

## Ironstone Community Action Group Inc. (ICAG Inc.)

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The Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

18<sup>th</sup> May 2019 (Emailed 31st May 2019)

Dear Sirs,

**Re: ICAG Inc. objection to EIS entirely and (2 Volumes) regarding “Kiely’s Karuah Quarry” Lot 11 DP 1024564 referred to now as Karuah South Quarry.**

ICAG Inc. **OBJECTS** to the above quarry and the entire EIS & 2 Volumes - “proposed project” and request that Planning and/or PAC refuse approval entirely.

ICAG Inc. was involved in raising issues of concern and/or to comment on the Preliminary Environmental Assessment (PEA) for the above ‘proposed project’. Though so many of our concerns and questions were not addresses, answered or were twisted to justify why this ‘proposed quarry’ should be approved with little to no impact to surrounding people.

ICAG Inc. understands the (PEA) was sent to the Planning Department dated October 2017, as part of the Consultants process to formulate the E.I.S. and release in a submission period which was from Wednesday 24<sup>th</sup> April 2019 to Tuesday 21<sup>st</sup> May 2019. ICAG Inc. states the obvious that this submission period is unfair, unsuitable to read in the (28 day) time frame, all the documentation of the EIS and the 2 supporting Volumes.

***How long did it take one person in the Planning Department to read these 3 Volumes from front to back cover?*** If this question cannot be answered, then why does Planning Department persist in holding unrealistic submission period timeframe, when they full well-know it is impossible to read such intricate and miss-represented and wrong documentation within this timeframe, to then be able to write an objection letter, expected to be all the occupations and man/woman hours it took to construct these documents in the first place would be much longer than 28 days for the general public. Wrong is not a big enough word in this unrealistic timeframe where ICAG Inc. believe is a flawed submission period that is geared up for the mining company or quarry at the expense of our environment, wildlife, natural water sources and impacts on people including down-stream natural industries such as Oyster Farming and Tourism of Port Stephens.

We make reference to the various name references/changes contained in documentation for the above ‘proposed project’ as a record of History:-

- 1) Kiely’s Karuah Quarry (Preliminary Environmental Assessment October 2017) submitted to Planning Department 2017.
- 2) “the project” (PEA October 2017)
- 3) the project site” (PEA October 2017)
- 4) R W Corkery P/L letter dated 24th April 2018, to Colin Phillips Department of Planning & Environment, advising “please note that reference is now made to “Karuah South Quarry” rather than the previous reference to “Kiely’s Karuah Quarry”.
- 5) The project (in the EIS to public 24<sup>th</sup> April 2019 to 21<sup>st</sup> May 2019)

***Our question was not answered. Has Michael Kiely taken his name off the ‘proposed project’, to a more generic name for on selling?***

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

R W Corkery states throughout documentation someone else would be managing the “proposed project”. This is irrelevant to ICAG Inc., our membership and community concerned about wildlife/habitat loss and off site “sediment-laden”/“dirty water discharge” into Yalimbah Creek Catchment, Karuah River to Port Stephens.

Should the ‘proposed project’ be approved as ‘Kiely’s Karuah Quarry/Karuah South Quarry or by any other name/s including any future quarry/mining company/companies purchasing this parcel of land from Michael Kiely is irrelevant to ICAG Inc and our Membership. **The impacts are however too great to our natural environment/bushland areas and you cannot mitigate, bio-bank or offset the removal of 400+ year old gum trees with hollows, or 200+ year old Fig Trees. The deaths of wildlife will be immediate and accelerate as more bushland is removed. You cannot mitigate somewhere else the age of these 400+ year old gum trees and could not pay enough money to justify destroying these trees in the process of removing the bushland, these tree species, wildlife species, therefore the project should not be approved at all and rejected entirely.**

**If however Government/PAC push this to approval these gum trees and the 200+ year old Fig Trees must be preserved for all time. These trees must be recognised as Heritage trees of Significance for the area of Karuah, NSW, Regional, Australia and on a World Protection list for Protection of ‘Giant Ancient Old Growth Forest Trees’ such as these on Michael Kiely’s property.**

Should this “proposed project” be approved, Government and Consultants/Michael Kiely must acknowledge IN WRITING these cannot be replaced with a ‘like for like’ value. The only solution is to reject the entire project. However if PAC does approve this quarry to proceed, then the quarry footprint MUST be built around retaining all these trees that have NOT been mentioned in the EIS at all.

Even better still retaining the entire property for wildlife/habitat and bio-diversity **“offset in Perpetuity” on this actual entire property, this land would** therefore remain as the value of these trees is more important than a 6 year to 25 year mining/quarry period. Nothing can compare with the age of these majestic giants and any lame attempt to try to buy ‘credits’ for the death of these trees and wildlife or approve such a financial deal is a crime against Flora and Fauna and a dreadful approval to have on All Government Departments Responsible, Local Councils and PACS’s shoulders.

Should the ‘proposed project’ be approved, the impacts are real and immediate to our environment. Any quarry/mining operation will directly remove forested/bushland areas of ‘pristine wildlife habitat’ including rainforest/swamp areas (though it is not known in 2019 whether Michael Kiely’s property remains intact) and was impacted very little as no one resided there full time. ICAG Inc. does not know to date the state of these areas of Michael Kiely’s property from either Hunter Quarries or by Michael Kiely’s exploration processes. Buildings on this property had wildlife living in them. **The immediate impact to wildlife causing injuries and death and death to ancient forest trees will be catastrophic if this ‘proposed project’ is approved.**

**ICAG Inc. and our Associates requested a site tour (our request was rejected).** This was to have our questions asked that are not clearly written in the EIS or 2 Volumes. It was also to establish base line independent data. **This was also to take photographic records of these 400+ year old gum trees that have NOT been written up or photographed individually showing that these habitat trees exist with hollows, the age and height and to understand and acknowledge that they cannot be mitigated, replaced, replanted, bio-credited away, bio-banked, under species credits for either Flora or Fauna.** The entire project must be stopped. This area is significant as a local history area of trees and wildlife, Regional significance, State Significance, Australia wide and world-wide significance to have trees of this age preserved. Our request was rejected. However this will need to happen so that the health of approx. 60 400+ year old Eucalypt Trees and 200+ year old Fig Trees are catalogued and appropriate tree preservation orders are implemented across the Government Departments and Local Council of Midcoast Council.

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It should also be seen to be ‘criminal offense’ to remove trees of this age and destroy them through any ‘proposed project’ EIS entirely.

### **Miss-representation/misleading**

- **ICAG Inc. and Community representatives believe when the above trees have not been mentioned at all within the 3 Volumes of the EIS. This seeking approval is INVALID.**
- **The EIS also does not mention the tree ferns or the rainforest area in detail.**
- **The EIS does not mention fig trees on this property approx. 200+ years old at all.**

This property of Michael Kiely’s is a Koala Habitat area. Government Departments of many, ICAG Inc., other community groups, Hunter Koala Preservation Society and people in the community, know that Koalas are living in this bushland area. Including Wildlife on Government Gazetted lists for ‘Fauna and Flora’ on Vulnerable, Threatened, and Endangered species lists, are present over this property of Michael Kiely’s at Karuah area Blue Rock Close. ***The Precautionary Principal must apply to the entirety of this remaining property for Wildlife, Flora and unpolluted Water.*** The greater value is “Offset in Perpetuity” and that the property remains. ***ICAG Inc. did not have their questions asked as to how much a Koala costs in dollar value to “try to pay your way out of destroying habitat and removing known Koalas off the property. They and other wildlife would have to remove themselves fast enough from falling trees. to get away safely. Why was our question not answered, how much is a Koala worth in dollar value?”***

ICAG Inc. can provide further details that this entire parcel of land must be removed from any form of quarry/mining impacts. **See map of Creeks on property that the EIS/2 Volumes have misrepresented by NOT having them shown at all and the full area of bushland to be removed which is different to maps being handed out to the general public.** ICAG Inc. sees this as misleading, untruthful, deceitful and a lie.

ICAG Inc. can provide limited photos of some of these trees 400+ years old. Wildlife does live on this property including Phascagales, which we believe has all been misrepresented on EIS/Volumes maps as just being in the north or off property completely and we find that hard to believe. ICAG Inc. was shown photos of one that had been hit on the driveway of Michael Kiely’s and this shows that they are actually on his property, though the EIS mapping does not show this, we feel is very strange that any species are either side of where he intends to put his open cut pit for gravel.

In 2006 Michael advertised a 4 categories mine on his property (gravel, clay, two other categories?). When our Secretary phoned him, he said that he was taking out a mining lease over his property to stop a mining company coming onto his property. It is also true Michael Kiely in 2013-2014 campaigned against Hunter Quarries to stop a new mine/quarry, (on land he did not own) and north of his property many, many kilometres to south of Halloran Road North Arm Cove. He used environmental arguments at that time including telling everyone at the public PAC meeting, he had another 50 years of gravel on his property and that Hunter Quarries did not need to destroy bushland elsewhere or impact people of Halloran Road.

If Hunter Quarries was not granted approval by PAC and assisted by Great Lakes Council staff, EPA, OEH, Planning Department etc., the bushland would have remained intact. It was common knowledge being advised by Michael Kiely he wanted HQ to continue mining his property and therefore paying him royalties. Government should have intervened and forced Hunter Quarries to stay in this area which would have rescued bushland and prevented wildlife from dying. Michael was vigorously defending with ICAG Inc & Halloran Road Residents Community Group, on behalf of Community representatives, bushland, Tetratheca Juncea, wildlife and impacts on Halloran Road residents. Michael brought to ICAG Inc. attention that the Office of Environment and Heritage had been left out of the ‘Consultative Process’ of Hunter Quarries ‘proposed North Quarry 2’. ICAG Inc. Secretary & Michael Kiely contacted OEH, Department of Planning, PAC, EDO and Media about this omission and we discovered that the general

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public could not access documents on the Planning website to access during submission period (HQ mine 2). OEH/other Government Departments and PAC sadly handed the entire area of bushland/wildlife to be quarried/mined, when they could have objected.

Hunter Quarries NEW area was approved in 2014 and did not covering their crushers in a building as per “Conditions of Consent”, though no Government Department checked this had actually been done before they could start production. In 2018 Hunter Quarries was found guilty for breaching Conditions of Consent and exceeding dust and noise levels and were fined \$15,000.00 dollars and had to stop work until they put their crushers into a building (as per Conditions of Consent). They took gravel by trucks to the crushers South and impacted people more in that area of Karuah and surrounding areas. Please find attached Newcastle Herald article. We believe a precedent that Hunter Quarries MUST cover all their crushers which they currently have not done and impact people from noise and dust each day. The same should happen if Karuah South Quarry is approved regardless of whether their crushers are mobile or not.

**Impacts to people noise, dust, vibration, crusher noise, truck movements, blasting:-**

Should this ‘proposed project’ be approved, it will also have a definite impact on people, their properties and for those people already impacted by Hunter Quarries mining operations, they **will also** be impacted by Michael Kiely’s proposal on his land. We believe that the “proposed project” would also produce noise and dust impacts regardless of any ‘proposed mitigation talk in documentation’ (***photos can be submitted if requested***). 19<sup>th</sup> April 2013, Michael helped formulate an objection pro-forma letter with ICAG Inc. against HQ and despite who he is was helpful at the time. However none of us realised he had already sought approvals in 2012 for the project he is seeking to have approved in 2019. While this hurt people that know him and did shock ICAG Inc Committee. We realise to never trust a mining company rings true once again. **This approval in 2012 must be revoked. Many things have changed since he applied in that year and was granted approval to “not be a controlled action without any Conditions of Consent” from the Commonwealth Government MUST be relooked at as we have said already in our letter. They need to look at all the evidence that has been formulated by the public and concerns raised and determine at the very least that if PAC approves this quarry to proceed. It will be a “Controlled Action with Conditions of Consent” from Commonwealth Government/Federal Government & State Minister Planning Dept./PAC.**

**Impacts to natural water sources:-**

***The Consultants were asked by the ICAG Inc. Secretary at a public meeting 12<sup>th</sup> December 2018 Karuah Community Hall organised by R W Corkery (Consultants of Michael Kiely), if they were going to seek approval for Creek to River discharge. Eventually Rob Corkery said yes.***

Should this ‘proposed project’ be approved, this will **directly impact creeks** running through Michael Kiely’s property that flow directly into **Yallimbah** Creek and the Karuah River to Port Stephens. These creeks on Michael Kiely’s property cannot be mitigated, bunded or diverted without a direct ‘cause and adverse affects’ to the pristine natural environment and if this ‘proposed project’ is approved, permanent impacts to the surrounding area of this bushland/forested/wildlife area and impacts to the Creek/s and the Karuah River is certain. Ground water/Creek systems will be removed outright on the property, diverted or bunded will flow heavy laden particles directly to Creeks & Yallimbah Creek/Karuah River Port Stephens/Marine Park. (***Map submitted on behalf of local bushman***) ***shows creeks throughout the entire property of Michael Kiely’s that have not been shown on Consultants maps and no reference of these creeks actually existing. However people that know the property and have been there many times know differently. The maps in the EIS/2 Volumes misrepresent what creeks are actually there.***

***ICAG Inc. Secretary saying she had walked through creeks. Note: in rainfall events these creeks that actually do exist on Michael Kiely’s property would also flow rapidly.***

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**NOTE: Rob Corkery in the public meeting on 12<sup>th</sup> December 2019 stated “there are no creeks”. He received a back-lash from people that knew the property and knew the creeks existed. Including our**

**FALSE AND MISSLEADING. Not representing the creeks as they are currently on the property & pretending there are no creeks, even when people that know the properties creeks were stating the obvious, he still kept denying they exist.**

**None of their maps at the meeting showed any creeks.** When the EIS came out in the right hand side/corner of the property standing on Blue Rock Close, they have shown some creek lines of Upper Yalimbah Creek referencing this in the EIS one moment throughout their documentation or then references it as ‘cut off’ due to Blue Rock Close, Pacific Highway, numerous pipes, before Yalimbah Creek. The reader is left being thrown from (one side of the coin to the other) depending on what paragraph, on what page you are reading. ICAG Inc. sees this also as a deflective method and misrepresents the actual flow of water on the property and off the property.

**How clean is their “clean water” they have shown on a map discharging from 2 points?**

**ICAG Inc. state that although they show that this water is not running through the pit, or water from their sediment-dams. We question how clean and from where this water is coming from and the dust, explosive residue, oils/petrol, fluids that would be/could be in this water also. Yet who in Government or Local Council is there to check the quarry and/or mining company does not pollute off site into local waterways, creeks and Karuah River to Port Stephens?**

Why not take photographic records of the 400+ year old gum trees and the 200+ year old fig trees. This would show a true and truthful representation of the flora that does actually exist on this property. ICAG Inc. & our Associates are NOT compromised. Unlike the Consultants and their paid experts employed to write a glossy EIS and Volume 1 and 2, that any horror caused by the ‘said project’, to flora and fauna and water, air, noise pollution, and impacts to people, all remain little to no impact. **How truly can this be? It is about time that EIS/EA actually reflects the horrors of what their industries really do.** Not just leaving it to individuals, community groups to show what is actually and truthfully happening or ‘ear-marked to happen’ to our natural environment.

What this shows alarmingly is that the “mining Consultants” paid by Michael are the very people and their other paid consultants/experts writing reports and doing studies on what plants and animals exist, paid by the Consultants and/or Michael Kiely to write the bare minimum of Flora and Fauna exist. These people can’t be independent. They can’t operate for the plants and wildlife that live on this property currently. They can’t therefore write a report that condemns this “proposed project”. They can’t write that removal of 200 and 400+ year old trees, habitat, wildlife in abundance should not happen and is complete madness by anyone or any Government Department/PAC that supports these trees/wildlife to be condemned to death by granting this ‘proposed project’ approval. **However there are times that these Government Departments, PAC and Council do not approve projects such as Gloucester Resources a NEW proposed coal mine in Gloucester. We hope that they all OBJECT to this NEW quarry entirely and hope to see the same thing happen as Gloucester, where this proposed quarry is rejected completely.**

ICAG Inc. Committee believe that such a unique property in Karuah with trees the age they are, not even being written up in the EIS by the Consultants. Is yet again the fox guarding the hen house!, the mining/quarry consultants/Michael Kiely must write about the true value of loss for environment, wildlife, plant life, surrounding properties, our natural water sources and aquatic life both on the property and downstream of the pipe under the Pacific Highway is all at risk of impacts with a slow gradual flow of suspended particles and other contaminants including flocculants used/or not, coming down stream to Yalimbah Creek, Karuah River, Port Stephens past the oyster leases.

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**Any reference in E.I.S. or any documentation to “MINIMAL, INSIGNIFICANT, UNLIKELY, LOW IMPACTS,”** shows how wrong this entire EIS/EA process is flawed from the beginning through choice of words, that in actual fact are the complete opposite. Yet Government Departments of many FAIL to actually and accurately write what is and will happen if their ‘proposed project is approved’. Consultants ‘desk top analysis’ for dust/noise impacts, when Hunter Quarries is operating in ‘real time’, producing noise and dust each day Monday to Friday and Saturday until they close business. People have Sunday free of impact and this is NOT good enough.

Any documentation from Government Departments:- Planning & Environment (Dept. Planning), Office of Environment & Heritage, EPA, Dept. Industry Land & Water, Consultants report/s from R W Corkery & Co., mining Consultants & paid experts (flora, fauna, biologists, water ecologists, health etc.) including from any local Council/s including the ‘amalgamated’ Midcoast Council using these phrases must stop.

- 1) The impacts written in EA/EIS as “minimal” are actually “Major”.
- 2) The impacts written in EA/EIS as “insignificant” are actually “Significant”.
- 3) The impacts written in EA/EIS as “unlikely” are actually “Highly likely” and start from exploration stage and rapidly accelerate into mining licence impacts.

***The impacts of the above 3 points and the major, significant and highly likely risks associated with this proposed project are therefore too great and the “Precautionary Principal” must be acknowledged and adopted that this ‘proposed project’/ gravel quarry of Michael Kiely be entirely stopped as it will cause HARM.***

Our Secretary asked Consultants of R W Corkery & Co. at the meeting on 19<sup>th</sup> November 2018 at Blue Rock Close Karuah area (North side of Pacific Highway) on the driveway 2pm at the “proposed project” site and again at the public meeting Wednesday 12<sup>th</sup> December 2018 at Karuah Community Hall, if the Consultants had contacted Port Stephens Council. They had not. ICAG Inc. has contacted Port Stephens Council via email and in person. ICAG Inc. understands that the Port Stephens Council will be impacted by ANY mines/quarries upstream of Yalimbah Creek systems, Karuah River, their Blue Water Wonderland of Port Stephens/Marine Park. Port Stephens Council should be involved in every mining process impacting the Karuah River Catchment and should be lodging submissions (objecting) along with the community.

ICAG Inc believes that submissions from the major stake holder (Port Stephens Council) should be automatically included, regardless if the “proposed mine” is in a different Council area (on land). Currently Legislation prevents and automatically excludes Port Stephens Council from lodging any comments, unless they are ‘invited by Planning Department’. JCCC for 20+ years ICAG Inc. for over 14 years would have liked Port Stephen Council to be able to **lodge objections** along with an extremely alarmed community on the impacts to the Karuah Catchment/Port Stephens/Marine Park via mining/quarry discharge.

The Legislation preventing Port Stephens Council from being involved automatically ICAG Inc. believes continues to be a bad Government Decision and **stops** Port Stephens Council to protect the oyster industry, tourism/whale/dolphin watch, Marine Park of Port Stephens Council Shire. The Oyster Industry and Tourism dollars from this area you would think Government would be determined to protect these areas and stop all mining impacts. The Billions of dollars that the Oyster Industry brings into the State, the local area to Sydney should be always protected and the Government Departments of many must start protecting their natural assets, not ‘bowing to mining/quarry/big developments’ that remove entire bushland areas and approvals are given without any thought, considerations for anyone or anything else that will be impacted, removed and killed. **We were pleased to hear that the Consultants did speak to Port Stephens Council and for the first time we are aware they gave them the 3 Volumes of EIS in hard copy. We would like to thank R W Corkery for accepting our request this was the right thing for Port Stephens Council to be advised officially and hold hard copy of the EIS, Volume 1 and 2 and the right thing to do from R W Corkery.**

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**It is hoped by ICAG Inc. & Community concerned, that Port Stephens Council and Midcoast Council MUST join with concerned citizens and seek protection for their creeks/river systems that make up the Karuah Catchment and prevent this quarry from destroying the unique tree species on this property along with the spectacular wildlife.** Thereby protecting their tourist areas/marine parks and request Government (Planning/PAC) rule in favour of the Precautionary Principal and stop this “proposed mine” from proceeding at all.

If however PAC approves the quarry ICAG Inc. would request PAC give as many “Conditions of Consent” imaginable and that they are a “Controlled Action”. ICAG Inc will write favoured Conditions of Consent to the PAC Panel as part of our submission. We believe that all concerned parties should be given the same opportunity to lodge their favoured “Conditions of Consent” (Port Stephens Council, Oyster, Tourism, community groups, individuals) to be awarded against Karuah South Quarry if they are given approval to operate.

We would also request that Port Stephens Council and Midcoast Council object to the ‘pending new quarry proposal of Hunter Quarries’, which is being processed through Planning/Departments assistance of the requirements etc. to then shortly come out as another EIS submission period.

ICAG Inc. requests those Government Departments responsible, realise quickly to protect further bushland/wildlife deaths from continuing to happen in this bushland area. Hunter Quarries must be stopped from any further NEW pits/operations and modifications and made to scale back and replant (mine 2) move them back to (mine 1) and stopped from further mountain removal.

ICAG Inc. sadly see, Council and Government Departments usually write that the mining company/quarry, in this case a “proposed gravel quarry” will manage any risks to the environment or that they are “minimal” or “unlikely”. When in reality this will not happen. In ‘time’ the environment will be **altered forever** with bushland clearance, wildlife deaths going undocumented and discharge events into natural water-sources. This is an absolute reality being done in a time based fact, changing the water ecology forever and impacts to aquatic wildlife as the water runs iron oxide, black oily water, or rock suspended particles. *Photos can be submitted of water impacts by quarries/mines/extractive industries where Planning Department, EPA, Great Lakes Council/Port Stephens Council, PAC and Land & Environment Court depending on what areas and what approvals have all had a part at sometime authorising the destruction on the natural environment and all the ramifications from then to infinity.*

- **The entire EIS ICAG Inc. believe is miss-leading, miss-represented (as the consultants paid by Michael Kiely) and does not adequately state the truth, that the environment will have no harm associated with their project should it be approved:-**

Water Management, dirty water holding dam/s, sediment dams, overflow of sediment dams, surface water runoff, water treatment plans, discharge plans, bunding plans of creeks on Michael Kiely’s property, showing the “proposed project” and the impacts this will knowingly have on creek systems including Yallimbah Creek in a SEPP 14 Coastal Wetland, Karuah River to Port Stephens.

**The entire EIS, ICAG Inc believe is no where to be found on what product was to be used.**

- This product sinks the suspended particles to the bottom. This should be seen to be misrepresented, misleading and inadequate for general public, ICAG Inc. other community groups/industries to research what this product is as it is NO WHERE in the EIS. The fact it was not mentioned by name in the EIS or what this product is and needing more information that mining consultants/consultants biased information that “all is alright”. The EIS contained NO Material Safety Data Sheet information on what this chemical is, they say is a “citrus product”. Gosh how many citrus fruit/skins does it take to make a 250 ml bottle to mix with water or not.

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*What damage can this product do to aquatic life on discharging their sediment laden “dirty water” holding dams into the environment to Port Stephens?*

- We requested an in-depth explanation of chemicals (they say citrus based product):- ICAG Inc. did not get any information at all in the EIS. Infact the entire section of this process/products to be used was left out of the EIS. We believe done on purpose and deliberately. The consultants advised in public meeting that the citrus based products would “sink the suspended particles to the bottom of the dirty water holding dam”, removing suspended particles off the surface of the water before being released through diesel pumps into local creeks on Michael Kiely’s property before running under the road bridge into Yallimbah Creek/Karuah River. No one in Government should approve any form of off site discharge from sediment laden water in particular.

At the Karuah meeting (12<sup>th</sup> December 2018), the ICAG Inc Secretary asked R W Corkery & Co. Consultants “are you seeking creek discharge?” They eventually being asked a few more times responded with “Yes” and explained. We were all then advised that “the chemicals are a natural product/citrus based, that will sink the suspended particles (dust) to the bottom of the “dirty water holding dam”, before water is released off the property downstream making its way to Yallimbah Creek, Karuah River to Port Stephens.

- **NOTE:** Any changes to water quality (using chemicals or natural based chemicals) in any of these creek systems including Yallimbah Creek will have direct impacts to this sensitive environment for aquatic life species and down river to Karuah River to Port Stephens. *Therefore the “Precautionary Principle” should be adopted and the area turned into a wildlife area in Perpetuity.* However should this “proposed project” be approved, all water MUST remain on the “proposed project” site at all times, regardless of who owns the “proposed project” mine site.
- **NOTE:** As the environment did not start with these chemical products the ‘Precautionary Principle’ must be adopted here and this project must be stopped.
- **The EIS does not contain in-depth explanation of why they are seeking discharge practices** from the (“proposed project” site) where water will ultimately make its way through creeks under road bridges to Yalimbah Creek to Karuah River/Port Stephens.
- **The EIS does not contain in-depth explanation of the “proposed project” for ‘Full Creek Discharge’** via pipes and diesel pumps or using gravity to Yallimbah Creek, Karuah River to Port Stephens. The methods and amounts of water to be discharged.

*We asked what will the trigger levels be for discharging dirty mine/quarry waste water from holding dams into creeks & gullies then Yallimbah Creek to the Karuah River? 50 is way too high and zero is better.*

**NOTE:** ICAG Inc. believe before seeking any creek/river discharge approvals, that an **independent water Ecologist** must be given the opportunity to see data without any prejudiced or biased documentation from the ‘proposed project’ mining/quarry consultants or government departments and be able to conduct their own testing of property water currently and down-stream in creeks to Yallimbah Creek and Karuah River.

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- **The EA/EIS has NOT explained in-depth explanation of the ”proposed project” for assisting Fauna out of the area to be cleared.** These impacts that will happen as a direct consequence of clear felling their habitat the wildlife is currently living in/on before turning it into an open cut gravel quarry/mine. Banging trees in the day time that have hollows the day before or so before felling is a cruel and vile thing to do.

*What wildlife organisations have been contacted to come onto the property and remove wildlife from the area/trees/hollows to be cleared?* We have had no answer.

**NOTE:** All trees with hollows should be left alone and the quarry footprint be altered around these areas, which could be used as offsetting for wildlife that will be displaced (if they survive) bushland removal depending on how quickly this will happen. 10 metres is the legislation clearance for Rivercare and Landcare projects, though we do not clear away everything to the ground, bring in machinery and trash the area like quarries/mines do.

- **Ecology** – flora/fauna welfare, trees hundreds of years old must be preserved and intact on this property. *ICAG Inc. will provide further information for PAC.*
- **Biodiversity The Precautionary Principal must be adopted.**

**Example: Any harm caused by a “proposed project” OR no harm/no impact = no project**

The Consultants/Michael Kiely have identified in the (PEA) that the “proposed project” will directly remove and impact Lowland Rainforests in the NSW North Coast and Sydney Basin Bio-region, which is an endangered ecological community (EEC) listed under the Biodiversity Conservation Act 2016. Furthermore, this identified ecological community is also listed as threatened community under the Commonwealth EPBC Act. This area also needs to remain.

**The Consultants/Michael Kiely must explain what ecological studies they have conducted? ICAG Inc. states again. If PAC approves this, it must be “a controlled action with Conditions of Consent”. Which should actually go back to Commonwealth Government BEFORE PAC is involved with ‘determination’.**

*How will (Consultants/Michael Kiely) manage the removal of this eco system should the “proposed project be approved”? Is the plan to purchase bio-credits or an offset area?* ICAG Inc. continues to state that no bio-credits or offsetting can replace like for like on this property. **The offset area should be the entire “proposed project area of the entire property” at part of offsetting Hunter Quarries open cut pit mess currently next door (south).**

*Is there plans to compensate the state/people of NSW/Australia for the direct impacts your “proposed project” will have on the above Lowland Rainforests in NSW?* No response.

*ICAG Inc. is disturbed that the Office of Environment and Heritage letter dated 22<sup>nd</sup> May 2018 has no issues to stop this from proceeding.*

- **Flora History should be preserved:-** Should this “proposal be approved”, the impact will be immediate and obvious as the removal of bushland including approximately 60 major habitat trees that are 400+ years old will be removed under Michael Kiely’s “proposed project”. These trees are old growth forest trees saved from logging by being left as seed trees for this industry. How many of these trees remain (currently in 2019) on Michael Kiely’s property remains to be seen. These trees have been seen by ICAG Inc. Committee and community on this property that Michael Kiely proposes will be “Kiely’s Karuah Quarry”/”Karuah South Quarry”. **No mention of this in EIS.**

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

- **Dust impacts**

Air Quality – Due to the close proximity and impacts to residents, the EIS needs to demonstrate that dust can be controlled and kept on the property at all times. Real time monitoring has not been done as advised by Consultants public meeting 12<sup>th</sup> December 2018 Karuah Community Hall. Consultant’s response to the question - “Why has dust monitoring not been done in real time”? The answer given “that people have already told them that Hunter Quarries produces dust”. This answer defies belief. Yet the sad reality is that people are impacted by dust from HQ production, blasting, crusher/plant operations, digging machinery, overburden dumps higher than tree line and wind taking dirt/dust clouds looking like a bush fire wafting across the six (6) lanes of Pacific Highway etc. ***Michael Kiely put his name to a letter stating “people living in the neighbourhood of the new proposed development would be impacted to great degree by visual, noise, dust pollution and devalued properties, should a DA be approved”.*** Yet wants to do this to people himself now in 2019.

The refusal of staff R W Corkery at the public meeting and written up in the EIS as not covering their crushers or showing they held real time dust monitoring continues to disturb the community impacted and ICAG Inc. Committee.

The only way that a real-time collection of data can actually be shown is to hold dust readings on many properties and localities including collecting data on Michael Kiely’s property (pre “proposed project”) and on Hunter Quarries property including individual properties.

It was noted that a property owner the Consultants had received a call from has a Hunter Quarries dust monitor on their property collecting data on PM10. Yet a property a few properties away Hunter Quarries has a substandard dust monitor. **NOTE:** Hunter Quarries glass bottle and glass funnel on a tripod stand which Hunter Quarries has installed is MOST inappropriate on another property. It also shows that Hilton Grugeon cares little for other people being impacted by his quarry business within the community. This property that holds the dust monitor measuring PM10 was mentioned at the Karuah meeting 12<sup>th</sup> December 2018. ICAG Inc. has been advised this property has dealings with different areas of Hilton Grugeons businesses and perhaps on the CCC of Hilton Grugeon’s Hunter Quarries (mine 1). ICAG Inc. has not been able to confirm the above with these property owners as we have tried to contact them via mail previously.

Dust monitors must measure 2-2.5 PM. It is obviously the finer particles are the ones that people breathe into their lungs that can cause the most damage. Gravel mines produce ‘silica dust’ and studies have shown that silicosis is lethal to people’s lungs. Yet in Government gazetted legislation, it seems data collected in this smaller particle size as a mandatory condition for all existing and “proposed projects” is in the minority. This data must be collected ahead of the “proposed project” as well as collecting data on 2-2.5PM with mines that exist. **To draw a conclusion, that because Hunter Quarries is already producing dust through their operations, that Michael Kiely’s quarry idea will not make any difference or further impact the people with any dust from his mine/quarry produces, is insulting to say the least.**

Michael Kiely already knows people that are impacted by dust and noise from Hunter Quarries. He knows that people suffer dust inside their homes, in their tank water, and those that attributed to the death of their child. He also knows people suffer nose bleeds including their children most days of the week. Michael went to their homes during the campaign of 2013-2014 before the PAC hearing on Tuesday 20 May 2014 at Karuah Community Hall Engel Avenue Karuah 3pm. Alan Coutts (PAC Chair) and David Johnson (PAC) attended the public hearing of community groups and individuals that were contacted by letter dated 29<sup>th</sup> April 2014 (Rob Sherry of the Planning Department was seconded to work for PAC on this public hearing. People/Groups had to register to speak at the PAC meeting. Michael Kiely was the 2<sup>nd</sup> last speaker for the night to lodge his objection to Karuah Quarry (Hunter Quarries 2), stating that Quarry 1 had 50 years.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

ICAG Inc. is concerned that PAC by past experience is not independent of Planning Department. We are concerned that this PAC Panel who-ever they are will not want to meet people already impacted by Hunter Quarries and WILL be impacted if this NEW proposed quarry is approved. The community impacted are not “perceived impacts”, they are sadly real life impacts that happen to some people in the community every day. It is wrong that the RW Corkery EIS documentation down-played the impacts people have.

5-113 – No amount of offsetting for Flora and Fauna and its not a question of people trusting the “operator”. Its about what the operator/manager/boss/owner is intending to do to this bushland area/wildlife habitat area, people’s health, the visual aspects of this beautiful area. If mountains/ bushland are continually handed over. There will be no bush. No wildlife.

Hunter Quarries has separate areas all destroying bushland at the one time. To clarify Hunter Quarries is on Lot 11 over the other side of the mountain, that still remains, despite their false mapping showing wrong boundary lines. Michael wants to remove the remainder of Lot 11 and then in Stage 2 take out the mountain/cliff between himself and Hunter Quarries. Michael’s property can be seen intact from aerial photographs and must be preserved.

The closeness to Karuah Township would be getting dust from Hunter Quarries and can be heard further than properties that suffer dreadful impacts for sometime. Maps of impact are inadequate in EIS and show very clearly they are based on desk top analysis and not real-time studies and their documents need to show further impacts than 2km’s away, as dust is in areas of Limeburners Creek over 3Km’s away impacting tank water as well.

If Stratford Coal can get away with writing in their documentation that the noise produced is less than a library. The Government/public should therefore burn the EIS as soon as it comes out. As it shows that justification can be written even if it makes no sense at all in reality and this EIS from R W Corkery is no different.

A 4 metre high fence is not going to stop dust. *Where is this to be built? How are you going to stop dust at 4.5 metres and higher in wind etc.?*

**Dust monitors PM10 where are these monitors to be located? Nothing in EIS about this.**

(Table A6.1) - ICAG Inc. is also concerned that PM2.5 is being written up in the EIS that they would “used as a proxy to calculate PM2.5 concentrations”. *Really how? Using what method? As it is these particles that people breath in more easily into their lungs, how do you intend to stop this from happening?*

**Silica dust, the smaller the dust particles smaller than 2.5 are breathed in deep into people’s lungs.**

This information in the EIS does not give us comfort that all will be well. Infact as this testing was paid for by Michael Kiely. An independent dust expert would have to draw the same conclusions before the community already impacted by Hunter Quarries would feel safe living on their own properties.

**The blasting summary (Table A6.1)** “that they would be able to operate in compliance with all applicable noise, blasting and vibration assessment criteria” is misguided, untruthful and by past experience of people already being impacted, little to no comfort. All it means is another company will be impacting them at the same time of the day and night.

Then we read of page (no number) a map figure 1.1 that the total property area of Michael Kiely is “38.78 ha and the actual impact areas of Stage 1 and Stage 2 are just under 50 acres we calculated. Yet by this number the actual impacted area will be more?

*How is dust to be managed and stopped from leaving the property?* They can’t stop dust.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

*How is PAC independent of Planning when Planning staff work with PAC Commission?*

- **Blasting**

It is very obvious that blasting/dust/noise impacts are not being mitigated by Hunter Quarries Hilton Grugeon.

In the case of Michael Kiely’s “proposed project”, it will be less than ½ Km away from the Pacific Highway. People are already impacted by Hunter Quarries, so this will be x 2 if this mine proceeds to approval.

The EIS will need to show in detail, how they intend to stop any miss fires, toxic orange plumes from entering the Pacific Highway North and South, as drivers in the upper Hunter and truck drivers have experienced disorientation when driving through these toxic orange plumes.

*How is public safety going to be managed should this “proposed project” be approved?*

*What safety regulations will be used to prevent injuries?*

- **Noise**

Noise monitors (real time), situated at properties already impacted by Hunter Quarries, including Michael Kiely’s property.

ICAG Inc. understands by this Preliminary overview that a more detailed description of the project will be included in the EIS, regarding “design work, design of the specific components”.

**Noise impacts** The location and position of the Quarry will expose the residents on the southern side of the Pacific Highway to noise from quarry operations and will add further noise to the background levels. The quarry infrastructure of the quarry will be approximately 300m from the nearest resident. The noise assessment needs to take into account of the close proximity to nearby residents. Noise mitigation needs to be investigated as part of the assessment

- **Visual**

The removal of bushland, mountains, death to wildlife in record numbers going undocumented should be realised this bushland should remain intact.

*What visual mitigation processes will be in place to minimise the open cut pit and dust impacts?*

Hunter Quarries Hilton Grugeon is not doing any mitigation work of overburden dumps. No planting on the overburden dump or screening overburden or storage areas (areas of grey gravel). Too many trees were taken out which should have remained for wildlife and screening.

*How is Michael Kiely planning to ‘hide his overburden dumps’ from view on his property?*

**CUMULATIVE IMPACTS FROM HQ AND ‘PROPOSED KEILY’S KARUAH QUARRY’**

The issue of Hunter Quarries operating in the area, does not justify any reason why this “proposed Kiely’s Karuah Quarry” be given approval to operate as this ‘proposed project’/gravel mine would destroy bushland intact on this property, displace and/or kill so much wildlife living on this property currently. Hunter Quarries (HQ) is already having an impact on the local Community and people’s properties from both of Hunter Quarries locations via different forms of noise & dust pollution. This does not mean that another impacting quarry would be ok (1 company + 1 company = 2 companies/quarries) not (1) company.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**



HQ is clear-felling bushland, old growth forests, rainforest, wildlife habitat of many animal and plant species. Should the “proposed project” be approved, the wildlife that managed to escape from HQ operations into Michael Kiely’s property will be injured and/or killed. **The Precautionary Principal must be adopted and the wildlife habitat preserved “In Perpetuity” and wildlife saved.**

- ICAG Inc. Committee present at the meeting on (12 Dec. 2018 Karuah Community Hall) are disturbed along with our members and others who attended the meeting organised by RW Corkery that the cumulative impacts of Hunter Quarries and the proposed mine of Karuah South Quarry have not been done adequately or at all. **They were still not acknowledged in the EIS. Infact they wrote rubbish that this pending quarry would have no further affect on people through noise, dust, vibrations. This is absolutely ridiculous! And very hurtful to people that are impacted.**

*Our question was not answered:- How will the EIS show the impacts individually and the cumulative impacts of the quarries?* The EIS makes false and misleading conclusions and would be funny actually if this all wasn’t so serious.

ICAG Inc. question the validity of the study of the Cumulative impacts between HQ and the proposed mine of Michael Kiely has infact not been done standing on people’s properties across the highway or at the Branch side street. ICAG Inc sees this as logical and MUST be done as part of the information gathering for the EIS/EA. R W Corkery Consultants, came to visit a property impacted dreadfully by the crusher of Hunter Quarries. It was not registering with the property owner. Duralie Coal, Stratford Coal all did the same thing, when people were going around collecting information on dust and noise. Well what do you know; they either stopped production, ramped it down so low it was not noticeable. This happened with both mines during the ICAG Inc. Court Case 2011 to 2012. People told us that the peace had come back to the valley and they had forgotten how quiet it used to be. This is not fair on anyone impacted.

*It is a gross error by RW Corkery & Co. with Michael Kiely, NOT conducting a real-time-monitor of dust and noise monitors, before they proceed to their EIS submission period (with planning assistance). It should be completed before they hand in their “Preliminary Environmental Affects” incorporated into their EA/EIS before sending it on to the Planning Department. Failure to do so shows ICAG Inc. and the community that base-line data levels and all documentation on dust and noise impacts (already happening). ANY documentation to support Michael Kiely’s “proposed project” has only been done in desk top analysis and therefore is not showing the actual facts of the dust and noise impacts already present by Hunter Quarries. Failure to complete these tasks shows hypocrisy.*

Real-time monitoring of dust already in the air from Hunter Quarries, when the dust is thick like smoke wafting across the 6 lane highway of the Pacific Highway looking like a bush fire in full swing and would be more truthful and accurate if this was actually portrayed in the EIS of Karuah South Quarry.

The refusal of R W Corkery Staff at the public meeting and written within their EIS to NOT hold real-time dust monitoring, which would collect real time dust loads/suspended particles already in the air has left the ICAG Committee and our members disturbed. Swab tests of people’s properties should be done first before adding another quarry in the same bushland area.

Again for clarity, the only way that a real-time collection of data can actually be shown is to hold dust readings on many properties and localities including Michael Kiely’s property and on Hunter Quarries Property. As long as there are dust monitors that are no more than a glass bottle and glass funnel on a tripod stand which Hunter Quarries has installed which is MOST inappropriate (a joke!), we are not laughing! Yet Government Departments let mining companies/quarries get away with this type of dust monitor. Duralie Coal and Stratford Coal are the same and this must stop!

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

**ICAG Inc. left off 8-5**

ICAG Inc. Committee felt we should have been on this reference list for obvious reasons contained throughout the EIS and Volumes.

7-13 – clearing, placement, handling of hollow trees (leave them where they are intact and attached to the trees.

7-13 – threatened species management (flora and fauna) leave them alone intact, alive and thriving.

7-13 – management of the bio-diversity offset area. Gosh, where is this. This information should have been in the EIS. ***“Once secured” you don’t have an area yet? Where is this area to be?***

***The writing on these pages is criminal.*** You destroy vast areas of bushland and then you write “limiting the area of disturbance to retain as much native vegetation on site as possible. ***Really how much vegetation and where are you leaving it?***

**You destroy bushland/wildlife deaths unknown** – yet you ***“implement weed and feral animal control programmes in addressing Principle of sustainable Development”***. No you actually ***FAILED***.

***How can you destroy less than, more than 50 acres of bushland and say in the EIS page 7-13 under Identification of Project Objectives “safe and environmentally responsible manner”?***

***What about the project components, safeguards and procedures set down to realise that a quarry in this area of bushland, any bushland should not happen any longer?*** You could NEVER mitigate the Heritage Value of this property, old Growth Forest trees 200/400+ years old. No amount of bio-credits, bio-banking, offsetting, will ever give you the same value these trees, bushland, wildlife, rainforest is actually worth intact, alive and left alone.

***As ugly as this all is, the EIS FAILED to explain any of the above. It failed to explain where the offset area will be for 400 year old trees. It failed to explain how big the offset area is, where the location actually is. This should have all been done BEFORE THE RUSH TO APPROVAL. Yet sadly it has not.***

***What about the irreversible damage to environmental resources of the natural resource kind?*** Our Bushland, our Wildlife, our creeks, River systems and the Value on these natural Environment Systems cannot be bought off by paying a Government Department and/or Council. No amount of money can pay for destroying or polluting the natural environment.

***7-13 rehabilitation and subsequent landuse –***

ICAG Inc; rebuke this false and misleading, display of ugliness for the natural environment, “a useful legacy for future enterprises”. ***What enterprises?***

***A rubbish tip to dump 400 years worth of rubbish like the trees destroyed?***

***Maybe water theme park like Duralie Coal?***

And the best ugly bit for this paragraph:- ***“the value placed by the Applicant on both the Commercial and ecological elements of the site”***. ***No actually complete wildlife extinguished along with their bushland and habitat, polluted air, water and noise pollution and the loss of 200 and 400 year old trees. Shame! Shame! Shame!*** ICAG Inc. states the obvious. ***Within the EIS and seek to do this much damage regardless of whether its private property, ‘value to ecological elements of the site’ was not clearly written in the EIS how you intend to do this? 200 & 400 year old trees values is greater than a quarry.***

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***“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”***.

**To clarify:-** Both Hunter Quarries mines can operate (independently)/separately or together. Impact to bushland removal, wildlife injuries and death continues as these mines remove virgin bushland that was spared from farmers clearing and logging now is being ruthlessly removed because we believe HQ is able to remove themselves from their obligations to Michael Kiely and therefore started another quarry. All the while more bushland is being cleared all at the one time. Michael Kiely speaking out against the 2<sup>nd</sup> gravel mine for Hunter Quarries across media outlets, and Government Departments, has ‘jumped onto the mining band-wagon’, in seeking to open up his property in opposition of Hunter Quarries.

ICAG Inc acknowledges that mining, quarries, extractive industries and big development class themselves as “state significant”. ICAG is aware as well as the ‘switched on community’, that this ticks the boxes for Government and moves mining “proposed project” approvals quickly through the Planning Department processes. However ICAG Inc. as a Community Environmental Conservation group for and on behalf of our membership and the wider community, this goes without saying that our natural environment, our wildlife, their habitat and our precious natural water sources, creeks and river systems including the Karuah River to Port Stephens are under direct threat of impacts (slow and fast) depending on the location of the impact with complete removal of the natural environment should this “proposed project” be approved.

For the record ICAG Inc therefore continue to lodge our objection to this “proposed project”.

ICAG Inc. has further comments to make and feel that our questions were not adequately answered and better still adopted as going to happen.

- Development “proposal” will clear and/or impact drastically 21 ha just approx. 50 acres of natural bushland, wildlife habitat and injure, displace and kill wildlife living in this area.

*How does Michael Kiely propose to rescue nesting wildlife or what wildlife groups will be present during this process in the almost 50 acres of bushland to be cleared from this “proposed project”?* Not answered.

*How does Michael Kiely propose to assist ALL wildlife to be rescued and removed safely before bushland trees are felled to the ground? What wildlife groups will be present?* Not answered.

*Question: How does Michael Kiely propose to “mitigate almost 50 acres of bushland and wildlife habitat that will be cleared, should the ‘proposed project’ be approved?* Not answered.

ICAG Inc. refuses to accept that this project is in the best interest of the majority of people for our environment. When individuals and community groups are involved in river care projects, Legislation prevents us from clearing any more than 10 metres at a time. This is so that the small birds that can’t fly distances can fly to the uncleared bush area and the reptiles, frogs; other wildlife can therefore be monitored in a slow progressive land clearance. Keeping in mind that River care and Landcare projects do not generally clear-fell everything in a bushland area and turn it into an open cut pit/mine/quarry.

*Is Michael Kiely proposing to clear his bushland slowly to allow wildlife to realise that their habitat is reducing in size.* This question has NOT been answered.

*Is Michael Kiely having all nest sites in bushes and trees documented so that these nest sites can be checked before this area is removed for all time?* The tree giants should be left alone and standing.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

**To clarify:-** It was actually the Planning Minister at the time who passed the approval process across to the ‘independent Planning Assessment Commission (PAC) for their approval. A Panel of (2) PAC personnel ran a public hearing at the community hall at Karuah on Tuesday 20<sup>th</sup> May 2014. So therefore PAC approved Hunter Quarries Karuah East Quarry not the Planning Minister. R W Corkery & Co. therefore need to amend your records accordingly please. **This mistake was not acknowledged.**

***How many customers in Sydney would take gravel from this “proposed project” at Karuah?*** The 5am start time is unacceptable with disturbances to properties already impacted by Hunter Quarries operations. Using Sydney customers to justify the 5am start time will be at the expense of the local residents already impacted by Hunter Quarries. This also sets up a precedent for Hunter Quarries to change their times of operation. **ICAG Inc. is still not convinced that this would not happen.**

***How does Michael Kiely’s proposal see a 5am start time to be fair to his existing property owners?*** This question not answered.

Why should people in the community suffer and accept the attitude put across to people at the public meeting in December “that the traffic will be better and to get the resource to our customers”? When in reality we question the impacts to local properties Vs profits in Sydney should be travelled down the highway in line with Hunter Quarries starting time.

ICAG Inc reject Consultants comments that traffic noise on the Pacific Highway is the same as and = quarry/mining noise. It is obvious that quarry noise is much louder in all parts of their operation, constant and sounds like a hovering jet plane (crusher), truck loading, crashing and thumping. This noise exceeds people’s tolerance. These types of comments are unfair, rude and unrealistic, misguided, deceitful.

- ICAG Inc. believes the above is unfair, and the timeframe is too early for a 5am start. We also worry that this will ultimately set a new precedent that HQ can also have their times extended.
- Keeping in mind that people generally do not want to have a mine impacting their property, house/home, making them sick, disturbing sleep, impacting their animals, or seeing a natural environment being removed by bulldozers, loggers, wildlife hunters/shooters or watching local creeks, rivers turn different colours from these mining/quarry impacts.

ICAG Inc. could not understand the wrong boundary line on maps. This was our conclusion. Yet the EIS continues to show wrong maps with a wrong boundary we believe they are trying to insinuate that as it is a degraded property.

It appears that Michael Kiely has allowed Hunter Quarries to come onto his land by 1/4 in an area where ICAG Inc. representatives walked with Michael who at the time (was disturbed at the rock rubble coming onto his property and the star pickets that had been knocked over).

We are not aware of Hunter Quarries applying for a MOD over the last year or so to take them onto Michael Kiely’s place.

**Our questions are:-**

- 1) Was there a Hunter Quarries (MOD) that we were not notified of to remove the ridge and tree line?
- 2) Was Michael Kiely pretending to be annoyed (2013/14) when in reality he knew what was happening?
- 3) Has Michael Kiely given HQ approval to access more of his property (1/4 of his property)?

**NOTE:** Considering ICAG Inc. is a major objector to Hunter Quarries. This act of moving forward (north) has also impacted Halloran Road residents of North Arm Cove in dust, noise and visual impact.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**



*ICAG Inc. wonder when Michael Kiely went from being disturbed of Hunter Quarries impacts to his property in 2013-2014 to allowing Hunter Quarries to mine onto his property at Lot 11 DP 1024564 from Lot 21 DP102456 and concerned about the bushland, flora and fauna.*

*ICAG Inc. wonder when Michael Kiely went from speaking against Hunter Quarries (Mine 2) in 2013-2014 and speaking at the PAC meeting as an objector, to seeking to have a mine put onto his remaining bushland/rainforest property now in 2019?*

In this area the bushland has been removed which means that the remaining property of Michael Kiely’s becomes even more significant and valuable for wildlife, bushland, rainforest, creeks systems to Karuah River Port Stephens.

**To clarify:-** Michael Kiely always stated that HQ could remain where they were (mine 1 of HQ) on his property where they were currently for another 50 years or more, if that is they continued to pay him the royalties due and he felt that HQ was not paying him the royalties for the gravel coming off his property. Hunter Quarries Hilton Gruegon, bought land further down the road (north Pacific Highway Mine 2) and was given the necessary approval in 2014 from PAC and can now operate independently of Michael Kiely. They can also run each quarry/mine independently of each other.

**Halloran Road residents and our natural environment lost again** when the second HQ mine was approved removing Michael Kiely out of contact with Hunter Quarries. ICAG Inc. is very aware as is the community impacted by Hunter Quarries already. Sadly at the expense of our environment, bushland/wildlife, and natural water sources and known Koala habitat areas lost out when (HQ mine 2 was approved) by PAC in 2014.

However ICAG Inc. continues to state the obvious regarding mining companies that as they are self-monitoring, self-regulating. The Government should be in control of all mining companies. This would stop mining companies from not paying their due royalties.

*Who in Government checks that mining companies are complying with their conditions of consent?*

*Do they have more than two (2) people to cover the whole of NSW?*

*If HQ can remove themselves from paying royalties to Michael Kiely, is Hunter Quarries paying the State Government their true royalties for their approved mine in 2014 or any of them?*

*Who in Government is watching mines closely to make sure that they are infact paying the royalties due to Government and indirectly the ‘people of that State’?*

It is also obvious to ICAG Inc., members and local community, that Hunter Quarries is stock piling the grey gravel. *Why is HQ stock piling past the height of trees?*

*Why is Hunter Quarries mining out a resource and stock piling it (mine 1), which can be seen clearly from Pacific Highway and other properties.*

How much gravel HQ mines out is only known to them? Michael Kiely says HQ is not paying his due royalties. *Can HQ therefore be trusted to pay the State Government royalties due?*

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

On the news recently, a Mining Company had been found to have not paid Government Royalties. This is sadly not a shock to ICAG Inc. Committee due to mines being self-governing, self-reporting of environmental (illegal) discharges, self-monitoring (dust, noise, environment, wildlife, water) where all mining impacts remain “unlikely, insignificant, minimal”, while monitoring the tonnes of material being mined/quarried and paying the due royalties is “the fox guarding the hen house”.

**To clarify:-** Hunter Quarries - Karuah Hard Rock Quarries has not reduced or stopped production of the mine despite R W Corkery using this reference (source Table 9 Hunter Quarries AEMR 2016). This mine’s licence (mine 1 HQ) is valid till 2021 and despite R W Corkery documentation stating this mine has wound down is actually wrong. HQ (mine 1) was in full production in December 2018. Our Secretary visited a property in December and she said it sounded like a jet plane hovering in the sky. When the property owner came and saw her looking up, she was advised that was the crusher of Hunter Quarries mine 1 and she was advised “it was less than half strength/capacity”.

**The Consultants conclusion is wrong and their documents need to be amended immediately** as it has no basis of fact other than we believe to misguide the public and Government Departments into wrongly assuming that this mine is winding down or has stopped production. Clearly this is FALSE and shows that (mine 1) is still very much in full operation and the noise our Secretary said was deafening. It could be heard over the TV with the windows and doors closed. Yet she got to leave and go home away from the endless noise, until HQ stopped production for the night.

*How is this fair to have this sort of noise, industry forced on people living on their properties?*

*How does Michael Kiely plan to stop his mining/quarry impacts from affecting people?*

ICAG Inc. Secretary and Committee have been advised and noticed personally that during the advertising and attendance of the two meetings of R W Corkery & Co., the production of Karuah Hard rock production was ‘ramped down and the noise and dust impacts’ to the local community properties impacted from HQ from their licence extension to operate had been drastically reduced during this time.

ICAG Inc. does not see this as a co-incidence, as sadly we have witnessed this with both Duralie Coal and Stratford Coal during Court hearings in 2011 to 2012 and during ‘campaigns of community awareness days’. The similarities of these mining companies/gravel mines to go quieter is we believe a ‘mining ploy’, falsely showing that they have no impact of noise or dust on the community, when in reality, truth and fact it is the complete opposite.

- Resource: is written as “at least 80m thick. The EIS needs to actually stipulate and define the actual thickness not a guessed thickness.
- Disturbance discrepancy is reading as 12 ha. It is almost 50 acres of disturbance.
- The EIS needs to show and define in detail what type of screening is being talked about on page 2. Is this screening to be used to stop people seeing what has happened on this property? Or stop dust? Of hide the crushers?

**Note: The crusher MUST be put in a contained building reducing noise and dust emissions. Hunter Quarries documentation stipulates they must. They have not. Then last year (mine 2) they were breached for not complying.**

ICAG would suggest to Michael Kiely and R W Corkery that any further documentation produced for EIS shows implementation of a full coverage of all the crusher equipment whether they are portable or not. ICAG Inc. will request this happens as one of the Conditions of Consent, should the “proposed project” be approved.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

*Does the screen stop dust and particulate matter of PM10 and PM 2-2.5 or is it visual screening?*

### **Hours of operation**

- Operation hours should be on line with Hunter Quarries. Monday to Friday 8am to 5pm. Not 6pm finish, not 7am start or 5am start. These times are unacceptable.
- Operation hours should NOT start at 7am weekdays or weekends (Saturday).
- Transport hours should not start at 5am in the morning on any days or Saturday.
- Maintenance operations need to be clearly defined in the EIS for us all to understand just what is to be done and what types of noise will be made 24 hours a day, which we feel is unacceptable to operate 24 hours a day and again sets an alarming precedent.

*When do people sleep undisturbed by Michael Kiely’s proposal?*

- **Key Environmental issues not mentioned** e.g. Rainforest, old growth forested areas with trees 200 years old & 400+ years old, wildlife, natural environment, creeks, river systems to Karuah River to Port Stephens, health impacts, sleep disturbances, noise/vibrations, dust, truck movements, littering rubbish, dropping gravel and chunks of clay through to along the Pacific Highway (HQ). Visibility watching the mountains being removed, surface water, dirty water holding dams overflowing, creek to river discharge impacts. Including minutes re-edited version in red from ICAG Inc. of driveway meeting 19<sup>th</sup> November 2018.

*What makes up \$15 million Capital Investment Value?*

*Will that make any difference to the Government royalties, or is this just written to sound impressive?*

*Is \$15 million correct or an inflated reason, and if inflated for what reason?*

### **Definition of Footprints (page 4) 3.3 Environmental Statement not answered**

“Infrastructure is sufficiently advanced based upon a range of technical and practical factors”. This is a big statement to make. Further details need to be advised what you mean by “technical and practical factors”.

*Does this mean physical buildings or desk top analysis (infrastructure)? Explain sufficiently?*

*Does this mean that your definitions are advanced? Or are you trying to obscure meanings by a volume of words, written to confuse people.*

In the PEA “so that the most suitable location for the processing, maintenance, stock piling and ancillary project components are selected” and “emphasis will be placed upon locating the project components in a manner that minimises noise, air and visual impacts”. **Yet Consultants stated verbally at the Karuah public meeting 12<sup>th</sup> Dec. 2018 that you will not be covering your crushers in a building to reduce/remove any noise/dust impacts. Why are you not taking the opportunity to reduce impacts?**

In your document Preliminary Environmental Affects:- “project components in a manner that minimises noise, air and visual impacts as well as minimising encroachment on ecological communities (EEC’s).

*How do definitions within your documentation solve actual problems?*

*How are you going to provide a suitable solution to all the above?*

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

*How are you going to minimise noise pollution, air pollution, when the Consultants have stated there will be no buildings over the crushers?* When in reality this is a large part of noise and dust produced from any gravel quarry/mine. You are all unable to dispute this fact. So should you be approved, have them enclosed.

*Minimise encroachment on ecological communities which needs to be clearly shown in the EIS which ICAG Inc. believes was not achieved.*

- **To clarify:-** Make sure that part of this infrastructure development **schedule (3.5)** also includes housing crushers in suitable buildings to reduce noise and localise dust on the property, should the ‘proposed project’ be approved.
- **Further details (3.6)** on what you actually mean and how do you intend to manage “impacts upon various components of the environment within and surrounding the Project Site”.
- ICAG Inc. and Community have been advised that Stage 1 and 2 are being done at the same time and seeking approval for both.
- **3.7** – The fact that there has been no real time studies of dust and noise impacts, base line of air quality and impacts from Hunter Quarries Vs when Hunter Quarries is not operational would give you a true baseline of suspended particles in the air during operation to reduced or non-existent dust particles in the air if there is no wind blowing across the overburden dumps that are all un-retained and have not had any form of “planting or covering put on them”.
- **Stage 1 and 2** need to be shown together in the EIS as MK is seeking approval for both, which is different to the Preliminary Environmental Affects in places.
- **Operational Scenarios** are based on desk top analysis and **MUST** be done in real time monitoring for dust, noise etc. Desk top Analysis does not show the actual noise, dust/air quality and visual impacts.
- Michael Kiely showed ICAG Inc. representatives and members of the Halloran Road Community Group core samples done from some time ago, though recollection of where these samples had been taken is now unknown to us

*Is the area to be offset 10 metres from the boundary of Lot 11 Eastern and Western side going to be overburden dump, a void with steep sides needing fencing?*

*Is the offset 10 metres natural bushland to be kept for any surviving wildlife that will be pushed into this area of bush?*

*Is the 10 metres offset to be left there permanently or in-time be quarried as well?*

*Will you maintain a wildlife corridor to stop areas of remaining bush becoming a closed system?*

*Is the 3rd section of Michael Kiely’s land the bottom right hand corner going to be put in “Offset in Perpetuity” thereby protecting this area of swamp/bushland area?*

If Michael Kiely has (all his property is better) and should the “proposed project’ be approved (the area of his property he is not planning to impact in the Stage 1 and Stage 2 Development (seeking approval together) leaving the right hand corner of his property with no identifying factors as to what this land is

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being left for (‘Offset in Perpetuity’) would protect this bushland/swamp area from impacts present and in the future and prevents this part of Michael Kiely’s property from being developed into a Stage 3 quarry development from him or anyone else he may sell his property too.

ICAG Inc. Committee has been asking what this parcel of land/wetlands/bushland/rainforest is for? To date we have not been advised. This MUST be written up in your documentation (EIS) for the purpose, use, and this area needs to be protected from any form of mining impact and/or discharge event by signing over to “offset in Perpetuity”.

*What does “current limit of extraction” mean?*

*Could this mean that Michael Kiely or who-ever could do a “stage 3 development” in time Or seek to apply for MOD’s to increase extraction capacity?*

#### **4.1.3 Environment of Assessment ICAG Inc. not satisfied EIS covered these issues**

- This “proposed project” of Michael Kiely’s is a NEW MINE. As such anything he does to this property is an impact. The entire area is sensitive, bushland/trees, wildlife, rainforest areas, creek systems running through his property seen by many people including representatives from ICAG Inc. Despite Consultants stating there were none.

*What happened to the creeks on Michael Kiely’s property?*

*Has Michael already started his clearing process ahead, of a pending approval?*

*Visual amenity of the surrounding area, what does this mean? Anything done is a visual impact.*

- Regardless of where gravel customers maybe, the impacts to the local community/environment are greater. The environment/community impacted should not suffer at your hands Michael or anyone’s. Also with 5am starts, producing a noisy, dirty quarry/mine and the cumulative impacts of one quarry/mine impacting people and should the ‘proposed project’ be approved, it will become two quarry/mines in this same area, producing noise and dust impacting people from a second quarry. Sadly this continues to show ICAG Inc. and the Community what an ugly process this is and “for the select few at the expense of everyone and everything else”. People suffer and become sick. Our wildlife dies. The mentality/robotic drive without any concerns from mining companies/quarries personnel as they continue through their process with Government Departments (of many) eager to give them a hand to approval. Despite the permanent consequences of their involvement of the impacts to people and our environment is more than shameful.

*How do you justify this type of impact on environment/wildlife/waterways and people?*

#### **4.2 – Regional & Local Context – Land Use Constraints**

ICAG Inc. is pleased to see under the heading “Land Use Constraints”, that (a small) acknowledgement of the fact that this property of Michael Kiely’s has **“not undergone significant clearing”** under his ownership. And therefore is an intact ecosystem/wildlife habitat. ICAG Inc. representatives walked with Michael in the most beautiful bushland to look down on HQ pit. ICAG Inc. only realised last year on Consultants documentation this area of land and how much has been removed by HQ and Michael’s knowledge is unknown to ICAG Inc. Grief for the loss and wildlife deaths undocumented in what is/was beautiful and intact bushland on this ¼ of Michael Kiely’s property, while the rest of the bushland on his property ¾ is intact. As stated this parcel of

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land for conservation becomes more important and therefore must be put into “offset in Perpetuity” for the remaining wildlife that live on this property.

ICAG Inc. reject the insinuation that this property by being “selectively logged historically” does not reflect that the bushland has fully regenerated long before all of our life-times, including the 400+ year old trees some 50-60 on this property of Michael’s alone were left as seed trees and therefore were spared being felled ICAG Inc. believe. As such these trees being of this age and having survived storms/fires and all of this are now falling victim to greed and disrespect to ages of trees/ species that should be protected NOT destroyed by Michael Kiely’s plans of removing these remaining (giants) trees which have been seen by ICAG Inc. representatives and Community attending his property on numerous times. What a sad day if Michael Kiely has not protected all these trees to remain tall and proud and continue to supply food and shelter for the abundant wildlife that live in these hollows, on what was the majority of this property unspoilt bushland/rainforest/swamp land for Flora and Fauna.

ICAG Inc. see in your documentation acknowledgement of people living in close proximity to Michael Kiely’s property and you have acknowledged impacts (noise, air quality and visibility), though ICAG Inc. rejects your ploy to deflect your actual impacts as being no different to the Pacific Highway “it is noted that the major transport corridor of the Pacific Highway is situated between the project site and most of the nearby privately owned residences”.

The EIS has failed to acknowledge that this industry will impact people noise, dust, vibrations and will kill our wildlife and will remove bushland.

**There is a HUGE difference between quarry/mining noise/open cut gravel mine/crushers/equipment/loading of trucks, dust, removal of bushland and wildlife deaths, polluted water sources including people’s tank water etc. to vehicles on the Pacific Highway. This continued reference (pacific highway) throughout your documentation must stop. This continues to be offensive to ICAG Inc. on behalf of the Community that ARE impacted by Hunter Quarries. Michael has even sat around people’s tables in their homes. He knows these people and the impacts they are suffering under Hunter Quarries. Michael allows documents to be written in this way to further his cause, even if his argument (Quarry Vs traffic noise) is baseless. Though it shows ICAG Inc. once again how the mining industry will use whatever comparison they can to prove their ‘mining venture’ has little to no impact on anyone or anything. The factual reality is however the complete opposite.**

While Hunter Quarries (quarry 1) and (quarry 2) operating independently. Then the ‘proposed project’ of Michael Kiely (proposed quarry 3). All producing dust, noise, waste water discharge, destroying bushland, killing wildlife, impacting people and making them sick, contaminating their air inside/outside their homes, contaminating their drinking water, disturbing their sleep, disturbing their peace and tranquillity and enjoyment on their own properties. Noise can be heard in people’s houses with the doors and windows on and TV on loud. Vibrations/crusher noise vibrates people’s homes and particularly when gravel mining ramped up their productions as Hunter Quarries, sounds like a jet fighter hovering above people’s house. *How is this fair?*

**NOTE:** The actual constraints are impacts on wildlife and bushland as it is removed and impacts to people as above while there are many other examples of impacts. ICAG Inc. will discuss further during EIS submission period.

**NOTE:** The other industries to be impacted by these gravel mines discharge events or allowing ground water to run into nearby creeks that run directly into Karuah River are the Oyster Farmers who also have an industry that needs clean water without suspended dust particle, explosive residues

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

contaminating this water and therefore impacting their Oyster Industry and the Tourism Industry who also needs clean water in Port Stephens to hold the various tourism/leisure pleasures of Port Stephens who also need a clean water environment, healthy aquatic/marine life, not dead wildlife floating down the river because their gills are filled with suspended dirt/quarry particles or episodes of dead oysters again. ICAG Inc. will submit further details during the EIS submission period.

As you are seeking full creek discharge for this ‘proposed project’ You will need to provide a substantial amount of documentation to prove to the general public why you should be given the right to pollute your property/creeks and Yallimbah Creek/Karuah River to down-stream users of Port Stephens in the EIS. If you are seeking to do this (pollute water) then this must be documented down in the EIS in detail. Also for records and history, so people know who is also responsible.

The conflict between Michael Kiely and Hunter Quarries is what produced (HQ 2) and now Michael Kiely is “jumping on the gravel band wagon”. Michael put his name to a letter containing ***“We feel very strongly that it is the Department of Planning’s duty to minimise the impact on the environment, to keep big business under control, not to maximise their profits at the expense of the environment and in general the people of NSW.”***

Your documentation ICAG Inc. will discuss further in the EIS submission period, however you state “reduction in water quality of downstream watercourses as a consequence of the discharge of sediment-laden runoff” and “It is noted that mitigation measures would be implemented to avoid any such discharges”. **No amount of “mitigation measures” will prevent disaster or for downstream environment/users. Except however to stop the project from proceeding any further and “Offset in Perpetuity” the entire remaining property.**

***Explain to ICAG Inc, our members and Community, down-stream users and other industries (not mining/quarries), how your mine will not impact these down-stream industries, when you are willingly and wilfully seeking creek discharge to run your water (ground, dirty water holding dams, bunded areas, creek discharge via diesel pump via pipes, or removing water out of the pit with contaminates fuels, chemicals, oils, diesel, explosive residue?***

***How would any of this above be alright to discharge out to Port Stephens area via creeks, Yallimbah Creek/Karuah River?***

***Why would anyone want to be responsible for impacting Yallimbah Creek/Karuah River Port Stephens/Marine Park?***

***Why would anyone want to kill wildlife in a mass extermination of all wildlife species on this property?***

While the location of ‘proposed project’ is not near Grahamstown Dam, dust also flies on an Easterly breeze to infinity. It could very likely be depositing itself on the dam water surface. Known scientifically now that Silica is present in quarry/mines, and causes harm to people’s lungs etc. and drinking the dusted laden silica we could imagine would not be beneficial or healthy either to people or their animals (see note below).

**NOTE:** People are on tank water already impacted by Hunter Quarries. Should the ‘proposed project’ be approved Michael Kiely will need to NOT impact these people with his dust. Capped tanks, water diverters, sound proofing, air conditioners with an endless supply of filters, sink filters for tank water with an endless supply of filters for drinking water, and supplying costs incurred to have the tanks filled up with potable water at Michael Kiely’s expense, sound proofing homes etc. are only some of the things that should be done if the ‘proposed project’ is approved. This would show Kiely’s Karuah

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Quarry’s CEO is actually concerned for the community, having battled against Hunter Quarries (quarry 2) previously 2013-2014.

ICAG Inc. disputes the use of the Pacific Highway as an excuse to your ‘proposed mining venture’. As Creeks on Michael Kiely’s property run creek water, ground water they run into lowest places on his property and then eventually find their way under the road bridge into Yallimbah Creek/Karuah River to Port Stephens.

We dispute your “currently no significant practical water constraints identified”. ***Please explain what you mean by this statement? We believe to be false.*** There are swamps and creeks on Michael Kiely’s property. We will discuss further in submission period of EIS.

ICAG Inc. dispute and are offended on behalf of the environment, creeks, rivers and Port Stephens area that it appears to us you class this area as “there are currently no significant practical water constraints identified”. When in reality Michael has many creek systems on his property and water also makes its way off his property down-stream, which would then take suspended dirt particles and contaminates directly into ecosystems that should not be tampered with, no amount of mitigation process can protect these systems completely, unless the “Precautionary Principal” is adopted. Any risk and there are major risks for everything on his property and downstream, should not happen at all.

**Protection of Lowland rainforest in NSW North Coast and Sydney Basis Bio-region** - The ‘proposed project’ impacting the above rainforest should not happen. As each approval is given and more Fauna/Flora is removed off Government Lists that should be there to protect these plant and wildlife species.

We dispute that there is no threatened, vulnerable and endangered species living on Michael Kiely’s property to be discussed further in EIS submission.

Koalas are territorial and have a certain area they travel. It should be obvious that as bushland is removed so do their area and tree species. **Koalas that live on Michael Kiely’s property are a valid reason why this bushland should remain in “Offset in Perpetuity”.**

***How do you intend to “offset requirements” of bushland to be destroyed, including the rainforest to be destroyed, including the swamp area to be impacted?***

***Where are you intending to offset all the above?***

***What about the Black Eyed Susan?***

#### **Regional & Local Context – Economic Constraints and Opportunities**

ICAG reading this makes comment: As Hunter Quarries has two (2) gravel mines operational in the same area. Kiely’s Karuah Quarry seeks to be “in opposition of Hunter Quarries”.

And all mining companies write about all the jobs that will be supposedly created.

To class mining/quarries that destroy everything permanently are “growth industries”, when in reality Tourism is a growth industry and if managed can be sustainable indefinitely without the entire environment being removed and wildlife deaths, impacts noise/dust and impacts to natural water-sources by mining/quarries a definite.

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Hunter Quarries drops all their rock, clay and gravel all over Blue Gum Close from entrance to on the complete S Lane length to go south on the Pacific Highway.

ICAG Inc. has been advised that gravel fell out of a Hunter Quarries truck and broke their windscreen; they were told that Hilton of Hunter Quarries would pay to have it fixed. ICAG Inc. has been advised that he did not pay.

*How does the community be protected from ‘drivers in trucks’ that have things fly out the back?*

*Port Stephens Council, how is this Council to benefit from “further economic diversity”? Explain fully in the EIS.*

*How is Kiely’s Karuah Quarry going to stop contaminates from leaving his premises, should his “proposed project” be approved? The EIS will need to contain full details of this.*

#### **Regional & Local Context – Permissibility**

ICAG Inc. states again, you cannot carry out “appropriate management and mitigation measures to avoid or minimise the potential for impacts”. In reality impacts are immediate, to the natural environment being cleared, our wildlife, the impacts are accelerated depending on what area is being cleared. The consequences of these acts are everlasting.

ICAG Inc. is disturbed that Consultants met with Council and yet Council (Great Lakes Council) now Midcoast Council does NOT meet the people that are already impacted or will be impacted by a ‘pending mine/quarry’. Midcoast Council since ICAG Inc. formed in 2006 has NEVER written a document speaking out against mining impacts to the environment/wildlife or impacts to people. Though verbally Council staff have said “they must be autonomous” and encourages community groups to speak up. This is why bad things happen to our environment, wildlife, people, because so many Government Departments are stopped from speaking out, knowingly writing reports that ‘sign and seal the deal for approval’. For the Councils, Councillors of other Councils that have spoken out of the mining issues/concerns they have and their Communities they represent (they are out there over this time) we salute you all! Midcoast Council/Port Stephens Councils MUST reject this mine proposal.

#### **Regional & Local Context – Permissibility**

There is a very big difference between “agriculture” and the loose term on “industry” that could be Oyster Industry, Tourism Industry, and Commercial Fishing Industry.

Then there is mining/quarries is in a category of their own. Because these industries remove everything in their path and it will never be the same again. Open cut mining/quarries destroy everything and have nothing to do with agriculture, oyster, tourism or fishing.

#### **Regional & Local Context – State Planning Matters**

ICAG Inc. state that this MUST be a “Controlled Action” as the impacts to bushland, wildlife, rainforest and down-stream Yallimbah Creek, Karuah River to Port Stephens must if this proposed project is approved it MUST have “Conditions of Consent”.

All mining/quarries utilise Part 3A “state significance” terminology, to assist and further their approval chances.

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**“ICAG Inc. objects to impacts on natural water sources/environment, bushland removal by mining, developments, extractive industries and quarries, where our wildlife suffer injuries, death and life extinguished”.**

ICAG Inc. for the record states:- As no one we believe really checks documentation presented, or checks their figures and accuracy of the resource or even if the resource exists in the quantity they say is which (if approved) becomes everyone else’s reality, fear, stress and impacts this approval will cause them.

Also all documentation of this “proposed project’ will need to base their documentation individually and cumulative impacts:- This needs to be shown in detail in the EIS. Both mines in this area individually and together cause impacts and must be listed. We suggest side by side (example only) so that it is obvious to everyone what the impacts are (HQ) and what they will be (desk top analysis of MKKQ).

- Our environment is more important, intact and not polluted than the mining, petroleum, extractive industries 2007.
- Our wildlife/habitat areas are more important, intact and not injured, killed, habitat felled.
- Compatibility:- “proposed extractive industry with other land uses” – down-stream users as per above already listed is NOT compatible.
- Natural resource management and environmental management. Actually wildlife/bushland loose out completely, therefore there is NO environmental management if this proposed project is approved.

Resource recovery – How many Gravel mines need to be in one location and all operating at the same time and destroying large vast areas of bushland, rainforest, wildlife habitat all while being up from Yallimbah Creek/Karuah River to Port Stephens.

Rehabilitation – **How?** No one can put back mountains, bushland/forests and have wildlife that died through injuries, direct death results of tree felling/clearing or dying of displacement and food loss.

Our submission to EIS will in detail to Legislation supposed to protect wildlife and will write against these 5 Legislations in detail in our submission (page 14). These legislations should protect the flora and fauna yet sadly do not. Though for the record and as mentioned Koala numbers are decreasing due to developments such as mining removing their habitat and turning areas into quarry/mining pits. Koalas live on Michael Kiely’s property and their habitat should be left intact and without any further environmental impacts.

We see too often areas of land being degraded, rezoned to allow the tick boxes of mining companies and Government to be done. To remove wildlife, bushland and rainforest areas and is only too clear what will happen to these areas if the ‘proposed project’ is approved.

***Why not leave all of the above alone Michael Kiely and “Offset in Perpetuity”? This would be to the greater good of everything on this property, to cherish property such as this one, instead of having a continued hand to plunder it.***

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The processing plant is fixed (5.2), yet we believed the crushers x 3 were mobile. The EIS needs to explain in detail what this means. ‘Vehicle emissions and overall disturbance of footprint of Quarry’, makes it sound like there will be no impact. There will be many impacts, more than just ‘little, small, insignificant, minimal, unlikely, disturbances’ as your document suggests.

*Where is the “sediment-laden runoff that maybe generated from the stockpiles” going to go?*

## **6. Preliminary Environmental Impact Assessment**

*Why is there no mention of Yallimbah Creek in your documentation?*

*List all the Creeks by name that your project will impact should approval be given?*

*Figure 6.3 – references “tidally influenced Karuah River/Port Stephens System – How are you going to stop this area from being impacted by your ‘proposed project’?”*

*In the EIS you must clarify ‘Cumulative Impacts’ (page 17), why have you not done (real-time studies) todate - dust and noise monitoring of Hunter Quarries?*

*How are you planning to show ‘Cumulative Impacts’?*

*How do you plan to “simulate the impacts of Kiely’s Karuah Quarry” and the impacts they will have?*

*How many trucks will be leaving the ‘proposed project’ site each day?*

The truck impacts from Hunter Quarries are varied.

*How do you seek to be any different?*

### **ICAG Inc. has taken this from Environmental Impact Statement submission as we remain concerned.**

“In late July 2017 the Consultants from R W Corkery & Co. Pty Ltd, letterboxed dropped 18 properties seeking their input to those issues of interest to them that they would like to be addressed in the EIS. To date, no responses have been received. In light of the absence of response to the mail-out, the Applicant intends to make direct contact with as many local residents as possible during the preparation of the EIS.”

ICAG Inc. spoke at length on the phone, email and in person to R W Corkery staff, as to the concerns we had with the above statement being in documentation. It appears to us by this statement that the consultants had ticked their box for community awareness and with no responses that was it. Though for whatever reason the 18 mail outs got no response was put in detail in an email from ICAG Inc. Secretary to R W Corkery & Co. staff as to concerns ICAG Inc. had and potential reasons. It was also to have identified for them where this area/location of mail outs had gone, so they could assist the community to understand the importance and significance of receiving this type of documentation in their mail boxes. We also wanted a copy of the document which did not come to us for sometime and asking for it across emails or phone calls.

Moving forward, at the request of ICAG Inc. members and community representatives a quick driveway meeting was held with ICAG Inc. contacts that could make it at very short notice. From that driveway

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meeting (Nov. 2018) a suggestion to hold a public meeting 12<sup>th</sup> December 2018 at Karuah Community Hall to notify the community further, which was supported by everyone from the community that attended. R W Corkery Nick/Caiden/Rob organised.

The people that did attend (majority) were also therefore representatives of a wider community that could not attend, though are impacted by Hunter Quarries and will be impacted in some way by the ‘proposed project’ should it be approved; even if knowing/seeing bushland clearance meaning death to wildlife by Kielys Karuah Quarry if this proceeds is damaging enough to people in the Community.

We would have liked to write against everything Committee tagged in the EIS as it is MOST alarming.

Nothing we read gave us any confidence that this project would be of benefit to the majority of people that will be impacted, nor to our bushland, wildlife that will be killed in the process.

We request that as this project will cause MAJOR AND SIGNIFICANT HARM, death to Fauna species and Flora species, that this project is refused. The impacts to people already suffering under Hunter Quarries must not be accelerated by other companies and Hunter Quarries should be made to cover their crushers and not be granted any further ability to remove further wildlife.

Yours faithfully  
Ironstone Community Action Group  
Amanda Albury  
ICAG Inc. Secretary  
Ph: 0403 645 521