be planted, but in fact this represented "mature trees" to be planted and he apologised for the lack of clarity. He said



that in total 3960 trees and low-density plants are to be planted with a view to creating a high, dense screen.

Diane complained that the access track was within the buffer.

Ian read from ss5.4 and 5.5 of the work plan and stated that the document must be read in conjunction with the approved plan and not interpreted in isolation. He tabled a diagram that shows that the distance between the bund and the boundary varies along the southern boundary. He noted that the diagram does not show an access track but both a swale and an access track are essential to site maintenance.

Ian stated that the bund does not have to be installed until the quarry operations are within 100m of the boundary. Therefore, neither the bund installation nor tree planting are mandatory now.

Daniel explained that the primary reason to build the bund and plant ASAP was because he acknowledges that an error was made in the past when trees were cleared before the bund was installed. He said that the error caused unnecessary distress and that PQ is seeking to mitigate any future disturbance. He added that trees currently in stage two will eventually be cleared ahead of works in the area and PQ wants to install the bund and plant trees now so they have a chance to grow before that happens.

Diane asked what happens when the bund is removed and Chris said that won't happen until operations have ceased and rehabilitation of the quarry pit is completed.

In response to feedback on designs, Daniel offered to increase the buffer by 2.5 metres from 10.0m to 12.5m to compensate for the width of the access track.

Diane asked if the access track could be located at the edge of the bund and Chris said that it could, but it would need to wind around three existing mature trees. Chris is only willing to make this amendment if residents accept that not all of the track will be adjacent to the bund. He said that he does not want to make the change on request and then face complaints later.

Alan said that Daniel's proposal was positive, and requires consideration by residents who live on the southern boundary. There was some discussion about what materials were needed to show to those not present and it was agreed that:

- Alan would take the large landscape designs that Daniel has marked up and use these to start conversations
- Daniel will ask the landscaper for new designs, but noted that the landscaper is away for three weeks
- Residents at the meeting will ensure that residents not present will be invited to participate in discussions about Daniel's offer.

Diane requested another tour of the area; she would co-ordinate a time with Jo Murray or Chris DeFreitas.

Ian said that he would like to see all affected neighbours consulted about the design.

Diane asked if the bund doesn't need to be built now, could planting still occur without the bund. Daniel said that it was not practical and would result in a high percentage of works being damaged when the bund is ultimately built. He reaffirmed that PQ's preference is to

build the bund and plant all trees in a single activity to allow trees to mature before operations approach the southern boundary.

Alan commented that the sooner works start the better and he agreed with Daniel's opinion. This will ensure there is an established vegetated tree barrier when the existing vegetation is removed in future. Rob said that it was agreed at the last meeting that a dense high barrier is a highly desirable outcome.

There was a discussion about the existing bund adjacent to Leah, Tyrone and Len's properties. It was agreed that:

- More mature trees from the approved planting list will be planted between the swale and the boundary
- Access track in this area will reduce from 4m to 2.5m
- Assuming neighbours to the west accept the proposed modifications the bund in this section will be increased in height by around 1m and width by 2.5m, to match the same overall bund and landscape buffer width proposed for others.

6. Completion of site fencing

In response to Leah's email, Daniel said that he had spoken with three residents who had expressed concerns that he thought could be addressed. His intent was to seek resolution, not to bully or harass. During the calls he said that, following research of other quarry sites in metro and regional Victoria, barbed wire is not essential, and the height could be reduced. He offered a choice of colour and tree planting.

Alan observed that regardless of intent, one person felt bullied. He referred to a statement from the PQV's application to WorkSafe for time extension whereby PQV stated that it would construct a fence in compliance with WorkSafe and court-imposed requirements. Alan objected to this statement.

Ian introduced Kevin Hayes from WorkSafe. Kevin said that the onus to comply and make the site safe is on the company not on an individual like Jo who completed the form.

He said that inspectors had identified a risk and they are empowered to address the risk by immediately shutting down the site or issuing notices. In this case, two notices were issued to address the risk of unauthorised access. Leah asked if there was still a risk even though there is CCTV and Kevin confirmed that there is.

Kevin said that PQV has complied with one notice and the second is outstanding.

Kevin said that WorkSafe position is that there is usually more than one way to comply with a notice but WorkSafe offers a solution to the duty holder. PQV must do something to make the site safe and secure, before somebody is hurt. He said that an extension of time has been granted but PQV must control the risk.

In relation to consultations with neighbours, Daniel reported that all but one had objected to the proposed solution and wanted a farm-style fence. He said that, following review of fencing at other quarries, it was found that all are chain mesh, not all have barbed wire and they vary from 1.8-2.4m in height. PQV is offering to reduce the fence height to 1.8m and omit barbed wire.

Alan asked why not the farm style fence and Daniel said that is what is currently there and it had been found inadequate by WorkSafe. Alan asked if there is anything other than

chainmesh and Daniel replied that he has been told that weld-mesh is suitable but to him it is more visually intrusive.

He reiterated the offer of a 1.8m fence on the boundary, without barbed wire. Diane said that the work plan required fencing of the pit and asked why that is not adequate. Daniel replied that PQV is liable for an accident anywhere on site and needs a fence on the boundary in order to meet its safety obligations, as it remains liable for areas not secured.

David C asked Kevin why the audit was conducted. Kevin said WorkSafe has conducted a risk profile analysis of most of the known quarries throughout Victoria. WorkSafe has six dedicated inspectors regulating 800+ quarries and 100+ mines throughout Victoria. The risk assessment is conducted as a basis to allocate these resources. Kevin said that the site may be higher on the list due to it being closer to residential areas and/or recent increase in activity. The risk assessment is not the only mechanism used by WorkSafe in attending workplaces. Other mechanisms include:

- Complaints (internal and external) – known as ‘service requests’
- Incidents – known as response visits
- HSR’s and others asking for WorkSafe to attend to deal with a specific concern

Ian said that it is best to have multiple layers of safety. He cited: fence, trees, bund, ledge and the first bench in the quarry as all-important safety measures. He said warning signs could also be erected.

Alan said surely the dam is the greatest risk so why can’t that risk be addressed with a fence. Daniel referred back to his comment that PQV is liable for the whole site.

Rob observed that there is an impasse: PQV is obliged to make the whole site safe and residents want to secure only areas within the site. He suggested a meeting between PQ and affected neighbours next week to discuss only this issue.

Kevin said that fencing small portions of the site would not protect the public. He said that fencing portions does not address risks posed by traffic, excavators etc.

It was agreed that a meeting should be called to discuss fencing and if no agreement is reached then the procedure as set out in the Fences Act will have to be followed.

7. Bund works

Addressed in 5.

8. Site geology

Diane referred to the article, which was circulated with the agenda at her request. It quotes Chris as saying “The site geology comprises sand and sandy clays underlain by Tertiary Age Baxter Sandstone. The quarry pit currently provides and has access to structural fill, clay liner, classified Type A and Type B fill and rock rubble. In the very near future it is anticipated the site will also be capable of supplying class 3 and 4 crushed rock, aggregates, decorative stones and a wide range of landscape products.” She wanted to know how that is consistent with statements made at the last meeting.

Daniel suggested that he thought DEDJTR split quarry materials into four broad categories: hard rock, sand, limestone, and clay and clay shale. Each of these has sub categories. Daniel said that sandstones and mudstones are classified as clay and clay shale, and that this type of material is capable of being extracted as a “rock” or “aggregate” without processing. Bayport again acknowledged that it does not have current approval to process

material on site. Subsequent investigation has shown that the DEDJTR classification of quarry materials is different from that described and the exact nature of the materials planned to be extracted from the site should be clarified.

9. Sharing of information outside committee meetings

Daniel raised a complaint that was referred to him via Melbourne Water relating to discharge of groundwater. He considers that the information in the complaint may have been obtained as a result of information shared at last PQCEG meeting. He considered that the complaint was misinformed and premature as no groundwater has actually been discharged and Peninsula Quarries is still finalising reports before submitting an application for discharge to the EPA. There was insufficient time to complete the discussion.

David C quoted the SRW minutes from 2016 (circulated with an earlier agenda) saying that the ground water is "...of low quality – 1500ppm salinity – B class. Not suitable for drinking and marginal for irrigation use". Daniel said that testing to establish a baseline is currently underway, and that the salinity level in the water to be discharged was likely to be less than half the salinity level in Balcombe Creek, which is the receiving waterway. This is only preliminary; however, it appears any discharge would in fact be diluting the salinity level of Balcombe Creek.

Daniel then read from a copy of a recent Tyabb and District Ratepayers Group newsletter, which Daniel asserted indicated that members would object to discharge and "pollution" from the quarry. He considers this is against the spirit of engagement given reports are yet to be finalised. There was insufficient time to complete the discussion.

10. Complaints and compliments register

The register will be tabled and Jo said that she is getting an A3 printer so hopefully the register will be more legible.

11. EPA works approval application

Not discussed.

12. Community grants program

The committee agreed that Kerren should prepare an advertisement per the material in the agenda.

13. Safety

David B said that he has issued a request for trees to be pruned at the Jones Rd intersection to improve visibility.

14. Dust

Alan referred to the dust chart attached to the agenda and asked the significance of the figures/ vertical axis. Daniel said numbers represent grams per square metres. EPA guidelines allow for a maximum of 4g/sqm per month. He said that the readings are taken from three deposition gauges located around the site and added that there has never been a complaint from any other side.

Alan asked if the readings are daily and Daniel said they are monthly results. The deposition gauges are left on site permanently and the figure reported is the total dust collected for the month. Ian said that the monthly result is acceptable and demonstrates compliance. He added that PQV still has obligations to control peak events, for example on windy days.

Daniel said that on receipt of a complaint, the site is evaluated and a request is made for CCTV footage to establish the cause. If there is found to be a problem, immediate action is



taken to mitigate the problem. If complaints do not come direct to PQV it is not possible to investigate and respond contemporaneously.

Ian said that the large areas that have been disturbed are being grassed and this will naturally improve dust levels. He invited residents to call him with complaints and said he would try to come out within an hour.

Leah said she wants a dust monitor on her fence. She said that she had previously refused because she did not want PQV personnel accessing her property. Daniel agreed to place a monitor adjacent to her fence.

15. Noise

Alan asked about trucks and Chris said that last week he barred three trucks coming to the site because of noise from exhausts. Alan was appreciative and observed that PQV's own trucks are quiet.

Chris reported that he has also rejected six trucks for not having tarps or the tarps being non-functional. Alan said this is very positive.

Chris said he also caught one truck speeding on Pottery Road and that driver was told not to return.

Alan thanked Chris for his efforts.

With respect to monitoring Daniel offered to establish 24 hour noise monitoring on site to establish what the current operating levels are and if this is within acceptable EPA levels.

16. General business

There was none.

17. Next meeting

The meeting closed at 5.10pm and the next meeting is scheduled for 3pm 26 June.