

BRIAN FROST  
PAC copy

My name is Brian Frost & I live at [REDACTED]. I drive between Nelson Bay & Newcastle Monday to Friday. I've spent hours cutting my speech time down but I may go a little over 5 minutes. I hope this is OK.

Today's decision by the PAC is a matter of who we believe.

Do we believe the Dept. of Planning and Environment and the RMS or do we believe Mackas Sand and its consultants?

Do we believe government experts whose job it is to consider applications like this all the time or do we believe Mackas Sand.

I know who I believe and it's not Mackas Sand. This is an excellent Assessment by the Dept. of Planning & I request that the Planning Assessment Commission adopt the assessment in its entirety.

I would like to address my talk here today under a number of headings.

**FIRSTLY - I do not believe that there is a demonstrated need for the proposed increase.**

From the Dept. of Planning & Environment Assessment "*Mackas Sand considers that the current limits on trucking movements do not allow it to practically transport the maximum allowable production to its markets.*"

Using the current approval, it is easy to show that such a statement is incorrect and an exaggeration of the facts.

I've put the present approved movements into a spreadsheet and can show that the current approval allows for 1.26m tonnes per annum. If Mackas was given the increase it would triple this to over 3.7m tonnes per annum. So, on this basis, the proponent fails in my view.

**SECONDLY - The RMS does not support increased truck movements in the morning period to 9.00 a.m.**

It is important to say that Nelson Bay Road is the only access road into Nelson Bay & the peninsula. It is used by daily commuters like myself to & from Newcastle, a very large tourist population at certain times of the year and the general travelling public.

Again reading from the Assessment, RMS “concluded that the existing heavy traffic flows in the weekday AM peak traffic period would not allow a safe and efficient merge of more than eight trucks per hour from the Mackas Sand site onto Nelson Bay Road.”

Let me say clearly, Nelson Bay Road is a commuter and a public road; it is not, as yet, a sand truck road. Mackas Sands consultants have argued that increasing truck movements from 16 trucks to 48 trucks per hour would have no impact on a.m. traffic flows to 9.00am.

Again, who do we believe? I know who I believe. I believe RMS rather than the consultants employed by Mackas Sand. RMS have reviewed all the information from Umwelt & GHD who we heard from earlier and have limited outgoing laden trucks to 8 per hour. To allow up to 24 trucks per hour to exit Mackas Sand in the morning peak (one truck every 2.5 minutes) is, in my view, unsafe for the traveling public.

Again from the Assessment “Mackas Sand believes that the economic case for additional truck dispatches is compelling and can be achieved with minimal environmental impact.”

The time to point out the so called economic benefits was when this access road was approved. Now, given no increase in volume, they are irrelevant.

**THIRDLY - I'd like to talk about the so called Economic Case.**

Firstly, Mackas sand is not increasing the approved tonnages. No increase in tonnages, no increase in economic benefits. From the Department's Assessment “there would be little change in overall

*local benefits as there would be no increase in approved sand extraction tonnages, and little change to employment or purchases”.*

Let’s talk about sand facts. The Compliance Audit Campaign of NSW Sand Quarries conducted last year by the Dept. states that “Sydney currently uses about 7 million tonnes of sand per annum of which 3.5 million tonnes is fine sand”. Note that figure of 7 million tonnes because it is important.

The consultant’s letter states that Sydney uses 2 million tonnes of fine sand and uses a recommendation from a Landscape Supplies company in Sydney.

I’d rather take the Compliance Audit figures as the expert in these matters. Compliance Officers audited 19 of 28 approved sand quarries in NSW. I’ve gone through this document and added up the approved tonnages of every quarry who delivers into the Sydney market. This total, which includes Mackas Sands 2 million tonnes from both Lots 218 and 220, is 8.835 million tonnes annually. Remember the demand in Sydney is 7 million tonnes.

You would think that reading the consultant’s letter that Mackas Sand at Lot 218 was going to be the saviour of the Sydney market for sand. This is not true when other sand mines can deliver nearly 8 million tonnes into Sydney. Remember the Department only audited 19 of 28 sand quarries so potentially there are another 9 sand mines that could supply Sydney. And don’t forget the proposed sand quarry at Cabbage Tree Lane, Williamtown or the other proposed one at Bobs Farm near Nelson Bay. If approved, both of these quarries are capable of also supplying the Sydney market.

On this basis, the consultant’s assertions should be rejected by the Planning Assessment Commission.

The consultant’s report then moves on to discuss the need for trucks to leave early to get to Sydney and return to do another trip. There are two points that I would make about this reason put forward by Mackas Sand.

1. Mackas Sand commenced operations from Lot 218 in February 2015. It accepted the terms and conditions as imposed. Yet only five months later in July 2015 Mackas Sand makes its request to increase truck movements by 200%. It was either incompetent in the original application or meant to do this all along. It appears to me and plenty of other people who object to this modification that the first Mackas Sand Request was a ruse. Get an approval despite vehement opposition from the travelling public, wait a little while and then put in your real proposal.
2. I don't think that anyone who has followed this company will forget the way that the Towers family was treated by Mackas Sand and Port Stephens Council some years ago. This involved the access road onto Lavis Lane. Lavis Lane is ideally suited for safe sand truck use and is used by the nearby Boral operation.

If you read the consultant's response to submissions dated October 2015, the continuing theme is that "Mackas Sand does not have landowner agreements that would be required to be able to transport sand from Lot 218 via Lavis Lane.

It does not have landholder agreements because it pulled out of the deal and was not prepared to pay a fair price for access.

Instead of taking the safest and easiest option years ago, Mackas Sands has built the current access to Nelson Bay Road and has thumbed its nose at the travelling public. In my view, Mackas Sand has made its bed and should now lie in it. Either that or renegotiate the Lavis Lane option on just and reasonable terms. This is still an option according to the Departments Assessment.

#### **FOURTHLY - Mackas Sand has come to the notice of regulators in just 12 months.**

In just 12 months of operation, Mackas Sand has:

- Already breached existing approvals. *"The company was found to be in breach of its approvals when computed officers from the Department of Planning conducted inspections back in May. The company had been counting*

*a truck entering in and out of the road as one  
‘movement’, instead of two.*

Now if you ask most people what one truck plus one truck is they get two trucks. When they asked Councillor Mackenzie he thought that one truck plus one truck was one truck.

- Mackas Sands is the only quarry in the Department of Planning Audit of NSW sand quarries from May to August 2015 to record two high risk non compliances. It also recorded five moderate risk, two low risk and five administrative non compliances. By comparison the largest quarry in the audit sample, Boral’s Peppertree quarry at Marulan with a 3.5m tonne per year extraction limit only recorded five low risk and four administrative non compliances. Mackas Sand is a much smaller quarry but had far more non compliances.

- Mackas Sand and Soil faces a criminal inquiry. From the Newcastle Herald of 11 November 2015, it reports that the NSW EPA is running an ongoing criminal investigation into activities at Mackas Sand & Soil. The investigation was confirmed after waste piles were found at the Oakvale Drive, Salt Ash site on 30 October 2015 with one pile found to contain asbestos.

What an appalling record for this company in such a short period of time. No wonder the Department of Planning have, in their assessment, required that CCTV monitors be installed adjacent to the quarry access road at a point about 100 metres from Nelson Bay Road. This will enhance investigations of inappropriate truck dispatch times, hourly rates of dispatch, or trucks incorrectly using the exit lane of the intersection to gain entry to the site.

### **FINALLY -In Conclusion**

I don’t have any problems with the hard working truck drivers who are the meat in the sandwich in this matter. But I do have a problem

with Mackas Sand who had a perfectly safe option years ago to transport sand down a safe route, Lavis Lane. Instead they chose the present access road for purely economic advantage.

I call upon the Planning Assessment Commission to fully endorse the Assessment Report prepared by The Department of Planning & Environment. Both the Department and RMS consider that Mackas Sands proposal to merge increased truck numbers from the access road onto Nelson Bay Road between 6am & 9.00am weekdays would cause potentially unsafe interactions with the general traffic on Nelson Bay Road.

This is a vital decision for the travelling public, particularly for the commuters and general public in the hours to 9.00am Weekdays. This is the only route into and out of the Bay and it cannot be allowed to become a dangerous sand truck road. Don't let Mackas Sand and the proposed two new quarries turn Nelson Bay Road into another Appin Road. Put safety of the general public before the interests of a sand quarry with such a poor record as mentioned before.

Thank you

## Approved and proposed Truck Movements from Lot 218

per Umwelt submission page 3 Introduction

Appendix 1

Assume 33 tonnes average per outward truck

Transportation Period	Approved Truck Movements per hour (in plus out)	Maximum Tonnage Outwards	Proposed Truck Movements per hour (in plus out)	Maximum Tonnage Outwards
Monday to Friday Shoulder (5.00am to 7.00 am)	10	85,800	28	240,240
Saturday Shoulder (5.00am to 6.00 am)	10	8,580	No Change	24,024
Saturday Shoulder (6.00am to 7.00 am)	10	8,580	18	15,444
Monday to Friday (7.00 am to 10.00 pm)	16	1,029,600	48	3,088,800
Saturday (7.00am to 4.00 pm)	16	123,552	48	370,656
Sundays and Public Holidays	10	8,580	No Change	8,580
		<u>1,264,692</u>		<u>3,747,744</u>