

Project	Hydro Kurri Kurri Site Redevelopment Project	From	Sonya Pascoe
Subject	Community Reference Group Meeting	Tel	1800 066 243
Venue/Date/Time	Thursday 16 December 2021 MS Teams video conference 6.05pm – 6:53pm	Job No	2218982
Copies to	All committee members		
Attendees	<p>Mr Richard Brown – Managing Director, Hydro Kurri Kurri (RB)</p> <p>Mr Kerry McNaughton – Environmental Officer, Hydro Kurri Kurri (KM)</p> <p>Mr Darrin Gray – Community representative (DG)</p> <p>Mr Toby Thomas – Community representative, Towns with Heart (TT)</p> <p>Mrs Kerry Hallett – Hunter BEC (KH)</p> <p>Mr Allan Gray – Community representative - Retired Mineworkers (AG)</p> <p>Mr Michael Ulph – CRG Chair, GHD (MU)</p> <p>Mr Andrew Walker – Hydro Kurri Kurri Project Manager (AW)</p> <p>Cr Robert Aitchison – Maitland City Council (RA)</p> <p>Mr Andrew Neil – Manager Strategic Planning, Maitland City Council (AN)</p> <p>Mr Iain Rush – Cessnock City Council (attending for Martin Johnson) (IR)</p> <p>Ms Sonya Pascoe – Minutes, GHD</p>		
Guests/observers			
Apologies	Mr Bill Metcalfe		
Not present	<p>Mr Brad Wood – Community representative (BW)</p> <p>Ms Tara Dever – CEO Mindaribba Local Aboriginal Land Council (TD)</p> <p>Ms Debra Ford - Community representative (DF)</p> <p>Mr Rod Doherty – Kurri Kurri Business Chamber (RD)</p>		



## Table of Contents

1	Welcome and Acknowledgement of Country .....	3
2	Meeting agenda .....	3
3	Welcome and meeting opening .....	3
4	Last meeting minutes .....	3
5	Project Update.....	4
6	Meeting close .....	18

## 1 Welcome and Acknowledgement of Country

Meeting commenced at 6.05pm

### Michael Ulph (Chair) (MU)

Acknowledgement of country.

Sonya Pascoe from GHD taking minutes.

## 2 Meeting agenda



**Agenda**

1. ECC Construction & Site Remediation Update (AW)
2. Approvals Update & SPL Recycling (RB)
3. CRG Q&A – CRG Members
4. Visit to Site to Inspect the ECC Construction – Feb '22?
5. General business

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## 3 Welcome and meeting opening

MU welcomed attendees, Acknowledgement of Country and noted apologies.

MU thanked all for their ongoing services as we come to the end of another year.

MU asked those present to declare any pecuniary interests.

RB explained the rationale for staying online due to Covid.

## 4 Last meeting minutes

AG moved the minutes.

AN seconded the minutes.

## 5 Project Update



AW: I'll kick off with the project update.

AW: The cell lining has been somewhat delayed because of all the wet weather we've had. Kerry told me today that we've had 185 mm of rain in November on site and we only just started relining this week. The last three weeks has seen very little progress. Anyway, that's the view of the cell taken yesterday.

So we're lining the floor with Daracon and Ecoline working their way from the west which is closest to us in the foreground to the east.

AW: And, I believe that they're planning to get the northern half of the floor finished and the northern batter finished and all the way up the northern sump which is the furthest away. Get that finished by the end of next week. Leaving the southern batter and southern part of the floor to be done in the New Year. They're going to leave that eastern ramp, that will be the only point of access for Daracon and Ecoline. But once that's done, that will be all the secondary liners finished and after that the sand drainage layer gets installed, so the 300mm sand drainage layer and then the primary liners start to go down and once the primary liners are all finished, including the sumps, then the four ramps that you can see there, there's two on the north side, two on the south side, pavement layers will start to go in on those ramps and then waste can start to be installed in the cell. The other thing I should have mentioned is the bunds, there's a north-south bund and an east-west bund that divide the cell into four quadrants. They go in on top of the sand drainage layer but underneath the primary liner. Anyway, hopefully you can see it in person if we have this site visit in February.



AW: This is just looking at the cell from different angles, so this is looking from the south, looking north.



AW: This is a close up of the eastern ramp so this is the main access point that I mentioned. This was just after a rain event so they've been doing a lot of pumping of water for the last three weeks. That's the ramp in between the two sumps looking west.



AW: That is a close up of the southern sump. We had a lot of problems with silt washing down from the top batter and also the stormwater bund that we built around the sump made its way into the sump. It was just unavoidable, the amount of rain we had. But they're cleaning that up now and we'll be getting back into it this week and next.



AW: This is a close up of the floor being lined on the western end of the cell. You can see there is a curved shape in the floor, that's one of the leachate drainage pipe trenches. Once that's all lined with secondary liners followed by the primary liners, there will be a 160mm diameter leachate pipe installed which directs all of the leachate down to the sumps. With those drains, we actually had some problems there. We excavated the cell and didn't hit any rock, except a little bit of shale in the north sump, but these drains, a lot of them, because they're lower, we started hitting a lot of shale so we actually had to box them out, remove the unsuitable material and then get Daracon to put better quality clay in and then recut the drains. Anyway, that's all been fixed up now and that's what the excavator was working on in the background, reshaping the drains. They had a GPS model of the whole cell on



the GPS system in the excavator and it works like clockwork, they can get the shape exactly right as per the GHD drawings.

AW: The other thing we've been working on is the lead slag. This is just a map of the site showing where the lead slag was used as a drainage material in the 1980's during Line 3 construction. As I mentioned in the last meeting two months ago, it was heavily used by the drainage contractor when they built line three for all of the fire and domestic water supply, which is in the pink line and stormwater, which is in the blue line. So we've been dealing with that. The stormwater, the trenches were up to 2, sometimes 3 metres deep. The fire and domestic water supply was a bit shallower at about 700 or 800mm deep and there was an east-west drain you can see in orange there that directed all the stormwater from line 2 and line 3 roof and building hardstand areas to the western surge pond and that was very deep and there was quite a bit of lead slag to deal with there, lots of drainage pits and that sort of thing, because it was draining not only all the stormwater off the roofs but also all the storm water off the western road.

RB: The question without notice Andrew is how much material would we have excavated just with that slag removal exercise

AW: Something like 5000 tonnes of material. I'll be able to confirm that at the end of this month. Daracon are doing another survey so I'll know more accurate figures next time we meet.

AW: The east surge pond remediation has been happening for the last two months. This is a photo of the long reach excavator, nicknamed the giraffe, you can see the paint markings on the arm.

That has been a very good piece of equipment to use for this job. We've managed to get it done probably in the wettest period I've ever experienced onsite but we've been managing to dewater from the ponds and both the east and the west, we've removed all of this sediment. So this pond was near the carbon plant and it's been affected by dust, carbon dust, coal tar pitch from the carbon plant over the years. It was high in PAHs and was about 200 to 300 mm thick. That's all been removed and Ramboll have taken samples and the clay that's been left behind is all non-detectable for PAHs, total recoverable hydrocarbons and BTEXs which is benzene, toluene and xylene. We've had our clearance now on that pond.

AW: That's a close up of the East Surge Pond following remediation, that's standing at the southern end looking north.

**Project Update – East Surge Pond**



**Project Update – East Surge Pond**



**Project Update – East Surge Pond**



AW: This is the drain from the carbon plant that led into the East Surge Pond. Just this week Daracon, removed the concrete lining of the V-drain and the oil separator, since it's no longer required. And there was quite a bit of impact around the oil separator, some odorous soil and potentially there's been oil spills in the past maybe either fuel oil or anthracene oil, possibly hydraulic oil or HTM oil. There was also some black material that I suspect is carbon dust from butts or petroleum coke that's been washed in and made its way through the cracks and the joins in the drain and got in around the drain. We've removed all of that this week. That pipe sticking out is the natural gas pipe that supplied gas to the bake furnaces from Dickson Road. We will get the rest of that pipe out when we demolish the building that you can see in the background, which is the storage building because that pipe goes underneath that building.

AW: This is now on the other side of the site at the Western Surge Pond and again Daracon used the long reach excavator and this was the last material that had to come out at the very northern end and it was very wet, very water logged material. But anyway the operator did a good job with that machine. He was able to mix in some of the drier material around it and mix it in with the sloppy material and managed to remove everything.

AW: This is after it was finished. We had that tested by Ramboll for PFAS compounds and it's come back at extremely low levels so, I think 0.1 micrograms per kilogram, which is parts per billion, so very low levels. I think Richard mentioned last time that we have removed 5000 tonnes of sediment to get 50 grams of PFAS, or about one Mars bar worth of PFAS. Anyway, that's all come back as validated so on the left here you can see this is a mixing bay so we put the pond sediment in this mixing bay and it's got a clay bund around it and we mix these bulker bags of cement in with the sediment to stabilize it so it can be pushed up in the sheds. That still has to happen, then that material will be transferred to the SPL sheds sometime next week before we break for Christmas. Then they're just going to tidy up inside the pond, remove the access ramps, remove the plug at the V-drain leading in at the south west corner. Fix up the riprap in the south east corner and a few things like that, but that work is just about finished, so it's really good to get all of that work finished this year so we know what we're dealing with in terms of the amount of waste that has to go into the cell.



AW: We've also been demolishing a couple of houses in the buffer zone. This one was 14 Bowditch Ave and there was a bit of asbestos in that house that had to be removed and that's happening this week.



AW: The other house is 18 Bowditch with the chicken sheds, there is still one chicken shed there, that house is also being demolished (not the chicken shed). That's setting the site up for redevelopment by McCloy's in the future, and that's all gone really well.

AW: The other thing we did a few weeks ago, we had an audit done by Aquas as our independent environmental auditor. This was something we had to do as part of the conditions of consent, it was a requirement to have an audit done by an independent environmental auditor.

The purpose of the audit was to check our compliance with the consent conditions. So we had two auditors from Aquas on site for one day and then for another two days via Microsoft Teams answering all their questions, providing evidence of compliance and the good news is that there were no non-conformances so we were really happy with that result. So, we're just reviewing their audit report at the moment and once it's finalised, that will be put up on our website for people to have a look at.

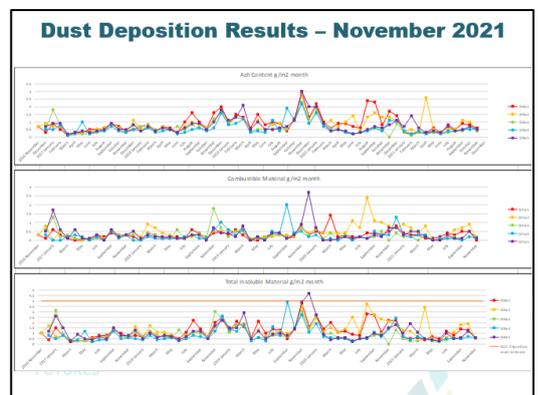
AW: The other thing is our dust results. Kerry looks after getting these samples and with the rain we've had recently, the air quality has been very good so very low readings for November.

**Project Update - Independent Environmental Audit**

- Condition of Consent
- Auditors: Aquas
- 2 day review of all project management systems to audit compliance with project consent
- No non-conformances!



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AW: That's it from me so I'll hand over to Richard unless anybody has got any questions.

RB: Alrighty, moving on. So, we talked about the Mod 2 on the project boundary and maybe need to reword that. I didn't really focus on the title but that is currently being assessed by the Department. We have in fact made a slight revision to that which is actually not request the change of the actual project footprint. So the modification is really focussed on the reduction of veg clearing and the required credits and also on the change of designation of the high sensitivity area from the high back to a non-issue. So that's being assessed by the Department. It's not super time critical for us at the moment but we hope to get that sorted early in the new year. I'll tell you why the project footprint has been taken out in a second. Andrew can I ask you to flick through the slides.

RB: Okay probably of more interest is the fact that the Snowy Hydro Hunter Power project is still progressing. I'm not sure where their official approval is at, but I'm sure it's not too far away. To facilitate that we have agreed to do a couple of things to make that process possible, and one of those things is to create a lot on which the Hunter Power Project, will be located and then what we need to do is to have the conditions of the Voluntary Planning Agreement released from that lot. So the lot itself has now been created, that thing you see there is an extract from the LRS and that was only registered I think it was late last week or early this week and now what we can do is go back to the department and the minister and say we are in a position for that lot to be released from the VPA. Now there are two triggers for that. One is that Hydro has paid the monetary contributions for the long-term management of the containment cell in the future which is 6.5 million dollars and we've done that. And the second condition is that that lot is remediated and the evidence of that is that it's been signed off by an auditor and we are currently finishing that right now. Next slide Andrew.

RB: The only complication that's sort of part of that process is, and you can see that lot which is referred to as Lot 1 which is the shaded part. It's got two different shadings in there, the two different shadings indicate that there are two different remediation projects at play and therefore two different audit statements that will be provided as evidence that that site has been remediated. But the purple shaded one is the Hydro smelter site remediation and the blue shading is the McCloy ones which are remediation. Both are being validated by Ramboll and both of which are being signed off by Ross MacFarlane as the site auditor. We expect that

## Mod 2 – Project Boundary

- A Modification Application is being **assessed by DPIE and relevant agencies**
  - Revision of the project boundary which **reduces the project footprint**
  - Reduction of the **vegetation clearance area**, and the associated re-calculated biodiversity credit requirements as described in Condition B41 of the development consent for SSD 6666
  - **Removal of the designation** of the northern area east of the Clay Borrow Pit as a potential archaeological deposit/area of **high archaeological sensitivity** and therefore removal of Condition B38 of the development consent for SSD 6666

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## VPA – Release Request for Hunter Power Project lot

- VPA can be released (from part of) the land once Monetary Contribution (\$6.5M) paid and Remediation is completed (signed off by Site Auditor).
- Lot configuration has now been approved and registered for Hunter Power Project



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## VPA – Release



those site audits will be finalised, we were hoping before Christmas but it's now likely the switch yard in any case will be just after Christmas. We expect our component of the audit will be signed off before Christmas. Then we will take the evidence down to the department and say can you now release the VPA from that lot and that will allow the Snowy Hydro project to go ahead when they get their approvals.

MU: So Richard just to be clear, Lot 1 is the lot in question, none of the other areas that are delineated there that have anything to do with the Snowy project?

RB: Correct, that is correct.

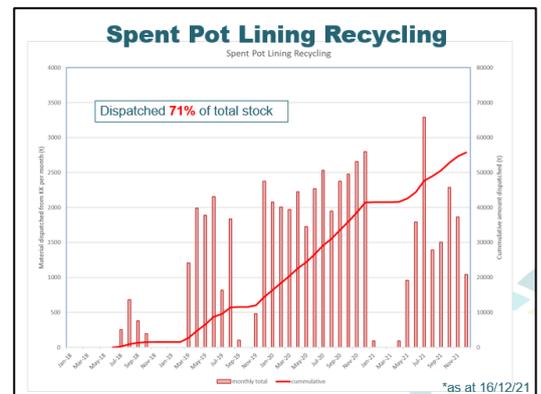
RB: So the next, this is a bit of an ongoing process for us in the future. Once we get an area that's remediated we can then request the department to release that particular area from the VPA and that's our intention. So the purple outlined lots you see on this figure will be the next request. This is what we refer to as precinct three, and it's a bit of a hang up from the agreement we've got from McCloys. But the remainder of precinct three which has been remediated and will be signed off will be the next footprint that gets released from the VPA. And what that effectively does is, that means that development on that site can proceed without any impediment from the VPA. That's notwithstanding any approvals, you know rezoning etc etc that will be necessary depending on the development but the VPA won't be an impediment to the development. We had spoken with the Department when we were originally negotiating the VPA that this was a likelihood and that's the reason why the VPA is structured in such a way that allows parts of the land to be released before the completion of the containment cell.

Next slide please, Andrew.

RB: Spent pot lining recycling is chugging along. We're now at 71% of the total stock, so we're around 55,000 tonnes which is good. So we hope that with that sort of same rate going into the new year, we should have that sorted by hopefully the middle of next year, that's our ambition anyways, that's good.

RB: And probably just on that too, just in case anyone had any questions we had no spent pot lining being processed or stored at Western Aluminium so there is no association that we've had that could have been, you know, complicated by the fire that was down there.

On the rezoning side of things, the expectation that we would have had the Maitland rezoning sorted by the end of the year hit a little snag. That said, it's a minor snag and we understand that



### Rezoning

- MCC
  - Gateway extension to be issued by DPIE expect Rezoning to be finalised Q1 2022
- CCC
  - Gateway timing - CCC requesting extension for 12 months to 1 December 2022
  - Biodiversity issue to be addressed before concluding other outstanding matters (eg, Traffic, etc)
    - Uncertain about process and/or timing for resolving this

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gateway extension, if not already, will be issued to the Maitland council from the department. And we expect that the rezoning will be finalised, probably by quarter one next year and Andrew, you correct me if I'm wrong, but I think you've got an agenda item in the first council meeting back in the new year.

AN: Yeah, so I'll just jump in there. So we've got the finalisation report basically drafted and ready to go. We're just working through with BCD to finalise the last couple of little pieces to get over the last-minute hurdles that came up, as you say, minor hurdles. We'll be looking to reporting that in the second meeting in February.

Also at the second meeting in February we'll be reporting the development control plan to guide the future development of the land which has just finished up on public exhibition so we'll be doing a combined series of documents to basically finalise it all, send it off to the Department and get things ready for a DA to be lodged.

RB: Very good, on Cessnock, not so much progress, I won't go into the details because we really haven't progressed much since last month. The major challenge for us going forward will be about addressing biodiversity issues. So we're sort of getting all of our ducks in a row at the moment. We've had an expert on site, well actually a couple of experts, we've had a bird expert, we've had a frog expert, making assessments on the site which will support our BCAR for the Cessnock site. However, we are anticipating that there will still be challenges regardless of what the experts conclude so we are currently working with the PDU, with council and with the Department of Planning on what the strategy looks like for resolving those issues in the new year.

Unfortunately, what that means is that the timing for Cessnock is uncertain. I know that Ian, who just joined the meeting, but I understand that you are in dialogue with the department of BDU about that gateway extension and what that looks like and the timing etc, of that and would it be a year at least I would imagine.

IR: Yeah, so I have requested that two months ago and I requested that gateway extension for twelve months but there is some uncertainty because of the or uncertainty around the timing for the biodiversity, traffic, and things like that. And I get the impression that DPIE are not wanting to commit to a gateway extension at this point in time and until there's a bit more certainty around those aspects of the planning proposal.

RB: So there's complexities, let's just summarise it by saying that.

RB: Next one, Andrew.

RB: I probably should have mentioned this earlier but that's a photo of the switch yard footprint that's been remediated for in preparation of the Hunter Power Project. What happens once that VPA has been released is that that will effectively trigger the transfer of the lot, the Hunter Power Project lot from Hydro to McCloy-Stevens and then subsequent to that that land will transfer ownership to Snowy Hydro and they will then commence project works. Notwithstanding project approval, but as I said before, I understand that that is imminent. I think that might be just about it, there are two slides more I think. Andrew, one more.

RB: CRG meeting, so yes as I said at the start of the meeting, we will endeavour to have a site visit at the next meeting. So I guess at the end of this discussion we'll pick a date whilst we've still got good daylight hours and hopefully good Covid conditions we can get out on site and have a walk around.

MU: I think that we're due to have some sort of locust plague in February, is that right? We've had pretty much everything else.

RB: Four horsemen ride over the horizon.

RB: Okay, and the last one. This is a bit of a request from me to the members of the CRG.

So we are, and I want you to imagine yourselves being in the pub, because I'm about to do a pub test on you. In April this year, I think I reported this to the CRG, we identified that in the former streets, roads, McGarva and Horton road.

RB: Anyway this street was cut off by the Hunter Expressway, which effectively rendered the two streets unusable, you know, they don't connect to anything and in fact the access was cut off, notwithstanding the fact that it is still identified as a road so for all intents and purposes, you know, Horton and McGarva road still exist. And the fact that it has been paved with asphalt during the construction works, it found a, I guess, a new life as a drag strip, burnout strip, race track, however you'd like and the local hoons were breaking into, breaking through the gate accessing the property or breaking through our property making their way down here and generally making a nuisance of themselves. Including, as you can see, creating an off-piste race track on Hydro property.

At the time, I was concerned about the impact on the hydro property but probably more concerned about what would happen if one of these kids, or guys, girls had an accident and hurt

## Divestment

- Hunter Project Lot will be transferred to McCloy/Stevens ownership once VPA is released
- Transfer to Snowy Hydro ownership will follow.



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## Site Visit by the CRG

- Visit to site by the CRG to inspect the ECC construction works – Feb 22

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## Hooning on McGarva / Horton Rd





themselves because they were doing something stupid down there, so I wrote to council and asked them if we could simply make that road “unhoonable”, which essentially just meant putting some tynes of an excavator through it.

We could still access our property if we wanted to use it but no one would be interested in coming down there and doing burnouts and the like. Which I thought was quite a pragmatic, sensible solution. After quite a number of discussions, it was made very clear to me that we, Hydro, cannot do anything in the road corridor because it’s not our road, it’s not our corridor. It’s a council owned road and a council owned corridor, despite the fact that it can’t be used, it doesn’t change anything.

So if we were to do anything in there and someone was to then hurt themselves then we would have civil liability risks around that. So frustratingly we accepted that and expressed our concern that something should still be done about that because we don’t want to see anyone get hurt or God forbid, killed out there and what we did to try to help that scenario is we actually had some of these back to base cameras, security cameras, installed.

So we had one installed up near the Hunter Expressway and we had one installed near the gate and those cameras you know, they detect intruders and they alarm and flash lights and ultimately it allows us to potentially call for police assistance if we see that. Now again, in theory, if someone is accessing that road they are doing nothing wrong, it’s a council road so we were simply identifying that there is a risk that something could be done wrong.

Now the reason I’ve put in this meeting for discussion is that in recent weeks what we’ve found is that that deterrent is no longer effective. We are seeing people break the gate open and just merrily head down there and do what the hell they like so it’s become fairly apparent to us that the \$1000 a month, or thereabouts that we’re spending on those cameras is pretty much a waste of time and I’m preparing to write back to council to say that on the basis that we can’t do anything about this, we’re about to remove those cameras and over to you basically.

So I wanted to just put it to the CRG as a broad cross section of the community to, you know, understand if you think that’s a reasonable approach for Hydro to take and/or do you have other ideas on what could be done, you know, down there. What hydro could do. I think we think we have offered to do everything that is both practical and reasonable but unfortunately it seems as though we are not able to do anything more.

IR: Richard, have you, one of the suggestions was to actually put in an application to have that road closed. I think it is actually a crown road. Have you put in an application to have the road closed?

RB: We haven't and it was made clear to us by the people involved that they wouldn't necessarily guarantee that they could close that road because of the lots that were serviced by that road would be then isolated.

IR: Richard, then all those lots, just correct me if I'm wrong, are they all owned by Hydro or are they owned by others.

RB: No it's all Hydro owned

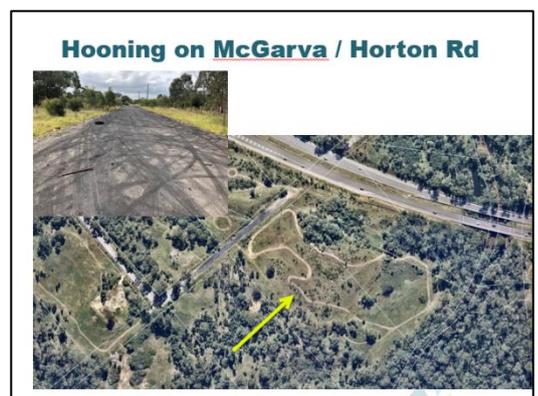
IR: But then, so I would have thought that would be reasonably easy to do and demonstrate that.

RB: We did raise that point Ian and they said but what if it changes hands and what if those lots get sold and again it was

IR: Do you think maybe it was, I think maybe you should at least explore that option and put in the application. It's not a, my understanding is that's the way council wanted Hydro to move in relation to this matter is to have the road closed to begin with and then once it is closed then we would be in the position to potentially, I think there was a subdivision or consolidation requirement as well that council put forward as an option and after that's done then the road can actually be ripped up so maybe it is worthwhile going down that path.

The problem is for council I think Richard, there is legislation that we have to follow and we can't just allow, my understanding is, we can't just allow them to rip up a road because of that legislation. So the only option that I think that there is, and I can't speak for that arm of council, but is to have the road closed and then proceed to consolidate that road alignment within one of the adjacent allotments. Then you can do whatever you want with it.

RB: Yeah and I think, just to respond to that Ian, we did, as I said, we had that discussion, we talked at length to what we, who we understand to be the key players there and it was made very clear to us that that was no guarantee that would occur particularly given those constraints and I would add that even that lot consolidation now particularly around issues of biodiversity, we don't know what will happen down there because that is an area where the biodiversity has been identified as potentially serious and irreversible impacts. So there is complication on complication down there.



IR: Yeah, well my suggestion would be then definitely re engage with council and I'm happy to get involved, I know I was involved originally with this then it was sort of passed to the infrastructure team of council, but I'm happy to get involved again in it, and it doesn't sound to me as if it's a fait accompli, you know, it's going to be refused. The way it's been explained to me, that's the best way moving forward but I think maybe reengage with council and discuss that as an option moving forward.

DG: And this never came before traffic committee at all in my time there, you know, as a chair. This issue has never really been raised to the traffic and that's where I thought it should, or something like this would be raised.

RB: Yeah, I can't speak for what happens within the council, sort of how actions are dealt with.

DG: So you emailed council?

RB: Yeah, Ian is familiar with the contacts, I made contact with David Maloney. Is that right?

DG: Yes, David Maloney.

RB: And Peter Mickelson and Ian, you know just to sort of to find out, first of all, who the right people to talk to were, they put me in contact with them. Some people sort of down, you know, in the mechanics of it.

DG: Yes, no that's right

RB: I take your point Ian, I think we can revisit that, I assume that still is a fairly lengthy process given the nature of things.

IR: Yeah, I think Richard that was the, I didn't hear, certainly when I spoke to people about it in the infrastructure team, my understanding was that was the way they thought was the best way to actually handle this issue is to close the road, and then proceed to have that road corridor amalgamated into one of your allotments. Never when I was speaking with people did they seem to think that there was a likelihood that that wouldn't be achievable. Going down that path, the issue with going down that pathway was timeframe, the fact that it would take a long time. But you know I could be wrong, as I was saying, when I left that issue it sat within the infrastructure team to follow up so I don't really know what's happened between then and now. But happy to be involved again, Richard, if that helps and yeah I would recommend that you just reengage with council on the issue. We'll organise a meeting and see what the view is.

RB: Sure, I can do that.

## Q&A





I'll take the advice and we'll do that. Yeah look, I'm not sure what that means in the short term what I'll do but I can certainly respond to the longer term.

DG: So it was Crown Land or it was council land?

IR: My understanding is that it is Crown but I would need to look it up. But I thought that was actually Crown Land, crown road reserve, yeah. I'm not 100% sure but I'm reasonably sure, I'm more sure than I'm not.

AG: Richard, Alan here. What I'm seeing on that road and those kids reminds me of McCleod road going over the Express Way.

KM: Yeah, it's the same kids Alan.

AG: It marks around there which is a public road, I don't know from what you're saying instead of the start of pub test, my pub test on it is find out quick who owns it because after what happened out at HES, if they hit the gate you put across, who is responsible, you or council?

What you're talking about there has already happened out at HES and they had an argument over it. So I think both council and yourselves need to sort who is going to wear it if they roll one.

RB: Well, that's essentially the reason that we raised this in the first place, Alan. You'll probably find that the date of my first email coincides pretty closely with the incident out there because we noticed it and we said look this is something which we as a company would not tolerate and can't understand.

Notwithstanding there are obviously there are very technical, legal issues, but from a very pragmatic point of view, looking at it going, who uses it? No one. Can we do something about it simply and cheaply and quickly? Yes. You know, that's the simple way of looking at it. Understanding that we can't do that so we're sort of in the situation where there is a much longer term process that we can potentially go through and I'll take that up with council and with Ian.

IR: Do that Richard.

RB: But in short though, we've still got the issue in the next school holidays in the next few weeks, you know what people are doing out there. And what we're finding, like I said, we've got the cameras there but they basically do nothing. So, I think what I need to do is probably write to council. We certainly have engaged with the police. The police are aware of this. And every time we have someone come down there and they stay down there, we call the police. We even had one incident a couple of



weeks back where during the night our security people contacted us and we notified the police and they got the location mixed up and they thought they were down in Park road near the smelter site and they sent patrol cars down there and they said they even had Pol Air in the area so we called Pol Air in to have a look around, they just happened to miss the location.

MU: So Richard can I just ask, is your lot, your land, where that whale shape has been created is that fenced off?

KM: That's been closed now, Michael, I've put berms in so that is harder to access now. The whole thing is extremely frustrating because prior to the Expressway going through, that area was an unsealed road, it was a temporary access road for smelter staff while the bridge on Hart Road was getting constructed. The RMS were going to rip that up at the time and return it to an unsealed road. At the time, in my wisdom, I said don't worry about it because I could use it for access for my buffer zone guys not thinking that this would evolve and unfortunately it has. As I said, up until well eight years ago, it was fifty years of an unsealed road and no real problems at all.

MU: Oh well, look, if it's that area there is fenced then it is less likely that someone will come onto your property and hurt themselves and that risk is lesser I suppose. I would have said down the pub if I was down the pub, if you've got cameras or you've got signs up saying you know "private property" and someone breaks into your property and hurts themselves then I think your liability would be significantly reduced, but it's not just about that, is it? If you've got any injured or dead kid, you know, a sign and saying it wasn't our fault you know, it's not the endgame.

RB: No, and I expressed the view at the time, you know, it's our view, like we're a big company, we operate around the world, we do lots of analysis of incidents and injuries and the like. In every case, bar none, we always find actions that could have prevented those incidents or injuries. And clearly if there was a serious incident down there, despite the fact that, you know, we might not have any direct control over or responsibility for, if we can see a solution and, it's just, I'll be honest and say that it's very frustrating that we can't you know have you know some sort of control over that process.

I'll leave it at that. I appreciate the comments, I will follow up with Ian and I will call you as requested, Darren, just to have a quick chat.

RB: And I think that's it, other than say what Michael said that's my last comment.



RB: I will reiterate what I opened the meeting with and say I do apologise again for not being able to be onsite. I would love to have shared a shandy or a no-alcohol beer or whatever we could have on site. But I'll take the opportunity to thank you all again for your participation in the project for the last twelve months and beyond. It's invaluable, we have still got a few years to go so I hope you hang in there and can help us over the next couple of years. And I hope everyone of you has a safe and happy Christmas. Hopefully the covid thing doesn't ruin it for you all, but nonetheless, enjoy yourselves and we'll see you in the New Year.

MU: I've just got two items Richard, not looking to trump that but thank you very much for that and I'll reiterate what Richard just said.

I just wanted to formally have somebody approve the last minutes if I could so that we could then get them onto the website. Could somebody move the minutes as correct please? Who was that?

AG: Alan

MU: Alan, thank you Alan, and the seconder?

AN: Yeah Andrew.

MU: Thanks Andrew, great. And then yeah the next meeting we're planning for the 17<sup>th</sup> of February so just after Valentine's day, you'll all be loved up by then and the weather will be great, there'll be no dust and no fire and no Covid hopefully. Alright, any other comments, questions or general business before we move on?

MU: Alright then, thank you. Merry Christmas.

## **6 Meeting close**

Meeting closed: 6:53pm

Date of following meeting: 17 February 2022