

Objections to the Development Plan for “The Gums” Quarry

From P.Y. & S.F. Guichelaar

684 Palana Road, Whitemark, TAS. 7255

Our farm

We, Peter Guichelaar and my wife Sharon have owned and operated our 377 Hectare farm “Richmond Park” for over 15 years. We purchased the property from Janet Liddell who still owns the block to the east of us and the quarry block in question behind it.

We used to have cattle but have changed to cropping, hay, silage and grain to supply other farmers on the island.

After it became clear that Markarna Grazing was going to pursue the level 2 licence, we decided to sell the property. The property would be unsalable if the level 2 quarry would be approved. Unfortunately we did not find a buyer.

Our original intentions were not to sell but to keep farming for another 10 years and then lease out the land until such time our grandson could take over the property, if he decided to do so.

Background

Over 2 years ago a very large bulldozer and very large excavator turned up on the block next door. After some inquiries it was found that a large crusher was on the way as well.

Markarna Grazing was just going into the old level 1 quarry and start extracting without any authority to do so.

The bulldozer would have constructed an access road on our property (ROW) without even mentioning it to us; they just would have gone ahead with it.

We called Mineral and Resources Tasmania and they stopped Markarna Grazing immediately from proceeding. They were told that in order to proceed they needed to apply for a level 2 licence.

Validity of report produced in order to get a level 2 licence

- 1- The report is in part a cut and paste of an application for a coal mine in Bangor Tasmania. The word coal comes up in the report, with machinery being maintained in Lilydale Tasmania and Gundagi road blocked during blasting.

New quarry

- 1- This application should really been seen as an application for new level 2 quarry as the old quarry has not been used for many years.
- 2- There has been no blasting for over 13 years and crushing for well over 5 years.
- 3- When the original Level 1 quarry was approved in 1986 all exclusion zones were on the owners own land since they owned the 377 hectares we now own.
- 4- If the approval process for the level 1 in 1986 was done by the same standards as now, it would never have been approved because it does not meet the Quarry Code of Conduct in most aspects.

Gravel quality

- 1- The gravel from this quarry does not meet the required standards for state roads
- 2- The gravel cannot be used on commercial runways as it does not meet CASA standards.
- 3- It is not advisable to use it on council roads either since it has a very short lifespan due to it being too soft. The savings from cheaper gravel will negated by having to pave the roads more often.

Council requirements

- 1- We understand that the council has no immediate need for gravel and a new delivery by barge from Tasmania is in progress.
- 2- We understand that the council is exploring alternative sites and has had gravel tested from these sites to see if rock that meets CASA and state specifications can be found.

Access

- 1- The right of way was created to allow access when part of Richmond Park was landlocked. After a border adjustment this ROW has lost its intended use.
- 2- The ROW has never been used.
- 3- It is not legal to use a ROW to access a third block, which is what is proposed. The quarry lease is on separate title. This block is not a beneficiary of the ROW.
- 4- It is not legal to use a ROW just because it is convenient.
- 5- There is an existing access road to the quarry, but the owner of the block, Janet Liddell, does not want to use that because it makes the holiday house impossible to live in and in case of a sale of the property it would make it impossible to sell. Of course it is perfectly OK with her to make our property unsalable and our house impossible to live in.
- 6- The access road is planned to run within 120 metres of our house with no vegetation in between, with a truck passing every 6 minutes. Any truck noise from this location is conveniently disregarded.

Recommended distances in the Quarry Code of Practice

- 1- Blasting 1000 metres, in this case only 700 metres as per the impact statement.
- 2- The containment area should be within the boundaries of the quarry lease.
- 3- Blasting should be prohibited considering the distance is 300 metres less than recommended.
- 4- Crushing 750 metres, in this case only 600 metres as per the impact statement.
- 5- All dust must be contained within the quarry lease.

Noise

- 1- The report says that the ambient noise levels are around 50 to 60 dBA, which is about the same as the existing noise levels from cows and farm machinery. If the readings were taken at all at this location, which we doubt, it would have been selectively taken when I was ploughing the paddock right next to the dBA meter.
- 2- As per regulations, the acceptable noise from the quarry cannot be more than 10dBA above ambient. Since the ambient is 20dBA at most, a level above 30dBA is not allowed.
- 3- Richmond Park is located in a valley surrounded by the Darling Ranges. On a good day you can fire a gunshot and hear up to 6 echoes, this has of course not been taken into account, it would increase the noise pollution tremendously.
- 4- We do not have any livestock and cows only make a disturbing noise for 2 days of the year, when the calves are weaned.
- 5- A tractor is operating only up to 200 hrs per year and the noise is minimal due to a very quiet exhaust system. The noise level of our tractor at 1 meter is only 80dBA at full power.
- 6- No mention is made of the trucks passing our house every 6 minutes.
- 7- We know from experience that during the last blasting, crushing and screening over 13 years ago the noise was tremendous.
- 8- It is suggested that we install noise proof windows and other systems to reduce the effect of noise from the quarry. Does that not imply that noise will be a problem?
- 9- The trucks will be coming on Palana Road at 80 to 100 KMH and then downshift using the exhaust brake for about 500 meters right in front of our house. Turning into the access road they will have to decelerate and then accelerate, then decelerate at the first corner, then accelerate again, then decelerate for the second corner and then accelerate again after the second corner and so on. The actual noise levels at the corner near our house will be many times higher than the predicted ones, since braking, possibly with the exhaust brake on the trucks, and acceleration generate much higher noise levels than trucks that are just passing.
- 10- It is expected that the noise level will be 40dBA at the house; this is the equivalent of a lawn mower running 15 meters from the house from 7AM till 7PM, 6 days a week. This is clearly not acceptable.

Privacy

- 1- Loss of Privacy. As homeowners we have a reasonable expectation of privacy to enjoy the daily activities of domestic life. Our residence and curtilage are directly overlooked by the proposed access road along the boundary fence and the quarry.

Ground water pollution

- 1- Water spraying to control dust requires frequent applications. There is no water source at the quarry, so all water would have to be trucked in. There will be more water trucks than gravel trucks needed. This has to be taken into account in the impact on all traffic routes.
- 2- All run off will eventually enter our property creating swamps in low spots.
- 3- Oil leaks from machinery, and don't say they do not occur, are frequent and will contaminate our ground water.

Exhaust Fumes

- 1- All diesel powered vehicles and machinery will need to have particulate filters and Add Blue systems.
- 2- Diesel exhaust and particulates from quarries are suspended in the air, thus exposure to these pollutants occurs whenever a person breathes air that contains these substances. Those living or spending time near the quarries or the roads with the diesel-truck traffic face exposure to higher levels of particulate matter and may face higher health risks. Multiple studies have shown that particulate matter pollution from quarry operation and diesel exhaust is associated with an increase of several diseases such as heart diseases, respiratory diseases, and several types of cancer.

Dust

- 1- No mention in the report about dust generated along the proposed access road and the pollution of diesel exhaust fumes deposited on our crops, which will be a serious issue considering a truck every 6 minutes, 112 per day.
- 2- Will every truck be covered all the time after being wetted with water to avoid gravel and dust escaping for us to breathe in? Silica dust which will be released by this operation and the subsequent transport causes silicosis, a deadly disease, and is a known carcinogen.
- 3- They mention suppressing the dust at all times, from a water source. No water source exists at the quarry location and we know from experience that bores will only result in dry holes in that area.
- 4- The rainwater supply at the residence on Richmond Park will be unsuitable for drinking due to very fine dust being deposited on roofs.
- 5- Richmond Park will have to purchase its fresh water, which might not be available on the island, at great expense. Will Markarna Grazing going to pay for this?
- 6- As per quarry Code of Conduct, all dust must be contained within the quarry lease.

The Hazards of Dust from a Pit/Quarry Operation

- 1- Dust or airborne particulate matter (PM) varies in size. Total Suspended Particulate (TSP) refers to dust less than 100 microns in diameter. Large particles tend to settle quickly, smaller more harmful particles can be carried great distances. Dust is produced from blasting, crushing, screening and stacking operations as well as conveyor belts and loader and truck transport on site and trucks offsite. Dust is also produced during overburden removal and construction of berms and from wind blowing over stock piles and across barren pit floors. Dust increases corrosion and is harmful to vegetation. Fine particulate matter, 10 microns or less in diameter (PM 10) can be inhaled and is considered toxic. Smaller respirable particulate matter, (PM 2.5) with a diameter of 2.5 microns or less, is even more dangerous, lodging deep within the lungs and tissue. There is no biological mechanism for clearing it from the body. There is incontrovertible evidence that increased PM 10 is related to increases in cardiopulmonary disease, asthma, bronchitis, emphysema, pneumoconiosis and premature death in those with pre-existing conditions. The elderly and the young are most affected. Crystalline silica dust is common from processing sand and gravel and is a known carcinogen.

Breaches of regulations and rules

- 1- Will the council monitor the process at all times and place independent assessors during operating hours of the quarry to insure all regulations and rules are met.
- 2- Will these assessors be able immediately stop the processing at the quarry when a breach occurs?
- 3- Will the council request a \$ 1 Million bond to make sure Markarna Grazing pays for damage they generate, without the council having to go to court and probably lose.
- 4- Will Markarna Grazing pay for all damage to the public roads or will this be at the rate payer's and tax payer's expense, like when the logging operation at NE River destroyed Palana and Lady Barron Roads?
- 5- Markarna Grazing is applying for the permit, yet The Adams Group will rectify any problems. This is not acceptable, as there is no legal requirement for them to do so. The Adams Group would not be the permit holder.

Accidents and Traffic

- 1- An assessment must be done on how many potential road accidents are expected to occur by allowing an extra 112 truck movements per day, plus water trucks, on public roads. Some accidents no doubt will occur, and may be fatal for one or more Flinders Island residents or tourists.
- 2- By law no increase in traffic above 10% is allowed by operating this proposed level 2 quarry. Expectations are that it will increase by over 1000%.

Bio security

- 1- Trucks entering will bring in weeds from the roadsides, particularly Parramatta grass that grows along the roadsides along Palana Road. This will destroy paddocks and is very hard to control.
- 2- Trucks will have to have a complete wash down before entering our property every time they enter from either fence line.

Malting Barley

- 1- We are currently growing a test plot of Westminster Barley for the production of malt for the proposed Furneaux whisky distillery on Flinders Island. If the quarry expansion gets approved, this will be impossible to do, since the "Clean Green" image will be totally trashed and the barley would unusable due to contamination from diesel exhaust fumes and dust.

Blasting

- 1- The last blasting over 13 years ago generated so much flying rock that we are still collecting them.
- 2- If a blast occurs during the growing of the crop, the whole crop is lost forever, since we cannot mow the paddock anymore due to severe damage to our mower.
- 3- We recently had to replace a mower at a cost of \$ 25,000 because of damage done by rocks that are still close the border next to the quarry from the previous blast 13 years ago.
- 4- If rocks are strewn into a standing cereal crop, they cannot only be removed, it cannot be mowed and the only way to get back to bare soil to remove the vegetation load is to burn it, which is virtually impossible to do, because if the crop is dry enough to burn it would set the Darling Ranges alight. The paddocks could be lost forever.
- 5- The crops that we grow in the paddocks are cereal crops mainly used for producing silage and grain. If the crop is lost it constitutes a loss of \$ 2,000 per hectare in silage. If the paddock cannot be harvested a second crop of Millet or Sorghum cannot be sown constituting an additional loss of \$ 2,000, to a total loss of \$4,000 per hectare per annum.
- 6- Since it is expected according to the report that rocks could fly as far as 2200 meters, it will affect our whole current and future cropping area of 300 hectares.
- 7- The report states that during a blast aircraft should be excluded from the area since they might be hit by flying rocks and rocks might fall on the runway. The runway is 2200 meters away, our house only 600 meters (as per report), Palana Road 1200 meters and the Tuxworth residence 1700 meters. This would mean that all these locations could be pelted with flying rocks, damaging residences, cars and possible killing people.

Existing use

- 2- The report claims that the quarry has been in continuous use since it was opened. There has been no blasting, crushing and screening for over 13 years.
- 3- The quarry has had only very occasional use where trucks have picked up uncrushed rock.
- 4- A level 1 quarry is significantly smaller than a level 2 quarry, so this is not continuous use but a major change.

Zoning

- 1- The area is still zoned Rural, but the interim council development plan called for it to be rezoned rural living. This plan will now be replaced by a state plan, but would still be labelled rural living.
- 2- The application is trying to be ahead of this change, so it will be stated that when the plan comes into effect, that this quarry was a level 2 quarry before the rezoning.
- 3- A level 2 quarry in a rural living zone is not possible, so the council will have to abandon plans to change the zoning to rural living forever.

Wildlife

- 1- Wedge Tailed Eagles frequent the quarry regularly. Photo evidence attached.
- 2- Swifts parrots feed on our lawn, in the application they are reported as miles away.
- 3- There is no mention that the quarry directly borders the Brougham Sugarloaf Conservation area. The rock face is almost on the boundary line.

Run-off

- 1- All Run-offs from the quarry will ultimately enter our paddocks.
- 2- It is stated that this run-off will be acidic, but it will not affect farming operations. Acidity is one of the main enemies of farming. Who pays for the frequent liming required?
- 3- Sand from the quarry already enters our property regularly after heavy rain.

History

- 1- The history of Markarna Grazing and associated entities in dealing with councils is well documented.
- 2- If the quarry gets approved, the Council should agree that it will pursue any breaches of laws, rules, regulations etc. at their expense, regardless of the cost.

Attachments: 11 photos



Fly rock



Fly rock



Our house with the quarry to the left



Millet crop, just sown after early oats crop next to quarry



Fly rocks keep coming up after the blast 13 years ago



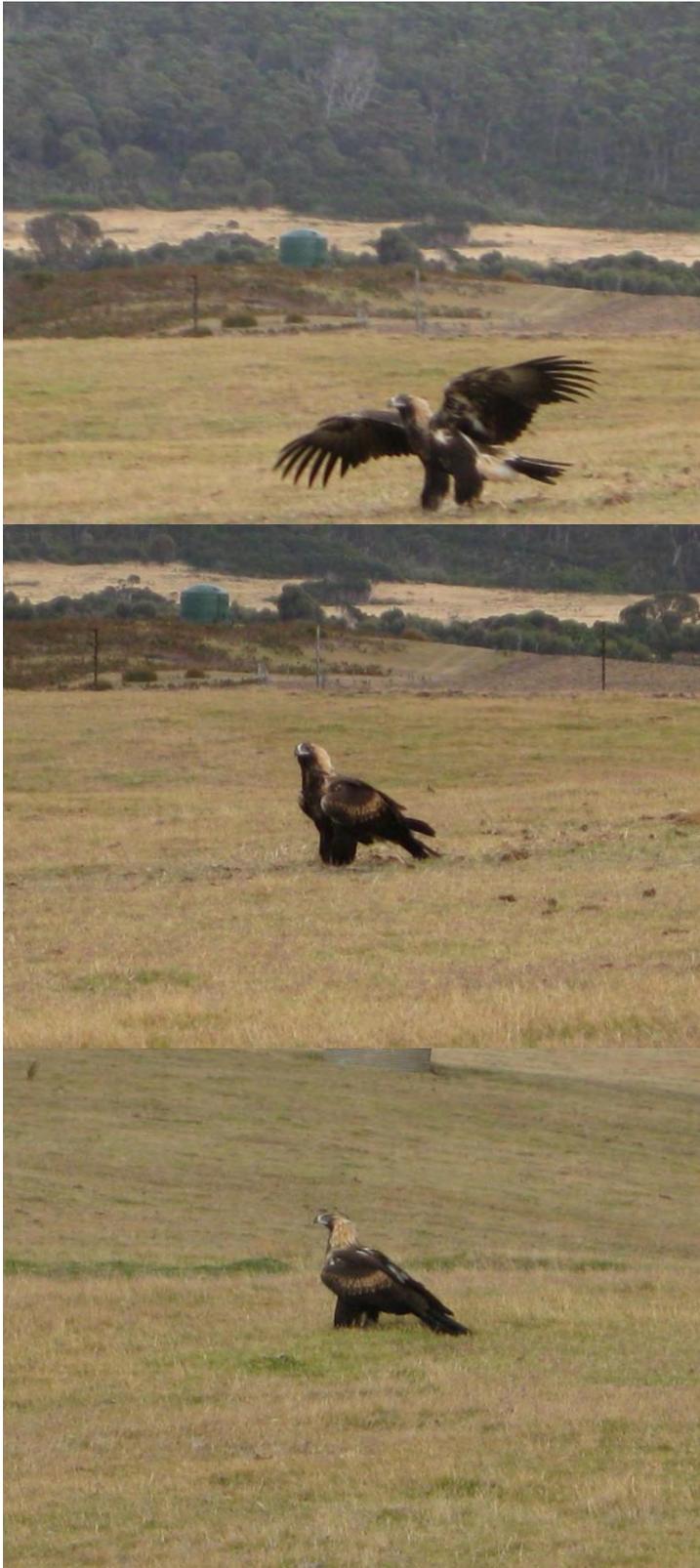
Oaten silage in paddock next to quarry



100 Hectares of wheat 200 metres from quarry



**Crop of oats lost due to fly rock still coming up after blast
13 years ago. Quarry in the middle of the photo.**



Eagles visit the paddock next to the quarry regularly.

SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 141190

PAGE 1 OF 2 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

RIGHT OF WAY

Lot 1 and 3 are subject to a ~~Right of Way ten metres wide~~ ^{right of carriageway} (10.00m) created by C 220273 appurtenant to the land comprised in CT 223189/1. ^{over the Right of Way (Private) 10.00 wide shown on the plan passing through such lots.}

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: PIETER YNTE & SHARON FRANCES GUICHELAAR FOLIO REF: CERTIFICATES OF TITLE 221824-1,202964-1 SOLICITOR : & REFERENCE:	PLAN SEALED BY: FLINDERS COUNCIL DATE: 17-03-04 31/01 P REF NO. <div style="text-align: right; margin-top: 10px;">  Council Delegate </div>
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NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 2 PAGES	Registered Number SP 141190
SUBDIVIDER:- FOLIO REFERENCE:-	

Signed by PY & SF Guichelaar the Registered Proprietors of the land comprised in Certificates of Title Volume 221824 Folio 1 and Volume 202964 Folio 1.

Signed by
 Pieter Ynte Guichelaar
 In the Presence of:



Row Spurr 

Signed by
 Sharon Frances Guichelaar
 In the Presence of:

S Guichelaar

Row Spurr



EXECUTED BY
 AUSTRALIA AND NEW ZEALAND
 BANKING GROUP LIMITED by BEING
 Signed by Its Attorney
 Stephen Noel Miller
 (who hereby certifies that
 he has received, no notice
 of revocation of POWER
 OF ATTORNEY NO. 6817581
 under which this instrument
 is signed) in the presence of:
 Bank Officer Hobart
 Denise Woods

AUSTRALIA AND NEW ZEALAND
 BANKING GROUP LIMITED
 By Its Attorney



NOTE: Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

