

Appendix 2

Government Agency Consultation and Assessment Requirements

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Planning & Environment

Resource Assessments

Contact: Carl Dumpleton

Phone: 9228 6283

Email: carl.dumpleton@planning.nsw.gov.au

Mr Rob Corkery
Principal/Managing Director
RW Corkery Pty Ltd
1st Floor, 12 Dangar Road
BROOKLYN NSW 2083

Dear Mr Corkery

New Berrima Quarry (PA 08_0212)

I refer to your email of 21 November 2014, and the attached legal advice from Marsden Law Group. The Department has reviewed this information and considers that at this stage the proposal can be assessed as a modification to the Part 3A project approval of the New Berrima Quarry (PA 08_0212) under Section 75W of the *Environmental Planning and Assessment Act 1979*.

The Department does not intend to issue formal requirements for the preparation of the Environmental Assessment (EA) for the proposed modification. However, you will need to prepare a detailed EA that is sufficiently detailed to allow the Department and other regulators to adequately assess the likely impacts of the modified project, in accordance with contemporary government policies and guidelines.

Based on the information you have provided, the Department considers the EA should include (among other matters):

- a justification for the alterations to the approved layout;
- a summary of how the impacts would change as a result of revised layout;
- a noise impact assessment of the revised operations, including the construction of the proposed amenity bunds, in accordance with the *NSW Industrial Noise Policy*;
- a visual assessment of the revised layout and final landform on nearby receivers;
- an assessment of the proposed final landform detailing how it would be integrated into the surrounding landscape, including appropriately detailed diagrams and cross sections;
- an assessment of the impacts of the revised layout of water resources, including consideration of any applicable Water Sharing Plans and an assessment of potential impacts on groundwater in accordance with the *NSW Aquifer Interference Guidelines*; and
- a description of the measures proposed to avoid, mitigate and/or offset the impacts of the proposal.

The EA should also include details of consultation with the adjacent landowners, the local community and relevant government agencies.

The Department will review the EA for the modification carefully before placing it on exhibition, and will require you to submit an amended EA if it does not adequately assess the potential impacts of the proposal.

If you have any further questions in relation to these matters, please contact Carl Dumpleton.

Yours sincerely



Mike Young
Manager
Mining Projects

17.12.14



RW Corkery - Brooklyn

From: Graeme Hewat <Graeme.Hewat@wsc.nsw.gov.au>
Sent: Friday, 30 January 2015 3:09 PM
To: Chris Dickson
Subject: New Berrima Quarry Modification PA08- 0212

Good afternoon Chris,

I refer to the above matter and correspondence forwarded to Councils Nick Wilton. After reviewing your firms comments and those of Planning and Environment NSW, Council does not have any further requirements.

Regards
Graeme Hewat

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ENVIRONMENTAL ASSESSMENT

Report No. 744/16

Appendix 2

THE AUSTRAL BRICK COMPANY PTY LIMITED

Modified New Berrima Clay/Shale Quarry

PA08_0212



RECEIVED
19 JAN 2015

BY:

Our reference: EF13/9337:DOC15/186-01:CP
Contact: Craig Patterson (02) 4224 4100

Mr Rob Corkery
Principal/Managing Director
R W Corkery & Co Pty Limited
1st Floor, 12 Dangar Rd
BROOKLYN NSW 2083

Dear Mr Corkery

**NEW BERRIMA SHALE QUARRY
MODIFICATION TO PA08_0212
REQUEST FOR ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

I refer to your request dated 18 December 2014 for the Environment Protection Authority's (EPA) Environmental Assessment (EA) requirements for the above development.

The EPA has considered the details of the project modification and has identified a number of key environmental issues that should be addressed as part of the assessment. These issues have been identified in Attachment A and include:

- Project details
- Licensing requirements
- Water quantity and quality
- Air quality
- Noise and vibration
- Waste and chemicals

Guidance and supporting documents which may be useful in addressing the above issues are included in Attachment B.

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PB', written over a blue circular stamp.

13/1/15

PETER BLOEM
Manager Illawarra
Environment Protection Authority

PO Box 513 Wollongong NSW 2520
Level 3, 84 Crown Street, Wollongong NSW 2500
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 43 692 285 758
www.epa.nsw.gov.au



ATTACHMENT A

Key Issues and Assessment Requirements

Project Details

Details are required on the location of the proposed development including the affected environment to place the proposal in its local and regional environmental context including surrounding landuses, planning zonings and potential sensitive receptors.

Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts (including any cumulative impacts) associated with the project and to reduce risks to human health and prevent the degradation of the environment. Appropriate Best Management Techniques should also be outlined. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented. The proponent should explore opportunities to stage the project, thereby minimising environmental impacts and maximising opportunities for rehabilitation of the site during the life of the project.

Licensing Requirements

The EPA has provided its intended licensing requirements for this project under the Protection of the Environment Operations (POEO) Act 1997, as part of project approval for PA08_0212. The proponent should review the proposed modification and identify whether these intended licence conditions can be complied with, or whether modifications to these requirements will be needed. This information should be included in the EA.

Additional information is available in the EPA's Guide to Licensing:

<http://www.epa.nsw.gov.au/licensing/licenceguide.htm>.

Water Quantity and Quality

The environmental outcomes for the project should be to ensure:

- There is no pollution of waters (including surface and groundwater) except in accordance with licence requirements.
- Wastewater is captured on the site and directed to reticulated sewer where available or collected, treated and beneficially reused, where this is safe and practicable to do so.
- There is consistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission.
- It contributes to the protection or achievement over time of River Flow Objectives and Water Quality Objectives.

The EA should describe the nature and degree of any likely impacts that the proposed project may have on the receiving environment and clearly outline the proposed mitigation, monitoring and management measures the proponent intends to apply to the project to ensure the above outcomes are satisfied. The proponent should also confirm the catchment that the development occurs in to determine the requirements that should apply and clearly identify any sensitive areas. The EA should address the storage and use of any fuels and chemicals at the site, including any necessary bunding and/or spill management measures that may need to be implemented.

Air Quality

The environmental outcomes for the project should be to ensure:

- Unacceptable impacts do not occur on human health or the environment.
- No offensive odours are caused or permitted from the premises.
- Emissions of dust from the premises are prevented or minimised.
- All relevant guidelines in regards to ambient air quality are satisfied.

The EA should include a detailed description of the proposal and identify and describe all processes and sources (including odour and dust) that could result in air emissions. Sufficient detail to accurately communicate the characteristics and quantity of all emissions must be provided. A description of any

proposed mitigation, monitoring and management measures the proponent intends to apply to ensure the above outcomes are satisfied should also be included.

For all emission sources, the EA must demonstrate that emissions will be minimised to the maximum extent achievable through the application of best practice process design and/or emission controls. The EA should specify any proposed management protocols, pollution control equipment and emission control techniques/practices that will be employed as part of the project.

Where appropriate, the EA should include air quality impact assessment in accordance with the EPA's, '*Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*'. The EA should justify the level of assessment undertaken on the basis of risk factors including proposal location, characteristics of the receiving environment and type and quantity of pollutants emitted.

Noise and Vibration

The environmental outcome of the project should be to minimise adverse impacts due to noise and vibration from the project. The EA must include an assessment of the predicted noise impacts associated with the project in accordance with the EPA's, '*Interim Construction Noise Guidelines and Industrial Noise Policy*'. The assessment should include, but need not be limited to:

- identification and assessment of all potential noise sources associated with the development. This may include any construction and operational noises from the proposed quarry and associated product processing activities.
- identify the locations of all sensitive receptors.
- the proposed hours of construction and operation of the quarry and associated activities.
- an assessment of compliance with the project specific noise levels as determined using the above guidelines.
- an assessment of the potential impacts of any transport noise particularly along the proposed quarry access route; and
- any proposed noise mitigation, monitoring and management measures which are necessary to achieve the above outcome.

If there is likely to be any vibration impacts associated with the proposed project, the EA should also include an assessment of the predicted vibration impacts associated with the project.

Waste and Chemicals

The environmental outcomes of the project should be to ensure waste is managed:

- In accordance with the principles of the waste hierarchy and cleaner production.
- The handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
- The beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so.
- No waste disposal occurs on site except in accordance with an Environment Protection Licence.
- Land pollution does not occur.

The EA should identify, characterise and classify all waste that will be generated and disposed of as a result of the proposed project. Proposed quantities of waste and disposal locations must be detailed in the assessment and should include waste that is intended for reuse and/or recycling.

The EA should also provide details of how waste will be handled and managed both onsite and offsite to minimise pollution. This should include information on the procedures and protocols to be implemented to ensure that any waste leaving the site is transported and disposed of lawfully and does not pose a risk to human health or the environment.

All waste must be classified in accordance with EPA's *Waste Classification Guidelines*.

ATTACHMENT B - GUIDANCE MATERIAL

Title	Web address
<u>Licensing</u>	
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
DECCW Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
<u>Air Quality</u>	
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N
Approved methods for Modelling and Assessment of Air Pollutants in NSW	http://www.epa.nsw.gov.au/resources/air/ammodelling05361.pdf
Approved Methods for the Sampling and Analysis of Air Pollutants in NSW	http://www.epa.nsw.gov.au/resources/air/07001amsaap.pdf
Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW	http://www.epa.nsw.gov.au/resources/air/20060440framework.pdf
Technical Notes - Assessment and Management of Odour from Stationary Sources in NSW	http://www.epa.nsw.gov.au/resources/air/20060441notes.pdf
<u>Noise and Vibration</u>	
Interim Construction Noise Guideline (2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
Industrial Noise Policy (EPA, 2000) and Industrial Noise Policy Application Notes	http://www.epa.nsw.gov.au/noise/industrial.htm
NSW Road Noise Policy (2011)	http://www.epa.nsw.gov.au/noise/traffic.htm
<u>Waste, Chemicals and Hazardous Materials and Radiation</u>	
The Protection of the Environment Operations (Waste) Regulation 2005	http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+497+2005+cd+0+N
Waste Classification Guidelines (2008)	http://www.epa.nsw.gov.au/waste/envguidlins/index.htm
Resource recovery exemption	http://www.epa.nsw.gov.au/waste/RRecoveryExemptions.htm
The NSW Waste Avoidance and Resource Recovery Strategy 2007 (DECC, 2007)	http://www.epa.nsw.gov.au/warr/WARRStrategy2007.htm
<u>Water and Soils</u>	
Water Management	
Water Quality and River Flow	http://www.environment.nsw.gov.au/ieo/index.htm

Title	Web address
Objectives	
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.nsw.gov.au/water/usinganzeccandwqos.htm
Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2006)	http://www.environment.nsw.gov.au/water/usinganzeccandwqos.htm
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approved-methods-water.pdf
Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004)	http://www.environment.nsw.gov.au/resources/water/effguide.pdf
Stormwater	
Managing Urban Stormwater: Harvesting and Reuse (DEC, 2006)	http://www.environment.nsw.gov.au/stormwater/publications.htm
Managing Urban Stormwater: Soils and Construction - Volume 1 - 4th Edition (Landcom, 2004)	http://www.environment.nsw.gov.au/stormwater/publications.htm
Managing Urban Stormwater: Soils and Construction – Volume 2E: Mines and Quarries (NSW DECC, 2008)	http://www.environment.nsw.gov.au/stormwater/publications.htm
Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2): Stormwater Harvesting and Reuse (NRMCC, EPHC & NHMRC, 2009)	http://www.environment.gov.au/resource/national-water-quality-management-strategy-australian-guidelines-water-recycling-managing-2
Groundwater	
NSW State Groundwater Policy Framework Document	http://www.water.nsw.gov.au/Water-management/Water-availability/Groundwater/Groundwater/default.aspx
NSW Groundwater Quality Protection Policy	http://www.water.nsw.gov.au/Water-Management/Water-quality/Groundwater/default.aspx
NSW State Groundwater Dependent Ecosystems Policy	http://www.water.nsw.gov.au/Water-management/Water-availability/Groundwater/Groundwater/default.aspx
National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)	http://www.environment.gov.au/resource/national-water-quality-management-strategy-guidelines-groundwater-protection-australia



Department of
Primary Industries
Office of Water

R.W. Corkery & Co. Pty Limited
1st Floor, 12 Dangar Road
BROOKLYN NSW 2083

Attention: Chris Dickson

Contact Janne Grose
Phone 02 4729 8262
Fax 02 4729 8141
Email janne.grose@dpi.nsw.gov.au

Our ref ER20270

Your ref

Dear Mr Dickson

Modification of project approval 08_0212 - New Berrima Clay/Shale Quarry – revised extraction area – additional requirements to be assessed (Our Ref: ER20270)

I refer to your email of 18 December 2014 to the NSW Office of Water for a modification proposal requesting additional requirements to be assessed to those previously provided in the DGRs issued in November 2008 for the New Berrima Clay/Shale Quarry.

It is noted the DP&E advised in a letter dated 17 December 2014 that the EA should include (among other matters) an assessment of the impacts of the revised layout of water resources including consideration of any applicable Water sharing Plans and an assessment of potential impacts on groundwater in accordance with the NSW Aquifer Interference Guidelines.

The Office of Water recommends the EA should also include the following and detailed comments are provided at Attachment A:

- an assessment of potential impacts on surface water (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, wetlands, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Existing and proposed surface and groundwater monitoring activities and methodologies.
- Include a detailed and consolidated site water balance;
- Include details of the water supply source(s) for the proposal including any proposed surface water and groundwater extraction;
- Assess potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.

It is requested one (1) **hard copy** and one (1) **CD** of the EA report is forwarded to Janne Grose at the address below.



Should you require further information please contact Janne on (02) 4729 8262 at the Penrith office.

Yours sincerely



Mitchell Isaacs
Manager Strategic Stakeholder Liaison Unit
21 January 2014



ATTACHMENT A

ATTACHMENT A

NSW Office of Water - Modification of project approval 08_0212 New Berrima Clay/Shale Quarry – revised extraction area – additional requirements to be assessed

Key Relevant Legislative Instruments

This section provides a basic summary to aid proponents in the development of an EA, and should not be considered a complete list or comprehensive summary of relevant legislative instruments that may apply to the regulation of water resources for a project.

Water Management Act 2000 (WMA 2000)

Key points:

- Volumetric licensing in areas covered by water sharing plans
- Works within 40m of waterfront land
- SSD & SSI projects are exempt from requiring water supply work approvals and controlled activity approvals as a result of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.
- No exemptions for volumetric licensing apply as a result of the *EP&A Act*.
- Basic landholder rights, including harvestable rights dams
- Aquifer activity approval and flood management work approval provisions have not yet commenced and are regulated by the *Water Act 1912*
- Maximum penalties of \$2.2 million plus \$264,000 for each day an offence continues apply under the *WMA 2000*

Water Act 1912 (WA 1912)

Key points:

- Volumetric licensing in areas where no water sharing plan applies
- Monitoring bores
- Aquifer interference activities that are not regulated as a water supply work under the *WMA 2000*.
- Flood management works
- No exemptions apply to licences or permits under the *WA 1912* as a result of the *EP&A Act*.
- Regulation of water bore driller licensing.

Water Management (General) Regulation 2011

Key points:

- Provides various exemptions for volumetric licensing and activity approvals
- Provides further detail on requirements for dealings and applications.

Water Sharing Plans – these are considered regulations under the *WMA 2000*

Access Licence Dealing Principles Order 2004

Harvestable Rights Orders

The EA should take into account the objects and regulatory requirements of the *Water Act 1912* (WA 1912) and *Water Management Act 2000* (WMA 2000), and associated regulations and instruments, as applicable.

Water Sharing Plans

The proposal is located within the area covered by the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources* and the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources*. The EA is required to:

- Demonstrate how the proposal is consistent with the relevant rules of the Water Sharing Plan including rules for access licences, distance restrictions for water supply works and rules for the management of local impacts in respect of surface water and groundwater sources, ecosystem protection (including groundwater dependent ecosystems), water quality and surface-groundwater connectivity.
- Provide a description of any site water use (amount of water to be taken from each water source) and management including all sediment dams, clear water diversion structures with detail on the location, design specifications and storage capacities for all the existing and proposed water management structures.
- Provide an analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of any relevant WSP, including:
 - Sufficient market depth to acquire the necessary entitlements for each water source.
 - Ability to carry out a "dealing" to transfer the water to relevant location under the rules of the WSP.
 - Daily and long-term access rules.
 - Account management and carryover provisions.
- Provide a detailed and consolidated site water balance.
- Further detail on licensing requirements is provided below.

Relevant Policies and Guidelines

The EA should take into account the following policies (as applicable):

- NSW Guidelines for Controlled Activities on Waterfront Land (NOW, 2012)
- NSW Aquifer Interference Policy (NOW, 2012)
- Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW, 2012)
- Australian Groundwater Modelling Guidelines (NWC, 2012)
- NSW State Rivers and Estuary Policy (1993)
- NSW State Groundwater Policy Framework Document (1997)
- NSW State Groundwater Quality Protection Policy (1998)
- NSW State Groundwater Dependent Ecosystems Policy (2002)
- NSW Water Extraction Monitoring Policy (2007)

Office of Water policies can be accessed at the following links:

<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/default.aspx>

<http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/default.aspx>

An assessment framework for the NSW Aquifer Interference Policy can be found online at:

<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>.

Licensing Considerations

The EA is required to provide:

- Identification of water requirements for the life of the project in terms of both volume and timing (including predictions of potential ongoing groundwater take following the cessation of operations at the site – such as seepage or inflows into below-ground structures).
- Details of the water supply source(s) for the proposal including any proposed surface water and groundwater extraction from each water source as defined in the relevant Water Sharing Plan/s and all water supply works to take water.
- Explanation of how the required water entitlements will be obtained (i.e. through a new or existing licence/s, trading on the water market, controlled allocations etc.).
- Information on the purpose, location, construction and expected annual extraction volumes including details on all existing and proposed water supply works which take surface water, (pumps, dams, diversions, etc).
- Details on all bores and excavations for the purpose of investigation, extraction, dewatering, testing and monitoring. All predicted groundwater take must be accounted for through adequate licensing.
- Details on existing dams/storages (including the date of construction, location, purpose, size and capacity) and any proposal to change the purpose of existing dams/storages
- Details on the location, purpose, size and capacity of any new proposed dams/storages.
- Applicability of any exemptions under the *Water Management (General) Regulation 2011* to the project.

Water allocation account management rules, total daily extraction limits and rules governing environmental protection and access licence dealings also need to be considered.

End Attachment A



Office of
Environment
& Heritage

Date: 6 January 2015
Your reference: PA 08_0212
Our reference: DOC15/1138-1
Contact: Calvin Houlison
4224 4179

Chris Dickson
Environmental Consultant
R.W. Corkery & Co
First Floor, Dangar Road, Brooklyn NSW 2083
E-mail: brooklyn@rwcorkery.com

Dear Chris

RE: New Berrima Clay Shale Quarry – Modification of Project Approval 08_0212

Thank you for the opportunity to provide input on DGR's for the proposed amendment to Project Approval 08_0212 at the New Berrima Clay Shale Quarry, pursuant to s75w of the Environmental Planning & Assessment Act 1979. The proposed modification comprises a slight extension and relocation of the extraction area boundary. We have reviewed the supplied material and no additional assessment requirements are advised.

The project modification should appropriately consider the environmental matters outlined in the Director-General's Requirements including, but not limited to, the following:

- Biodiversity – including a detailed assessment of the potential impacts of the project on any terrestrial and aquatic threatened species, populations, ecological communities or their habitats and regional wildlife corridors
- Heritage – both Aboriginal and non-Aboriginal
- Soil & Water – including a detailed description of the water management system for the site including water quality management, stormwater management, erosion and sediment control and monitoring programs

The specialist studies submitted in accordance with the DGR's should be updated to reflect the project as modified. We request the opportunity to review the proposed modification application once it has been lodged with DPE and placed on public exhibition.

Please do not hesitate to contact me on 4224 4179 or calvin.houlison@environment.nsw.gov.au should you require any further information.

Yours sincerely

CALVIN HOULISON
Conservation Planning Officer

PO Box 513 Wollongong NSW 2520
84 Crown Street, Wollongong NSW 2500
Email: rog.illawarra@environment.nsw.gov.au



RW Corkery - Brooklyn

From: Neil Cowley <Neil.Cowley@sca.nsw.gov.au>
Sent: Wednesday, 7 January 2015 12:19 PM
To: Chris Dickson
Subject: RE: TRIM: 744_New Berrima Quarry Modification - PA08_0212

Chris,

Thanks for your email of 18 December. I hope you also enjoyed your Christmas break.

The Department of Planning and Environment requirements include a general assessment of the impacts of the changed location and measures to mitigate impacts.

It then includes detail requirements on noise, visual and water sharing.

I would expect that potential impacts on water quality to be assessed.

This would be achieved by an update of relevant parts of the Water Cycle Management Study, Stormwater Management Plan and Soil and Water Management Plan to show that a neutral of beneficial effect on water quality of receiving waters (surface and groundwater) will occur at the new extraction area location.

Yours Sincerely

Neil Cowley
Senior Assessment Officer
Water NSW
4886 9417
0428 264 397

From: Chris Dickson [mailto:chris@rwcorkery.com]
Sent: Thursday, 18 December 2014 1:48 PM
To: Neil Cowley
Cc: Rob Corkery
Subject: TRIM: 744_New Berrima Quarry Modification - PA08_0212

Greetings Neil,

Please find attached documentation in relation to the above Project.

Regards,

Chris Dickson
Environmental Consultant

Christmas Office Closure

We take this opportunity to wish you a very Happy Christmas and advise that our offices will be closed from 1:00pm Wednesday 24 December 2014 and reopening 8:15am Monday 5 January 2015.

RW Corkery & Co Pty Limited

Geological and Environmental Consultants

