

Independent Planning Commission

To:

Peter Duncan

Annelise Tuor

Stephen OConnor

Friday June 19th 2020

# Response to Brandy Hill Quarry expansion recommendation by the NSW Department of Planning, Industry and Environment

## Project Details

<b>Application Number</b>	SSD-5899
<b>EPBC ID Number</b>	2015/7453
<b>Assessment Type</b>	State Significant Development
<b>Development Type</b>	Extractive industries
<b>Local Government Areas</b>	Port Stephens

## Opening Statement

Noting the review of the Independent Planning Commission (IPC) by the Honourable Rob Stokes MP, in 2019, which focused on the very purpose of the IPC, it's ability to remain independent, and its relevance both current and future, and noting the reason for this review was because of an excessive number of past decisions made that were considered to be 'questionable', it is very pleasing to see the rigour and diligence being applied to the current proposal. The IPC, in my opinion as a rate payer of Port Stephens Council, a tax payer in NSW, and a citizen of Australia, is doing what I expect them to do - to make an independent decision, unswayed by corporate interest, and equally unswayed by excessive or unreasonable public fervour.

I thank you for the time and effort being applied to the current proposal, including making the time to visit the site and see for yourself. With so many of the proposals before the IPC being so overwhelmingly Sydney-focused, it is important you understand the approvals benefiting communities within the Sydney metropolitan area will often include resources from communities outside that metropolitan area. It is important you understand the makeup of those communities, the impact to them (both negative and positive), the impacts to the people, the impacts to the environment, and the impacts to the wider localities, state and nation.

I understand these decisions can be difficult, and I trust your judgement to make the right decision for all, not the right decision for some.

If you take care of the hive, it looks after the bee - not the other way around.

## Response

### My Recommendation to the IPC

The Brandy Hill Quarry Expansion must be shelved in total. No expansion is to be permitted. No further operation is to be permitted beyond its existing licensing or approvals. The short term financial gain is not a valid justification to impose the far reaching negative consequences upon the surrounding humans, and the communities within which they live.

My recommendation is based upon:

- the negative impacts to human health, both current and future
- the negative impacts to land values typical around extractive industry
- the land usage change since the quarry first commenced in 1983
- the misconception that this quarry will have a positive financial impact to the local community
- the advice provided by Port Stephens Council, when purchasing my land in 2014, that the quarry license was ending, and would not be renewed.

In short, by any rational measure, in terms of the local people, the local communities and the local economy, no good will come of this.

### First Nations acknowledgement

*“The Department of Planning, Industry and Environment acknowledges the Traditional Custodians of the land and pays respect to all Elders past, present and future.”* Footer Banner, DPI Website, Jun 19th, 2020.

There is nothing about an extractive industry, doubling expansion, **permanently** leaving a significant void, filled with unusable saline groundwater, fenced off from access, and with sufficient vegetation to ensure it is not visible to passers-by, in order to **temporarily** satisfy a multi-national global businesses desire for enduring shareholder return, that is in any way complimentary or in keeping with above acknowledgement. It is intentionally and wilfully the polar opposite of that.

## Community

Note - we all use the word 'community' but that is a faceless, voiceless phrase which dehumanises what is really at stake here.

The current and future health and wealth of approximately 8,000 (under current population) humans will be negatively impacted by this expansion.

The dust radius alone, based on reliable research, indicates a radius of 8km from the site of disturbance. Drawing that radius significantly increases the expected impact of this expansion, not just the required 2km vibration impact. I am comfortable, although I have no proof, that the applicant has not engaged with that entire population, letting them know there will be an excessive dust level in their breathing air for the next 30 years, and asking for permission to go ahead anyway.

I understand that making a decision must consider current *and* future socio-economic impacts. Is there really value in a short term financial gain, if it generates long term pain and problems for the population? I am also a realist - I understand and accept that roads must be built, that hospitals are needed, airports expand, new suburbs are created, and this drives an economy, and our incomes all go up every year, and we enjoy the fruits of those inputs.

However, in my experience, *more resource* should never be the first response to a problem. If you truly want to see an industry become more productive, you limit the resource, and force industry to come with new and creative ways to utilise the existing resource. Simply allowing a model of continual, unchecked extraction of the same materials, in the same way, with no upgrades or modifications to infrastructure nor technology does not support the stated Goals of the Productivity Commission. Continuing that model all but guarantees the surrounding communities will be impacted, whilst sanctioning a behaviour of state-sponsored reluctance to change.

As a species we have a long and distinguished history of making short term decisions that have long-reaching negative future impact. PFOS, Thalidomide, melamine, Asbestos, tobacco and nuclear detonation are all deliberate 'decisions' that were approved by somebody. We pretend they were enacted by a business, a

government body, or a committee, but the reality is those decisions were enacted by human beings, on to other human beings.

And to that end, I expect yourselves - Peter, Annelise, and Stephen - to understand if you make a judgement in favour of this expansion under *any* conditions, you are deciding, *choosing*, to cause negative current and future health and socio-economic problems for an entire community. I don't want you to be remembered for that. I want you to be remembered as the *independent* panel that made a brave but tough decision - that people are more important than money. Our current shared experience of Covid-19 should serve as a lesson to us all - people *are* more important than money.

### **Changing Conditions**

The quarry, under Hunter Vally Mining, has been operating under its Port Stephens Council (PSC) license since 1983. That approval was very specific, and quite clear. It was to be allowed, as long as it did not impact local amenity, air, water, land values and buildings, noting the area does have population increase. Since that time there have been various changes. One significant concern is the removal by PSC of clauses 14 & 15 of that license, on Sept 23rd 1992.

Clause 14 describes:

“Should claims for compensation in respect to damage or loss of value of property arise within 2km of the quarry, the applicant shall accept the verdict of an independent board in respect to payment ...”

At the time, the board was chaired by the Valuer General.

Clause 15 describes:

“prior to commencement of work upon the site the applicant shall carry out at this expense a land use assessment of all properties within the 2k radius of quarry”

This gives the surrounding community an indication as to the disregard, disrespect, and lack of care, nor any sense of responsibility, to the wellbeing of those people. Not only is the responsibility for damage to surrounding area removed, they also

have no requirement to check for impact prior to transacting, and have operated under that model.

However, that was then, and this is now - what relevance is this? Conditions change. The decision you make *this* day, will not be the conditions under which this impact will be felt. As a resident of the Hunter Region, widely travelled, I see the changing of land usage - significant portions of land, anything above the high-water flood-line really, are being dedicated to residential housing. The 8km zone radius contains significant quantity of land above the watermark, and by making a ruling in favour of this expansion, you would be condemning a significantly larger number of future humans to the negative socio-economic impacts of the extractive site, and the future traffic problems associated with it.

Conditions *do* change - in 2011 the EPA allowed a variation which nearly doubled the annual approval of the quarry from 400,000 to 700,000 tonnes per annum (tpa). No consultation was carried out at that time. It was passed, basically under the radar. A more impolite human than I might use a different word. Please note the categories for extractive industry are divided into 0-500,000 tpa, and then >500,000 tpa. Not only did this approval go through without appropriate consideration, it is now operating in a completely different category and scale. Conditions changed, and nothing was said.

In the Hanson Construction Materials Pty Ltd (Hanson) response letter to the Applicant Questions (27 May 2020 - signed by Andrew Driver), the question of noise complaints is raised. It is noted by Hanson their perception that the rise in noise complaints may be because the community have now become more aware of the expansion. Had Hanson carried out appropriate community communications at that time, it would be reasonable to assume that a degree of concern for current and future health and wealth would have been raised by surrounding residents.

Silence, effectively, is consent.

I commend Hanson under current conditions of attempting to do a better job of community consultation than it has previously carried out.

## Corporate Responsibility

Hanson is a subsidiary of Heidelberg Cement Group (HCG), and also owns a 50% stake in Cement Australia. My initial concern with that model is that as an owner of Cement Australia, to which Hanson is also a supplier, there would be no sound business reason or incentive to *reduce* the demand by Cement Australia for Hanson products. It would be in Hanson's best interests, and subsequently HCG's, that the demand for cement products by Cement Australia continually *increase*, as that would contribute to greater sales orders and production.

There is no incentive in that model to ever improve, or be more effective and efficient and try to achieve the same outcome using less resources, because it would be a financial disincentive. No business I know of would ever intentionally take action to potentially reduce their sales orders.

I remain unconvinced that either Hanson or HCG would ever be prepared to enact any serious actions that have the potential to erode their sales orders, their production targets, their annual turnovers, their subsequent margins, nor their return to shareholder. And nor should they - that is the purpose of a business - to cheaply, effectively, efficiently provide a return on investment. All businesses, by definition, behave with their own self-interest at heart, with a short term focus more important than long term sustainability.

Their priorities are clear. Above all else, business success is paramount.

Most businesses, in order to communicate how they like to operate, and what their sense of corporate responsibility might look like, will espouse values - how they like to be seen, how they like their employees to behave.

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**Above all, our aim is  
to help our customers  
succeed in their  
business. We are  
constantly striving to  
improve the solutions  
that we offer.**

Kevin Gluskie  
Chief Executive

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In terms of Hanson, refer to [www.hanson.com/about-us/vision-values/](http://www.hanson.com/about-us/vision-values/). They are quite clear the most important of their four values is High Performance.

Under this current submission, that corporate high performance value is going to come at the cost of local residents, local communities, and with the expected ongoing long-term health impacts, at the cost to the NSW State Health Care system whom will be left to pick up the pieces.

Hanson, the same as many modern business, has policies in place to provide direction to employees as to what is expected of them, but to also share with wider community as to what they should expect of Hanson.

The Corporate Brochure is quite clear.

There is nothing so important that we cannot find a safe way to do it...

This is in direct conflict with commentary made that investing in technology and upgrades would not be financially viable.

Those upgrades would nominally be required to protect the amenity and health, both current and future, of the surrounding people and environment.

Hansons Energy management Policy, signed by Chief Executive Phil Schacht, is quite clear.

“Operating practices which seek to minimise impacts through work and management practises, continual improvement, training and the use of new technology’.

A policy has zero value, merit, impact or weight, if the corporate entity is not prepared to back it up with appropriate action.

The safety of our employees and the community is also an utmost priority. Our national goal is for 'Zero Harm' which is based on the premise that there is no job we undertake that is so important, we cannot take the time to find a safe way to do it.

Hansons Health and Safety Policy, also signed by Chief Executive Phil Schacht, is quite clear.

*“The purpose of it is to ensure that all company activities are performed in a manner that protects the health and safety of employee’s, contractors, and all the general public’.*

The principles commence with *Zero Harm*, and end with:

*“There is no task we undertake that is so important, we can’t take the time to find a safe way to do it”.*

Again, a policy in name, not in deed, is worthless. It appears, based upon the stated actions of Hanson, they are also unprepared to take appropriate measures, because of the perceived impact to financial viability.

To make matters significantly worse, they have been given by the Environment Protection Authority (EPA) what is in effect a “Golden Ticket to the Chocolate Factory”.

The Director Generals Requirements, as submitted by Peter Jamieson, Head Regional Operations Unit - Hunter, was quite clear that:

“Pollution control measures should not be proposed if they are impractical, unrealistic or beyond the financial viability of the development”.

Noting that pollution control measures are required in order to prevent business and industry from causing health or harm (ideally Zero Harm ...), I am concerned greatly by this statement.

Is in effect stating that financial viability is a more important decision driver than whether or not an appropriate amount of pollution control should begin place. Noting the point of pollution control is to protect human health, is in effect stating, quite clearly that financial viability is a more important decision driver than the human health impacts, caused by the pollution.

## Financial Viability

Hanson has made it quite clear that upgrade for quieter, less-polluting machinery is not financially viable. They have also indicated that in order to be financially viable, they must have extended operating hours, despite the knowledge that this flies directly in conflict with their own stated policies.

The balance sheets suggest otherwise. If this development is such a significant contributor as to be of critical state-wide importance, it will almost certainly be on the list of Successes and Opportunities within the businesses reporting both internally and to the parent company.

HCG's 2019 Full Year Final result is an impressive read. The Asia-Pacific region saw a 7.5% growth, and at the parent level, the increase was approximately 420 million euro, about AUS\$680 million. In that very same release, it is noted that the increase from Thailand and Indonesia more than offsets the softness of the Australian marketplace. In terms of their global balances sheet, Australia does not need keep growing.

What is also interesting is the storyboard of Focus Areas in 2020. According to their report, the most important thing to focus on, read left-to-right, is Operational Excellence - the Growth, the Results & Cost management, and the further Margin Improvement.

The second thing to focus on is Coronavirus mitigation ...I wasn't sure I read that clearly - sure that is around the wrong way? Surely if they were to honour their corporate responsibility as global citizens, the second should come first ...

This is yet another example of ineffective policy designed to appease, not to actually be utilised, and a primary driver of business first, people second. Heidelberg Cement Group does not need Brandy Hill Quarry in order to remain financially viable. Hanson Australia does not need Brandy Hill Quarry in order to remain financially viable. An appropriate investment in appropriate measures to protect all, not just their business (in accordance with their stated policies) is not going to impact the future financial viability of either entity.

## Sound

Sound is nothing more than molecules vibrating, generating sound waves. Those sound waves travel and reach a person. If the sound waves are resonating at an audible frequency, we call that noise, and the process is referred to as 'hearing'. If the sound waves resonate at such a low frequency that they are inaudible, we don't hear those waves, we *feel* them.

The process of feeling sound waves is called concussion.

A great deal of attention has been provided to this application process, by nearly all parties, based upon the premise that reducing the noise, or measuring the noise, or trying to contain, will somehow make this better.

But what has been missed is the concussion to the human and animal bodies in the surrounding area.

Earlier I commended the IPC on visiting the local site in order to gain a first hand understanding of what is at stake. I was disappointed you didn't get the full experience. To truly understand the goings-on, I would like to have invited you to come sit in my armchair, and feel the vibration through your backside and up into your chest when a blast occurs.

The great problem with vibration is that different people will experience it in different ways, which does make it significantly harder to quantify, but does not make it any less real, any less factual, nor any less intrusive or damaging. The degree of penetration of sub-audible (concussion) sound waves also depends on the direction it enters a body, the physical orientation of the subject

I have had the unfortunate pleasure of learning more about the following than I really care for:

- Vibration guidelines
- Vibration types
- Vibration application of criteria
- Acceptable values for continuous and impulsive vibration
- Acceptable values for intermittent vibration
- Mitigation at source

- Mitigation during transmission
- Mitigation at receiver
- Short term exceedance
- Negotiation
- Vibration Measurement and prediction
- units of measurement
- location and direction of measurement
- instruments and techniques
- transducers on buildings
- transducers on the ground

The list continues. Your time is valuable. I'm sure you get my point.

The blasts are sporadic, described technically speaking as Impulsive. By all measures I can see in the 'Reported Monitoring', whilst there have been occasions that the quarry has exceeded its Peak Particle Velocity (ppv) measures (with a nominal limit of around 10 mm/s, there have been blasts recording over 100mm/s), for the most part the blasts themselves are within limits.

It is the ongoing machinery that contributes the most to what I feel - the concussion effects - the continual thud-thud-thud-thud resonating through me.

This is during current regular operating hours. If this were allowed to expand, this causes me a great deal of concern for my own health and those of the surrounding residents. When the noise of the day subsides, and the air movement stills, the very first thing that happens is that sound waves travel further, with little in the way to slow or re-direct them. Anyone who has sat in a quiet country area, with little or no city-based background, knows you'll hear the neighbours dog barking 4km away.

Permitting secondary and tertiary to continue through the night time under any circumstances is unacceptable completely. Hanson has noted that if they don't get their approval for 24/7, or at the very least hours up to 10pm, then their business model will be financially unviable. It is time to put this to bed - this cannot be approved, and it must be shelved immediately. Peter, Annelise and Stephen - you are welcome to come and experience it for yourself, any time you like.

## **Local Community Financial Impact**

It has been noted that the potential positive impact to the local community is on the order of \$11 million.

Lets consider the reality of that - land values will be more than sufficient for this.

Looking at all the properties in nearby area, along with those along the proposed traffic routes, there is in the order of about 1,000 homes.

If each of those homes goes down in value by maybe 5%, whats the negative impact of that? At a property value of say \$500,000k each, each property goes down in value \$25k. It doesn't take many losses, on that scale, to watch the net 'boost' of \$11 million disappear very quickly, and is a false benefit, not well thought-out.

Where is that impact felt? Where does the NSW State Government lose out in land tax, or stamp duty, GST in those transactions?

Of what benefit does that become to the state of NSW? Keeping 18 local employees in work versus losing millions of dollars in revenue at the state level?

## **Personal Impact**

A quarry expansion, in direct conflict with the planning advice provided to me by PSC, will negatively impact land value and my own personal business.

I grow trees for timber under a Farm Forestry model. I have significant plantings of Pine Nut trees, with the intention of branding them organic, when they come into The difference between organic and non-organic at the shop front can be double - \$50/kg regular - up to \$100/kg for organic. With an extractive industry expansion located within 3kms I will not be able to maintain organic certification. This will represent a direct financial impact to me of up \$75,000.

The choice of location for establishing our property was made with the understanding that the quarry had a finite life. The quarry would be closed by the time the trees were at harvest - a period of about time about 10 years. I made a long-term decision and put with the short term pain - living near a quarry temporarily, in order to have a permanent future.

It is not possible to pick up 200 pine nut trees and move down the road a piece.

A further industry we are expanding upon is the keeping of bees. The production of honey is becoming more and more challenging as beekeepers are being forced out of native forests and national parks by another section of the NSW State Government. The importance then of small-scale keepers, in support of food crops, becomes even more important. Mass pollinating beekeepers will slowly cease to exist. In order to counteract that measure, I have started my own beekeeping colonies so that I can pollinate my own crops. The side benefit of course is the honey that comes from that process, but here I face the same problem - that of not being able to fully utilise branding of organic, due to the potential of quarry expansion. The scale of price adjustment is even more significant for this product.

The health impacts, beyond all else, concern me the most. After an Easterly blow of the wind, I now routinely get blood noses, a joy I have never experienced anywhere else in my 44 years on this planet. The quarry is directly due East of my farm.

I haven't even considered getting my drinking water tested.

I'm afraid of what I might find.

## **Summary**

One of the unfortunate side effects of the passing of time is that of latency. We are very rarely measured in the future by actions we took in the past. The Independent Planning Commission has it in you to make a decision that will benefit humans rather than corporations.

Understand the community has spoken - the vast majority are against this expansion. We routinely go through community consultations when we elect our leaders. Rather than asking people what they all think and feel, it's easier to use a ballot paper.

If the ballot says 'majority this way', or 'majority that way', the result, and subsequent course of action is clear, and is never in any doubt.

If we live in a democracy, where the majority rules, then the IPC has no choice but to honour those principles and find in favour of the overwhelming majority of concerned citizens.

The current quarry is not wanted. The expanded quarry is not needed. The responsible choice to protect current and future generations is to allow the existing license to cease, remediate the site, and finalise operations.

Mr Duncan , Ms Tuor and Mr OConnor - I understand you have a lot of data presented to you, coagulated into some form of information, from which you must make an informed decision.

I understand it is difficult to do so, and there is nothing about this situation that could be described as win-win.

Recently, the leader of this country took the brave decision of choosing people, their health and their survival, over the economy. Despite being widely condemned, both then for doing so, and currently for not relaxing restrictions quickly enough, it was done for one reason - without people, there is no community. Without community, there is no locality. Without locality, there is no state. Without state, there is no nation. And without nation, there is no economy.

Sometimes we fear the ramifications of acting contrary to expectation or convention. Courage is not the absence of fear.  
Courage is acting, despite the presence of fear.

Simon White  
Citizen