

14th April 2013

Dear Sirs,

Colin Phillips - colin.phillips@planning.nsw.gov.au
Information Dept. - information@planning.nsw.gov.au
FAX:.....

Re: "Claiming Submitters Rights" for "Proposed Karuah East Hard Rock Quarry" Major Project
Application Number: MP 09_0175

I/we Michael Kiely am/are "Claiming Submitters Rights" for the above and OBJECT to this proposed extension of the Karuah Quarry.

I/we will send through my/our submission as soon as possible. Please attach any further information sent to form my/our complete submission.

Yours faithfully

Michael Kiely/Doreen Ingram Name

Michael Kiely Doreen Ingram Signature

Lot 11/61 Blue Rock Close Address

KARUAH 2324

19/04/13 Date

Mr Colin Phillips

18 April 2013

I wish to state my objection to the proposal for the Karuah East Quarry in its present form. Please disregard previous letter emailed 12.04.2013 at 12.58 am which was hastily prepared.

Misleading comments by proponent

WITHOUT PREJUDICE

It was brought to my attention that the Karuah East Quarry's (KEQ) Environmental Assessment Report page 41 paragraph 2.13 claims that a "significant effort was made to secure access over lot 11 to quarry Lots 12 and 13."

Please note that this is news to me and absolutely not true, I was never asked, consulted or approached by KEQ in that respect whatsoever. Please ask KEQ to provide proof of their claim. ANY communications between HQ management and me and my advisers have always been a threat towards me or that I will receive nothing and they will close the existing quarry down if I do not agree to their demands on their conditions.

However, I agree with KEQ that it makes commercial sense to quarry lots 12 and 13 through my property Lot 11 (should they run out of resources on lot 11), instead of duplicating the existing infrastructure at a very high cost and at the expense of the destruction of larger than necessary parts of the unique environment of lot 12 and 13 including threatened species of plants, flora and fauna birds, snakes, migratory species of kangaroos. There is enough minable quality and site resources within existing land of lot 11 and stage 2 for the next 20 years at one and a half million tonnes per annum as well as outside existing licence area.

The existing stage 2 of the present operating quarry on its current development still has an estimated resource of 10 Million tons with in its benches after 5 more years at current extraction limits. I have a geological report from Larry Cook and Associates PL, dated the 23.3.2010. This report estimates that another 16.7 Mill tons resources are available directly adjacent to the South face of present Quarry stage 2 on lot 11. There are also millions of tons available on material in pit stage 1 that was surrendered.

Please note that I'm prepared and willing to let KEQ quarry this resource at a going commercial rate of royalty per ton rather than destroy more land and the animal habitat, loss of trees for koalas.

It also should be noted that stage 1 on Lot 21 of the existing quarry has so far not been exploited, which is in original condition of the Develop Consent dated 3.6.2005, which clearly states in section "CONDITIONS OF CONSENT" The development includes – Implementing the remainder of the approved Stage 1 quarry operation which was approved as a 14 metre pit so any quarrying would not be visible and dust and all compliance issues would be adhered too in the 14 metre pit the community accepted that approval subject to quarrying. A new quarry should not proceed until existing approvals be implemented as approved by all participant including DIPNR involved in approval processes for existing quarry. There is no justification to mine lot 12 and lot 13 since there is enough available resources in lot 11.

Community support?

I'm very sceptical about supporters of the development. I note a koala group supports the new quarry, yet in 2005 they were completely against stage 2 and wanted a quarry in 14 metre pit. Their current support leads me to suspect that this is because there have been donations of materials as

with most of the supporting organizations. See letters in current exhibition None of these people live within 2 kilometres of proposed new quarry; there are letters from organisations from Bulahdelah which is some 50 kilometres away from the quarry area. Clearly they will not be affected in anyway why are these organizations supporting this development? Have they received materials in kind from proponent?

As for the existing quarry, not one resident was allowed to be on community consultative committee. A check of names and addresses shows this. The CCC was probably disbanded by director general's office based on information supplied by hunter quarries which left residents no independent group to complain to. When I asked to join I was threatened with conflict of interest arguments. I asked by email to why they claimed I had a conflict of interest, despite the lease covering only 20.3 hectares of my land and being the closest landowner and possible resident. Can your department supply how many complaints to quarry are recorded in its compliance reports since the existing quarry approval? Can it have the quarry produce witnessed minutes of the CCC? When these questions are responded to it will be obvious that incomplete reporting to EPA and DIPNR are non-compliance may have occurred.

Legal matters and Compliance

The above issues have been or are currently before the land and environment court, plus investigations for incorrect production records, incorrect AEMR records.

DIPNR and EPA, has charged Hunter Quarries with these breaches of reporting and consent conditions. They are still under investigation right now by your legal dept regarding incomplete and possible fraudulent presentations to that court for those matters. You can check this with your Legal Dept (Jennifer) Manager of Legal Dept land and with the Environment Court.

Colin, could you please confirm that this e-mail of mine can be treated as valid objection to KEQ's quarry exhibition? There is no mention in proposal currently on exhibition of rehabilitation of stage one which at present is a scar on mountain with millions of tons within that block of land for all travellers heading north to see what great planning controls we have for our environment, in fact the 15 metre stockpiles sitting there are indicative of what has been missed, it would be nice to see and hear a concerned compliance officer investigate blatant breaches of current development consent, these stockpiles are visible from freeway for aprox 200metres. When these stockpiles at 15 metres high dust can be blown over all residents in area.

I find it hard to believe the Planning Dept cannot implement its own conditions of consent for the existing quarry. I look forward to responses from all dept officers including the Compliance Section. Please be advised I am attempting to have the EPA look at these issues, based on Hunter Quarries figures provided to myself and the AEMR reporting, I feel again should be investigated at the departments earliest convenience. Just imagine should this operator with their current behaviour towards all of the community, absolute disregard for existing planning controls and its consent conditions for existing mine, be allowed to triple in size on another block of land when there are provable equivalent resources on existing quarry. Should the dept like me to prove these facts I have independent drillings on lot 11 and complete geological proof of these facts. There is compliance issues, in this part of the world where there are people and young families getting buses, playing on their properties where I intend to present these when I have gathered all the information.

I am genuinely concerned about damage to nature, the bush as well as the local community health and theirs kids health, when this operator is made to comply with existing development planning controls, we can all have faith that there can be responsible mining for resources without raping the land we call Australia, for example see coal T4 expansion.

I wish to claim submitters rights to object to Karuah East Quarry development through to DIPNR and courts decision.

Michael Kiely
Owner of lot 11