

## Brandy Hill Quarry EIS Submission

Before highlighting some of the specific inclusions of the EIS or Development Application submitted covering aspects of the requested Quarry expansion, I believe it is mandatory to place these in their proper context by understanding **two crucial overarching principles** relating to the location, extension and very existence of this operation.

Neither of these is adequately dealt with in the submitted material, doubtlessly because it is not in the interests of the applicant to place them in their **true and primary perspective**. **History may be sidelined but it should never be ignored!**

As a long term neighbouring resident, I was living in the area when the initial quarry and access negotiations with Council were taking place, and was interested in purchasing some of the land, so these recollections are from personal experience as a neighbour, science graduate and social observer.

### 1. The Resource availability and the maturity of this project:

The operation is that of a hard rock quarry, removing Rhyodacite, a plagioclase dominant igneous volcanic rock which is a remnant of the volcanic extrusions which once covered the entire region.

Consequently, this is not a rare resource, and within the distance of 50 km there are at least six other quarries producing various crushed mixes of similar material. Naturally, there are local above ground locations of similar available base material which remain undeveloped and untapped (in fact fig 2.4 p32 shows a number of these just North- west of the BHQ site).

The EIS Executive Summary under “Proposed Development” admits to the application representing a significant change to the current consent. Truth is that this operation has nearly reached the end of its initially forecast and approved economic life, and it is only with **substantial community and environmental consequences** that expansion to the requested level will result.

The additional loss of local amenity/ increased hazard and dislocation from the explosion in further output/ truck movements and the environmental delinquency in creating an unrehabilitated pit down to 108 metres below base ground level is staggering in the audacity of its promotion.

The applicant doubtlessly sees this as the lowest cost option for future production, though it must be remembered the applicant was not the original developer, having purchased the operation some 18 years after commencement. Consequently in its original pre-purchase assessment of the project, its limited life was evident, and the current owner has proceeded with purchase on this basis, well aware of the long term neighbourhood obligations it inherits.

Any argument covering continued or increased employment is shallow, as any slack in production will be taken up by other local producers who remain in close proximity to the same markets.

Realistically, the maturity of this development has been reached, and time has come for the operator to find another resource location, and move on.

After all, this was always the understood future prospect when it purchased the operation in 2001, otherwise it would have sought the change in approvals at that time.

## 2. Community Compact

Unfortunately, neither the Development Application nor the EIS deals with the unwritten but locally understood Community Compact which is the responsibility of any current Quarry operator to honour.

Once again this would have been quite obvious to any purchaser at the time it carried out its due diligence in negotiating the purchase of the existing operation in 2001.

This Compact, created by the history of this quarry development and its existence, even though unwritten but well remembered, requires any analysis of the current application for expansion to clinically consider the **moral, ethical and equitable ramifications**.

**The relationship between this quarry development and its surrounding community is very different to that normally encountered in this type of application.**

**Rather than an existing extractive operation becoming limited and exasperated by the growth of residential development around it, the Brandy Hill Quarry owes its very existence to this surrounding development.**

The original application for development was in limbo because of a lack of suitable road access to the south and ultimately the Pacific Highway. The residents of Seaham were not prepared to allow the heavy traffic through their village, and the compromise reached by the original developer Brian Marheine, was to purchase the 1200+ acres to the south and build an access road through it. This road became Brandy Hill Drive, and to recoup the cost, an arrangement was made with Port Stephens Council to allow subdivision and sale of the previously rural acreage.

This subdivision and sale was carried out by the very same developer as the quarry, and he had a sales office at the southern end of Brandy Hill Drive selling the estate in sections. History shows this subdivision was very rewarding financially, and the attached brochure indicates the manner of promotion.

**I believe it is crucial to note the same operator developed and sold the access land as built the quarry. This forms the basis to the ethical and moral Compact which continues to exist. Without the subdivision and sale of the land, Brian maintained he could not afford to build the road, and therefore could not develop the quarry. Most of the existing residents remain as original purchasers, and the undertakings made regarding the output, life of the quarry (20 years) and consequent volume of quarry traffic, represent a tangible contract,**

**and, irrespective of operator, must continue to apply, even though the life has been allowed to extend.**

To now propose a further 30 year extension of the life of the quarry, an over doubling of quarry output through deepening the extraction without full rehabilitation ,together with increasing noisy laden traffic both ways on Brandy Hill Drive, and additional operations on the site, is nothing short of an act of bastardry by the operator and represents a slap in the face for those who initially financially supported, took the undertakings given in good faith, and have sought to peacefully coexist with the quarry.

Well may the conflicted cynical argue that time has surely erased the responsibility, but alas, had the operators of the quarry shown their goodwill by providing continuing upgrades to Brandy Hill Drive as requested by members of the Community Consultative Group through the provision of an extra passing lane, or schoolbus safety bays and shelters, or the requested footpath, then perhaps some form of minor concession could be considered. However the complete absence of any direct upgrade to infrastructure which is now well over thirty years old, and the nature of the current application and its lack of offer of upgrades, reflect the shortsightedness and complicit nature of the operator and its own apparent dim view of its responsibilities to the community which nurtured it.

In this vein, it comes as no surprise that the EIS is devoid of any definite worthwhile site rehabilitation plan leaving the potential of the site for use as a refuge pit or a contaminated undrained dangerously deep saline cesspool. The Executive Summary under “Rehabilitation” raises the possible use for putrescible or non –putrescible waste fill depending on the community need. This represents the ultimate betrayal of the once supportive residents, and will simply lead to continuing agitation should the proposals be allowed to proceed in any form.

**I urge that primary consideration be given to these elements prior to examining any set of requirements for approval, as these truly represent the fundamental challenge to the ongoing operation of the quarry at existing limits, let alone any expansionary designs.**

Specific Shortcomings of the proposed development, its EIS and its inclusions:

1. The SEAR Checklist is included as Section 6. It indicates that the response to “need for the proposed development, alternatives considered “ is included in section 1.1 Introduction. Certainly the expected increase in local population is canvassed, thereby forecasting an increase in demand, yet there is no case promoted as to why this demand increase should be met **specifically** by Brandy Hill in preference to the number of other local producers which have the availability of currently approved but unused capacity.

Hanson is currently using Brandy Hill to supply its own concrete operations within Sydney, so it is not enjoying peak local external demand as the EIS would have you believe.

This question of a non financial necessity for the expansion needs to be confronted. In (3) below, I refer to the paucity of sales figures. Those supplied could lead one to believe there has been a reduction in annual external sales!

The question of “alternatives considered” is not fully addressed by the EIS. The Executive Summary does postulate that “expanding BHQ will have less environmental impact than opening a new quarry to satisfy demand”. This statement is not supported by any evidence (particularly that of any Brandy Hill homeowner), and it simply shows the applicant really has no sense of empathy for the local residents or their major personal investment in their homes.

## 2. Community Consultation

Much is made in the EIS about the degree of consultation with official bodies and indeed the community itself. In respect of (2) above, to what I refer to as the Community Compact, an observer might expect that the operator of the quarry conscious of its responsibilities, and indeed its own future, would have instigated a long term structured consultation and awareness programme from the get go. This did not occur.

The operator has shown some admirable community spirit in supporting various groups, however as is often the case, this support is normally initiated by employees, and is provided as a positive motivator for employee relations, not just external largesse.

Truth is, there has been little consultation or inclusion until this expansion programme came out of the blue, and the community meeting requested a consultative committee.

Hanson has reacted in a somewhat muted fashion to the items raised by the Committee. The discussions with the Council regarding a walkway along Brandy Hill Drive are a prime example. It is clear from the report in App4, that Council was not interested in having the path in its works programme, but had Hanson really had the community in mind it would have been proactive enough to initiate an engineering report into the feasibility, and forced this onto the Council agenda. It is only a matter of time until a death or serious injury occurs due to the practice of pedestrians having to walk on the road verge due to the lack of this facility. Even if a full pathway was not envisaged, the programme could be enhanced by the provision of footbridges across the culverts, and a path around the location of restrictive road barriers.

Long term consultation has been far less than adequate.

## 3. Traffic and Transport

Traffic produced is one of the primary concerns of the local communities of Brandy Hill, Seaham and Nelsons Plains, both from the point of view of on road interaction and the additional noise and hazards provided by the increases outlined in the EIS document. As well, the currently endured huge increase in heavy traffic from the operation of Martins Creek Quarry contrary, and seemingly allowably, to its historic approvals.

Brandy Hill Drive was designed and built in the 1980's to cope with the expected maximum annual quarry output of 700,000 tonnes. It rises from both end intersections to a high point approximately midway, and the traffic noise effectively funnels along the contours to most residences both along the roadway and the side streets, and broadcasts from the top of the rise.

The applicant in this proposal wishes to:

- Well over double its existing heavy and light traffic through its predecessor's created inheritance, of the Brandy Hill residential precinct
- By its own admission, project high hourly congestion simply related to "spot" sales output
- Have the ability to operate 24 hours per day
- By installing concrete batching and recycling plants, provide vehicles under noisy engine loads in both directions – recycling +agitators often return partially loaded
- Fit the blinkers regarding other traffic increases – Wallalong project, Martins Ck and the natural increase resulting from its inherited subdivision obligation

Just how does this all fit with the idyllic environmental impression created in the original land sales brochure attached, and the undertakings given original purchasers and neighbours?

How will this, together with the indefinite ultimate site "remediation" affect the collective land values and thereby the resident's states of mind, through financial security?

And, to labour the point, all for a resource which is available elsewhere and far from unique!

An assessment of any activity, carries with it commonly held qualifications regarding the acceptability of the evidence provided. These qualities are Valid, Sufficient, Current, and Authentic. The traffic loads quoted in the EIS are all non-current, years old, including those even relative to the applicant's own business!

- Currency X=fail

Interestingly, as a side comment, Appendix 8 which records the Traffic consultant's report, shows both the maximum **hourly** delivery count and the maximum **daily** delivery count in both 2013 and 2014. Both figures have appreciably reduced in the later year 2014 – in the absence of annual **external** sales figures it would lead one to question the necessity of any expansion due to stagnating sales figures? It appears much further declaration is required for expansionary justification.

The Traffic Report only deals with Brandy Hill Drive and its twin terminating intersections. This is far from the stretch of carriageway which will feel the effects of increased traffic. All Seaham Rd and the busy intersections into Raymond Terrace – Ralston Rd, Hinton Rd, the known black spot at Raymond Terrace Road, Port Stephens Street roundabout, Carmichael St and the traffic lights at Adelaide St and on through Raymond Terrace will all suffer the effects of traffic increase. What level of analysis application and responsibility does the applicant shoulder toward these bequests?

- Sufficiency X=fail

Do these heavy traffic increases meet the expectations of all residents and road users relative to the original approval and understood obligations? A firm NO is the response.

#### 4. Rehabilitation

The existing approval (1983) defines a workable ground area and removal of material down to +30 metres above height datum (AHD) which is the background average surface level.

The ultimate betrayal of residents would be as the result of approval of this expansion, the quarry would be left as a deep void down to 78 metres **below** sea level (-78 AHD and 108 metres lower than the current approval) to fill with the **saline groundwater** (appendix 14 and 5.11.3.4 p275) to a depth of **108 metres** before flowing out unchecked into the environment.

Allowing to fill with noted saline groundwater is bad enough, but I can see no reference to testing for **heavy metals** or **other contaminants**, and there seems to be no flushing mechanism to stop this void becoming a **dangerously deep stagnating cesspool** within hundreds of metres of the commencement of a residential area.

There is no definitive plan for the removal of the 18metre high bund wall to be built as part of this expansion, let alone the rehabilitation of any lower sections of the void, yet in the most gratuitous and thereby condescending manner The Executive Summary offers its use if required for a garbage dump!! Appendix 14 refers to the void as a water resource without specifically noting its dangerous unusable salinity, and freedom to just empty into the environment not only during rainy periods, but because of groundwater inflows, also during dry periods (111tonnes of salt per year 5.11.3.4)!

Why should we, in our once beautiful Hunter Valley create any more mining voids following all the different disasters we currently and will continue to endure as a result of the 200 years of coal mining?

Why indeed create a void at all, as a result of extraction of a common material with other local above ground deposits? All for the profits of a foreign owned company, which could resell this operation with the incumbent approvals in a heartbeat? Would this development be acceptable under the same conditions in the applicant's home country of today's Germany?

Surely our environmental regulations can no longer allow the creation of voids of this nature when there are clearly plenty of other alternatives. Have we learned nothing from the continual sterilisation of our land and waterways?

These comments are made in particular to Section 8 of the EIS which waxes lyrical about environmental credentials of the application.

For the life of me, I fail to understand how the Project substantiates its commitment to promoting “inter-generational equity” by “preparing a rehabilitation strategy to ensure that the site is returned to acceptable pre-project environmental standards” (p325), with a bloody rotten stinking 108 metre hole in the ground??? Has my brain been out of the room or what? How can the proposal not but fail the test of the Environmental Planning and Assessment Act on this statement alone?

5. Security after closure

The EIS deals in part with cursory forms of rehabilitation, but fails completely to cover security and ongoing site maintenance following closure.

The remnants include a large overall site, and a very steep sided, deep, slowly filling stagnant pit in an area close to main roads and a residential suburb.

One only has to observe other abandoned operations to recognise the difficulties in maintaining secure manproof fencing and gates, even over the shorter term.

A prime case in point is the abandoned Hunter Economic Zone site on the southern border of Kurri Kurri, where simply an analysis of the calls to the Rural Fire Service and Police to attend to vehicle fires and other anti social activities is testament, and here, there is no dangerous mine void.

**No undertakings are given, or seemingly requested to cover what will, if accepted even in part, become the critical post closure time.**

What is to stop the overseas owned operator to wash its hands, sell the site to some hopeful with big plans, and the site to become just another problem for all local authorities because the new owner does not have the wherewithall to cover the cost of any development application, let alone the cost of development, and ongoing rehabilitation management? How often does this occur?

**Any development of this nature should require a substantial bond, payable on any initial approval, and held by the local Council in escrow trust, to guarantee compliance with security, pollution, and community safety principles for at least ten years following closure, whether that is in thirty years or in five. The bond should continue to remain even if there is a change in ownership, so that it becomes part of the transfer of title arrangements between any old or new owners. It should be a bond paid in hard currency, not any form of bank or company guarantee which both still require challengeable action to extract the cash when called upon.**

## Conclusion

I have left it to others within the action groups to critically examine the accompanying specialist reports in detail. My opposition relates more to the bigger picture and socially inclusive items.

This development presents the local residents with a real catastrophe.

It breaks faith with the residents of Brandy Hill and surroundings with what they were promised was an operation of limited size and life, leaving a scarred but safe and clean environmental legacy.

By settling the Brandy Hill access acreage, and providing a commitment of a twenty year quarry life at initial approved production levels, this operation, through these commitments has effectively barred itself from any further expansion.

What is the worth of any community or society which allows its members to withdraw the undertakings which have been made without further reservation, or simply ignore the obvious correlation in honouring the obligations of its antecedents? What ultimate anarchy and responsibility do we bring upon ourselves if we stand by and allow time and displacement to be used to erase these socially recognised responsibilities?

Where do we wish our community moral compass to point?

I suggest the only sensible compromise to this application is to re-examine the original consent in regard to its level of completion, and the substantial change in community expectation over time, and reissue it with the same production limits together with very strict controls regarding infrastructure upgrades, operations, financial bonds, and final rehabilitation to acceptable background land surface level with an acknowledged, committed and bonded plan for its after closure usage .

Accordingly, I lodge a strong objection to any Brandy Hill Quarry Expansion Proposal.

In parting:

"Hey! Come buy my land and help me build a 20 year quarry access road, and later if you're lucky, I'll extend the life by another forty years, fill the road with noisy trucks for your retirement, and leave you with either a dangerous saline cesspool or a garbage dump on your very doorstep!!"

The applicant must surely be joking!

Nelsons Plains, April 7<sup>th</sup> 2017





# Brandy Hill

## ESTATE PORT STEPHENS SHIRE

Brandy Hill features homesites unlike any other rural area ... here the family can really relax on their own acreage with complete freedom. There's tons of room for that pool you've always wanted, the children's animals, a large comfortable home with manicured lawns surrounding, or a home nestled in a bushland setting.

It's all available at Brandy Hill ... a specially selected area that offers a huge variation in exclusive acreages.

### Like views?

Brandy Hill has it! ... there are many acreages with magnificent rural views.

### Like plenty of trees?

Brandy Hill has it! ... build your dream home nestled in its own bushland setting.

### Like plenty of room?

Brandy Hill has it!!! ... you'll find a good selection of homesites ranging in size from 3 - 10 acres!

### Like amenities?

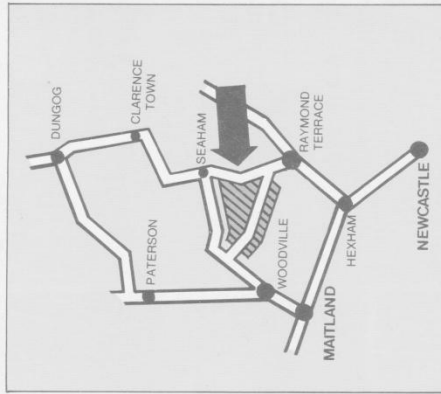
Brandy Hill has it! ... close to excellent shopping and school amenities of Matiland and Raymond Terrace ... town water, electricity, telephone and school bus service available.



Country living with  
city conveniences ... that's  
Brandy Hill!

Just 35 minutes from Newcastle ...  
5 minutes from Raymond Terrace ...  
15 minutes from Maitland ...  
40 minutes from Port Stephens and  
Vineyards

Beautiful lush undulating country  
specially selected for those who  
desire country living with the benefit  
of being within commuting distance  
of their work ... acreages like these  
are becoming rare, and let's face it,  
you'll probably pay more for a small  
home block in the city! ...



## Brandy Hill

E S T A T E  
PORT STEPHENS SHIRE

Brandy Hill Drive ... SEAHAM

Representative on site:

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# Brandy Hill

## E S T A T E

### PORT STEPHENS SHIRE

