



Regional
NSW

Mining Act undertaking

Undertaking to the Secretary,
Department of Regional NSW
given for the purposes of Part 17A, Division 4B of the *Mining Act 1992*

by

Marble Craft & Granite Supplies Pty Ltd

ACN 167 536 414
ABN 64 167 536 414



Purpose

The purpose of this Mining Act undertaking is to document the undertaking given to the Secretary of the Department of Regional NSW (**the regulator**), for the purposes of Part 17A, Division 4B of the *Mining Act 1992 (Mining Act)* in connection with a matter relating to a contravention or alleged contravention of the Mining Act.

Section A - general information

1. details of the company or individual proposing the undertaking

Name of company or individual Marble Craft and Granite Supplies Pty Ltd

Registered address 24 Yass Rd Queanbeyan NSW 2620

Mailing address (if different from above) PO Box 6043 Queanbeyan NSW 2620

Contact Officer Damian Morris

Position Director

Telephone [REDACTED]

Email address [REDACTED]

Legal structure Private Company

Type of business Mining and Quarrying

Commencement date of the entity 14 January 2014

2. alleged contravention

1. NCN0009231 – s.5 of the Mining Act 1992 – Mining or Prospecting without authorisation – that Marble Craft conducted mining activities at the Grandee Quarry by extracting and stockpiling dimension stone to sell once a mining lease was granted.

2. NCN0010023 – s.378D of the Mining Act 1992 – Contravention of a condition authorisation - that Marble Craft conducted prospecting activities on EL8371 without activity approval from the Department.

3. NCN0010026 – s.378D of the Mining Act 1992 – Contravention of a condition of authorisation – that Marble Craft drilled 3 holes without activity approval from the Department.

4. NCN0010027 – s.378D of the Mining Act 1992 – Contravention of a condition of authorisation – that Marble Craft failed to submit an Annual Activity Report for year 20/21 to the Department, as required by condition 8 of EL8371.

5. NCN0010029 – s.248S of the Mining Act 1992 – Breach of notice – that Marble Craft failed to comply with NTCE0009064 by providing an incomplete response.

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3. details of the events surrounding the alleged contravention

EL8371 is current and held by Marble Craft & Granite Supplies Pty Ltd (ACN 167 536 414) and is situated in the County of Forbes in the Forbes Local Government Area. The Grandee Quarry is situated within boundary of EL8371. EL8371 was first granted on 7 May 2015.

The quarry is a dimension stone quarry and has operated since the 1960's and operated under a private mining agreement up until 2014 when legislation changes required a mining lease to be applied for. On 29 October 2015 an application for MLA516 was submitted by Grandee Quarries Australia Pty Ltd (ACN 606 745 313) to mine dimension stone from the Grandee Quarry and that application is still under consideration.

In 2017 an application to conduct assessable prospecting was approved by the Regulator to extract blocks of dimension stone. A further approval to conduct bulk sampling and remove 50 to 70 truckloads of material was approved in March 2018. On 22 May 2019 the Regulator advised Marble Craft that the approval time frame of that approval had lapsed.

On 26 May 2021 Inspectors from the Regulator attended EL8371 and the Grandee Quarry. Based upon the observations and evidence taken from this inspection the Regulator formed the reasonable belief that the mining without authorisation and prospecting without approval on said lands were being undertaken in contravention of the *Mining Act 1992*.

Subsequently the Regulator issued a Notice pursuant to s.240A of the *Mining Act 1992* (Prohibition Notice). The Prohibition Notice directed the discontinuation of all activity on the lands specified above.

On the 27 July 2021, the Department sent a notice NTCE0008858 to Marble Craft & Granite Supplies Pty Ltd requiring information and records to be provided. This notice requires additional information and records to be provided.

The Regulator will allege that a number of contraventions of the *Mining Act 1992* have occurred within the timeframe specified in this Notice, within the lands contained within the footprint of Exploration Licence #8371 (EL8371).

4. an acknowledgement that the regulator alleged a contravention has occurred

It is acknowledged that the Regulator has alleged Marble Craft and Granite Supplies has contravened section 5, section 378D and section 248S of the *Mining Act 1992*.

5. any rectifications made as a result of the contravention

No activities have occurred on site since the Regulator issued a prohibition notice under s.240A of the *Mining Act 1992*. An application to conduct mining (MLA516) has been submitted seeking approval to mine.

6. an acknowledgement that the undertaking and reasons for decision will be published and publicised

Marble Craft and Granite Supplies Pty Ltd acknowledges that the undertaking and reasons for decision will be published on the Regulator's website and may be referenced in NSW Resources Regulator material.

Marble Craft and Granite Supplies Pty Ltd acknowledges that a public notice of the undertaking may be publicised in newspapers and other media as determined by the Regulator.

7. a statement of ability to comply with the terms of the undertaking

Marble Craft and Granite Supplies Pty Ltd has the financial ability to comply with the terms of this enforceable undertaking and have provided evidence with this enforceable undertaking to support this declaration.

8. statement regarding relations with beneficiaries

Marble Craft and Granite Supplies Pty Ltd acknowledge that there are no known current relationships with any of the beneficiaries outlined within the Enforceable Undertaking.

Marble Craft and Granite Supplies Pty Ltd gives a commitment that no person involved or employed by Marble Craft and Granite Supplies Pty Ltd will receive a direct financial benefit from the donation to Sydney Children's Hospital Foundation.

9. intellectual property licence

Marble Craft and Granite Supplies Pty Ltd grant the regulator a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify materials developed as a result of this undertaking.

10. a commitment to participate constructively in all compliance monitoring activities of the undertaking

Marble Craft and Granite Supplies Pty Ltd acknowledges that responsibility for demonstrating compliance with this enforceable undertaking rests with Marble Craft and Granite Supplies Pty Ltd who have given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the regulator by the due date for the term.

Marble Craft and Granite Supplies Pty Ltd acknowledges that the regulator may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant terms of this enforceable undertaking. The evidence provided to demonstrate compliance with the enforceable undertaking will be retained by the organisations who have given this enforceable undertaking until advised by the regulator that the enforceable undertaking has been completely discharged.

Marble Craft and Granite Supplies Pty Ltd acknowledges that the regulator may initiate additional compliance monitoring activities of compliance with the terms of the enforceable undertaking, such as inspections, as considered necessary at the regulator's expense.

11. a commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

Marble Craft and Granite Supplies Pty Ltd commits that the behaviour that led to the alleged contravention has ceased and will not reoccur following the grant of the Mining Leases. Mining and extraction of Dimension Stone on the site has ceased and will not recommence until either MLA516 or MLA 587 is granted.

12. Marble Craft and Granite Supplies Pty Ltd further commits that there will be no assessable prospecting operations conducted within EL 8371 without approval from the NSW Resources Regulator.acknowledgement of enforceable undertaking guidelines

Marble Craft and Granite Supplies Pty Ltd have read and understood:

NSW Resources Regulator Enforceable Undertaking Guidelines version August 2020

Section B – enforceable terms

Pursuant to Division 4B of Part 17 of the *Mining Act 1992*, Marble Craft and Granite Supplies Pty Ltd has committed to the following enforceable terms.

1. Publication of information about the undertaking

Marble Craft and Granite Supplies Pty Ltd must, within 30 days of receiving notification from the Regulator of the acceptance of the Enforceable Undertaking, cause a public notice to be published in

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the Forbes Advocate newspaper. The public notice will be drafted using a script provided by the Regulator (**Attachment A**)

2. Strategies that will deliver benefits in relation to the management of the title

Marble Craft and Granite Supplies Pty Ltd will engage RW Corkery & Associates to

- A. Within 3 months of the acceptance of the enforceable undertaking prepare a Compliance and Reporting Tracker and simple procedure for its implementation and ongoing review
- B. Within 4 months of the acceptance of the enforceable undertaking provide the Regulator with a copy of the procedure and evidence that the Compliance and Reporting Tracker has been implemented.
- C. Within 9 months of the acceptance of the enforceable undertaking undertake a desktop compliance audit utilizing documentation and evidence provided by Marble Craft and Granite Supplies which addresses the following:
 - Confirm the activities undertaken at each operation and their status under the *Environmental Planning & Assessment Act 1979*
 - Confirm the status of existing mining authorisation and the status of compliance with the associated conditions
 - Confirm what, if any, mining authorisations are required
 - Confirm the status of compliance with other relevant *Mining Act 1992* requirements
 - The status of implementation of the Compliance and Reporting Tracker and associated procedure
 - Provision of recommendations regarding maintenance of compliance and ongoing tenement management
- D. Within 10 months of the acceptance of the enforceable undertaking the Regulator with a copy of the audit undertaken by RW Corkery & Associates.

at a minimum spend of \$13964

3. Strategies that will deliver industry benefits

Nil

4. Strategies that will deliver community benefits

Marble Craft and Granite Supplies Pty Ltd will donate **\$25,000** to Sydney Children's Hospital Foundation.

Marble Craft and Granite Supplies Pty Ltd will donate **\$15,000** Central Tablelands Landcare Group in accordance with the donation agreement made on 13 December 2022 with coordinator of Central Tablelands Landcare.

The donations of **\$40,000** will be paid in full within 30 days of receiving notification from the Regulator of the acceptable of the Enforceable Undertaking.

Marble Craft and Granite Supplies Pty Ltd will provide the Regulator with evidence of payment to each entity within 30 days of making payment of the monies.

Marble Craft and Granite Supplies Pty Ltd will provide evidence that the monies donated to Central Tablelands Landcare has been spent in accordance with the donation agreement made on 13 December 2022.

5. Reimbursement of the regulator's agreed costs associated with this enforceable undertaking

Marble Craft and Granite Supplies Pty Ltd must pay the regulators recoverable costs associated with the undertaking, as itemised below, and acknowledges that payment is due **30 days** after receipt of the

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regulator's invoice.

- Investigation costs - \$15,000
- Compliance monitoring costs - \$3,000

Total amount - \$18,000

6. Minimum spend

Marble Craft and Granite Supplies Pty Ltd must spend a minimum of \$72,387, excluding GST, in carrying out its undertakings in this enforceable undertaking, inclusive of the regulator's recoverable costs.

Marble Craft and Granite Supplies Pty Ltd acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost, excluding GST
Publication of enforceable undertaking	423
Benefits in relation to the management of the title	13,964
Benefits to industry	0
Benefits to community	40,000
Regulator recoverable costs	18,000
Estimated total value of the undertaking	\$72, 387

7. Project of undertaking

Where a project or projects are proposed to deliver benefits in relation to the management of the title, industry and community Marble Craft and Granite Supplies Pty Ltd offers and commits to carry out the projects as described in this enforceable undertaking.

8. Timeframe for delivery

The activities to deliver the benefits of this enforceable undertaking must be completed on or before 12 months following acceptance of this enforceable undertaking by the regulator.

Section C - Offer of undertaking

BY AN INDIVIDUAL

I offer this undertaking and commit to the terms herein.

Signed:
[Person]

Name:
[Print name]

Position:

Dated at this

.....day of, 20.....


BY A CORPORATION

As a duly appointed and authorised officer or agent of
Marble Craft & Granite Supplies Pty Ltd

I offer this undertaking and commit

Damian Morris

to the terms herein.

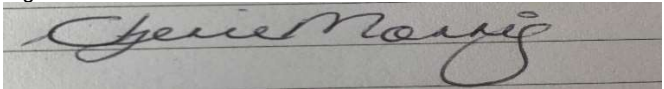
Signed: ... 
[Director]Name:Damian Morris
[Print name]

Position: Director

Dated at Queanbeyan this

Eighteenth day of January 2023,

Signed:



.....
[Director or company secretary]

Name:Cheree Morris
[Print name]

Position:Director.....

Dated atQueanbeyan..... this

Eighteenth day of January 2023

Section D – Regulator’s acceptance of undertaking

I accept this undertaking as an enforceable undertaking under section 378ZFB of the *Mining Act 1992*.

Signed: 

Position:Executive Director delegate of the Secretary,

Department of Planning and Environment

Dated atOrange.....this24th.....day ofJanuary....., 20.23





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Attachment A

Public Notice of regulator's acceptance of undertaking

Notice of acceptance of an enforceable undertaking under Part 17A, Division 4B of the Mining Act 1992

On 26 May 2021 Resources Regulator Inspectors undertook an inspection of Exploration Licence EL 8371 held by Marble Craft and Granite Supplies Pty Ltd, a site known as the Grandee Granite Quarry.

A subsequent investigation alleged that Marble Craft and Granite Supplies Pty Ltd contravened section 5 of the *Mining Act 1992* (Mining Act) by extracting and stockpiling dimension stone without authorisation, section 378D of the Mining Act by undertaking prospecting activities without approval, section 378D of the Mining Act by failing to submit an annual activity report within the required timeframe and section 248S of the Mining Act 1992 by failing to comply with a notice issued under s.248B of the Mining Act to provide information.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Mining Act, from Marble Craft and Granite Supplies Pty Ltd, ACN 167 536 414.

The undertaking requires the following actions:

- donating \$25,000 to Sydney Children's Hospital Foundation for a program to support children with complex feeding difficulties.
- donating \$15,000 Central Tablelands Landcare Group in accordance with the donation for the development of a website, provide starter kits local schools and purchase of nursery supplies.
- engaging RW Corkery and Co. to prepare a reporting tracker and procedure for ongoing management of the site and to undertake a desktop audit of documentation to assess ongoing compliance legislative obligations and provide recommendations to Marble Craft and Granite Supplies Pty Ltd.
- Pay the Regulator \$18,000 in investigation and monitoring costs.

The total value of the enforceable undertaking is approximately \$72,387.00

The full undertaking and general information about enforceable undertakings is available at resourcesregulator.nsw.gov.au