

For The Attention of:
The Director, Planning Services
Dept of Planning and Environment
GPO Box 39 SYDNEY 2001
Email to: information@planning.nsw.gov.au
Date: 20160911 (11th Sept 2016)



**RE: OLOWOF Inc Submission and Recommendations for Calga Sand Quarry Extension
– Modification 3**

To whom it will concern.

My name is Paul Robert Burton representing Our Land Our Water Our Future, a Central Coast based not for profit Incorporated Association.

<http://www.ourlandourwaterourfuture.org>

I am speaking both as an individual and as the designated representative for all members of OLOWOF Inc on the Central Coast of NSW Australia.

The NSW Dept of Planning and Environment should be fully aware that OLOWOF Inc has had, and still has, a significant community history and connection surrounding the Calga Quarry (previously owned by Rocla Pty Ltd /Fletcher Buildings). We assisted in providing evidence and local community support for the many individuals and groups impacted by the original Rocla Quarry Extension. This court case was successfully won, that is, Rocla lost the case for their extension and within the last 12 months since that court success, Rocla was then sold to Hanson Aust Pty Ltd. We have submitted several registered documents to you about this Quarry over the last few years. We have included a copy of our original Directors Report (submitted to both Rocla and ASIC) as it appears aside from the business name, that little has changed.

It was determined in a court of law that the existing Calga Quarry would not expand, either in size, or in infrastructure. The reasons for this was self evident in court and consequently not only was the case won, but Rocla then sold it's operation not long after.

Since that time another company has bought that original business (Rocla) whom had legally lost their right to expand. The new company (Hanson Aust Pty Ltd) has now applied to the Planning Dept for an extension that is not possible after that court determination.

Any business that is sold to another business must accept full responsibility for what they have purchased. The Quarry cannot expand as it is proven to be an unacceptable risk to water resources, an unacceptable risk to land resources, an unacceptable risk to other local businesses, an unacceptable risk to air quality, an unacceptable risk to cultural heritage and an unacceptable risk to community health. These risks are associated with the Quarry itself and a change of business name makes little to no difference to these risks.

Are we to believe that another company can purchase this Quarry and proceed anew? Showing gross disrespect and a complete lack of regard for the courts determination on this matter.

I would highly recommend that the planning department check the Land and Environment Court records and rulings concerning this Quarry.

Hanson has already failed in their responsibility to the locally impacted communities. Their EIS (Environmental Impact Study) for this development application has some content that I must say, makes somewhat of a mockery of both the company themselves and the Planning Dept.

Being fully aware that the Planning Department deals with facts, and that such submissions are no place for unbridled emotionalism, we have had some preliminary notes returned from our research volunteers.

These are gathered from community consultation and one dedicated peer reviewed study of the appropriate documentation.

We would like to raise the following facts for the Planning Department to consider, beginning with the EIS (Environmental Impact Study) currently on display.

Firstly I would like to point out that formal public advertisement and availability of documents and information on the Planning Departments website was not in accordance with the published notice and therefore in breach of the normal process and procedures. The application will need to be re-advertised and the time for submission extended. The Modification documents were not available at the published office and staff were unable to provide them. The information was not readily available on the Planning website and staff were not able to provide a link to the appropriate documents (only to a list of all documents relating to Calga). We can provide copy emails to and from the Planning Department on this matter.

1. *“Calga Sand Quarry has an Environmental Management System in place and strives for continual improvement in all aspects of its environmental performance.”*

Evidence submitted to the Land and Environmental Court has shown that Calga Quarries is not a fit and proper entity to undertake quarrying activities, as they have shown a total disregard for the compliance with laws and regulations, as well as disregarding the application of their own environmental policies, water stewardship, community and environmental policies. Therefore the above statement has been found to be untrue and factually incorrect, and the Management of the quarry cannot be relied upon to meet these stated obligations.

2. Operational noise criteria nominated for the Quarry Site, as set by *Condition 3(2)* of DA 94-4-2004, are listed in **Table 1.1**. Project-specific noise levels have previously been established for three residences with remaining residences nominated at the default level of 35dB(A) L_{Aeq} despite the dominant noise received at these residences being from traffic on Peats Ridge Road and the M1 Motorway.

The information in the table is old and out of date and not specifically related to a mobile crusher. There is no accurate and up to date information about noise for this application, and therefore the issues relating to noise have not been adequately addressed. It is likely that the proposed hard rock crushing in the proposed DA, will be significantly noisier and dustier and produce more vibration, than is currently allowed.

3. The combined capacity of both the existing wash plant and mortar sand plant is estimated to be in the order of 400 000tpa that is consistent with the production limit imposed by DA 94-4-2004.

Why would Hanson invest \$650,000 for a mobile crushing plant if the existing equipment can produce 400,000 tpa? Clearly they are going to have to produce significantly more than the current limit imposed by the existing DA, to justify a return on investment. This would result in significant increase in vehicle movements, levels of dust and noise etc, as well as potential water use implications (which have not been identified or justified) in this Environmental Assessment.

This clearly identifies an equipment request that far exceeds the Quarry’s sand capabilities. Meaning only two things - another major attempt to expand physically (ignoring all law and governance), or to become a major crushing facility in the region for other neighbouring or potential sand quarries.

4. *“The introduction of a crushing system would improve the yield of quarry products from the raw feed by up to 20 per cent and as such reduce bulldozer ripping time at the Quarry as well as extending the quarry life.”*

The brochure for the proposed crusher describes the proposed equipment as:

“The Terex Finlay J-1175 is a high performance tracked mobile jaw crusher. Incorporating the Terex Jaques JW42 jaw crusher and a heavy duty VGF feeder the Finlay J-1175 gives optimum production in a range of applications. Its compact size, quick set up times, ease of transport and simple maintenance make the Terex Finlay J-1175 ideal for quarrying, mining, demolition and recycling applications.”

It would appear, not to offer any additional crushing capability over the existing plant, apart from the mobility, and ability to deal with more quantities of sandstone. It still requires the sandstone to be fed into the machine, and would therefore, not reduce bulldozer ripping time at the quarry. It is also unclear how this will extend the quarry life, as they will produce more sand in a quicker time.

5. *“Representatives of Hanson conducted a door knocking campaign of all residences and local businesses in the vicinity of the Quarry over the course of two days on 4-5 August 2016 as well as visiting the Peats Ridge Public School. Community members were provided with a letter and fact sheet directly and asked if they had questions or feedback on the documents Those members of the public who were available for consultation expressed their appreciation for the efforts made by Hanson to consult directly with them. No negative feedback was received during the consultation or in response to the letter and fact sheet.”*

This consultation was a sham exercise and not a true public consultation exercise for the following reasons:

- The EIS claims wide consultation, but they have not consulted with any Aboriginal person, agency, or organisation. The failure to consult with Aboriginal people is astounding considering the recent court decision.
- The court determined that the cultural landscape must be protected. The women’s site is only about 100 meters from the proposed new hard stone crushing plant. The Commissioner stated the women’s site is a sensitive receptor site and should be protected from noise in the same way as a church or school. This new DA modification would seem to be in direct contravention of the commissioner’s requirements.
- The EIS fails to address issues of noise, dust, or vibration on either the women’s site or visitors to the women’s site or on the surrounding cultural heritage.
- Hanson have not consulted with anyone in Calga Village. Meetings and phone calls included in their Calga Stakeholder Matrix chart (dating back to April and as recently as July) had nothing to do with the DA, and the "letterbox drop" in the matrix chart, refers to a cover letter that does not mention the DA. The attached glossy newsletter left in letterboxes looked like junk mail.
- The major forum for consultation is the Community Consultation Committee, the last meeting being on 7 June, yet no mention was made (at this meeting) regarding the DA. This would be the perfect opportunity to inform the community. This clearly demonstrates the company’s failure to again comply with its own procedures, and shows a total disregard to the community, and of the planning process.
- The company claims to have consulted with the Walkabout Park in May, June and also July, when the Manager to the quarry left a “fact sheet” which was just a newsletter, that did not mention the DA.

- It would appear that the company is using both misleading and deceptive conduct to give the impression it has undertaken public consultation when this is clearly not the case. If the company really wanted to consult the local community they could have put up notices and asked for an article in the Express Advocate and Coast News, which would have been provided free of charge. Hanson would also have raised the prospect of the crushing plant at their 7 June Community Consultation Committee meeting.

6. The Quarry Manager Paul Slough who signed the consultation letter dated 28 Jul 2016 (and was involved in the process), has been the Quarry Manager for the last 13 years.

He is, therefore, the same Manager who was shown by evidence submitted to the Land and Environmental Court under the ownership of Fletcher Building, to not be a fit and proper entity to undertake quarrying activities. Paul Slough was shown to have a total disregard for compliance with laws and regulations, as well as the application of the company's own environmental policies, water stewardship, community and environmental policies. As such the Quarry Manager has shown to be untrustworthy.

7. *"The design of the Calga Sand Quarry reflects Hanson's intention to maximise the recovery of the friable sandstone resource whilst developing it in such a manner that reflects the environmental and community constraints."*

Again this is just lip service, (not demonstrated by any actions) and clearly not evident from Hanson's behaviour or the outright lies presented in their EIS.

8. *"Calga Quarry practises progressive rehabilitation on the site."*

This is not a true statement, as there has been very little rehabilitation of the site. I use the word "rehabilitation" in reference to the Oxford Dictionary meaning of that same word, and in this case also in reference to the definition of the same word (in law) as part of the Mining Act. Being aware that the word "rehabilitation" has a different meaning in law to what most people understand.

9. *"Calga regularly conducts environmental monitoring of noise omissions, air quality, water quality and also conducts ecological surveys."*

Previous management failed to undertake environmental audits or make them readily available, restricted access to consultation committee and failed to have the correct water licences and operated illegally. These statements are merely word, and not supported by action or evidence of any kind.

10. *"A diesel powered mobile crusher (Plate 2.1) has been used in trials at the Quarry to determine its suitability in terms of production and noise emissions and has proven effective in both senses."*

Again a statement not demonstrated by supporting evidence! Why a mobile crushing plant? This would suggest it will be used in more than one location. Quarry Management have already been shown to flout regulations. In the whole EIS there is only one noise measurement conducted at two locations in 2013. All the other supporting noise study information, was undertaken in support of the failed Quarry Extension.(See item 11 below)

Plate 2.1 - refers to Environmental Assessment dated 2012?

For the interest of the Planning Department, and further to the Land and Environment Court case success, as mentioned above.

- The Aboriginal Sacred Women's Site is 20 metres from the existing operations, the ridgeline that forms the quarry's boundary, and the quarry's internal haulage roads that will be carrying the extra materials. The Women's Site is only about 100 metres from the proposed new hard stone crushing plant.

- The Women's Site (for clarification) is a sacred site to the Aboriginal people. It is very significant and akin to a large important church to a western christian person of non-Aboriginal origin. The Environment itself is sacred to these people and this specific women's site was instrumental in the Land and Environment Court case. To proceed in this manner (with more quarrying activities so close to the Women's Site) is beneath contempt and shows immense disrespect for our First Nation brothers and sisters. Hanson should be ashamed of their behaviour.

11. Noise

Although Appendix three included a letter dated 1 December 2015, Page 37 (43pdf) the following pages, attached figures and information, are from the Environmental Assessment undertaken in 2012 and would seem to be from part of the previous submission to the Department of Planning and Infrastructure in 2012, which was refused by the Land and Environment Court on 17 November 2015.

12. There is only one reference to the proposed mobile crushing system, on numbered page 40 (46pdf) that refers to actual noise measurements conducted on 13 March 2013 at only two locations. Other information relates to predicted (not actual) noise levels based upon the Southern Extension noise study which is not relevant, out of date and previously rejected by the Land and Environment Court.

13. Appendix 4 pages 49 - 146 Air quality

This Appendix relates to the Rocla Extension undertaken in 2009.

Section 9 Conclusions (page 6-39) states *"the project has been assessed to identify potential impacts due to emissions of dust as a result of the proposed Calga Sand Quarry Southern Extension"*

Therefore, pages 49 -146 are merely padding and have been included to make it appear as though an Air Quality Study has been undertaken into a mobile crushing plant, which is not the case.

The EIS does not monitor breathable tiny particles of PM2.5 crushed silica sand, which are dangerous to human health. Any change to the quarry's DA should require a proper EIS which addresses both PM2.5 and PM4 particles. This should be of concern to both the community and the workers at the Quarry. Questions should be raised as to whether the Quarry Management are adequately monitoring and safeguarding the health of its workers.

In Conclusion.

Please be aware that OLOWOF Inc is a not for profit Environmental group, we all work for no payment, our philosophy is based on the vedic mantra So Hum "You Are Therefore I Am". We work selflessly to protect communities and their environment whenever there is a great need.

The information provided for this new Modification, is without doubt, one of the largest works of fiction I have had the misfortune to witness. An EIS (Environmental Impact Study) is not just some administrative inconvenience, whereby a business can lie outright and cut and paste figures from outdated documentation. An Environmental Impact Study requires a Study of Environmental Impacts? There is a significant absence of information in this EIS for Calga Sand Quarry Extension – Modification 3.

We would like to remind the Planning Dept, that to lie outright in any legal document (including an EIS) is an illegal activity and that as a Government Department, you have a duty to the public to check all information received from any Corporation thoroughly, before such an application should even be released to the public for review.

OLOWOF Inc recommends that the Dept Of Planning and Environment reject this application henceforth, and accept that this is the determination of the local community and the many groups that represent them.

Kindest Regards

A handwritten signature in black ink, appearing to read 'PBA', with a long horizontal flourish extending to the right.

Paul Robert Burton
President
Our Land Our Water Our Future Inc