

From: [REDACTED]
Sent: Monday, 15 October 2018 12:45 PM
To: Gen Seed <genevieve.seed@planning.nsw.gov.au>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Brandy Hill Quarry Expansion Project - Response to Submissions

Attention Genevieve Seed
NSW Department of Planning and Environment.

Hi Genevieve,

Thanks for the notification below. While BHSAG has not yet had time to fully read the RTS, our initial conclusions are that Hanson continues to ignore community input, and has not made any changes to its quarry expansion proposal to mitigate our main concerns. While it may seem that Hanson has fulfilled the requirement for consultation, it is clearly evident that our concerns were never going to be addressed. In other words, Hanson's CCC and consultation process has failed the community. While there are some changes to the proposal in the RTS, all changes are to meet rules and regulations and/or are for Hanson's convenience. None specifically address the community's concerns that were raised in the submissions concerning the EIS and provided to the social impact assessment conducted by Key Insights. Key Insights did not recommend changes to the proposal and Hanson certainly did not offer any changes as a result of the SIA.

I reiterate that BHSAG does not oppose the ongoing operation of the quarry. However, ongoing operations must comply with all regulations and current best-practice and must really address the affected communities concerns. Hanson has focused entirely on the regulations and totally ignored building a "Social License to Operate" (see section 7 below).

BHSAG would like to provide a more detailed evaluation of the RTS to the DoPE, either in writing or in person, before the DoPE prepares its submission and recommendations to the IPC. Hopefully, the DoPE's recommendations will include conditions that will force Hanson to address community concerns where Hanson has not volunteered those changes. We will of course also seek to make a full and detailed presentation to the IPC to reiterate our case.

The key aspects that BHSAG implores your Department to consider and address are as follows:

1. Despite Hanson's oft made claim that they currently have 24/7, that is definitely not the case.

Neither the original PSC consent nor any subsequent variations of that consent explicitly grant 24/7. As outlined in the BHSAG submission, the original 1983 EIS stated operations were to be from 6am to 6pm 6 days per week. The original quarry operator Hunter valley Mining and subsequently Hymix operated to those conditions. They obviously believed they were conditions of the consent. In 1983 when the consent was issued, the working week was a given, and any variation outside those hours would have been required to be explicitly authorised. That was never done.

Hanson took over the quarry in 2004 and applied in 2011 to increase the annual extraction limit to 700,000 tonnes (without any community consultation!) but there was no variation to the consent regarding operating hours. Hanson's lawyers have deemed that the 6am to 6pm 6 days a week clause in the EIS is not specifically referenced in the PSC consent. Despite residents' complaints to PSC about operations outside the 6-6, 6 days, PSC has not been prepared to fund a legal challenge to Hanson on the matter. Fortunately so far as we are aware, Hanson has not operated or despatched overnight, though it does regularly exceed the EIS time limits.

So it is our view, supported by PSC, that the intent of the current consent was for 6am-6pm, 6 day operations. Hanson were never granted 24/7 and DO NOT currently have 24/7 rights.

If the Department changes the allowed hours of operation to meet Hanson's proposal then that would be a major change purely sought for commercial gain. The suggested change is strongly opposed by residents near to the quarry and along the various haul routes. 24/7 operations continue to be the highest concern for our community. This is a rural/ residential/dormitory neighbourhood and there are currently no industries or activities operating overnight to create sleep disturbances. This would be the first! It would drastically change the **character** and amenity of the area, which Hanson admits is residential or tending so. The ameliorative measures proposed by Hanson clearly do not address the issue.

2. Hanson has retreated from any offer to provide for amenity and safety infrastructure (Pathway, bus stops and road and intersection improvements).

The Statement of Commitments and Voluntary Contributions sections totally ignores the community's second highest concern which is the loss of the amenity for us and for our

children in the respect of being able to safely walk or cycle along the Brandy Hill Drive to access bus stops, neighbours and local sporting and school facilities. It is not safe with current truck numbers, let alone a doubling of that number.

PSC clearly recognises the need for a pathway along Brandy Hill Drive, and has had this on its cycle ways plan for many years. However, with limited PSC funds, this and many other planned paths have not yet been built.

Despite Hanson being a major provider of gravel and concrete, and despite previous Hanson's management saying "We could build you a pathway if PSC chips in a portion" the current management has offered nothing other than the current standard road haulage levy and a suggestion for a committee to recommend how council should spent that meagre amount of money.

Any new consent must require Hanson to contribute to a separate fund for these purposes, and have the infrastructure built before Hanson can exceed the current extraction limit. A pathway is an opportunity for Hanson to provide a significant asset for the community for years to come.

3. The proposed Driver Code of Conduct is missing a key element – a method for the community to identify and report non-conformance.

We do support Hanson's proposal for a voluntary 60kph limit on Brandy Hill Drive. Truck noise at whatever speed the vehicle travels is still noise – but it takes longer to approach, pass and disappear. Even so, that does not obviate the need to limit hours of operation to avoid any sleep disturbance.

The proposed code of conduct does not include any compulsory additional signage to enable residents or car occupants to identify trucks which are not adhering to the code. BHSAG proposed in its submission that all trucks must display a large vehicle ID on sides and back, similar to that used in most Hunter Valley mine sites: an ID that can be read from a front yard as a truck roars by at speed. This applies particularly to contractor's trucks which are increasingly not marked with any company identifying signage.

We have had a number of cases of trucks breaking the current code of conduct, particularly the use of loud engine braking, and it takes many attempted sightings before a sufficient identification can be made for Hanson to follow up.

Essentially, the code of conduct offers little for us. It does not address the loss of amenity or the safety concerns, and is not a substitute for limiting 24/7 or for providing paths and improved bus stops.

4. The proposed voluntary contributions address neither the cumulative impact of other existing or potential quarries, nor the use of council roads in other council areas.

A significant proportion of deliveries from Hanson's quarry travel through Maitland City Council (MCC) roads to get the New England Highway. There is no offer to pay for the

kilometres of MCC roads used.

A point more relevant to residents here is that quarries in other local council areas (eg The Martins Creek Quarry), use far more kilometres of roads in MCC and PSC areas than in their own shire, and thus proportionally contribute to road damage without contributing to road maintenance. We ask that the DoPE implement rules for voluntary contributions for roads that cross council areas. These projects are regarded as state significant, and therefore the consents must take a wider view than just the council area in which the quarry resides.

The current haulage levy is meagre because it pays for only a small percentage of the damage their always fully laden trucks do to council roads. While they are not the only heavy vehicles using council roads, quarry trucks are the vast majority of heavy vehicles on Brandy Hill Drive. Our traffic counts showed that quarry trucks comprised 92% of heavy vehicles, and that would rise to 96% if the Brandy Hill Quarry expansion to 1.5mtpa were to be approved. The current levy rate would generate up to ~\$750,000 pa for PSC to maintain about 40km of nominated haul route roads. That is far less than the proportional annual cost of rebuilding and maintaining these roads, and does not leave any surplus for PSC to construct the amenity and safety infrastructure mentioned above.

5. Noise and dust suppression is not planned for all processing until stage 4.

Residents neighbouring the quarry already complain of dust and constant daily noise from the quarry. The intensity and operating hours are proposed to be increased, so these issues will be even greater without DoPE's intervention. Recent media reporting of silicosis highlight the health issues from airborne dust from crushing rock and recycled concrete.

We urge the DoPE to require enclosure of all processing equipment before exceeding the current 700,000 tpa, and to prohibit the operation of unenclosed processing equipment within sleep hours. Best practices regarding dust and noise suppression, as already implemented by other quarries in the Southern Highlands, must be applied, especially with the increasing residential density in the surrounding area.

We will be reviewing the noise, dust and transport reports in more detail in due course, and may have other recommendations.

6. Truck volumes

We do welcome the change to only one weighbridge, but that seems to be for commercial reasons rather than to address our concerns over safety and amenity. We remain very concerned about the proposed peak hourly truck volumes, particularly at morning and afternoon bus times.

7. Hanson has not sought to develop a Social Licence to Operate

Reference RTS Section 2.9.5 : Analysis and Impact Assessment Dot Point 1 “*There appears to have been a misunderstanding in communication between Hanson and the community...*” This statement reiterates what many within the community believe, that there has been inadequate consultation, and meaningful commitments, to the

community, thus demonstrating that Hanson have no credentials in understanding the importance of gaining a Social Licence to Operate.

The case of Hanson having a “do nothing” approach for the critical stake holder group of the local communities of Seaham, Brandy Hill, Nelson Plains, Wallalong, Woodville etc has the hallmarks of a company that has failed to understand the fundamental causes and drivers of the issues of this key stakeholder group.

A Social Licence to Operate is the basic permission that society gives to any corporate organisation to conduct its activities. Trust and quality local relationships are the cornerstones of Social Licence. The increasingly informed, connected and sophisticated stakeholder environment is playing an increasingly significant role in gaining or losing a Social Licence.

The impacts of not gaining a Social Licence may have wide ranging and costly implications. The Social Licence is important to long-term business continuity and profitability; often difficult to obtain and once lost, almost impossible to regain.

This project should not receive approval until changes to the proposed *modus operandi* which meet the local community needs are locked in.

Hanson has not heeded the recent DoPE guidelines on preserving the “Character” of a neighbourhood. Extending operations to 24/7 and including concrete batching plant and concrete recycling (crushing) will fundamentally change the character of this area from rural/residential, to 24 hour industrial.

Summary

This is just our initial appraisal of the RTS. As we get time to study it further and collect our thoughts I am sure we will have more.

In summary, we are asking DoPE to critically review the following aspects of all documents in the RTS, and make recommendation to the IPC that will require Hanson to meet the community expectations that they have ignored.

- Reject 24/7,
- Provide the safety and amenity infrastructure and identification of trucks,
- Extend the transportation levy across council boundaries,
- Require dust and noise enclosure of all processing equipment,
- Apply appropriate restrictions to extended peak truck volumes,
- Require Hanson to properly gain a Social license to Operate.

[REDACTED]

On behalf of BHSAG
